

## Overview & Scrutiny Committee

Tuesday 4 July 2023

7.00 pm

Ground Floor Meeting Room G02A - 160 Tooley Street, London  
SE1 2QH

### Membership

Councillor Ian Wingfield (Chair)  
Councillor Irina Von Wiese (Vice-Chair)  
Councillor Suzanne Abachor  
Councillor Victor Chamberlain  
Councillor Ellie Cumbo  
Councillor Jon Hartley  
Councillor Laura Johnson  
Councillor Sunny Lambe  
Councillor Margy Newens  
Councillor Bethan Roberts  
Councillor Chloe Tomlinson  
Martin Brecknell (Co-opted Member)  
Lynette Murphy-O'Dwyer (Co-opted Member)  
Jonathan Clay (Co-opted Member)  
Marcin Jagodzinski (Co-opted Member)

### Reserves

Councillor Rachel Bentley  
Councillor Sunil Chopra  
Councillor Sam Dalton  
Councillor Sam Foster  
Councillor Esme Hicks  
Councillor Sarah King  
Councillor Sandra Rhule  
Councillor Jane Salmon  
Councillor Andy Simmons  
Councillor Cleo Soanes

---

### INFORMATION FOR MEMBERS OF THE PUBLIC

---

#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

#### Access

The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: [www.southwark.gov.uk](http://www.southwark.gov.uk) or please contact the person below.

---

**Contact**

Everton Roberts on 020 7525 7221 or email: [everton.roberts@southwark.gov.uk](mailto:everton.roberts@southwark.gov.uk)

---

Members of the committee are summoned to attend this meeting

**Althea Loderick**

Chief Executive

Date: 26 June 2023



# Overview & Scrutiny Committee

Tuesday 4 July 2023  
7.00 pm  
Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

## Order of Business

Item No.	Title	Page No.
	<b>PART A - OPEN BUSINESS</b>	
1.	<b>APOLOGIES</b>	
	To receive any apologies for absence.	
2.	<b>NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT</b>	
	In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.	
3.	<b>DISCLOSURE OF INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
4.	<b>MINUTES</b>	1 - 22
	To approve as correct records the Minutes of the meetings held on 5 December 2022, 11 January 2023, 24 January 2023, 1 March 2023, 24 April 2023 and 20 May 2023.	
5.	<b>OVERVIEW AND SCRUTINY COMMITTEE AND COMMISSION WORK PROGRAMMES 2023-24</b>	23 - 37
	To consider and agree annual work programmes for overview and scrutiny committee and its commissions for the 2023-24 municipal year.	

Item No.	Title	Page No.
6.	<b>SOUTHWARK COUNCIL CFGS SCRUTINY IMPROVEMENT REVIEW AND ACTION PLAN</b>	38 - 109
	To consider which of the recommendations/actions arising from the scrutiny improvement review and discussion at the last meeting to take forward.	
	To note the guidance issued by CfGS for English local authorities on the use of call-in.	
7.	<b>SAFER SOUTHWARK COMMUNITIES - MOTION REFERRED FROM COUNCIL ASSEMBLY AND AGREED BY CABINET</b>	110 - 112
	To note the motion on Safer Southwark Communities referred from Council Assembly in March 2023 and agreed by Cabinet in June 2023 requesting the overview and scrutiny committee and Housing and Community Safety Scrutiny Commission to consider how they can proactively work with the community to hold the Metropolitan Police Service to account for their progress against Baroness Casey's recommendations (see section 2C of the motion).	
	To have initial discussion arising from the request.	
	<b>DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.</b>	

Date: 26 June 2023



## Overview & Scrutiny Committee

MINUTES of the OPEN section of the Overview & Scrutiny Committee held on Monday 5 December 2022 at 7.00 pm at 160 Tooley Street, SE1 2QH

---

**PRESENT:** Councillor Ian Wingfield (Chair)  
 Councillor Irina Von Wiese (Vice-Chair)  
 Councillor Suzanne Abachor  
 Councillor Ellie Cumbo  
 Councillor Laura Johnson  
 Councillor Sunny Lambe  
 Councillor Margy Newens  
 Councillor Jason Ochere  
 Councillor Leo Pollak  
 Martin Brecknell (Co-opted Member)  
 Marcin Jagodzinski (Co-opted Member)

**OTHER MEMBERS PRESENT:** Councillor Stephanie Cryan, Cabinet Member for Communities, Equalities and Finance

**OFFICER SUPPORT:** Everton Roberts, Head of Scrutiny  
 Allan Wells, Specialist Governance Lawyer

### 1. APOLOGIES

Apologies for absence were received from Councillors Victor Chamberlain and Jon Hartley.

### 2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were no late items.

### 3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations.

#### 4. MINUTES

##### RESOLVED:

That the minutes of the meeting held on 12 October 2022 be approved as a correct record.

#### 5. COST OF LIVING CRISIS

The committee heard from Steve Hedger, Chair of the East Dulwich Tenants and Residents Association, speaking in connection to the Albrighton Community Fridge, Sophie Wellings, Chief Executive, Link Age Southwark, Ross Diamond, Chief Executive Officer, Age UK Lewisham and Southwark and Chris Green, Chief Executive, and Tim Clarke, Citizens Advice Southwark. The committee also received an update from Councillor Stephanie Cryan, Cabinet Member for Communities, Equalities and Finance, and Dominic Cain, Director of Exchequer.

The following key points were highlighted by the respective organisation representatives:

Steve Hedger explained that the Albrighton Community Fridge was introduced to the Albrighton Community Centre following a concept introduced to the UK by Environmental charity Hubbub.

The Albrighton Community Fridge was the first of 500 community fridges across the country and were started as a means to reduce food waste, predominately from supermarkets, but also from the wider food trade as a whole. Food passed onto community fridges was generally either past its 'best before' date, but edible or had damaged packaging and not able to be sold.

##### Key points

- Key ethos is to provide food to people who are unable to afford it.
- Food provided for over a thousand people in a week.
- 150 collections would be made from food stores.
- Substantial food donations received from individuals, community groups, schools and businesses.
- Estimated that this Christmas 1 in 5 people will need to access food from foodbanks over the holiday period.
- The situation has got worse since addressing council assembly in July, with a slow progression of people reaching the point of not being able to support themselves.
- Seeing over a prolonged period increasing number of people coming to the community fridge as other household bills are increasing.
- Concern - no surety over supply of food but will still have an increasing number of people coming who are completely reliant on the Fridge to supply them with food.

- Provide open access to food - no requirement to provide proof of benefits or restrictions on number of times an individual can come, and no requirement to live in a particular catchment area. Picking up people from outside the local area who can't get access to food from other places.
- Large influx of refugees, drawing substantial resource which is not being replenished from anywhere else.
- More robust system needed for providing food.
- Many T and RA's across the borough would like to help, but would need some support.
- The more community fridges set up in the borough, the less distance people would have to travel, and the more places people would have to go get food (if a particular community fridge is running short).
- There was a need to look at opening up more places that people can access food, and resourcing those places better.
- Strategic approach needed.

Questions and discussion took place around the following areas:

- Particular items that are in short supply
- Collection mechanism and respecting other community fridge boundaries.
- Challenges for people who cannot afford gas and electricity – unable to prepare meals for family.
- Areas where the council might be able to help/assist
- Changing demographic of people accessing the community fridge.
- Certainty of supply, and the brokering of a framework agreement with supermarkets
- Mentoring T&RAs to start their own community fridges.

The committee then heard from Ross Diamond Age UK Lewisham and Southwark and Sophie Wellings, Link Age Southwark.

Ross Diamond, informed the committee of the impact of the cost of living crisis on older people, particularly older people living in London. Ross highlighted the following:

- Research showed that 25% of older Londoners live in poverty, compared to just 18% in the rest of the country.
- Older Londoners are 50% more likely to be experiencing food insecurity than those in the rest of England.
- 44% of older Londoners living in social housing are in poverty.
- 20% of Londoners over fifty are living in fuel poverty, compared to 15% of the rest of England.

Ross also informed the committee that Age UK Lewisham and Southwark were seeing a much higher than usual request for support, particularly around food provision, and also with income maximisation, and was ensuring that people are getting all the benefits they are entitled to. People who could not afford to socialise

found it more valuable to go to a community space where there were activities and entertainment that could be accessed cheaply or for free.

The local response was largely through COPSINS (Consortium of Old People's Services in Southwark) a contract funded by the council (Ageing Well Southwark). This included provision of advice for the 60 plus to make sure they got the benefits they are entitled to, befriending, exercise classes, IT classes and a shared central hub where Age UK staff and council staff answered calls from older people, making sure that they were connected to council services, and services provided by AGE UK, the COPSINS, and wider voluntary sector.

A series of campaigns had been undertaken with the council's finance services and Citizens Advice Southwark around pension credit – it was reported that this was a widely under claimed benefit. Of particular importance around this was that the government's additional payments for older people would be through the pension credit. The number of people claiming pension credit had risen.

Age UK had also been working with the council around its cost of living fund, with the council enabling voluntary organisations, TRAs, and Age UK to refer vulnerable people who would not otherwise qualify, to the Southwark Cost of Living Fund. Individuals who qualified would receive a voucher for £100 redeemable for cash at post offices.

Age UK were now working on a range of Warm Spaces in Southwark. The Warm Spaces initiative, was a way of opening up spaces across the borough where people (particularly older people) could spend the day somewhere warm and avoid having to use their own heating, and also costs associated with cooking.

Southwark libraries were now formally dedicated warm spaces, along with cultural institutions such as Tate Modern. Small grants had also been given to a range of voluntary groups across the borough, with a view to ensuring a good geographical spread, offering a range of different opening hours and offers. TRAs were also hoping to access Southwark GIG Grants to establish Warm Spaces for their members. A map on the council website showed where all the services were and what was on offer at each of them. A publicity campaign had been launched in the previous week, and publicity would continue.

Monitoring was very light touch, but was supported by a designated council officer who was in contact with some of the groups regularly. Based on 9 services – they had seen 468 people, 147 aged 55+, 194 were from BAME communities, 140 weren't known to the voluntary sector.

Age UK would be reaching out to all communities in the borough, and would take steps to address if found to be underserving particular communities, or parts of the borough.

Age UK received £10,000 for, Warm Bags, to go to people who would struggle to get to the Warm Spaces (people who are housebound or have other difficulties).



They had a minimum of 1,000 bags which will contain:

- Wheatpacks – microwaveable safe alternatives to hot water bottles
- Socks
- Gloves
- Thermal cups – microwavable
- Cotton bags with AUKLS logo
- Hot chocolate sachets
- Activity packs
- AUKLS Calendars
- Library services leaflet
- Falls prevention leaflet
- Thermometer cards
- Winter Wrapped Up leaflet
- Information on the Ageing Well Southwark service that can help link older people and their carers to a wide range of other services and sources of support

It was reported that around 700 bags had been requested so far for COPSINS partners and others providing warm spaces, voluntary groups, the home library services, and the Council's Finance Team.

Following the presentation, questions and discussion took place around the following areas:

- Older people and access/use of technology.
- Under claiming of pension credits, and difficulty in applying.
- Utilising Warm Spaces for sharing information and encouraging take up of Covid and flu vaccination.
- Shortage of older people's housing, and challenges with housing costs.
- The potential increase in damp due to affordability of heating homes and impact on older people with health conditions.

The committee then heard from Chris Green, Chief Executive of Citizens Advice Southwark.

Chris Green informed the meeting that Citizens Advice Southwark were at the forefront of dealing with people's financial worries and in a good position to see the impact of the ongoing cost of living crisis.

Chris advised that since July, debt enquiries had continued to rise, notably around fuel debt, council tax arrears and rent arrears of council tenants. The most significant trend was the increase in enquiries relating to energy. In 2021 this was 2% of enquiries, this year it had risen to over 30%, which was in the top three enquiries, only now behind benefits, and housing issues. Enquiries relating to housing issues were also steadily increasing, and within this, enquiries linked to homelessness were increasing which was another extension of the cost of living

crisis as people fell into rent arrears and faced eviction.

There was also a significant number of people seeking help in relation to disrepair, both with the council and the private rented sector. Research had been undertaken in August 2022 around the experience of people renting privately in respect of the issues they are facing (250 respondents). The single most common problem cited was affordability, followed by disrepair, with 35% of respondents reporting having problems with mould, damp, heating and hot water. 25% of respondents reported having problems with leaks and drains.

The cost of heating was an increasing challenge for many people. In terms of welfare benefits, the number of disability benefit enquiries remained high, 450 Personal Independence Payment (PIP) enquiries a month, and attendance allowance issues increasing significantly, up from 61 in June 2022 to 106 in October 2022.

The Committee then heard from Tim Clarke. Tim informed the committee that attendance at their last two cost of living support roadshows had significantly increased, which was a sign of financial distress amongst the local communities. The roadshows involved a number of partners working together to help people with concerns around money. At the last roadshow Citizens Advice Southwark and the council provided eight staff each, and they were also joined by staff from the Latin American Women's Rights Service, Spring Community Hub, Pecan, Age UK Southwark, Southwark Works and the DWP. The events were also a gateway for financial support that is available, such as the council's cost of living fund, and vouchers for people with prepayment metres.

Before the pandemic CAS would routinely help around 20 to 25 people at these events. 16 people attend the event held in early July, the event in September 52 people were helped over a three hour period. At the event held in November 115 people queued for their help. Of the people who attended, 88% stated that they required advice because they had no money, were in debt, required financial support or wanting help with energy costs.

CAS was looking to combine the events in future with flu and covid vaccinations. They felt there was a real link between health and wellbeing related issues and money issues which they were looking to explore.

They were also working with the council to develop new projects that will target people that are most affected by the cost of living crisis. That would include the Southwark Energy Advice Service, which was launching in the week and would provide targeted advice for people experiencing fuel poverty. There was also a new immigration advice service, which was due to be launching soon, which would target refugees, asylum seekers and other vulnerable migrants. They would also be working with Southwark Day Centre for Asylum Seekers to deliver that service. Data showed that vulnerable migrants were a group disproportionately affected by the cost of living crisis. There was also the Private Renter Support Project funded by the council, which was creating a support organisation for vulnerable private

renters in the borough. It had a new website launched over the previous week. There was also a new 2 year project funded by United St Saviour's Charity, which would provide advice on benefits, debt and housing in Southwark, foodbanks. People attending foodbanks were identified as a group that was disproportionately affected by the cost of living crisis. They would be working with a number of partners on the project including, Albrighton Community Fridge, PECAN, Spring Community Hub, and the Borough Food Cooperative.

At the end of Chris and Tim's opening comments, questions and discussion took place around the following areas:

- The number of people and demographic benefiting from the service annually.
- Funding of Citizens Advice.
- Combining vaccination outreach with the roadshows.

The committee then heard from Chris Williamson, Head of Health and Wellbeing, Public Health.

Chris informed the committee, that there were around 50,000 adults in the borough experiencing some kind of mental disorder such as anxiety and depression. He explained that some people had a genetic predisposition to mental health disorders. The driver for mental ill health could also be social factors, such as housing, employment, and the cost of living, leading to the development of poor mental health or exacerbate existing mental health conditions. Chris then gave a presentation on the cost of living crisis and the impact on mental health and wellbeing [available on the council website].

Chris touched on the following:

- Increase in energy prices and food across the country.
- Households with limited budgets having limited scope to reduce their consumption due to price inflation being on essential goods (food and heating etc.).
- Support available nationally and locally will mitigate some of these impacts but will not remove them in their entirety.
- Increase in people unable to afford a healthy diet, also increase in people cutting back on the number of meals, in some case going without food during the day, particularly some residents with families. Food insecurity was a driver of stigma and social isolation for many residents. Research undertaken from northwest of England pointing to the impact through to physical and mental distress on people experiencing food insecurity
- Transport poverty, with rising cost of fuel for people who have to travel by car – impact on access to employment, health care, food, friends and family, driving an increase in social isolation for those residents.
- 2019 study highlighted that 15% of respondents could not afford to keep their homes warm enough. Impact of a cold home on health and wellbeing fairly significant, particularly for older residents. Increase in cardiovascular

and respiratory illnesses as a result of cold home.

- Rise in debt and financial stress as a result of cost of living crisis – significant impact on mental health.
- Evidence through Previous financial crisis highlighted link between financial distress and increase in suicides/ suicidal attempts and thoughts. Local data locally not showing this, but is of concern.
- Housing instability – research undertaken by Crisis earlier in the year suggests that there will be an increase in homelessness. Estimated increase of around a third across the country. Being driven by cost of living crisis but also the removal of the eviction ban.
- Impact of cost of living on children and young people – wide variety of research from a range of agencies looking at the impact on children. Half of young people in England highlighted the cost of living as a major worry and concern for them specifically.
- Research also highlighted that a third of parents were concerned about the impact of the cost of living crisis on their children’s mental health and wellbeing.
- The council was working closely with colleagues across the system. Very rapidly changing situation.
- Cost of living crisis coming straight after the covid pandemic.
- Groups of particular note are those on low incomes, but not in receipt of universal credits or other financial support. Areas around Faraday, Old Kent Road and Peckham ward are where the greatest numbers of households on low incomes, but there are also pockets across the borough. People with disabilities who are at high risk of fuel poverty.
- Many of the individuals impacted by the cost of living crisis, live in the same communities as those impacted by the Covid 19 pandemic.

#### Next steps

- Improving understanding of what is happening locally.
- Identifying groups where some of the impacts overlap.

Following the presentation, questions and discussion took place around the following:

- Ways to break the cycle of the cost of living crisis on people with poor mental health.
- Data on young carers living with a parent who can’t work because of a mental health condition and therefore on a low income.
- Data on cost of living and impact on crime.

The committee then heard from Councillor Stephanie Cryan, Cabinet Member for Communities, Equalities and Finance, and Dominic Cain, Director of Exchequer.

Councillor Cryan provided an update on the council’s response to the cost of living crisis. Councillor Cryan highlighted the following:

- The Cost of Living summit which took place on the 8 November. The summit was held to enable discussion of the issues that the different communities were facing in relation to the cost of living crisis. Over 100 people were in attendance. Information gathered from the event would be disseminated into a 'you said, we did' type feedback exercise.
- The launch of the Southwark Energy Savers Scheme on 8 December 2022, which involved a £92,000 commitment over 2 years. This would provide residents with support on how to save on energy bills, and also all other support that is available, and income maximisation.
- Connected Christmas Campaign, which helps support older people in the community. The initiative was run by United St Saviour's Charity but funded by the council.
- Community Referral pathway – there were now 51 referrers, only 16 previously. There had already been 1600 hundred referrals since the scheme launched in November. Support for 1312 residents had been approved in line with the approval criteria.
- Continuation of the Council Tax reduction scheme.
- Holiday meals support during the October school half term. £220,000 support provided by the council. During the Christmas holidays it was expected that £500,000 of additional support would be provided.
- Targeted campaign in relation to uptake of pension credit.

Questions and discussion were held around the following:

- Proportion of residents that were able to digitally access the services.
- Laser contract for gas supply – on-boarding of non-council residents as sub customers.
- Letters to leaseholders on district heating systems, around gas bills, in connection with what they will be required to pay.
- Advice councillors can give to tenants and residents associations in relation to referring people for support.
- Lobbying central government on impact of cost of living crisis on Southwark residents.

## 6. DIGITAL STRATEGY & CUSTOMER ACCESS

The committee received a presentation from Dionne Lowndes, Chief Digital & Technology Officer and Shade Nathaniel-Ayodele, Technology Project Manager. The committee also heard from Councillor Stephanie Cryan, Cabinet Member for Communities, Equalities and Finance.

Dionne and Shade informed the committee of the council's digital strategy, and highlighted action that had taken place around the following:

- Connectivity.
- Providing skills to residents.
- Supporting residents with devices
- Broadband connection for council homes/estate properties and community halls.
- Full fibre network fund, which has been used across the borough.
- Partnering with UK Broadband to provide wireless broadband services to upgrade aerials and to improve services for residents.
- £2m agreement over 10 years to provide a wireless broadband offer in Southwark and income generation for the council.
- Digital inclusion initiatives
- Improving the accessibility of the council website for people that have disabilities to ensure they are not excluded from using the website.
- Work being undertaken with communities around digital access.

At the end of the presentation and brief comments from Councillor Stephanie Cryan, questions and discussion were held around the following:

- Not spots in Dulwich Village area.
- Working with telecommunications companies in relation to disposal of telecommunications infrastructure.
- Data on percentage of residents in Southwark who are digitally excluded.
- Launch of new website.
- Work around helping people stay safe online in relation to scams and digital security, particularly older residents.
- Website redesign.
- Removal of historic documents from council website.
- District heating – use of remote sensors on pipework and in pump rooms.
- Cybersecurity.
- Measuring air quality around schools using technology.

## **7. SUPPORT BEING PROVIDED TO SOUTHWARK LGBTQ+COMMUNITIES**

Councillor Stephanie Cryan, Cabinet Member for Communities, Equalities and Finance informed the committee that this item would focus on the LGBTQ+ community centres. Updates around the Southwark Equality Framework, and support being provided to Southwark LGBTQ+ communities would be presented to a future meeting.

The committee received a briefing from Catherine Brownell, Programme Manager on progress relating to Bankside Yards LGBTQ+ Community Centre and the Hopton Street LGBTQ+ Community Centre.

After the briefing, questions and discussion were held around the following areas:

- Future of the Hopton Street site.
- Stonewall top 100 inclusive employers list.
- Provision for a centre in the south of the borough.
- Procuring a suitable operator.
- Location of the offsite affordable housing.
- Poland – communities attempt to establish LGBTQ+ free zones. Use of twinning arrangements to exert pressure and influence.

## 8. WORK PROGRAMME

### RESOLVED:

That the work programme as at 5 December 2022 be noted.

The meeting ended at 9.40pm

**CHAIR:**

**DATED:**



## Overview & Scrutiny Committee

MINUTES of the OPEN section of the Overview & Scrutiny Committee held on Tuesday 24 January 2023 at 7.00 pm at 160 Tooley Street, London SE1 2QH

---

**PRESENT:** Councillor Ian Wingfield (Chair)  
 Councillor Irina Von Wiese (Vice-Chair)  
 Councillor Suzanne Abachor  
 Councillor Victor Chamberlain  
 Councillor Jon Hartley  
 Councillor Laura Johnson  
 Councillor Sunny Lambe  
 Councillor Margy Newens  
 Councillor Jason Ochere  
 Martin Brecknell (Co-opted Member)  
 Marcin Jagodzinski (Co-opted Member)

**OTHER MEMBERS PRESENT:** Councillor Stephanie Cryan, Cabinet Member for Communities, Equalities and Finance

**OFFICER SUPPORT:** Everton Roberts, Head of Scrutiny  
 Allan Wells, Specialist Governance Lawyer

### 1. APOLOGIES

Apologies for absence were received from Councillors Ellie Cumbo and Leo Pollak.

### 2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were no additional late items. The chair informed the meeting that a number of documents had been circulated to committee members in connection with the budget scrutiny process since the OSC meeting that had taken place on the preceding day, these were:



- Climate Change Budget 23/24 Cumulative Analysis
- Equalities and Human Rights Panel Feedback on Initial Cumulative Equality Analysis 2023/24

### 3. **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

There were no disclosures of interests or dispensations.

### 4. **MINUTES**

The head of scrutiny reported that the outstanding Minutes would be included in the next meeting agenda for approval.

### 5. **FORMULATION OF RECOMMENDATIONS TO CABINET ON THE POLICY AND RESOURCES STRATEGY 2023-24**

The committee heard further from Councillor Stephanie Cryan, Cabinet Member for Communities, Equalities and Finance and Duncan Whitfield, Strategic Director of Finance and Governance.

The committee discussed the evidence gathered from the preceding day's scrutiny meeting, had regard to comments and advice from the cabinet member for communities, equalities and finance, and the strategic director of finance and governance and formulated their recommendations to be submitted to cabinet on the proposed policy and resources strategy.

#### **RESOLVED:**

#### **Recommendations relating to the budget scrutiny process**

##### Climate Change Impact Analysis

1. OSC notes that as part of the budget scrutiny process for 2022/23 it recommended that for the 2023-24 budget scrutiny process a more holistic approach is completed, similar to the line-by-line process for EQIA's, which seeks to quantify the climate impact of each budget measure (where appropriate).
2. OSC notes the climate change impact analysis document, but considers that the information contained within is not adequate, and was not circulated in a timely manner to enable OSC to properly consider or give weight to the climate change impact of the budget proposals. OSC recommends that a further fuller report including the methodology used and actual anticipated results is produced as soon as possible to enable impacts to be properly

factored into the rest of the budget setting process for 2023/24.

### Equalities and Human Rights Panel Feedback on the Cumulative Equality Analysis 2023-24

3. OSC notes the feedback from the Equalities and Human Rights Panel on the cumulative equality analysis for 2023-24, particularly around the analysis of the impacts on protected characteristics, and recommends that cabinet consider the content of the feedback document in the framing of the budget.
4. OSC recommends that cabinet invite the Equalities and Human Rights Panel to its next meeting in light of the concerns being raised by the panel.

### Timeliness of information being provided to OSC as part of the Budget Scrutiny Process

5. OSC notes the constrictions placed upon the council in preparing information on the budget in light of the timing of the announcement of the Local Government Settlement, but requests that the cabinet member and officers, endeavour to release as much information earlier where possible.

## **Recommendations relating to budget proposals**

### Health and Wellbeing Portfolio

6. Line 161 - That cabinet be requested to review the impact on users of the service and take mitigating actions into account.
7. Line 312 - That a full and further consultation be undertaken with the users of the respite services, and the portfolio holder look at how the service can be reconfigured to be less expensive, but be able to continue to offer the respite provided by Southwark, and not just through the use of direct payments. If the outcome of the consultation is not in support of the saving, then it is recommended that this line is removed.

### Jobs, Business and Town Centres Portfolio

8. Line 316 – That if a cut is proposed for this activity, it is recommended that the impact is clearly outlined to OSC, including what this would mean in terms of hitting targets around internships, employment, apprenticeships and training opportunities. Should the impact be severe then it is recommended that this line is removed and re-examined in its entirety, and consideration be given to other places which the council might be able to make efficiencies if possible.

### Children, Young People, Education and Refugees Portfolio

9. Lines 106, 113, 120, 122, 125, 161, 30, 308, 309, 310 - That cabinet be requested to review the impact on users of the services and take mitigating actions into account.

### Leisure, Parks, Streets and Clean Air Portfolio

10. Line 210 - OSC welcomes the intention of the council to raise £1m from on-street advertising that will help fund key services. OSC recommends that the Council explores the potential to generate additional income from on-street advertising.
11. Line 213 - That the impact of the increase in the bulky waste charge be monitored and a quarterly update be provided to OSC. Should the monitoring over a period of time show an increase in fly-tipping than previously seen, then cabinet be recommended to review the bulky waste charge. As part of a review, cabinet consider whether to offer the collection of fewer items for a smaller fee.

### Communities, Equalities and Finance Portfolio

12. Line 167 - That OSC recommends that the cabinet member continues with the work around the council rationalising its office space to make savings with a view to extending this.
13. Line 330 - That a report be submitted to OSC on the review of the mayor's budget and the operations of the mayor's office.
14. Line 401 / 402 - That OSC consider how it could use the voluntary sector as a commissioned service to deliver the work that the council has committed to around these areas.
15. Line 433 - That cabinet be recommended to provide more detail on this line in their report.
16. Line 448 - That OSC receives more information on this as it develops.

### Action points, not for cabinet consideration

- Discussions to be held around improving upon the budget scrutiny process for 2024/25.
- That the previous recommendation around the work of the housing scrutiny commission in respect of the temporary accommodation budget be revisited and actioned as appropriate.

- Consideration to be given around scrutiny review on 'improving customer services for council housing repairs' either by OSC or the Housing and Community Safety Scrutiny Commission – Discussion to take place between Chair and Vice-Chair.
- Capital budget refresh – report to cabinet to be presented to OSC.

## 6. **POLICY AND RESOURCES STRATEGY 2023-24 TO 2025-26 UPDATE**

The policy and resources strategy 2023-24 to 2025-26 Update report was included with the agenda for information.

The meeting ended at 9.02 pm

**CHAIR:**

**DATED:**



## Overview & Scrutiny Committee

MINUTES of the OPEN section of the Overview & Scrutiny Committee held on Saturday 20 May 2023 at 1.10pm at Southwark Cathedral, Montague Close, London Bridge, SE1 9DA

---

**PRESENT:** Councillor Ian Wingfield (Chair)  
Councillor Irina Von Wiese  
Councillor Victor Chamberlain  
Councillor Ellie Cumbo  
Councillor Laura Johnson  
Councillor Sunny Lambe  
Councillor Margy Newens  
Councillor Bethan Roberts

**OFFICER** Everton Roberts, Head of Scrutiny  
**SUPPORT:**

### 1. APOLOGIES

Apologies for absence were received from Councillors Suzanne Abachor, Jon Hartley and Chloe Tomlinson.

### 2. NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

There were no late items of business.

### 3. DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were no disclosures of interests or dispensations.

#### 4. SCRUTINY ARRANGEMENTS FOR 2023-24

##### RESOLVED:

1. That the size and composition of the overview and scrutiny committee as agreed by council assembly – detailed below be noted.

##### Overview and Scrutiny Committee

	<b>Labour (9)</b>	<b>Liberal Democrats (2)</b>
1.	Ian Wingfield (Chair)	Irina von Wiese (Vice-Chair)
2.	Margy Newens	Victor Chamberlain
3.	Chloe Tomlinson	
4.	Ellie Cumbo	
5.	Suzanne Abachor	
6.	Laura Johnson	
7.	Sunny Lambe	
8.	Jon Hartley	
9.	Bethan Roberts	
<b>Reserves</b>		
	<b>Labour (9)</b>	<b>Liberal Democrats (2)</b>
1.	Sarah King	Jane Salmon
2.	Sandra Rhule	Rachel Bentley
3.	Cleo Soanes	
4.	Sam Dalton	
5.	Andy Simmons	
6.	Sunil Chopra	
7.	Sam Foster	
8.	Esme Hicks	
9.	Vacancy	
<b>Voting co-optee places (4) (Able to vote on Education Function related issues only)</b>		
1.	Church of England Diocese representative	Tbc
2.	Roman Catholic Diocese representative	Tbc
3.	Elected Parent governor representative x2	Tbc

**Remit:** As set out in paragraph 6.1 of the constitution, with specific scrutiny responsibility in respect of:

- Council's policy and budget framework
- Regeneration

- Human Resources and the council's role as an employer and corporate practice generally
  - Customer access issues, including digital strategy, information technology and communications
  - The council's equalities and diversity programmes
2. That scrutiny commissions be established as set out below for the 2023-24 municipal year, with the chairs and vice-chairs as listed. The Health and Social Care Scrutiny commission to be given responsibility for Health matters, and the Housing and Community Safety Scrutiny commission to be given responsibility for Crime and Disorder matters.

**(Remits:** Each commission will have within their remit, oversight responsibility for the areas reflected in their titles. Detail of the specific areas of responsibility to be drawn from the cabinet member portfolios following the meeting.

As and when required, the Overview and Scrutiny Committee may call upon a commission to undertake a piece of work that does not necessarily sit with another commission's identified remit of responsibility.)

### Education and Local Economy Scrutiny Commission

	<b>Labour (5)</b>	<b>Liberal Democrats (2)</b>
1.	Chloe Tomlinson (Chair)	Rachel Bentley (Vice-Chair)
2.	Jason Ochere	Irina von Wiese
3.	Joseph Vambe	
4.	John Batteson	
5.	Renata Hamvas	
<b>Reserves</b>		
	<b>Labour (5)</b>	<b>Liberal Democrats (2)</b>
1.	Maggie Browning	Adam Hood
2.	Bethan Roberts	Victor Chamberlain
3.	Laura Johnson	
4.	Victoria Mills	
5.	Sunil Chopra	
<b>Voting Co-optee places</b>		
1.	Church of England Diocese representative	Tbc
2.	Roman Catholic Diocese representative	Tbc
3.	Elected Parent Governor representatives x 2	Tbc

<b>Non-Voting Co-optee places</b>		
	To be considered at the discretion of the commission	

### **Environment and Community Engagement Scrutiny Commission**

	<b>Labour (5)</b>	<b>Liberal Democrats (2)</b>
1.	Margy Newens (Chair)	Graham Neale (Vice-Chair)
2.	Cassandra Brown	David Watson
3.	Leo Pollak	
4.	Reggie Popoola	
5.	Ketzia Harper	
<b>Reserves</b>		
	<b>Labour (5)</b>	<b>Liberal Democrats (2)</b>
1.	John Batteson	Rachel Bentley
2.	Kimberly McIntosh	Adam Hood
3.	Natasha Ennin	
4.	Gavin Edwards	
5.	Renata Hamvas	
<b>Non-voting co-opted places</b>		
	To be considered at the discretion of the commission	

### **Health and Social Care Scrutiny Commission**

	<b>Labour (5)</b>	<b>Liberal Democrats (2)</b>
1.	Suzanne Abachor (Chair)	Maria Linforth-Hall (Vice-Chair)
2.	Richard Leeming	Nick Johnson
3.	Esme Dobson	
4.	Sandra Rhule	
5.	Sam Dalton	
<b>Reserves</b>		
	<b>Labour (5)</b>	<b>Liberal Democrats (2)</b>
1.	Kath Whittam	David Watson
2.	Naima Ali	Victor Chamberlain
3.	Charlie Smith	
4.	Sunil Chopra	
5.	Sabina Emmanuel	



<b>Non Voting Co-opted places</b>		
	To be considered at the discretion of the commission	

### **Housing and Community Safety Scrutiny Commission**

	<b>Labour (5)</b>	<b>Liberal Democrats (2)</b>
1.	Ellie Cumbo (Chair)	Emily Tester (Vice-Chair)
2.	Barrie Hargrove	Jane Salmon
3.	Esme Hicks	
4.	Sam Foster	
5.	Kim McIntosh	
<b>Reserves</b>		
	<b>Labour (5)</b>	<b>Liberal Democrats (2)</b>
1.	Portia Mwangangye	Hamish McCallum
2.	Sam Dalton	Adam Hood
3.	Joseph Vambe	
4.	Ketzia Harper	
5.	Cleo Soanes	
<b>Non-voting co-opted places (3)</b>		
1.	Tenants Forum	Tbc
2.	Homeowners Forum	Tbc
3.	Southwark Tenant Management Organisations Committee	Tbc
	Additional non-voting co-opted places to be considered at the discretion of the commission	

### **3. Nominations to Joint Health Overview and Scrutiny Committees**

- South East London Joint Health Overview and Scrutiny Committee (2 places)

Labour – Councillor Suzanne Abachor

Liberal Democrats – Councillor Maria Linforth-Hall

**Note:** No work programme topics were put forward at this meeting.

The meeting ended at 1.13pm

**CHAIR:**

**DATED:**

<b>Item No.</b> 5.	<b>Classification:</b> Open	<b>Date:</b> 4 July 2023	<b>Meeting Name:</b> Overview and Scrutiny Committee
<b>Report title:</b>		Overview and Scrutiny Committee and Commission Work Programmes 2023-24	
<b>Ward(s) or groups affected:</b>		N/a	
<b>From:</b>		Head of Scrutiny	

### RECOMMENDATION

1. That the committee consider and agree annual work programmes for overview and scrutiny committee and its commissions for the 2023-24 municipal year.

### BACKGROUND INFORMATION

2. Paragraph 6 of the overview and scrutiny procedure rules states that terms of reference of the overview and scrutiny committee will be:
  - a) to appoint commissions, agreeing the size, composition and terms of reference and to appoint chairs and vice chairs
  - b) to agree the annual work programme for OSC and the commissions
  - c) to consider requests from the cabinet and/or council assembly for scrutiny reviews
  - d) to exercise the right to call-in for reconsideration of executive decisions made but not yet implemented
  - e) to arrange for relevant functions in respect of health scrutiny to be exercised by an overview and scrutiny committee of another local authority where the council considers that another local authority would be better placed to undertake those relevant functions, and that local authority agrees to exercise those functions
  - f) if appropriate, to appoint a joint overview and scrutiny committee with two or more local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee
  - g) to periodically review overview and scrutiny procedures to ensure that the function is operating effectively
  - h) to report annually to all councillors on the previous year's scrutiny activity
  - i) to scrutinise matters in respect of:
    - the council's policy and budget framework
    - regeneration

- human resources and the council's role as an employer and corporate practice generally
- customer access issues, including digital strategy, information technology and communications
- the council's equalities and diversity programmes.

### KEY ISSUES FOR CONSIDERATION

3. In accordance with the provision set out in 2(a) above, the overview and scrutiny committee established four commissions for the 2023-24 municipal year at its meeting held on 20 May 2023.
  - Education and Local Economy Scrutiny Commission
  - Environment and Community Engagement Scrutiny Commission
  - Housing and Community Safety Scrutiny Commission
  - Health and Social Care Scrutiny Commission
4. In accordance with the provision set out in 2(b) above, overview and scrutiny committee is being recommended to agree scrutiny work programmes for the 2023-24 municipal year.
5. The general terms of reference of the scrutiny commissions are set out in the council's constitution (overview and scrutiny procedure rules - paragraph 5). The constitution states that:

Within their terms of reference, all scrutiny committees/commissions will:

- a) review and scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions
- b) review and scrutinise the decisions made by and performance of the cabinet and council officers both in relation to individual decisions and over time in areas covered by its terms of reference
- c) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas
- d) question members of the cabinet and officers 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 and about their views on issues and proposals affecting the area
- e) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- f) make reports and recommendations to the cabinet and or council assembly arising from the outcome of the scrutiny process

- g) consider any matter affecting the area or its inhabitants
- h) 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
- i) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance
- j) conduct research and consultation on the analysis of policy issues and possible options
- k) question and gather evidence from any other person (with their consent)
- l) consider and implement mechanisms to encourage and enhance community participation in the scrutiny process and in the development of policy options
- m) conclude inquiries promptly and normally within six months.
6. Attached as an appendix are the proposed remits of overview and scrutiny committee and its commissions based on the cabinet portfolio responsibilities set out in the council constitution. The document is for reference purposes only and serves to highlight the cabinet member portfolio responsibilities covered by the overview and scrutiny committee and the scrutiny commissions with a view to assist in directing potential issues for consideration to the correct committee/commission undertaking actions referred to in paragraph 5 above.
7. The work programmes are a standing item on the overview and scrutiny committee and commission agendas and enables the committee/commissions to consider, monitor and plan issues for consideration at each meeting.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Constitution <ul style="list-style-type: none"> <li>• Section 3.3 - Cabinet Portfolios</li> <li>• Section 9 - Overview and Scrutiny Procedure Rules</li> </ul>	Southwark Council Website	Everton Roberts 020 7525 7221
Link: <a href="https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=425&amp;MIId=7781&amp;Ver=4&amp;Info=1">https://moderngov.southwark.gov.uk/ieListDocuments.aspx?CIId=425&amp;MIId=7781&amp;Ver=4&amp;Info=1</a>		

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Cabinet Member Portfolio Responsibilities - Overview and Scrutiny Committee/Commission Remits 2023/24

**AUDIT TRAIL**

<b>Lead Officer</b>	Everton Roberts, Head of Scrutiny	
<b>Report Author</b>	Everton Roberts, Head of Scrutiny	
<b>Version</b>	Final	
<b>Dated</b>	26 June 2023	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistant Chief Executive – Governance and Assurance	No	No
Strategic Director of Finance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Scrutiny Team</b>	26 June 2023	

## **Cabinet Member Portfolio Responsibilities - Overview and Scrutiny Committee/Commission Remits 2023/24**

This document details the remits of the overview and scrutiny committee/commissions based on the cabinet member portfolio responsibilities set out in [section 3.3](#) of the council constitution. The document is for reference purposes only and serves to highlight the cabinet member portfolio responsibilities covered by the overview and scrutiny committee and the scrutiny commissions. The terms of reference detailing the role and responsibilities of the overview and scrutiny committee and its commissions in full, is contained in [section 9](#) of the council constitution (see paragraphs 5 and 6 in particular).

### **Contents**

<b>Overview and Scrutiny Committee – remit .....</b>	<b>2</b>
Leader of the Council .....	2
Deputy Leader and Cabinet Member for Children, Education & Refugees .....	2
Cabinet Member for Climate Emergency, Clean Air & Streets .....	2
Cabinet Member for Communities, Democracy & Finance .....	2
Cabinet Member for Neighbourhoods, Leisure and Parks .....	3
Cabinet Member for New Homes & Sustainable Development .....	3
Deputy Cabinet Member for Equalities.....	4
<b>Education and Local Economy Scrutiny Commission – remit .....</b>	<b>5</b>
Deputy Leader and Cabinet Member for Children, Education & Refugees .....	5
Cabinet Member for Jobs, Skills & Business.....	5
Deputy Cabinet Member for Young People.....	6
<b>Environment and Community Engagement Scrutiny Commission - remit .....</b>	<b>7</b>
Cabinet Member for Climate Emergency, Clean Air & Streets .....	7
Cabinet Member for Neighbourhoods, Leisure and Parks .....	7
Deputy Cabinet Member for Green Finance .....	8
<b>Health and Social Care Scrutiny Commission - remit.....</b>	<b>9</b>
Deputy Leader and Cabinet Member for Children, Education & Refugees .....	9
Cabinet Member for Health & Wellbeing .....	9
<b>Housing and Community Safety Scrutiny Commission - remit .....</b>	<b>10</b>
Cabinet Member for Community Safety .....	10
Cabinet Member for Council Homes .....	10
Cabinet Member for New Homes & Sustainable Development.....	11
Deputy Cabinet Member for Housing Allocations.....	11

## Overview and Scrutiny Committee – remit

### Leader of the Council

#### Portfolio

- Setting the political and strategic direction for the council
- Southwark 2030 and the Council Delivery Plan
- Southwark Stands Together
- Communications, campaigns and public affairs
- Emergency planning and business continuity
- Major projects oversight
- Strategic partnerships and relationships with government, the Mayor of London, City Hall, Transport for London, The NHS and major anchor organisations within the borough
- Performance management of the Cabinet & Deputy Cabinet Members

### Deputy Leader and Cabinet Member for Children, Education & Refugees

#### Portfolio

- **Refugees and asylum seekers** – including our work to ensure Southwark is a Borough of Sanctuary and support for people with No Recourse to Public Funds (NRPF)

### Cabinet Member for Climate Emergency, Clean Air & Streets

#### Portfolio

- **Cleaning, pest control & grounds maintenance** – street and estate cleaning; flytipping and graffiti removal; pest control; and maintenance of verges and green spaces on the council's highways and estates.

### Cabinet Member for Communities, Democracy & Finance

#### Portfolio

- **Community involvement** – including empowering communities programme, ward forums; volunteering and consultations.
- **Cost of living support** – financial support; Council Tax Reduction Scheme; access to benefits, advice services and Community Support Alliance
- **Digital** – digital inclusion and infrastructure (including broadband); and the council's corporate IT and website
- **Voluntary, community and faith sector** – including community hubs
- **Equalities** – as they relate to women's rights, LGBTQ+ rights and working with the Forum for Equalities and Human Rights



- **Funding for community projects and events** – including the Neighbourhoods Fund, Cleaner Greener Safe Fund, Local Community Infrastructure fund, Democracy Fund, Common Purpose Grants; Equalities Grants, Food And Fun Fund; Getting Involved Fund; Culture Together Grants; Positive Futures Fund, Cultural Celebrations Fund, Black History Month Grants and Windrush 75 Fund
- **Customer services** – call centre, complaints and members' enquires
- **Finance & governance** – the council's budget; financial and performance management; legal and constitutional services; procurement; income collection; pension fund; and civic matters
- **Workforce** – the council's workforce and internal relationship with staff trade unions
- **Facilities management** – of the buildings within the council's operational/civic estate
- **Property** – including decisions relating to the council's acquisitions and disposal of properties
- **Registrar's and coroners services**
- **Electoral services** – electoral registration and postal vote uptake.

## **Cabinet Member for Neighbourhoods, Leisure and Parks**

### Portfolio

- **Neighbourhoods** – working with residents to develop strategic plans to improve each neighbourhood as well as the council's overarching strategy to transform the organisation to operate on a neighbourhood basis (working with the Cabinet Member for Communities, Democracy & Finance)
- **Waterways** – including moorings & marinas and flood defences
- **Cemeteries and crematorium services**
- **The renewal of Peckham Library square.**

## **Cabinet Member for New Homes & Sustainable Development**

### Portfolio

- **Planning & building control** – planning applications, enforcement and policy (including the Southwark Plan, neighbourhood plans, area action plans and supplementary planning documents); Section 106 agreements and payments; and building control and dangerous structures
- **Old Kent Road** – working with the community to shape development in the OKR opportunity area, including the delivery of new affordable homes and community infrastructure
- **Major infrastructure projects**, including the Bakerloo Line Extension, new Elephant & Castle Northern Line station, wider improvements to train and tube stations; and Strategic Community Infrastructure Levy (CIL)
- **Responding to the Southwark Land Commission.**

## **Deputy Cabinet Member for Equalities**

### Portfolio

- Promoting equality and diversity, including the equalities framework and audit
- Increasing the voice and influence of black, Asian and minority ethnic communities
- 'Southwark Together' civic leadership programme
- Diverse Councils commitments
- London Councils Tackling Racial Inequality Standard pilot.

## Education and Local Economy Scrutiny Commission – remit

### Deputy Leader and Cabinet Member for Children, Education & Refugees

#### Portfolio

- **Early years and childcare** – including children and family centres, early years education, childminders and nurseries
- **Schools** – including school standards, inclusion, places and admissions; special education needs; free healthy school and nursery meals and fruit; healthy schools and Southwark’s Let’s Go Zero schools network
- **Further, higher and adult education** – including English for speakers of other languages (ESOL), adult literacy and numeracy; and scholarships
- **Children’s social care** – including children in care and care leavers, fostering and adoption, support for children with disabilities and their families; and child safeguarding
- **Family support** – including parenting programmes, the council’s sure-start for teenagers service and support for families who are providing unpaid care for a child with a disability or health condition, including respite care
- **Youth offending services.**

### Cabinet Member for Jobs, Skills & Business

#### Portfolio

- **Increasing employment** - support to find a job or start a new career; careers advice and work experience; paid internships; supporting young people and care leavers’ into employment, education and training; relationship with Jobcentre Plus; supporting businesses to engage with schools and colleges (including the Education Business Alliance)
- **Vocational Skills** - including apprenticeships, vocational training and skills centres
- **Businesses support** - for local businesses, cooperatives, social enterprises and entrepreneurs; increasing procurement from local businesses; and relationships with local business groups and Business Improvement Districts.
- **High streets** – including town centre action plans, Thriving Highstreets Fund, markets
- **Commercial property** – management, leasing and rent setting of the council’s retail and commercial units, office accommodation and related property
- **Industrial strategy** - growing industries that generate good jobs and wider value for our community, including green industries, life sciences and creative and cultural industries
- **Living Wage** - promoting the London Living Wage employers
- **Workers’ rights** - promoting good employment practices and equality and diversity at work and trade union membership.

## **Deputy Cabinet Member for Young People**

### Portfolio

- Increasing the voice and influence of young people
- Southwark Youth Parliament
- The council's in-house and commissioned youth services
- Positive Futures Fund
- Southwark Young Advisors.

## Environment and Community Engagement Scrutiny Commission - remit

### Cabinet Member for Climate Emergency, Clean Air & Streets

#### Portfolio

- **Reducing carbon emissions** – engaging local people and organisations in action to reduce carbon emissions; promoting climate justice; delivery and ongoing development of the Southwark Climate Action Plan; and ending the council's own emissions
- **Adaptation to climate change** – ensuring plans and action are in place to make Southwark resilient to changes in the climate including heatwaves and extreme weather events
- **Air quality** – improving air quality, reducing harmful emissions and air quality monitoring
- **Walking and cycling** – making Southwark a great place to walk, wheel or cycle; including cycle lessons, infrastructure, hire and storage
- **Streets & parking** – creating safer, greener and healthier streets; road safety; parking (on the council's highways and estates); street lighting (including on council estates and in parks); and highways maintenance
- **Transport** – including improving local bus services and public transport, accessible travel (including blue badges and the Freedom Pass), promoting sustainable freight; reducing traffic and electric vehicle charging; and managing the council's fleet
- **Waste & recycling** – waste and bin collection and the council work to reducing waste and increasing recycling.

### Cabinet Member for Neighbourhoods, Leisure and Parks

#### Portfolio

- **Leisure centres** - management of the councils leisure centres, swimming pools and gyms
- **Sport** - management of the council's multi-sport, athletics, football, tennis and cycling facilities; supporting and promoting grassroots sports; and the council's relationship with local sports clubs
- **Culture** - events and festivals; theatres, galleries, museums and performing arts; opening a Southwark LGBTQ+ cultural space; establishing a Latin American cultural space; and promoting Southwark as an centre for film making
- **Libraries** - council's libraries, heritage and archives service
- **Parks & Play** – parks, green spaces, playgrounds and adventure play
- **Biodiversity & trees** - tree planting and maintenance; increasing biodiversity and nature;

- **Gardening** – community gardening, food-growing and allotments, including on the councils estates.

### **Deputy Cabinet Member for Green Finance**

#### Portfolio

- Launch Southwark Green Finance
- Identifying opportunities to secure increased investment into action to reduce carbon emissions in Southwark
- Engaging relevant sectors to explore and support opportunities around green finance
- Engaging the residents of the borough to support green finance initiatives.

## Health and Social Care Scrutiny Commission - remit

### Deputy Leader and Cabinet Member for Children, Education & Refugees

#### Portfolio

- **Children's mental health** – including mental wellbeing support in schools; the council's Nest open access mental health service for children and families; and improving access to Child and Adolescent Mental Health services.

### Cabinet Member for Health & Wellbeing

#### Portfolio

- **Public health** – including reducing health inequalities; Covid19 and health protection; Community Health Ambassadors; vaccinations, immunisation and screening; health visiting, school nursing and childhood obesity; sexual health, contraception and HIV; and smoking, drug and alcohol services
- **Adult social care** – including adult safeguarding; home care; nursing and care homes; occupational therapy, aids and adaptations; and commissioning extra care, sheltered and supported housing
- **Health & wellbeing partnerships** – overseeing key stakeholder relationships such as Partnership Southwark and SC1
- **Improving health services** – working with the NHS, general practice (GPs), local hospitals, community health services and pharmacists,
- **Adult mental health**
- **Older people** – including ensuring Southwark is an age friendly borough and opening a modern centre for Black African and Caribbean elders
- **Adults with disabilities** – including social care support; increasing the voice and influence of people with disabilities and their families in local decision making
- **Carers** – support for people who are providing unpaid care for adult family members or friends with a disability or health condition, including respite care
- **Food** – making Southwark a Right to Food borough with access to affordable healthy food for all.

## Housing and Community Safety Scrutiny Commission - remit

### Cabinet Member for Community Safety

#### Portfolio

- **Reducing crime and anti-social behaviour** – including community wardens, antisocial behaviour team, noise service, CCTV, public spaces protection orders, preventing hate crime, tackling modern day slavery
- **Violence reduction** – working to end misogyny and violence against women and girls; and youth violence and the criminal exploitation of young people
- **Domestic abuse** – support for people who have experienced domestic abuse, Women's Safety Centre and safe spaces
- **Improving policing** – promoting equitable policing and strengthening community relations with the police
- **Licensing** – of premises serving alcohol or late night refreshment and of gambling
- **Environmental health** – including trading standards, food safety and environmental protection
- **Private rented housing** – increasing protections for private renters licensing and advice services for private sector renters.

### Cabinet Member for Council Homes

#### Portfolio

- **Management of the council's homes** – including council homes, sheltered and extra care homes, council owned temporary accommodation, high needs hostels and homes and sites for Gypsy, Roma and traveller communities
- **Residents involvement and services** – including services and advice for council tenants, leaseholders and freeholders and support for Tenants and Resident Associations and Tenant Management Organisations
- **Housing maintenance** – including repairs and major works; heat networks; communal repairs; gas and electrical safety and refurbishment of voids
- **Fire safety** – ensuring council homes meet fire safety standards and leading the council's work on fire safety, cladding and remediation for private sector and housing association residential buildings
- **Housing allocations** – oversight of the council's Housing Solutions Service and the allocation of council homes, housing association, social rent and key worker homes to Southwark residents
- **Renewal of the Aylesbury, Tustin, Ledbury and Abbeyfield estates** – working with residents to deliver new and improved homes and estates (working with the Cabinet Member for New Homes and Sustainable Development)
- **Tenants and residents' halls** – including their maintenance, ongoing improvement and ensuring they are the best possible facilities for residents of our estates and broader community.



## **Cabinet Member for New Homes & Sustainable Development**

### Portfolio

- **New council homes** – the council’s work to build thousands of new council homes; including new council homes for older people; net-zero homes; and working with the Cabinet Member for Council Homes to deliver new council homes on the Aylesbury, Tustin, Ledbury and Abbeyfield estates
- **New affordable homes** – including housing association social rent homes; keyworker homes; community land trusts and housing cooperatives; homes for refugees; and temporary accommodation.
- **Homelessness** – Including support for people who are at risk of being or who become homeless; working to end rough sleeping; securing good quality temporary accommodation; and establishing the council’s Good Lettings Agency
- **Empty homes and short-term lets** – including the council’s Empty Homes Action Plan; and the Good Lettings Agency.

## **Deputy Cabinet Member for Housing Allocations**

### Portfolio

- Updating the council’s housing allocations and lettings policy for council homes and housing association homes
- Developing a new approach to housing allocations that maximises the number of people in housing need who are able to move to a home that is right for their needs
- Improving support for council tenants who want to downsize to a home that meets their needs.

<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 4 July 2023	<b>Committee:</b> Overview and Scrutiny Committee
<b>Report title:</b>		Southwark Council CfGS Scrutiny Improvement Review and Action Plan	
<b>Ward(s) or groups affected:</b>		N/a	
<b>From:</b>		Everton Roberts, Head of Scrutiny	

## RECOMMENDATIONS

1. That overview and scrutiny committee notes the letter from the Centre for Governance and Scrutiny (CfGS) arising from the scrutiny improvement review commissioned by the council (Appendix 1 to the report).
2. That the overview and scrutiny committee notes the proposed Action Plan (Appendix 2) and considers which of the actions it wishes to take forward. The main recommendations arising from the review are set out at paragraph 13 of this report for ease of reference.
3. That the overview and scrutiny committee notes the guidance issued by CfGS in relation to the use of call-in (Appendix 3).

## BACKGROUND INFORMATION

4. The Centre for Governance and Scrutiny were commissioned by the Council in August 2022 to provide a health check of the council's scrutiny function and to indicate where improvements could be made.
5. The Centre for Governance and Scrutiny undertook a scrutiny improvement review of the council's scrutiny function in September and October 2022, and issued its draft letter to the Council in December 2022. All members of the council were provided with a copy of the draft letter in January 2023. The final version of the letter attached as Appendix 1 was issued in April 2023 following feedback from the council.
6. An action plan has been developed based on the guidance and recommended actions arising from the scrutiny improvement review (Appendix 2 of the report). This report highlights the proposed actions being recommended for implementation within the 2023-24 municipal year.
7. The overview and scrutiny committee received the CfGS Scrutiny Improvement Review letter at its meeting held on 24 April 2023. The

letter was presented by Ian Parry Head of Consultancy, CfGS.

8. The committee agreed to defer consideration of the recommendations arising from the scrutiny improvement review to its next meeting.
9. A number of recommendations were put forward by Councillor Irina von Wiese to be considered as part of the scrutiny improvement review process. The additional recommendations are set out at paragraph 15 of the report.

## **KEY ISSUES FOR CONSIDERATION**

10. The CfGS letter identifies areas the council may wish to focus on to improve its scrutiny function. The CfGS has made 11 recommendations following its review (set out at paragraph 9 of this report), and has also made a number of suggestions on areas where the scrutiny process could be enhanced and improved. Due to the number of recommendations, suggested enhancements and actions the council may wish to adopt, it is proposed that agreed actions are implemented over a 2 year period (see CfGS letter or action plan for the complete list of recommendations, enhancements and other actions).
11. The proposed priority areas for implementation in 2023-24 municipal year are:
  - Recommendation 1 – strengthening collaborative relationships between scrutiny, cabinet and directors. Implementation of this recommendation will provide greater direction for the scrutiny function in terms of setting its work programme and supporting the council in delivering its agenda.
  - Suggested enhancement – developing a working agreement between members and officers. This will provide clarity and expectations for scrutiny members, cabinet members and officers when involved with the scrutiny process.
  - Recommendation 3 – providing development support and training for officers across the council. The council is keen to raise awareness of scrutiny across the council, which will enable a greater understanding around the role of scrutiny, and officers will be better able to factor the scrutiny process into their work as appropriate.
  - Suggested enhancement – using work planning and scoping to consider the best methods for each review. The council is keen to maximise best use of Members time and effectiveness when undertaking reviews.
  - Suggested enhancement – developing an approach to pre-decision scrutiny. The scrutiny function is keen to assist with the development of policy areas.

- Recommendation 9 – review of call-in procedure. A review of the call-in procedure will be timely in light of new guidance shortly to be issued by CfGS.
  - Recommendation 10 – focus on smaller set of high quality recommendations from scrutiny reviews (SMART recommendations). This will improve tracking of implementation of recommendations.
  - Recommendation 11 – further skills development for chairs and vice-chairs. This will enable the development of higher quality agenda items, and improving on take away actions from meetings.
12. Many of the actions detailed in the action plan will be implemented as scrutiny undertakes its work during the 2023/24 year.

### 13. **Centre for Governance and Scrutiny Recommendations**

- **Recommendation 1:** Strengthen collaborative relationships between scrutiny, Cabinet and Directors whilst maintaining the independence of scrutiny. Earlier and more systematic involvement of portfolio holders and Directors would enable scrutiny to identify issues, trends, and topics where it can focus for accountability and impact.
- **Recommendation 2:** Enable the scrutiny team to take a more strategic role in managing the relationships between different parts of the Council. This offers further opportunities to raise the profile and impact of scrutiny.
- **Recommendation 3:** Provide development support and training for Officers across the Council to refresh and enhance their understanding and appreciation of scrutiny.
- **Recommendation 4:** Review how reports and information is supplied to scrutiny – so that it supports the scrutiny objective, is not excessively detailed and is understandable by Members.
- **Recommendation 5:** Developing a systematic approach to mapping opportunities for community engagement and collaborative approaches including a methodology for identifying local issues for residents.
- **Recommendation 6:** Review and enhance work planning process for the Committee and the Commissions, building on current practice by using insights from this review. Consider the systematic use of work planning tools to assist with prioritising issues.
- **Recommendation 7:** Use member education sessions, masterclasses, and pre-briefing to support Members to be ready to engage with scrutiny topics and Council plans.

- **Recommendation 8:** Consider the use of task and finish group work and other alternative scrutiny arrangements to ensure the most effective use of time and resources and to deliver maximum impact.
  - **Recommendation 9:** Review the call-in procedure based on benchmarking and examples of good practice.
  - **Recommendation 10:** Focus on smaller sets of high-quality recommendations from scrutiny reviews.
  - **Recommendation 11:** Further skills development support is offered for the key roles of Chairs and Vice-Chairs – to support them to develop their approach to leading scrutiny and to reflect on their personal style and learning.
14. Actions arising from Recommendations 1, 2 and 9, if adopted, will require consultation and agreement with cabinet / lead cabinet member / CMT.
15. In addition to the recommendations set out in the scrutiny improvement review letter, the opposition group members on the committee have requested the following recommendations are considered as part of the scrutiny improvement review:
1. To remove the requirement for a councillor to be a sitting member of the overview and scrutiny committee to call-in a decision, allowing any three councillors to request a decision to be called-in.
  2. To establish a recommendations monitor to be maintained by the scrutiny team in order to track the progress of recommendations.
  3. To treat the recommendations of the scrutiny improvement review as a priority area in the council's action plan.
  4. For minutes of the overview and scrutiny committee meetings to be submitted to council assembly, to be moved by the chair, and to be scrutinised and agreed by all members.
  5. To offer the position of the OSC chair to a member of the main opposition group of the council.

### **Resource implications**

16. The actions arising from the proposed recommendations may require additional resource in terms of officer and member time, as well as additional officer time to support the process.
17. Meetings / initiatives that take place outside of the council's main offices may incur cost for venue hire, refreshments, hiring of audio/visual equipment.

**Legal implications**

18. There are no specific legal implications arising from the recommendations of the CfGS.

**Financial implications**

19. Actions arising from the scrutiny improvement will be contained within existing resources.

**Consultation**

20. All members of the council were sent a copy of the CfGS, draft letter issued in December 2022.
21. Consultation with CMT was undertaken on 4 April 2023. Further consultation is planned as appropriate around recommendations 1, 2 and 9, if adopted by overview and scrutiny committee.

**BACKGROUND DOCUMENTS**

Background Papers	Held At	Contact
None		

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	CfGS Scrutiny Improvement Review Feedback report letter
Appendix 2	Scrutiny Improvement Review Action Plan

**AUDIT TRAIL**

<b>Lead Officer</b>	Doreen Forrester Brown, Assistant Chief Executive – Governance and Assurance	
<b>Report Author</b>	Everton Roberts, Head of Scrutiny	
<b>Version</b>	Final	
<b>Dated</b>	23 June 2023	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Assistance Chief Executive, Governance and Assurance	No	No
Strategic Director of Finance	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team / Scrutiny Team</b>		



Centre for Governance and Scrutiny

**Scrutiny**  
Improvement  
Review

April 2023





---

Althea Loderick  
Chief Executive  
Southwark Council

Dear Althea,

### **Scrutiny Improvement Review – CfGS consultancy support**

I am writing to thank you for inviting the Centre for Governance and Scrutiny (CfGS) to carry out an evaluation of the London Borough of Southwark's scrutiny function. This letter provides feedback on our review findings and offers suggestions on how the Council could develop its scrutiny process.

As part of this feedback stage, we would like to facilitate a workshop with Members and Officers to reflect on this review and to discuss options for improvement.

### **Background to the review**

CfGS undertook a review of these scrutiny arrangements, involving evidence gathering in person and online through conversations with Members and Officers on 20<sup>th</sup> and 22<sup>nd</sup> September and 31<sup>st</sup> October 2022.

CfGS met with elected Members and Officers, including the Council Leader and Cabinet Members, the Scrutiny Committee/Commission Chairs, Scrutiny Members, and the Council's senior leadership team.

Southwark Council currently operates an Overview and Scrutiny Committee and four Commissions:

- The Education and Local Economy Scrutiny Commission
- The Environment and Community Engagement Scrutiny Commission
- The Housing and Community Safety Scrutiny Commission
- The Health and Social Care Scrutiny Commission

The Council was also part of the Our Healthier South East London Joint Health Overview & Scrutiny Committee at the time the review was undertaken.

We also completed a short literature review of key documents including the Constitution, the Overview and Scrutiny Procedure Rules, the Corporate Plan, the emerging Borough Plan, scrutiny work programmes, agendas, minutes and recommendations from a range of scrutiny reports. In addition we observed past Scrutiny Committee meetings online.

The review was conducted by:

- Paul Cutler – Associate, Centre for Governance and Scrutiny
- Sarah Parry-Jones - Associate, Centre for Governance and Scrutiny
- Review oversight – Ian Parry – Head of Consultancy CfGS

The findings and recommendations presented in this letter are intended to advise Southwark Council in strengthening the quality of scrutiny activities, increasing the impact of its outputs, and through its Members, to develop a strong and shared understanding of the role and capability of the scrutiny function.

---

## Summary of findings

### 1. Scrutiny has the conditions for success

- 1.1 It is readily apparent that scrutiny has a good foundation in Southwark. Members and Officers engaged enthusiastically with the review and offered many insights and suggestions for the development of local processes. Members spoke of their confidence to participate in scrutiny activities. They are willing to pose independent and challenging questions. This is supported by a review of documentation, minutes, and reports.
- 1.2 When asked to explore the purpose of scrutiny in Southwark there was broad consensus. All groups were able to identify the following themes:
- Independent member-led exploration of key issues
  - Accountability
  - Critical friend challenge
  - Promoting the voice of residents and the needs of communities in the borough
  - Having a measurable and demonstrable impact that improves and adds value to the provision of local services
  - Exploring alternative approaches for service delivery and Council priorities
  - Transparency
  - Strengthening local democracy
- 1.3 Interpersonal relationships are largely positive. They work best when based on behaviours founded on mutual respect and values. A key unifier for individuals across the political spectrum is the explicit commitment to residents. This will prove an essential when navigating some of the more challenging aspects of scrutiny. Relationships work less well when mediated by political dynamics. A shared working agreement would help all parties explore these issues and agree ways to manage and avoid conflict.
- 1.4 A significant number of individuals have valuable scrutiny experiences beyond their current role. We were able to speak to Cabinet Members and others who had previous experience of chairing and participating in scrutiny committees. Many shared their largely positive experiences of creative forms of scrutiny, testing out different ways of working beyond the more traditional committee meetings. Officers were able to give examples of experience of scrutiny beyond Southwark, drawing on good practice from across local government. A key theme emerges of a rich set of scrutiny knowledge. These assets can help drive forward the culture of scrutiny in Southwark. The challenge is to support the sharing of this knowledge to embed it in current practice and approaches. Individuals commented that sometime opportunities from this knowledge have been missed. Issues of continuity, corporate memory and group learning are significant. Articulating 'what good looks like' and creative methods for scrutiny offers a valuable condition for success.
- 1.5 At the same time, individuals were able to identify a range of features and challenges at the personal and system levels. These will be explored throughout this report in subsequent sections. For example, there are a significant number of new Members. Some are having their first experiences of elected roles, local government and in some cases chairing a committee or commission. There are many positives as new people bring new ideas, community relationships, enthusiasm, and skills to the Council. Fresh thinking and a willingness to challenge existing ways of doing scrutiny are valued.

However, it will be important to support the development of those joining the authority and ensure their needs are understood by colleagues and Officers.

- 1.6 A consistent theme during the conversations for all groups was how to enhance the position of scrutiny in a busy authority with a fast pace of decision-making and diverse needs across the different wards. This was frequently posed as building a parity of esteem. This positions scrutiny as an essential component of the democratic function in the Council. Scrutiny is therefore an active partner in delivering effective, high quality and responsive services. This can raise awareness of scrutiny for Members who are not directly involved in specific Commissions. At times these factors may, albeit unintentionally, reduce the status of scrutiny alongside other parts of Council business.
- 1.7 The report presents a range of recommendations based on evidence gathering and analysis. Some are incremental and process based. There are also wider strategic opportunities that can enable Southwark to build this parity of esteem and impact of the scrutiny function. Many of these recommendations have already been identified in internal discussions and some captured in documents such as the annual report of the Overview and Scrutiny committee. In many cases work has already commenced to drive scrutiny forward. There is an appetite amongst Members and Officers to achieve this. We hope that this analysis will give further encouragement and support for this journey.

**We recommend:**

- **Recommendation 1:** Strengthen collaborative relationships between scrutiny, Cabinet and Directors whilst maintaining the independence of scrutiny. Earlier and more systematic involvement of portfolio holders and Directors would enable scrutiny to identify issues, trends, and topics where it can focus for accountability and impact.
- **Recommendation 2:** Enable the scrutiny team to take a more strategic role in managing the relationships between different parts of the Council. This offers further opportunities to raise the profile and impact of scrutiny.

Further ways to enhance and improve scrutiny:

- Developing a working agreement between Members and Officers to strengthen collaborative relationships, clarify mutual expectations and manage potential areas of conflict.
- Using benchmarking and share good practice case studies to promote examples of 'what good scrutiny looks like' to inform reviews and design challenge questions.

**2. Officer support and organisational culture**

- 2.1 The scrutiny team is valued and appreciated across the Council. They have developed good working relationships with Members and Chairs of the Overview and Scrutiny Committee and the Commissions. The practical and administrative support they provide is considered good quality.
- 2.2 The Head of Scrutiny is particularly well regarded across the Council and is seen as a trusted and valued colleague. The current focus of the scrutiny team is balanced towards supporting the smooth administration of the scrutiny function. This has partly been a response to adapting working practices during the Covid pandemic. Later in this

---

section we will highlight opportunities to support a shift to a more strategic focus and facilitate wider relationships with the Cabinet and Officers.

- 2.3 The organisational culture in Southwark has a good foundation and there is evidence of mutual respect and appreciation of the roles of Officers and Members. Officers are willing to support scrutiny by providing advice, information and participating in sessions. Officers were keen to articulate their neutral and non-political obligations to good decision-making in Southwark, based on evidence and data. They recognise that scrutiny is an important element in holding them to account. Several Officers felt that good scrutiny can enhance their work as it provides challenge and critical thinking. Officers are mindful to prevent poor experiences of scrutiny that can be overly personalised and damage respect between Officers and Members.
- 2.4 The political dimension of scrutiny is an important consideration. Scrutiny works best when Committees can work towards consensus. Officers and Members felt it was important to address these issues more explicitly. Learning from previous CfGS reviews identifies the development of mature cross-party relationships as a key component of effective scrutiny. Themes include:
- The value of listening to alternative viewpoints and opposition voices
  - The importance of independent challenge and accountability for residents
  - Creating working relationships on both the individual and group level on the Committee and Commissions to get the most from all the Members
  - Agreeing ways to manage disagreements in a constructive way that can minimise conflict and promote positive behaviours
  - The risks to trust and co-working when these issues are not addressed in an open way
- 2.5 Whilst there is a good understanding of scrutiny amongst the most senior Directors and Officers in the Council there is feedback that the wider officer group may benefit from further training and development in this area. Some Officers may not have had the opportunity to explore the principles and role of scrutiny. This includes the legislative and statutory underpinnings of the function and the expectations of participating in evidence gathering and accountability sessions. Some Officers may have had previous negative experience of engaging with scrutiny (including in other authorities) and this may influence their appreciation of the function. Development support for Officers can build the esteem for scrutiny and outline the needs of scrutiny for focused information, advice, and scoping support. Drawing on examples of good practice and ways of working can also support the development of stronger working relationships between the scrutiny team and the wider officer group. Conversations during this review indicate that this would be welcomed by Officers.
- 2.6 Minutes of scrutiny meetings are detailed and thorough. However, they appear to take up a significant amount of officer time as they take a very comprehensive approach to how the meetings are recorded. We would recommend an exploration of different ways of capturing the essential components of meetings in a streamline way that meets expectations and the needs of the accountability process. Developing and presenting effective summaries, both verbally during the meetings and in the written format of the minutes offers one option to streamline this process. Linking the minutes to the scoping and key lines of enquiry also can ensure the information captured during the meetings is aligned to the purpose of the session. Video records are also available for each session.

- 
- 2.7 Evidence and information are usually available for scrutiny. Officers appear to work hard to provide reports and material to support the work of the committee and commissions. This is reflected in the scrutiny reports which reference a wide range of information and evidence. However, there are a range of challenges identified by Members and Officers that could be addressed by articulating the needs and expectations of both groups to produce a shared working agreement.
- 2.8 These include:
- Ensuring reports are focused on the agenda item and topic under consideration. Officers commented that without clear guidance on the scope and focus of scrutiny agendas it is challenging to tailor the information to the scrutiny focus.
  - Managing the size of reports to ensure useability
  - Ensuring the timely production of reports and information to ensure Members have sufficient preparation and reading time
  - Managing changing expectations or realignment of key lines of enquiry as a scrutiny review progresses
  - Accessing information from a range of different parts of the Council in a coordinated and multi-departmental way – again this is partly dependent on the clarity of the scoping and design of key lines of enquiry
  - Ensuring Members are familiar with the reports before designing questions and review enquiries
- 2.9 The evolution of hybrid and IT based working as been effective and has added different opportunities for participation, public engagement and evidence collecting. Committee sessions are available to stream online. However, there is a consensus that face-to-face working offers enhanced ways to engage and work as a collective group of Members.
- 2.10 Given the strengths in Southwark, there is an opportunity to enhance the focus of the scrutiny team, empowering the Head of Scrutiny to take a greater strategic role. Conversations indicate that this would be welcomed and encouraged by senior Officers and Members.
- 2.11 Repositioning the Southwark scrutiny function would emphasise the significance of the strategic elements of the role in contrast to the operational focus of the wider scrutiny team. This could include:
- Championing the parity of esteem for scrutiny across the organisation by sharing a vision statement and promoting principles
  - Supporting the Head of Scrutiny to facilitate and broker a wider range of meetings for Scrutiny and Commission chairs with senior Officers and leaders in the Council – enabling scrutiny to have an enhanced ‘seat at the table’ as it develops its independent priorities and work planning
  - Working strategically across directorates to enable scrutiny to access cross-cutting information and insights
  - Sponsoring the development of enhanced scoping, key line of enquiry and recommendation tools
  - Articulating the purpose and added value of scrutiny for wider Council delivery
  - Focusing on trends from national policy agendas and direction to inform scrutiny
  - Highlighting wider examples of innovation and good practice for scrutiny – this can include ways to trial creative ways of working
  - Supporting Officers from other directorates to prepare for scrutiny and to align their input with the needs of the committee

- Developing a strategic roadmap for scrutiny with a refreshed focus on impact
- Horizon scanning

2.12 We would recommend supporting this through a development plan with the provision of further support including coaching and mentoring where appropriate. It will also be important to consider any further resourcing issues to support greater strategic working.

Organisational culture is also a product of the political context. During the review, we were able to speak to a range of Members from the main opposition party in individual interviews and group discussion. They raised several themes:

- Cross-party working between Members
- Allocation of chairing roles
- Remuneration for Commission vice-chairs
- Call-in procedures
- Transparency
- The independence of scrutiny challenge and accountability
- Focusing on residents' interests and the principles of good scrutiny

We address these throughout the report and advise that in the first instance these themes be taken forward through recommendations relating to cross-party working, work planning, pre-meetings, pre-scrutiny and the annual scrutiny review and appraisal processes.

#### **We recommend:**

- **Recommendation 3:** Provide development support and training for Officers across the Council to refresh and enhance their understanding and appreciation of scrutiny.
- **Recommendation 4:** Review how reports and information is supplied to scrutiny – so that it supports the scrutiny objective, is not excessively detailed and is understandable by Members.

Establishing cross-party pre-meetings for Scrutiny Committees and Commissions offers an additional way to support this process.

### **3. Collaborative approach to scrutiny**

- 3.1 Members and Officers articulated a variety of diversity and demographic factors across Southwark. These included themes around age, ethnicity, homelessness, employment patterns and carer roles. It is important for scrutiny to continue to identify key lines of enquiry that can interrogate the impact of local decisions for these local groups. It is important that recommendations promote equitability of services and outcomes.
- 3.2 There is a commitment to engage with local partners and stakeholders to achieve this – scrutiny sees this as a powerful way to hear local voices and scrutinise the delivery of services. We looked at a range of scrutiny reports that presented a rich range of evidence and engagement with local partners in housing, education, health, and environment. This can be developed further by more systematic approaches to community engagement and the identification of local experience. Examples of good practice from other authorities can also offer examples of innovation.



- 
- 3.3 There is a keenness to address any potential barriers to greater collaboration including:
- Accessibility of scrutiny venues – there was interest from Members and Officers to consider different venues for evidence gathering sessions
  - Access to IT resources for virtual participation
  - Language and literacy need
  - Timings of sessions
- 3.4 Community and voluntary sector partnerships were identified as effective ways to enhance collaborations and support local people.
- 3.5 It is important to ensure good communication between different parts of the Council when engaging with local partners. Scrutiny can benefit from the networks of senior Officers and Cabinet Members to identify organisations. This advice can enable scrutiny to understand and navigate complex relationships. At the same time, keeping other parts of the Council informed of direct engagement with partners is important. This will ensure colleagues are well briefed and enhance coordination to avoid any potential difficulties.
- 3.6 There was a feeling amongst Officers that they could offer scrutiny colleagues more help with identifying local specialists and partners in Southwark. This included a greater breath of in-house expertise and in institutions located in the borough. There is a willingness to support scrutiny to map this wider range of potential partners and facilitate expert support for Members as they scope questions and enquiry lines.
- 3.7 Health scrutiny is well represented in the work of the Commission and there is evidence of interactions and relationships between the Commission and health partners. However, there are opportunities to enhance this understanding through additional training and access to best practice guides. All parties recognise that the health context is changing. It will be important for scrutiny to keep up to date with changing regulations and the development of Integrated Care Systems. At the same time, the health scrutiny work plan will need to make some strategic decisions about how it balances the voice and needs of patients and carers with wider organisational changes at the system level.
- 3.8 We were able to speak to a group of co-opted Members and education representatives who are involved in the scrutiny Commissions focusing on education, housing, and school provision. Co-opted Members can offer a valuable dimension to scrutiny, embedding local knowledge in the accountability process. Some are voting and other non-voting Members. The experience of this group was quite varied as was their length of involvement in scrutiny. All were passionate to ensure the voice of local people was included in the scrutiny work. Requests included:
- Clarifying the role and expectations of co-opted Members with reference to sections 3.1, 3.2 and 4 of the Overview and Scrutiny Procedure Rules
  - Providing support and training for the co-opted role
  - Capturing their experience and contributions as part of the annual scrutiny self-appraisal
- 3.9 Members and Officers shared a range of creative and collaborative ways of working for scrutiny. These included:
- ‘Scrutiny in a day’ approaches
  - Social Return on Investment participatory scrutiny reviews



- Field trips
- Stakeholder mapping and scoping
- Following a fictional service user through the system to map impacts, integration opportunities and barriers
- Task & finish groups

3.10 There is an appetite to consider the use of creative approaches alongside the regular scrutiny meetings. It will also be important to consider any additional resourcing and scheduling issues. CfGS has a range of published resources with many creative approaches and we can signpost the scrutiny team to these.

**We recommend:**

- **Recommendation 5:** Developing a systematic approach to mapping opportunities for community engagement and collaborative approaches including a methodology for identifying local issues for residents.

Further ways to enhance and improve scrutiny include:

- Extending the use of creative approaches to scrutiny in Southwark. Use work planning and scoping to consider the best methods for each review. Share examples of good practice and creative methods by creating a menu of different methods available to the Scrutiny Committee and Commissions.
- Supporting the co-opted Members through a refreshed support programme identifying their learning and development needs to get the most from their contributions.

#### **4. Scrutiny's focus and workplan**

4.1 The Overview and Scrutiny Committee and each Commission has its own independent member-led work plan. These are detailed and reflect a significant amount of thinking and prioritisation. Each work plan seeks to balance Council priorities with proactive issues as well as internal and external topics. There is also a mix of issues identified by Members. The work plans are extensive as each body seeks to ensure a watching brief on a full range of issues with a deeper examination of key priorities. As a result, individual agendas can be very busy and there are challenges to allocating sufficient time to the most important issues.

4.2 Feedback identified opportunities to strengthen the work planning process and we would recommend an incremental approach applying the following principles:

- Use a consistent work planning tool to support each body to create a balanced work plan that is manageable and logical
- Focus on key issues where scrutiny can make a significant impact for local people
- Work closely with senior Officers and Cabinet Members to understand the most challenging issues around Council delivery and outcomes
- Identify the areas where there are already robust forms of accountability and scrutiny – where possible avoid replication or where added-value is minimal
- Highlight the issues that are high priorities for resident's and that reflect their concerns
- Less is often more – focusing on two or three substantive issues in a meeting
- Link the work planning to the scoping process for specific review topics

- 
- 4.3 Observations and feedback highlight that scrutiny often takes a broad approach to many topics. Whilst there are virtues in considering the big picture, in many instances a more targeted and focused approach would enable greater impact and enhance accountability. Scrutiny reports are comprehensive and detailed. Reports therefore have a large spread of recommendations which may be more difficult to implement and track. There are important connections to learning from previous recommendations as scrutiny scopes new reviews. This theme is explored further in section six on impact.
- 4.4 Linked to work planning is the scoping process for individual reviews. We have seen a range of examples of scoping during this review. Officers can support Members to map a topic and identify potential issues to scrutinise. This includes appreciating the areas directly under Council control and those where there is only influence or external control. Key lines of enquiry and focused scrutiny questions can then emerge from the scoping. This will support greater targeting of challenge questions and accountability.
- 4.5 Five broad sources of evidence for scrutiny were highlighted through the discussions. Effective scrutiny needs to access, assess, and triangulate these different forms of data. From this scrutiny can form lines of enquiry and formulate recommendations:
- The voice, concerns, and experience of local people - with a focus on recognising diverse experiences and how community organisations can support this
  - The plans and decisions of senior leaders
  - Frontline experience of delivering services as encouraged by section 46d of the 2019 Statutory Guidance for Overview and Scrutiny
  - Evidence of outcomes and impact - including finance, quality, risk, and sustainability
  - A wider survey of the literature on good practice, policy frameworks and research
- 4.6 Support to design challenge questions that can highlight and probe these different sources was felt to be beneficial. Members are also keen to consider new ways to integrate frontline experiences in a proportionate and relevant way to highlight the performance and quality of services.
- 4.7 Conversations reflected on the difference between scrutinising Council performance for the benefit of accountability and the separate process of direct performance management for Officers and Cabinet Members. Further training could support Members to distinguish between these two approaches and explore skills and strategies.

Under section 5.1 of the Overview and Scrutiny Procedure Rules part b states:

‘...review and scrutinise the decisions made by and performance of the cabinet and council Officers both in relation to individual decisions and over time in areas covered by its terms of reference....’

- 4.8 It would be useful to clarify that this does not refer to the managerial process of performance management but rather the wider non-executive scrutiny function around accountability for performance and delivery. Conversations indicate that the boundary between these two processes are not always clear. It may result in some Members misconstruing scrutiny as a mechanism for the performance management of individuals.
- 4.9 The annual accountability session for Cabinet Members at the Overview and Scrutiny Committee is seen as a valuable way to connect the committee with the full range of portfolios across the Council. The importance given to this meeting is felt to signify the

status of the scrutiny function in Southwark. It also enables the Chairs of the Commissions to align their work with the wider strategic context including issues of policy, delivery, finance, and risk. As Members reflected on these sessions it was felt that strengthening the focus of each engagement would enable Cabinet Members to prepare effectively and enable the Committee to get the best from each set of questions.

- 4.10 Pre-decision scrutiny enables Members to engage with topics proactively. Recommendations can have impact when they influence and enhance decision making. Pre-decision scrutiny can contribute to longer-term policy development, workstreams, scheduled decision-making timetables and even more urgent short-term issues. Members have identified pre-scrutiny as an important goal across the Commissions and the Committee. Effective pre-scrutiny therefore needs joined-up collaboration with Cabinet and other decision-makers to agree a formal process. Work is already being developed in Southwark to introduce more pre-scrutiny. CfGS has a range of case studies and guidance around pre-decision scrutiny to support this process. Scrutiny will benefit from using prioritisation tools to create a balanced work plan of pre-scrutiny, post decision scrutiny and wider strategic topics.

**We recommend:**

- **Recommendation 6:** Review and enhance work planning process for the Committee and the Commissions, building on current practice by using insights from this review. Consider the systematic use of work planning tools to assist with prioritising issues.
- **Recommendation 7:** Use member education sessions, masterclasses, and pre-briefing to support Members to be ready to engage with scrutiny topics and Council plans.

Further ways to enhance and improve scrutiny:

- Continuing to develop an approach to pre-decision scrutiny in collaboration with Cabinet and Officers.
- Supporting Members to design effective challenge questions using triangulated evidence and data to enhance accountability.

## 5. Scrutiny committee structure and scheduling

- 5.1 The current structure of one Overview and Scrutiny Committee and its four Commissions is felt to be working effectively. The Committee enables the Chairs of the Commissions to come together to scrutinise wider Council business including the Corporate Plan, finance, and human resources issues. The Commissions also hold the key statutory briefs for issues such as health scrutiny. There is also a separate Our Healthier Southeast London Joint Health Overview & Scrutiny Committee.
- 5.2 The Commissions are given significant autonomy in their work planning with the opportunity to report directly to Cabinet. This is felt to work well and encourages delegated leadership. Support and advice are provided by the Committee Chair to the Commission Chairs.

- 5.3 Several individuals queried the original underlying vision for the Commissions when they were first established. Some felt that the Commissions were initially seen as task & finish groups for the Committee but over time had taken on a more overarching role for their thematic areas. Whilst this is only of historical interest at this point it does raise the issue of other formats for undertaking elements of scrutiny work such as deep dives on issues. The Southwark model does not currently use separate task & finish groups for any of its scrutiny work. The Council may wish to consider this approach as part of a wider spectrum of creative methods.
- 5.4 Frequency and scheduling of scrutiny meetings is felt to be effective. There is a recognition of the scale of the scrutiny workload. Effective work planning, prioritisation, member education sessions and pre-meetings are important tools in managing these demands.
- 5.5 CfGS takes the view that there are a range of possible committee structures that can deliver effective scrutiny. What is most significant is the culture, processes, and behaviours in which the structure operates. We would not advise any substantive changes to the current structures in Southwark.
- 5.6 A few Members and Officers raised the issue of the call-in process for the reconsideration of specific decisions prior to implementation. Across the political spectrum it was felt that call-in can be important process. Though only to be used exceptionally, it is available to consider the impact of decisions for residents including the needs of different demographics and specific wards. We looked at the regulations under section 17 of the Overview and Scrutiny Procedure Rules as part of this. Three themes were identified:
- The relatively low number of call-ins for decisions
  - The threshold for making a call-in as structured under section 17.4 is reserved for Members of the Overview and Scrutiny Committee and requires three Members
  - The decision criteria for reviewing call-in requests and how they are processed based on the content and detail of the challenge
- 5.7 CfGS is currently undertaking a review programme on the topic of call-in. This includes benchmarking practice across England and sharing practical experiences from Members and Officers. We will be producing some refreshed guidance. We recommend that Southwark draws on this work when complete to consider any learning that could enhance the local call-in procedure. This could include additional training and a strategic consideration of the purpose of call-in for the Council.

**We recommend:**

- **Recommendation 8:** Consider the use of task and finish group work and other alternative scrutiny arrangements to ensure the most effective use of time and resources and to deliver maximum impact.
- **Recommendation 9:** Review the call-in procedure based on benchmarking and examples of good practice.

**6. Scrutiny's output and impact**

- 6.1 Scrutiny reports currently produce a wide range of recommendations. These can vary from detailed action points to wider policy topics, process changes, underpinning principles and learning themes.

- 
- 6.2 There is evidence of good dialogue and responses from Cabinet on recommendations, many of which are accepted and approved. The Overview and Scrutiny Committee also provides a yearly report to the Council Assembly.
- 6.3 It is important to develop effective recommendations and track their impact. Key features identified during the review included:
- Focusing recommendations on a small set of priorities - this is more effective than having a long list that is not prioritised
  - Ensuring recommendations are clearly articulated and are focused using SMART approaches (specific, measurable, actionable, realistic, and timetabled)
  - Testing draft recommendations with Officers to ensure issues are understood and are factually correct
  - Reviewing the impact and learning from recommendations over set time periods through regular agenda items
  - Revisiting previous scrutiny reviews to identify work that has already been done to inform future scrutiny
  - Ensuring a clear protocol with Cabinet to agree the process for considering and responding to scrutiny recommendations
  - Where applicable, to share recommendations with external partners such as health bodies
  - Collecting additional evidence and feedback to identify the impact of recommendations

Designing effective recommendations enables scrutiny to identify impact.

- 6.4 Evidence of tracking recommendations is currently dispersed across a range of documents including minutes, reports, work plans, scoping and agendas. A central tracking tool would support Scrutiny to maintain an overview of recommendations and enhance accountability.
- 6.5 Cross-cutting issues such as the wider determinants of health have real impact on residents' lives and can extend beyond the remit of each Commission. Taking a joined-up systems wide approach to cross-cutting issues is important. The Overview and Scrutiny Committee is well placed to consider these types of issues as its Membership includes the chairs of each Commission.
- 6.6 Several individuals raised the possibility of presenting the purpose of scrutiny in Southwark through a short centralising document such as a mission statement, plan-on-a-page or theory of change. It was felt that a strategic statement would be beneficial in raising awareness and esteem for the scrutiny process. A range of possible tools are available to demonstrate the way scrutiny is embedded in the democratic process and how impact adds value for local people and service delivery. Taking a collaborative approach to developing this statement offers a practical opportunity for scrutiny to work strategically with a wider group of Cabinet Members, Officers, and stakeholders.
- 6.7 It is important that scrutiny can hold itself to account for its work and impact. Modelling good practice can set expectations for ways of working to promote a culture of accountability. Applying the principles of challenge to how it uses its time and resources most effectively.

- 6.8 Southwark already has a process of annual review and produces an annual report to capture learning from the scrutiny activities. Additional self-assessment tools are available from CfGS to support this process. This could include a training needs assessment and exploration of templates and good practice examples.

**We recommend:**

- **Recommendation 10:** Focus on smaller sets of high-quality recommendations from scrutiny reviews.

Further ways to enhance and improve scrutiny:

- Enhance the formal system for tracking recommendations over time – identify the impact and learning from specific recommendations as well as factors that produce effective recommendations.
- Consider cross-cutting issues as a regular part of the Overview and Scrutiny Committee work plan and agenda, bringing together strategic themes from across the four Commissions to identify opportunities for system wide working and accountability.
- Create a strategic summary statement on the purpose and contribution of scrutiny in Southwark. Use this to map impact.
- Use a self-assessment tool to support the annual review and evaluation of scrutiny.

## 7. Chairing, member development and meeting preparation

- 7.1 The role of Chair is crucial to the effective delivery of scrutiny. It is the key leadership role. The tasks are complex and multifaceted with the need to manage the group, the meetings, relationships and set a vision for the culture of scrutiny across the Council.
- 7.2 During the review we spoke with the five Chairs and four Vice-chairs of the Committee and Commissions. We also observed Chair performance during streamed meetings.
- 7.3 The Chairs report good working relationships with Officers and support for their role.
- 7.4 Chairing is generally felt to be effective and inclusive. Most Members felt they were given opportunities to contribute to meetings. As expected, there is with some variation in style based on general approach and experience. Summary skills were felt to be very important to synthesise the discussions and identify next steps for the review. Linking these summaries to the scoping and key lines of enquiry offers a structure for this. Continuous chair development and direct support is essential to strengthening the role. This will be important as scrutiny explores new creative approaches to reviews.
- 7.5 Each of the Chair of the Scrutiny Committee and the four Commission chairs all come from the majority party. The vice-chairs of the four commissions each come from the opposition. Interpersonal relations between the chairs and vice-chairs are reported to be positive.
- 7.6 A few Officers and Members have raised the issue of chairing roles and opposition roles. Whilst recognising the virtues of independent challenge the broad CfGS view is that the role of chair is best allocated based on skillset and ability to fulfil the role. One of the key functions of an effective chair is to then ensure that a range of voices are



---

heard and engaged in the Committee to promote effective challenge and accountability.

- 7.7 Member education and background briefings on key issues is essential for effective scrutiny. It is important to ensure Members are supported to understand the wider policy and decision-making frameworks before engaging in the actual scrutiny meetings. Member education, ‘master classes’ and briefing sessions outside the formal scrutiny sessions are the most effective way to achieve this and ensure that limited scrutiny time in the Committee and Commissions is used for questions and enquiry rather than education. Education sessions can sit alongside more formal scrutiny skills training as referenced earlier in the report. Using the scoping and work planning tools to identify and schedule briefing sessions can help to forward plan the needs of scrutiny across the year. Officers have indicated they would be very receptive to requests for these types of sessions.
- 7.8 Pre-meetings before the formal scrutiny sessions are a valuable way for the Chair and Members to coordinate their activities. Scrutiny is most effective when the group understands the purpose of the session and has prepared questions based on the scoping and key lines of enquiry for the topic. Pre-meetings also enable the group to self-manage their dynamics and provide a space for urgent or new issues. This can provide inclusive opportunities for cross-party working. Members also report that pre-meetings can help build individual confidence as they prepare for their role during the public meetings.
- 7.9 Scrutiny training has been well received in the past. Members found the following topics useful:
- Designing scrutiny questions
  - Building collaborative relationships
  - Developing a work plan
  - Exploring case studies of effective scrutiny reviews
  - Writing recommendations
- 7.10 Further training has been requested to revisit these areas plus financial scrutiny and working with data and evidence. It was also felt that refreshing member knowledge on the principles, statutory framework and procedures would be helpful.

**We recommend:**

- **Recommendation 11:** Further skills development support is offered for the key roles of Chairs and Vice-Chairs – to support them to develop their approach to leading scrutiny and to reflect on their personal style and learning

Further ways to enhance and improve scrutiny:

- Extending the development process for Members to enable them to refresh their knowledge and understanding of the role of scrutiny – this should include learning activities such as workshops supported with materials and case studies
- Use pre-meetings to prepare for scrutiny sessions by reviewing the key lines of enquiry and coordinating approaches to questions and evidence. Pre-meetings can facilitate teamwork between Members of the Committee or Commission.

- 
- Provide Scrutiny Members with the essential core knowledge to be sufficiently effective in the scrutiny task through briefings, education sessions or 'master classes' for complex topics.

## 8. Public engagement

- 8.1 Scrutiny should explore and experiment with ways to allow greater access, openness, and involvement with the public. This could include scrutiny going on more site visits in the community, inviting the public to offer ideas for work plans, and greater use of social media channels for resident input and communicating the progress and impact of scrutiny work.

## Thank you and acknowledgements

We would like to thank the Chair, Members of the Overview and Scrutiny Committee and the four Scrutiny Commissions, Cabinet Members and Officers who took part in interviews for their time, insights and open views.

Yours sincerely,

**Ian Parry | Head of Consultancy**

**Centre for Governance and Scrutiny** | 77 Mansell Street | London | E1 8AN

Tel: 020 7543 5627 / Mob: 07831 510381 (preferred)

Visit us at [www.cfgs.org.uk](http://www.cfgs.org.uk)

Follow [@cfgscrutiny](https://twitter.com/cfgscrutiny)

**CfGS** is a registered charity: number 1136243



### Southwark CfGS Scrutiny Improvement Review – Action Plan

This document sets out the actionable findings, recommendations and suggested enhancements arising from the Centre for Governance and Scrutiny (CfGS) scrutiny improvement review and has been created to track agreed actions.

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process	Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When	
<b>Scrutiny has the conditions for success (Feedback Report Letter – Section 1)</b>					
<b>Issues identified / proposed actions arising</b>	Shared working agreement to manage and avoid conflict.	1.3	<ul style="list-style-type: none"> <li>• Agreement reached through discussion between political group whips.</li> <li>• Agreement included in a protocol</li> </ul>		
	Sharing of internal and external knowledge via internal sources (member/officer experiences both internally and externally) to embed into current practices and approaches.	1.4	<ul style="list-style-type: none"> <li>• Identify individuals who may wish to share their experiences.</li> <li>• Creation of feedback forms/questionnaire.</li> <li>• Picking up through discussion via internal briefings around role and work of scrutiny.</li> </ul>		

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process	Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When	
	Challenges at personal and system level (supporting development of new councillors)	1.5	<ul style="list-style-type: none"> <li>• Identify appropriate training and learning and development needs from the outset.</li> <li>• Essential training delivered by scrutiny experts (CfGS).</li> <li>• Development through Member learning and development programme.</li> </ul>		
<p><b>Recommendation 1:</b> Strengthen collaborative relationships between scrutiny, Cabinet and Directors whilst maintaining the independence of scrutiny. Earlier and more systematic involvement of portfolio holders and Directors would enable scrutiny to identify issues, trends, and topics where it can focus for accountability and impact.</p>					
<p><b>Recommendation 2:</b> Enable the scrutiny team to take a more strategic role in managing the relationships between different parts of the Council. This offers further opportunities to raise the profile and impact of scrutiny.</p>					
<p><b>Enhancement:</b> Developing a working agreement between Members and Officers to strengthen collaborative relationships, clarify mutual expectations and manage potential areas of conflict.</p>					
<p><b>Enhancement:</b> Using benchmarking and share good practice case studies to promote examples of ‘what good scrutiny looks like’ to inform reviews and design challenge questions.</p>					

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process	Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When	
<b>Officer support and organisational culture (Feedback Report Letter – Section 2)</b>					
<b>Issues identified / proposed actions arising</b>	Training and Development support for Officers around the work of scrutiny and the scrutiny function.	2.5	<ul style="list-style-type: none"> <li>• Section included on the ‘Source’ around the role of scrutiny, including legislative background / references to the constitution.</li> <li>• Briefings undertaken at Departmental Management Team meetings explaining the function and providing opportunity for questions.</li> <li>• Clearer guidance to be made available/ issued to officers participating in scrutiny meeting/review.</li> </ul>		
	Capturing essential components of meetings in a streamline way that meets expectations and needs of the accountability process (to enable a reduction of officer time spent on producing minutes of meetings).	2.6	<ul style="list-style-type: none"> <li>• Development and presentation of effective summaries.</li> <li>• Clearer scoping and key lines of enquiry, aligned to purpose of meeting.</li> <li>• Chair summarising discussion and main points at end of each item.</li> </ul>		

<b>CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process</b>		<b>Para.</b>	<b>How can this be achieved / Proposed actions</b>	<b>Adopted? (Y/N)</b>	<b>Action by / When</b>
<b>Issues identified / proposed actions arising</b>	Challenges around providing reports and material supporting the work of the committee and commissions.	2.7 / 2.8	<ul style="list-style-type: none"> <li>• Clearer articulation of scope and focus of topics when requesting information.</li> <li>• Concise reports</li> <li>• Reports being produced in time for circulation with agenda to allow for sufficient preparation and reading time.</li> <li>• Managing changing expectations or realignment of key lines of enquiry as a scrutiny review progresses</li> <li>• Accessing information from different parts of the Council in a co-ordinated way.</li> <li>• Ensuring members are familiar with reports/subject matter before designing questions and review enquiries.</li> <li>• Development of working agreement / protocol to confirm agreed way of working.</li> </ul>		
	Repositioning the scrutiny function to emphasise the significance of the strategic elements of the role.	2.11	<ul style="list-style-type: none"> <li>• Sharing vision statement and promoting principles.</li> <li>• Wider range of meetings between scrutiny chairs with senior officers and leaders in the council.</li> </ul>		

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process	Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When
<p><b>Issues identified / proposed actions arising</b></p>	<p>Repositioning the scrutiny function to emphasise the significance of the strategic elements of the role cont.</p>	<ul style="list-style-type: none"> <li>• Working strategically across directorates to access cross-cutting information and insights.</li> <li>• Sponsoring the development of enhanced scoping, key line of enquiry and recommendation tools.</li> <li>• Articulating the purpose and added value of scrutiny for wider Council delivery.</li> <li>• Focusing on trends from national policy agendas and direction to inform scrutiny.</li> <li>• Highlighting wider examples of innovation and good practice for scrutiny.</li> <li>• Supporting officers to prepare for scrutiny and aligning their input with the needs of the committee.</li> <li>• Developing a strategic road map for scrutiny with a refreshed focus on impact.</li> <li>• Horizon scanning.</li> </ul>		

<b>CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process</b>		<b>Para.</b>	<b>How can this be achieved / Proposed actions</b>	<b>Adopted? (Y/N)</b>	<b>Action by / When</b>
<b>Issues identified / proposed actions arising</b>	Repositioning scrutiny function through a development plan	2.12	<ul style="list-style-type: none"> <li>• Development plan prepared with provision of support, including coaching and mentoring.</li> <li>• Consider further resourcing issues to support greater strategic working.</li> </ul>		
<b>Recommendation 3:</b> Provide development support and training for Officers across the Council to refresh and enhance their understanding and appreciation of scrutiny.					
<b>Recommendation 4:</b> Review how reports and information is supplied to scrutiny – so that it supports the scrutiny objective, is not excessively detailed and is understandable by Members.					
<b>Enhancement:</b> Establishing cross-party pre-meetings for Scrutiny Committees and Commissions as an additional way to support the process.					
<b>Collaborative approach to scrutiny (Feedback Report Letter – Section 3)</b>					
<b>Issues identified / proposed actions arising</b>	Engaging with local partners and stakeholders to identify key lines of enquiry that can interrogate the impact of local decisions.	3.1 / 3.2	<ul style="list-style-type: none"> <li>• Adopting more systematic approaches to community engagement and the identification of local experience.</li> <li>• Identifying examples of innovation / good practice from other local authorities.</li> </ul>		

<b>CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process</b>		<b>Para.</b>	<b>How can this be achieved / Proposed actions</b>	<b>Adopted? (Y/N)</b>	<b>Action by / When</b>
<b>Issues identified / proposed actions arising</b>	Addressing potential barriers to greater collaboration	3.3 / 3.4	<ul style="list-style-type: none"> <li>• Exploring different venues for evidence gathering sessions.</li> <li>• Access to IT resources for virtual participation.</li> <li>• Identifying language and literacy need.</li> <li>• Considering timing of meetings/sessions.</li> <li>• Utilising community and voluntary sector to enhance collaborations and support to local people.</li> </ul>		
	Ensuring good communication between different parts of the council when engaging with local partners.	3.5	<ul style="list-style-type: none"> <li>• Tapping into the networks of senior officers and cabinet members to identify organisations.</li> <li>• Keeping cabinet members/senior officers informed of direct engagement with partners.</li> </ul>		
	Mapping of local specialists and partners in Southwark and facilitating expert support for scrutiny members to scope questions and enquiry lines.	3.6	<ul style="list-style-type: none"> <li>• Liaise with key officers to develop a mapping document.</li> <li>• Arrange meetings with chairs and key officers to scope questions and lines of enquiry.</li> </ul>		

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process	Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When	
<b>Issues identified / proposed actions arising</b>	Enhancing understanding of Health Scrutiny, in a changing context.	3.7	<ul style="list-style-type: none"> <li>• Arrange training and briefings for members involved with health scrutiny to keep them up to date with changing regulations and best practice.</li> </ul>		
	Co-opted Members on scrutiny commissions – enhancing their role	3.8	<ul style="list-style-type: none"> <li>• Produce document setting out roles and expectations of co-opted members.</li> <li>• Provide briefings and training for co-opted members as appropriate.</li> <li>• Schedule in annual feedback on co-opted member experience.</li> </ul>		
	Adopting creative approaches to scrutiny, outside of formal meeting process.	3.9	<p>Consider appropriate approach to evidence gathering – Options:</p> <ul style="list-style-type: none"> <li>• Scrutiny in a day</li> <li>• Social Return on Investment participatory scrutiny reviews</li> <li>• Field Trips</li> <li>• Stakeholder mapping and scoping</li> <li>• Following a fictional service user through the system to map impacts, integration opportunities and barriers</li> <li>• Task and Finish Groups</li> </ul>		



CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process		Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When
<b>Issues identified / proposed actions arising</b>	Adopting creative approaches to scrutiny, outside of formal meeting process cont.	3.10	<ul style="list-style-type: none"> <li>Review of CfGS published resources</li> </ul>		
<b>Recommendation 5:</b> Developing a systematic approach to mapping opportunities for community engagement and collaborative approaches including a methodology for identifying local issues for residents.					
<b>Enhancement:</b> Extending the use of creative approaches to scrutiny in Southwark. Use work planning and scoping to consider the best methods for each review. Share examples of good practice and creative methods by creating a menu of different methods available to the Scrutiny Committee and Commissions.					
<b>Enhancement:</b> Supporting the co-opted Members through a refreshed support programme identifying their learning and development needs to get the most from their contributions.					
<b>Scrutiny's focus and workplan (Feedback Report Letter – Section 4)</b>					
<b>Issues identified / proposed actions arising</b>	Strengthening the work planning process	4.2	<ul style="list-style-type: none"> <li>Use of a consistent work planning tool to support each body to create a balanced work plan.</li> <li>Focus on key issues where scrutiny can make a significant impact on local people.</li> <li>Close working with senior officers and cabinet members to understand the most challenging issues around council delivery and outcomes.</li> </ul>		

<b>CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process</b>		<b>Para.</b>	<b>How can this be achieved / Proposed actions</b>	<b>Adopted? (Y/N)</b>	<b>Action by / When</b>
<b>Issues identified / proposed actions arising</b>	Strengthening the work planning process cont.	4.2	<ul style="list-style-type: none"> <li>Identifying areas where there are already robust forms of accountability and scrutiny, avoiding replication or where added value will be minimal.</li> <li>Highlighting issues that are high priorities for residents and that reflect their concerns.</li> <li>Focusing on only two or three substantive issues per meeting.</li> <li>Link work planning to the scoping process.</li> </ul>		
	Improving scoping process for individual reviews	4.4	<ul style="list-style-type: none"> <li>Utilise support from officers to map topics and identification of potential issues to scrutinise.</li> <li>Acknowledging areas that are directly under Council control and those where there is only influence or external control – key lines of enquiry and focused scrutiny questions can then emerge.</li> </ul>		
	Accessing, assessing and triangulating different forms of data.	4.5	<p>Receive evidence/review as appropriate:</p> <ul style="list-style-type: none"> <li>The voice, concerns, and experience of local people.</li> </ul>		

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process		Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When
<b>Issues identified / proposed actions arising</b>	Accessing, assessing and triangulating different forms of data cont.	4.5	<ul style="list-style-type: none"> <li>Plans and decisions of senior leaders.</li> <li>Frontline experience of delivering services.</li> <li>Evidence of outcomes and impact – including finance, quality, risk and sustainability.</li> <li>Wider survey of literature on good practice, policy frameworks and research.</li> </ul>		
	Receiving support to design challenging questions that highlight and probe different sources.	4.6	<ul style="list-style-type: none"> <li>Identify training for Members on key question skills.</li> <li>Liaise with officers on relevant subject matter with a view to preparing questions.</li> </ul>		
	Integrating frontline experiences to highlight the performance and quality of service.	4.6	<ul style="list-style-type: none"> <li>Explore how to achieve this at CfGS facilitated workshop.</li> <li>Consult with other local authorities around this process.</li> </ul>		
	Scrutinising Council performance for the benefit of accountability.	4.7 / 4.8	<ul style="list-style-type: none"> <li>Review wording of OSC Procedure Rule 5.1(b) to clarify scrutiny role not related to performance management of individual councillors and chief officers.</li> </ul>		

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process		Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When
<b>Issues identified / proposed actions arising</b>	Strengthening the focus of cabinet member interviews to enable effective preparation.	4.9	<ul style="list-style-type: none"> <li>• Make clear to cabinet members, areas of interest in advance.</li> <li>• Provide cabinet members with questions in advance.</li> </ul>		
	Agreeing formal process for pre-decision scrutiny	4.10	<ul style="list-style-type: none"> <li>• Draw upon CfGS case studies and guidance around pre-decision scrutiny.</li> <li>• Establish in advance emerging issues where pre-decision scrutiny may be appropriate.</li> <li>• Consider process(s) for enabling identification of issues.</li> </ul>		
<b>Recommendation 6:</b> Review and enhance work planning process for the Committee and the Commissions, building on current practice by using insights from this review. Consider the systematic use of work planning tools to assist with prioritising issues.					
<b>Recommendation 7:</b> Use member education sessions, masterclasses, and pre-briefing to support Members to be ready to engage with scrutiny topics and Council plans.					
<b>Enhancement:</b> Continue to develop an approach to pre-decision scrutiny in collaboration with Cabinet and Officers.					
<b>Enhancement:</b> Supporting Members to design effective challenge questions using triangulated evidence and data to enhance accountability.					

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process	Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When
<b>Scrutiny committee structure and scheduling (Feedback Report Letter – Section 5)</b>				
<b>Issues identified / proposed actions arising</b>	Considering the use of task and finish groups as part of a wider spectrum of creative methods.	5.3	<ul style="list-style-type: none"> <li>Establish situations / circumstances where task and finish groups might be appropriate and feed into the scrutiny process.</li> </ul>	
	Managing scrutiny workload.	5.4	<ul style="list-style-type: none"> <li>Use of work planning, prioritisation, member education sessions and pre-meetings to manage demands.</li> </ul>	
	Scrutiny Call-in Process and enhancing the call-in procedure.	5.6 / 5.7	<ul style="list-style-type: none"> <li>Review current call-in process against the CfGS guidance once issued.</li> </ul>	
<b>Recommendation 8:</b> Consider the use of task and finish group work and other alternative scrutiny arrangements to ensure the most effective use of time and resources and to deliver maximum impact.				
<b>Recommendation 9:</b> Review the call-in procedure based on benchmarking and examples of good practice.				
<b>Scrutiny's output and impact (Feedback Report Letter – Section 6)</b>				
<b>Issues identified / proposed actions arising</b>	Developing effective recommendations and tracking their impact.	6.3	<ul style="list-style-type: none"> <li>Focus recommendations on a small set of priorities.</li> </ul>	

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process	Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When
<p><b>Issues identified / proposed actions arising</b></p>	<p>Developing effective recommendations and tracking their impact cont.</p>	<p>6.3</p> <ul style="list-style-type: none"> <li>• Ensuring recommendations are clear and focused using SMART approaches (specific, measurable, actionable, realistic, and timetabled).</li> <li>• Testing draft recommendations with officers to ensure issues are understood and factually correct.</li> <li>• Reviewing the impact and learning from recommendations over set time periods through regular agenda items.</li> <li>• Revisiting previous scrutiny reviews to identify work that has already been done to inform future scrutiny.</li> <li>• Ensuring a clear protocol with Cabinet to agree the process for considering and responding to scrutiny recommendations.</li> <li>• Sharing recommendations with external partners, where applicable.</li> <li>• Collecting additional evidence and feedback to identify the impact of recommendations.</li> </ul>		

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process		Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When
<b>Issues identified / proposed actions arising</b>	Evidence of tracking recommendations dispersed across a range of documents.	6.4	<ul style="list-style-type: none"> <li>Identify suitable central tracking tool to maintain an overview of recommendations. Liaise with other local authorities to establish how they manage this.</li> </ul>		
	Taking a joined up system wide approach to cross-cutting issues.	6.5	<ul style="list-style-type: none"> <li>Cross cutting-issues being reserved to overview and scrutiny committee. Commission chairs are part of its membership.</li> </ul>		
	Development of a 'Mission Statement' to raise awareness and esteem of scrutiny process.	6.6	<ul style="list-style-type: none"> <li>Liaison with other local authorities.</li> <li>Working with scrutiny members, cabinet members, officers and other stakeholders in developing a statement.</li> </ul>		
	Scrutiny holding itself to account for its work and impact.	6.7 / 6.8	<ul style="list-style-type: none"> <li>Annual report process</li> <li>Accessing self-assessment tools available from CfGS to support review process.</li> </ul>		
<b>Recommendation 10:</b> Focus on smaller sets of high-quality recommendations from scrutiny reviews.					
<b>Enhancement:</b> Enhance the formal system for tracking recommendations over time – identify the impact and learning from specific recommendations as well as factors that produce effective recommendations.					

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process	Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When	
<b>Enhancement:</b> Consider cross-cutting issues as a regular part of the Overview and Scrutiny Committee work plan and agenda, bringing together strategic themes from across the four Commissions to identify opportunities for system wide working and accountability.					
<b>Enhancement:</b> Create a strategic summary statement on the purpose and contribution of scrutiny in Southwark. Use this to map impact.					
<b>Enhancement:</b> Use a self-assessment tool to support the annual review and evaluation of scrutiny.					
<b>Chairing, member development and meeting preparation (Feedback Report Letter – Section 7)</b>					
<b>Issues identified / proposed actions arising</b>	Continuing chair development and direct support to strengthen the role.	7.4	<ul style="list-style-type: none"> <li>• Meeting with chairs and establishing development needs and arranging training as appropriate.</li> <li>• Providing chairs with quality briefings and information to enable them to keep abreast of subject matters and relevant considerations.</li> </ul>		
	Member education, master classes' and briefing sessions outside of formal scrutiny sessions.	7.7	<ul style="list-style-type: none"> <li>• Use scoping and work planning tools to identify and schedule briefing sessions.</li> </ul>		



CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process		Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When
<b>Issues identified / proposed actions arising</b>	Pre-meetings before formal scrutiny sessions to co-ordinate activities.	7.8	<ul style="list-style-type: none"> <li>• Arrange pre-meetings as appropriate.</li> </ul>		
<b>Recommendation 11:</b> Further skills development support is offered for the key roles of Chairs and Vice-Chairs – to support them to develop their approach to leading scrutiny and to reflect on their personal style and learning.					
<b>Enhancement:</b> Extending the development process for Members to enable them to refresh their knowledge and understanding of the role of scrutiny – this should include learning activities such as workshops supported with materials and case studies.					
<b>Enhancement:</b> Use pre-meetings to prepare for scrutiny sessions by reviewing the key lines of enquiry and coordinating approaches to questions and evidence. Pre-meetings can facilitate teamwork between Members of the Committee or Commission.					
<b>Enhancement:</b> Provide Scrutiny Members with the essential core knowledge to be sufficiently effective in the scrutiny task through briefings, education sessions or ‘master classes’ for complex topics.					

CfGS Issues identified / Recommendations and suggested enhancements to scrutiny process	Para.	How can this be achieved / Proposed actions	Adopted? (Y/N)	Action by / When	
<b>Public engagement (Feedback Report Letter – Section 8)</b>					
<b>Issues identified / proposed actions arising</b>	Exploring and experimenting with ways to allow greater access, openness, and involvement with the public	8.1	<ul style="list-style-type: none"> <li>• Site visits in the community.</li> <li>• Inviting the public to offer ideas for work plans.</li> <li>• Use of social media channels for resident input.</li> <li>• Communicating the progress and impact of scrutiny.</li> </ul>		

Everton Roberts, Head of Scrutiny

Dated: 14 April 2023

# The use of call-in: guidance for English authorities



This is one of three connected publications, all aiming to provide technical advice on the operation and review of critical elements of governance framework for local authorities in England. Between them, the three publications look at:

- Call-in;
- The operation of schemes of delegation to support decision-making;
- The review of Council constitutions

# Contents

---

<b>1</b>	<b>/</b>	<b>Introduction: the purpose of call-in</b>	<b>5</b>
		a. What is call-in?	5
		b. What are councils obliged to do?	5
		c. What is call-in for?	5
		d. What is call-in for in a committee system authority?	7
		e. How does call-in fit in to the wider governance framework?	8
<b>2</b>	<b>/</b>	<b>Where call-in rules should sit</b>	<b>9</b>
<b>3</b>	<b>/</b>	<b>Addressing what may be called in, how and why</b>	<b>10</b>
		a. What decisions should be subject to call-in?	10
		b. For how long should the implementation of a decision be delayed, to allow the time for a call-in to be requested?	11
		c. What exceptions should apply?	11
		d. What will a “valid” call-in be?	12
		e. What should determine that a call-in is valid?	16
		f. Should call-ins alleging that a decision was not within or contrary to the budget and policy framework be treated differently?	17
<b>4</b>	<b>/</b>	<b>Process and the Meeting</b>	<b>18</b>
		a. Outcome of mediation or round table discussions	18
		b. How should more than one call-in on the same decision be approached?	18
		c. How might timescales and the council calendar be best managed for call-in?	19
		d. Who drafts the report, and what should it say?	19
		e. What will the procedure in the reviewing committee?	20
<b>5</b>	<b>/</b>	<b>The Outcome</b>	<b>23</b>
		a. Referral to full Council	23
		b. Referring back to the original decision-maker	23

Appendix: legislation and statutory guidance

This paper aims to provide advice on the operation of the function of local authority scrutiny committees which provides for the scrutiny of decisions once they have been made but before they have been implemented. This function is better known as “call-in”.

We mainly deal with the operation of call-in under “executive arrangements” – which applies in those councils with a Leader and Cabinet, or Mayor and Cabinet, form of governance.

Call-in is also a feature in combined authorities, and can be a feature in authorities operating under the committee system. These different forms of call-in are discussed, in brief, later in this paper.

### The paper is based on:

- Desktop research into the approach taken on call-in by a range of councils;
- Three webinars organised by CfGS, attended by a total of 68 people;
- The results of recent CfGS annual surveys of overview and scrutiny in local government.

The paper also makes frequent reference to current legislation, and to the only comprehensive formal guidance in place on call-in, the statutory guidance “New council constitutions: guidance for English authorities” (DETR, 2000), which contained a mixture of statutory and non-statutory guidance and a distinct part entitled “Modular Constitutions for English Local Authorities”. Councils are still legally obliged to have regard to this guidance but should note in doing so that, in relation to call-in as well as broader constitutional issues, the legislative framework, and good practice, have moved on in many areas. Critical analysis of the guidance and its ongoing applicability is therefore required.

Following on from a description of the law, the layout of this guidance contains sections headed as questions. These are the relevant questions an authority will wish to ask itself when establishing or revising its call-in provisions. In doing so, we have attempted to answer those questions by reference to the legislation and Guidance but also with examples and common practices that we have encountered, as well as our views as to what constitutes best practice. These questions are also something we will return to and continue to ask of colleagues over time to discover novel practices and good ideas.

Further to this paper CfGS will produce a list of illustrative examples of call-in procedures and protocols, and a further “example” protocol that puts into practice some of the principles that we set out. Both of these will be accessible at [www.cfgs.org.uk/call-in](http://www.cfgs.org.uk/call-in) in spring 2023.

This guide covers the law relating to call-in for English local authorities only. Call-in is also a feature of the governance framework for Welsh authorities, but the legal basis is different. Welsh members and officers should have regard to separate statutory guidance produced by the Welsh Government<sup>1</sup>.

Call-in arrangements in combined authorities are different to those described in this paper. More information can be found in “Combined authority scrutiny: a plain English guide” (CfGS, 2021).

The paper has been produced by the CfGS using funding from HM Government and with the support of Bevan Brittan LLP, Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO).

<sup>1</sup> The Welsh Government issued draft statutory guidance on call-in in March 2022. It can be found at section 9 (p95) of “Local Government: Guidance for Principal Councils” (Welsh Government, 2022): accessible at <https://www.gov.wales/sites/default/files/consultations/2022-03/consultation-document-wg44742.pdf>.

## 1. Introduction: the purpose of call-in

---

### (a) What is call-in?

Councils are democratic institutions in which elected councillors are the principal decision-makers.

Where councils operate under what are called “executive arrangements”, only a comparatively small number of councillors are involved in day to day decision-making, through the body known as Cabinet. In order to bring rigour, scrutiny and accountability to this decision-making, a function called “call-in” exists.

Call-in is a safety valve to delay and interrogate important executive decisions. It provides a way for councillors who do not sit on Cabinet to ask that particular decisions are reconsidered by the person or people who originally made them.

Call-in also has a role in some authorities which operate using the committee system form of governance, but in those places it may look rather different. We explain this in more detail in section 1d ‘What is call-in for in a committee system authority?’

### (b) What are councils obliged to do?

The legal detail is provided in the Appendix – this section provides a general overview.

The phrase “call-in” is not used in legislation, but it is there that the central powers can be found. There is a two-step legal process for the establishment of call-in at law.

1. s9F(2) of the Local Government Act 2000, as amended. This provides the general power for overview and scrutiny committees to review or scrutinise executive decisions;
2. s9F(4) of the same Act, which provides a specific power to review or scrutinise a decision made, but not implemented.

This second power itself provides scrutiny with the basis for further powers:

1. To recommend that the decision be reconsidered by the person who made it;
2. To arrange for the call-in to be considered further by a meeting of full Council. Usually a reference to full Council will be made only where a scrutiny committee concludes that an executive decision has been made outside of the budget and policy framework, which we explain in more detail at section 5a) ‘Referral to Full Council’.

In exercising these powers scrutiny committees can benefit from the other, general, powers available to scrutiny committees – namely, to require the attendance of Cabinet members and council officers, and to require that information relating to the decision be provided.

### (c) What is call in for?

The legislation provides little direct advice on what call-in is “for”.

Call-in cannot “overturn” a decision. A call-in can result in a recommendation that a decision be reconsidered or withdrawn, but nothing more. It is best regarded as an urgent and serious request from councillors to the executive decision maker that they should think again. That request should be seen as notable because it is a function that should only be used in exceptional circumstances and, such a request, if then made, will come from a review carried out by a cross-party committee.

In practice, call-in has been seen by councils as having a number of purposes, including:

- Highlighting the presence of public contention in respect of a particular decision;
- Highlighting / surfacing serious political disagreement and providing the opportunity for political accountability;
- Providing fuller information, with a view to assurance on certain decisions where that information may be absent in an officer report or background papers.

In all cases, call-in is about providing an opportunity for challenge as a long-stop – when other attempts to influence or challenge a decision have failed.

The use of call-in can also be seen to be embarrassing and frustrating to a local authority and its leadership. Delay is inconvenient, and frequently costly. The wish to avoid call-in is therefore also seen as an incentive for council leaderships to mitigate the risk through early engagement with overview and scrutiny, backbench members and opposition groups – especially where decisions are likely to be contentious.

CfGS does not, however, consider that the use of call-in, or the threat of its use, should be seen as a failure. Quite often its use – presenting as it does a risk for the executive, of embarrassment or delay – has been seen to serve to provide opportunities for earlier scrutiny involvement in decision-making. Pre-decision scrutiny, and/or early involvement in policy development by overview & scrutiny committees and members, is likely to be more productive than call-in. It is also for this reason that CfGS adds its voice to the Guidance and Modular Constitution (para 16 above/attached), that use of call-in should certainly be infrequent and should only be used in exceptional circumstances.

In the past CfGS has described call-in as a “blunt tool”. There can be a perception among members that call-in can be used to reverse a decision. It is important to emphasise that this is not the case. More often the challenge is on the quality of the information accessed by the decision maker to arrive at what should be a robust and evidence-based decision. When used inappropriately or indiscriminately it may cause frustration (in particular to members who use it hoping or expecting that it will lead to a change in the decision in question).

Councils where call-in is a regular occurrence may need to reflect on members’ understanding of the purpose of call-in and what other mechanisms are available to them to challenge decisions. This should not be about raising the bar for a call-in to be valid but reflecting on whether sufficient opportunities exist for a wider range of members to be involved in policy development and decision-making – feeding in and influencing at the right stages. The frequent use of call-in is not always evidence that there are weaknesses in the corporate governance framework, but conversely it can be a sign of the existence of those wider problems.

For this reason, the presence of clear rules around call-in’s operation is important. Critically this is likely to include the use of criteria to determine whether a call-in is “valid”. The use of criteria will make call-in more focused and reduce the risk that it will be used for exclusively party political reasons – criteria also frame the nature of a debate in committee in a way that makes it more likely that a reasoned, informed outcome will be reached.



At their heart, all of the call-in practices continually being developed and undertaken by local authorities that we have seen endeavour to best achieve that central aim of how best to achieve that balance between overview and scrutiny effectively holding the decision-maker to account, being able to question decisions before they are implemented and at the same time not impeding the effective, efficient and business like decision making required by the executive or the day-to-day management and operational decisions taken by officers. Colloquially put, this is a deal to be done between the executive cabinet or policy committee members and the overview and scrutiny committee members to allow for healthy debate and examination of the issues on important decisions whilst not getting in the way of the Council being able to go about its business and achieve the things that almost all Members universally agree needs to be done.

This ‘deal’ is, as reflected above, one where the executive decision makers agree to delay implementation of certain decisions to allow for review and, if necessary, referral back for re-consideration. This, in turn, is in exchange for the adoption of a set of criteria such that only decisions deemed worthy of review by the overview and scrutiny committee are called-in by the process and reviewed, as a matter of exception, and that the remainder of executive decisions made by members and officers, the ordinary, administrative or uncontroversial elements of the local authority’s business, may continue to implementation unhindered.

The questions the authority will want to ask itself in setting that criteria out are explored below. This includes examples of practice in how differing local authorities have addressed those questions and how application of the Guidance and Model have moved on. We will say where those examples are at the extreme of things and where we consider those examples to be common or best practice.

#### **(d) What is call-in for in a committee system authority?**

Councils operating a committee form of governance do not have to have an overview and scrutiny committee, and as such do not need to have arrangements for call-in. However, if an overview and scrutiny committee *is* appointed, then call-in arrangements *must* form part of the way that it works.

Many of the “purposes” of call-in, set out in the section above, apply to an extent in committee system authorities. However, the decision-making dynamics are different.

Decisions in the committee system are made in committee, by cross-party groups of members. This makes call-in less obviously necessary, because a wider group of members and perspectives will arguably have played into the debate that precedes a decision being made. A call-in could, therefore, simply reproduce this earlier debate, while adding little practical value.

Call-in in committee system authorities will therefore need to focus on a rare set of circumstances – where some members feel that the earlier debate was deficient for want of critical information, or possibly that the committee did not have the power to make the decision because it was made outside the budget and policy framework. Councils can expect that the threshold for valid call-ins will be higher than they would be in an authority operating executive arrangements.

The section on criteria (section 3d, ‘What will a “valid” call-in be’) provides more insight to support thinking on this issue.

### (e) How does call-in fit into the wider governance framework?

Call-in is one of several checks and balances present in the constitution to ensure effective decision-making.

Call-in can be seen as part of a balanced system by which effective, consistent decision-making is supported and strengthened by rigorous – and proportionate – member oversight. Call-in is a “longstop” – a process that can be relatively infrequently used because other constitutional systems work alongside it to ensure that decision-making overall is of a high quality. This safety valve is vital if serious issues emerge about a given decision which seem, in members’ views, to demand that that decision be revisited.

In this way, members and officers should avoid thinking of call-in as a standalone feature of the governance framework.

This is backed up by the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, which makes the point that call-in is not a substitute for early involvement in the decision-making process, nor is it a party political tool;

Call-in should be seen alongside other systems, which include. .

These systems include:

- The framing, and agreement, of the budget and policy framework (as determined by the authority) on an annual basis;
- The Annual Governance Statement, and the review that precedes it;
- The oversight provided by a Governance Committee, including audit committees, which “own” member oversight of governance issues, which can also be a useful way of monitoring the effectiveness of democratic processes and decision making and keeping related processes under review and addressing concerns;
- The general decision-making requirements and publicity relating to “key decisions”;
- The work of scrutiny in general, and in particular the role of pre-decision scrutiny;
- The way that performance management, and risk management, is carried out and overseen by members;
- The council’s finance systems, including the financial control environment and in-year financial monitoring as well as longer-term financial planning (which sets the framework within which decisions are made); and
- The decision making principles<sup>2</sup> and the legal and corporate requirements for the drafting of decision reports before any decision is made, including:
  - The requirement for legal and financial (and often other forms of) signoff for reports;
  - The requirement to present alternative options;
  - The requirement to consider equality, and human rights;
  - The requirement to present background papers.

All of these connected systems are essential to, and a reflection of, the authority’s culture of decision-making and the nature of relations between members. Where a mature culture of decision-making exists, call-ins will be few and far between – not because rules are designed to make it difficult to call decisions in in the first place but because the need for that safety valve is less pressing. Members and officers all, therefore, need to take it seriously – seeing it not as a procedural annoyance to be managed away but an important, if sometimes poorly-used, tool to assure decision-making probity.

<sup>2</sup> These principles form part of the Modular Constitution, and as such have been adopted by most councils in either this form, or using very similar wording.

## 2. Where call-in rules should sit

---

There is no “right place” for call-in rules to sit in the constitution. In most authorities they reside in the overview and scrutiny procedure rules. In some authorities, however, they form part of executive/ cabinet procedure rules, in others as part of the council procedure rules (standing orders) and in others they can reside in the overview and scrutiny procedure rules or in a separate protocol.

It is certainly the case that many authorities provide that the rules about publication, call-in criteria and exceptions are contained in the constitutional rules but that the procedure of the call-in meeting itself, and sometimes prior steps for resolution, mediation or the variation and agreement of that procedure, are set out in a separate protocol or procedure note. This separation allows for flexibility where needed in order to react to the requirements of the particular circumstances, including technical detail, evidence and witnesses and public participation and time management in controversial matters.

Following this pattern, enough detail is needed that councillors considering calling a decision in can be confident in the rules that will apply to that request and how the process will function. For this reason, it may be sensible for basic rules to be set out in the constitution but for more detail to be provided in written guidance provided to members, which should itself be published in the interests of transparency. Drafting should highlight the most critical elements. For example, the use of criteria to determine call-ins’ validity, the person or people making a judgement about whether call-ins should go ahead, and the likely presence of restriction on a call-in’s requestor being able to take part in the vote at the committee where the call-in is considered, although they may be able to contribute to discussion<sup>3</sup>.

Additional written guidance allows for clarity and transparency and limits the extent to which officers have to provide advice on a case-by-case basis. Guidance cannot account for every circumstance, but it can explain key elements of the process and – importantly – provide justification for why they exist.

<sup>3</sup> Where a requestor is an ordinary member of the committee in question, procedure rules may require that they be substituted for the meeting.

### 3. Addressing what may be called in, how and why

---

#### a. What decisions should be subject to call-in?

This is a fundamental part of establishing the governance process of call-in. Strictly speaking, all executive decisions are subject to review and, in so doing, are subject to the risk of delayed implementation that comes with that whilst that review takes place.

In reality, it would be unreasonable for *all* executive decisions (which would include executive decisions delegated to officers) to be subject to call-in, and the power in legislation was never developed for this purpose. In fact that guidance explicitly says, “day to day management and operational decisions taken by officers should not be subject to any call-in procedures”.

Instead, councils set out in the constitution which decisions may, or may not, be subject to call in – and the criteria which should apply to determining whether a call-in is valid, which we discuss later.

#### Key decisions

When it comes to what extent to exclude call-in from applying to operational decisions, most use the more straightforward approach that authorities are accustomed to for differentiating every day decisions from ones of potential importance, that of a ‘key decision’. This is also helpful because with the making of a key decision also comes the requirements around it on publicity, setting out what it is to be about, who is to make it and what documents (including the report) on which the decision-maker is to consider when making the decision.

A “key decision” is defined by regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, repeating the earlier 2000 regulation, which states that it

“means an executive decision, which is likely—

- (a) *to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or*
- (b) *to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority”.*

Of course, this begs the question of what “significant” then means for these purposes. Usefully, the Guidance does set out some suggestions, saying:

“In considering whether a decision is likely to be significant, a decision maker will need to consider the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality affected.”

At its most restrictive, some councils will use key decisions as the only criteria for what may be called in, applying it to cabinet and cabinet member decisions and excluding all decision made by an officer from being called in.

The most common approach, and that which we would consider best practice, is that all cabinet or cabinet member decisions are potentially subject to call-in, as are those key decisions made by an officer of the authority.

There are a class of such decisions that are considered especially urgent, and to which call-in should therefore not apply – this is discussed further below.

### b. For how long should the implementation of a decision be delayed, to allow the time for a call-in to be requested?

Delay prior to implementation is fundamental to call-in working at all.

In addressing this question, the statutory Guidance states that the provisions of a local authority's executive arrangements "may include a standard period of delay before decisions are implemented", not must.

Once it has decided what decisions call-in may apply to therefore, each Council must decide the length of delay that is to apply to a decision before it is implemented, thus giving time for call-in to take place to trigger a review and the statutory delay provisions to take effect whilst the review meeting and any re-consideration takes place.

The delay suggested by the 2001 Guidance was to allow **2 clear working days** for the decision notice or minutes to be published and then **5 clear working days** from publication to allow for a call-in to be requested.

This 2 days to allow for publication is followed by most authorities as a standard target for both member or officer decision notices and draft minutes. The 5 days to allow for a call-in request following publication of the decision is by no means followed by all authorities. Whilst most do, many authorities find 3 or even 2 days post-publication to be a quite adequate time period to allow for call-ins to be requested – although this will depend on the number, and type, of councillors required to request a call-in for it to be valid. Authorities that allow for longer than 5 days are quite rare.

### c. What exceptions should apply?

Not all decisions should be subject to delayed implementation so as to allow for a call-in to take place.

### Exception 1: Urgency

As the Guidance put it, *“the executive will, from time to time, need to take decisions that need to be implemented quickly”*. Under these circumstances the powers around call-in can be curtailed. Removal of call-in is usually couched in terms of it being for reasons that it would prejudice the interests of the Council, for safety reasons or because it is in the wider public interest to do so.

In some authorities, the provision for call-in is removed from a decision simply because the executive, be that cabinet, Leader or other cabinet member or an officer, decides that is to be the case and records that at the time of making the decision for the notice or minutes.

Most authorities still follow para 3.79 of the 2000 Guidance and the modular constitution and exclude a decision from call-in and delayed implementation by use of an urgency provision that requires the consent of the authority’s chair/civic mayoralty to agree that must agree that *“both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency”*. Some councils refer to the chair of overview and scrutiny instead.

Other authorities are more restrictive and, in addition or in replacement, require the chief executive and/or monitoring officer to agree to that and also expressly define that a decision will only be urgent if any delay likely to be caused by the Call-In process would seriously prejudice the Council’s or the public’s interest.

Some councils operate a set of “general exception” urgency arrangements, “special urgency” arrangements and “emergency” arrangements, for decisions of different degrees of immediacy, processes for which affect call-in and member oversight in different ways. While potential complicated, this does mean that the right to call a decision in is wholly absent in only the most extreme of circumstances.

The decision to remove call in and the reasons why the delay to implementation of the decision should not be applied are usually required to be reported to a meeting of the full authority.

Alternatively or in addition, there is often an annual report and review on these matters.

### Exception 2: Only one call-in per decision

Guidance says that *“the provisions should ensure that a decision maker could only be asked to reconsider a decision once.”* This is almost universally the case, as the alternative is a potential merry-go-round of review and call-in being used as a means to so delay a decision that it is never implemented. When a decision is re-considered by the decision maker, that decision is then implemented whatever it may be. Nonetheless, it must be remembered that this provision must be expressly included in the constitution to be of effect.

### Exception 3: A limit on the number of call-ins overall

A final exception might be that call-in is limited to a finite number of times per year or quarter, following which no further call-ins would be permitted of any decision within that period. This is an option operated by no authority to our knowledge, on the basis that it is seen as not being in accordance with the principles of engagement and, quite simply, there can be no accounting for what contentious decision might yet be made.

#### d. What will a “valid” call-in be?

We have already noted that call-in must be subject to some form of restriction – in keeping with the fact that it should be seen as a long-stop, used rarely.

In order for this principle to be upheld, call-in arrangements must, practically, place hurdles which have to be overcome for a call-in to be considered “valid”. We should stress that putting such hurdles in place is not only legal, it is also a specific component of the legislation and formal guidance on this subject. Not to do so risks call-in being ineffective.

These hurdles should not be designed to thwart members’ legitimate right to call-in decisions. It is likely that where a Monitoring Officer is able to give advice to councillors wishing to request a call-in, a request which might on the face of it appear invalid could, with revision, be refocused into one that is legitimate. But both members and officers will need to understand that requests need to be reasoned and justified, which brings with it the need for judgement and discretion.

#### Hurdles to clear for a call-in to be valid

There are three main hurdles that can form part of a council’s call-in arrangements:

- Requiring a certain number of councillors to request a call-in for it to be valid;
- Requiring that certain criteria (in terms of the reasons for the call-in) to be met for the request to be valid;
- Requiring that councillors have not had a prior opportunity to consider and debate the decision.

#### Hurdle 1: Requiring a certain number of members to request a call-in for it to be valid

Almost every authority has adapted the only suggestion in this respect by the Guidance, which was that a “safeguard which could be adopted in the executive arrangements could be to include provision requiring a certain number of committee (or local authority) members to call in a particular decision”.

This is where the consensus ends, however, as the adoption of this suggestion over the intervening twenty-plus years has produced the widest variety of approaches. Often, councils’ approach has changed as political balance, and political Group dynamics, have changed. Requirements that may seem fair and proportionate with one particular balance of political representation may look less so when the numbers change after an election, which is why it is important to keep this under review.

The original drafting in the Modular Constitution suggested that 3 councillors (of any group, and sitting on any committee) would need to make a call-in request for its to be valid. This seemed a reasonable number as that number gave the request a certain legitimacy. That said, the size of the council in question does have an impact here – 3 out of 30 members requesting a call-in is of a different order to 3 out of 97.

Alongside that straight consideration of a number of members, several other potential requirements have been considered, including:

- Whether the councillors making the request need to sit on the same overview and scrutiny committee, so that two or three members of a ten or twelve seat committee need to request the call-in for example. This can be challenging where a council has multiple groups, or many independent members, with certain groups not being represented on every committee;
- Whether councillors making the request can all be from the same party, or need to represent different parties. This can help to ensure that call-ins reflect matters on which there is cross-party concern, although in councils with only one minority group, or none, this might not be reasonable.



As can be seen, the application of who may trigger a call-in varies according to local circumstance and is very much shaped by the experiences of each authority. That variety has now given us examples of:

- The signatures required to trigger a call-in is not members of the council but electors registered within the authority's area, in one case as low as 10 and in another 20, so as to allow for maximum engagement and consideration of significant issues where it is seen to matter by the electorate;
- a town or parish council or a recognised residents group that may submit a call-in request; through to the other extreme whereby
- the call-in mechanism is only triggered on a request submitted by half of the whole membership of the authority, which is seen as a response to a change in governance systems and their previous experiences.

It is the CfGS view is that these sort of requirements on numbers/types of members, bodies or persons requesting call-ins should be clearly justified, and reviewed following each election and after a change in political control to ensure their ongoing fairness and applicability as endorsed by the authority.

## **Hurdle 2: Requiring that the call-in request meets specific criteria, in terms of its substance**

A widespread development has been not only requiring that there is a number of requestors needed to trigger a call-in but that request is then only valid when it is accompanied by the meeting of other tests and, in particular, the reasons for the request.

### *Why require criteria to be met?*

As well as providing an additional safeguard to prevent abuse of the review and delay process, requiring that reasons be given satisfies four objectives in itself, to assist the processes and garner support for the legitimacy of the call-in process from members. We consider these to be:

1. It helps to ensure that call-ins are focused on those matters where they can add most value
2. It assists those requesting call-ins to marshal their ideas, and for others on the committee conducting the review to contribute productively to the debate;
3. Potentially it means that poorly thought-through call-ins can be avoided; and
4. It clarifies the grounds on which the decision is to be challenged by, for example, pointing to specific flaws in the process, which may be embarrassing to the decision maker and which they may want to correct, or it can point to flaws in the process such as poorly written reports or vague recommendations.

The over-arching object of requiring reasons is, however, to ensure that the call-in may be reasonably reviewed by an overview and scrutiny committee, often with regard to the legal principles that might apply to judicial review by the courts, but principally to return to that concept of the balance between reviewing decisions by exception, thus allowing scrutiny and the ability to question decisions before they are implemented whilst allowing effective and efficient decision making by the executive. A lack of criteria to frame the subsequent committee discussion means that the call-in exercise risks being unfocused and insufficiently directed towards what may, or may not be, the deficiencies of the decision.

The CfGS view is that there should be a requirement to give reasons for call-ins, for the reasons described above, but that authorities should ensure that they interpret this requirement permissively. It is also worth noting our view that, as reasons are likely to focus more on procedural issues, call-in is essentially a political process and it is entirely legitimate for the merits of a decision to be discussed as well.



### *Which criteria?*

Members might have a range of reasons to want to call a decision, but we have found that these generally fall into three different categories:

- The process of decision-making. The question here is has there been some flaw or deficiency in how the decision has been reached? This might be
  - a lack of consultation with the public,
  - important evidence that has been disregarded
  - insufficient information being provided in support of the decision-making process, which may itself include<sup>4</sup>:
    - A lack of a clear recommended decision in the relevant officer report;
    - A lack of reasons for that recommendation, and/or for the final decision itself;
    - No details of other options, or consultation carried out;
    - No, or inadequate, consideration of legal and financial issues;
    - No, or an incomplete, list of relevant background papers;
    - Omission of key facts on which important aspects of the report are based.

Criteria here may include reference to the decision-making principles in the constitution (which we set out in the Introduction) – including clear evidence that there has been deviation from these principles.

- The merits of the decision itself. Members may disagree with the substance of the decision, because they feel it is the wrong political choice. This is a more overtly political reason to call a decision in, but it can allow for interrogation of the why, as in why was this decision not taken and not an alternative option? What might an alternative option be?
- It may also be that they consider a decision has been made outside the budget and policy framework, in which case a recommendation can be made to full Council on how to take the matter forward. This is, however, very rare (and is covered in more detail below). It may be that “process” issues are dealt with by reference to the decision-making principles in the council constitution – we set this out in more detail below.

### **Hurdle 3: Taking into account prior opportunities to “feed in” to a decision**

Some authorities consider that, if members have already considered an issue at an overview and scrutiny committee, it is reasonable to take the approach that there should not be a further opportunity to use call-in to hold the decision-maker to account. Indeed, this is specifically provided for in the Guidance, which we highlighted in the introduction.

This is a matter of degree. Any previous consideration would need to have been in respect of the specific decision proposed to be called in, rather than any recent debate on the subject in general. Call-in procedures would also need to provide assurance that any previous consideration was substantive and meaningful, and that the call-in process could not add to it. In our view the presence of a pre-decision scrutiny process should not automatically remove the need for call-in later in the process.

<sup>4</sup> The following list derives from the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, which require that report contain this information “as a minimum”.

If a council did want to restrict opportunities for call-in here, it would be likely to apply where the council operates some kind of “pre-decision” scrutiny process. This is where, for example, a draft cabinet report is brought to an overview and scrutiny committee some weeks before an executive meeting where a decision is proposed to be made, with councillors being given the opportunity to influence the content of that report. This may make call-in less likely but should not – in itself – be a factor in rejecting a call-in. Members may legitimately feel that pre-decision processes have not had due regard to their opinions, or that procedural and substantive flaws have been revealed later in the process.

Some councils simply make use of other informal processes to reduce the likelihood of call-in, such as regular all-member briefings on forthcoming issues, meetings for group leaders to discuss decisions which might cause contention, one-to-one meetings between representatives of groups not forming the cabinet and senior officers. Keeping lines of communication between the administration and backbenchers – taking a “no surprises” approach to decision-making – should necessarily reduce the sense that call-in is necessary.

In saying this, it is important that such “informal processes” do not take the place of necessary public scrutiny. Informal briefing is sensible under any circumstances, but it should not automatically preclude the use of call-in where justified.

#### Using a form

Many councils provide members with a “form” to use to request a call-in. The validity of a call-in should not rest on councillors’ correct use of a form but it is a useful way to ensure that requests are focused (particularly where multiple criteria for validity to exist).

#### e. Who should determine that a call-in is valid?

A requirement for evidential, and other, criteria raises some challenges because it imposes on the person or body judging whether or not the call-in is valid the need to make a judgement as to whether the reason(s) given is/are “good enough”.

Essentially, whether the reasons or other information or evidence submitted to support that a request for review is sufficient to meet the criteria to proceed is one for the overview and scrutiny committee. As a result, some councils divide the criteria above, with the proper officer (the person assigned to take responsibility on matters relating to democratic and committee business) calling the meeting on receipt of sufficient requests and the first agenda item for the overview and scrutiny committee being to consider whether it meets the criteria and whether or not to proceed to review.

In practice, however, this is rarely the case. Practicality dictates that this decision falls to a person to consider prior to the calling of the overview and scrutiny committee. This could be:

- the chair of the reviewing or over-arching strategic overview and scrutiny committee;
- the statutory scrutiny officer;
- the chief executive; or
- the monitoring officer.

Whoever makes that judgement, it would need to be clear and consistent. We would also suggest that the approach taken by the decision-maker is permissive.

This means that in cases where the “validity” of a call-in may be marginal (particularly where a subjective judgement is being made on the extent to which a request meets certain substantive criteria, as we set out in Hurdle 2), the approach should probably be to allow the call-in.

This is because the place for debate on the substance of the call-in is the meeting itself; the process for determining the validity of a call-in should not be about testing, and pre-empting, those arguments. This suggests that if members requesting a call-in are able to articulate a reason why, in their view, procedural or substantive reasons require it, it should be allowed to proceed if it complies with the council's own rules.

Given the process and legal concepts involved, as a matter of general principle it is the CfGS view that the decision on validity should be made by the Monitoring Officer.

Whatever criteria are applied by an authority, it is, in the CfGS view, key that it ensures that a call-in is an accessible tool while recognising that its use as a "long stop" means that call-ins should have wide support.

**f. Should call-ins alleging that a decision was not within or contrary to the budget or policy framework be treated differently?**

Requestors may consider that an executive decision is procedurally flawed because it has been made outside the budget and policy framework. On this point, the Monitoring Officer, and the s151 officer, will need to provide advice. The suggestion that a decision has been made which is flawed in this manner is a serious one, as it is potentially unlawful, and these two officers will have a central role to play in testing members' assertions.

It may be that those assertions should be dealt with in committee, if it is not possible to provide the members in question with reassurance earlier in the process.

It is important to note that this is the only called in matter which the Guidance considers worthy of the overview and scrutiny committee referring to a full authority meeting. That reference is covered later in this guidance.

## 4. Process and the Meeting

---

### (a) Outcome of mediation or round table discussions

Some councils include in the process a step between receiving a valid request for call-in and the meeting of the overview and scrutiny committee to hold the review. This may include a mediation process or a round table discussion between the lead requestor(s) of the review and the executive decision maker or chair of (and/or proposer of the resolution at) the decision-making meeting. Where a round table meeting is held, the chair of the overview and scrutiny committee may also be present for some or all of this discussion.

This sort of meeting has, on occasion, been found to have resolved the issues in advance, without then the need for the call-in review to be held – as long as it is not misused as an attempt to put pressure of requestor(s) to withdraw the request.

In any event, it has been found to be helpful for the chair and supporting officers in preparing the report and managing the process and timing at the overview and scrutiny committee conducting the review.

### (b) How should more than one call-in on the same decision be approached?

It is possible that more than one valid call-in request is agreed in respect of a specific decision. This is particularly likely where the bar for a valid call-in is comparatively low, and/or in the case of an authority under no overall control.

It is not the case that once a valid request is received, the clock on the post-decision period stops in which a call-in might be received and no other call-ins can be accepted.

We have seen three possible solutions to this:

- A “first come first served” approach, whereby the first valid call-in is taken forward but any subsequent requests are denied.
  - This approach is considered likely to be unfair on members, and may well cause political difficulties;
- An approach which would see two or more call-ins on the same subject being considered sequentially at the same meeting
  - This approach could well be duplicative and potentially confusing, if not contradictory and disruptive;
- A “merged” approach, whereby liaison is undertaken with all requestors wishing to call-in a decision to try and ensure that the reviewing overview and scrutiny committee can consider concerns holistically
  - It is felt that the resulting procedure and decision making should, in most of these circumstances, be the fairest and most efficient in terms of good administration.

It is the CfGS view that, where two or more valid call-ins are requested on the same issue, the proper officer should liaise with those requesting (and with the relevant O&S Chair) to ensure that the matters can be considered together, without prejudicing either individual request or requesters.

If agreement cannot be reached – because the requestors disagree or for any other reason – the Monitoring Officer will need to find a fair solution that does not unreasonably disadvantage the council or any requestor. This might be to hold a single evidence-gathering session on the topic in committee, but to allow separate groups of requestors to make their case at the start, and for separate votes to be taken after. Readers will recognised that this, or another solution, is not optimal.

### (c) How might timescales and the council calendar be best managed for call-in?

It is important that the process is as streamlined and efficient as it can be. This means setting sometimes challenging timescales for the convening of the call-in meeting itself and keeping to them. Usually, it will be necessary to convene a special meeting. Occasionally, in those authorities where call-ins are common, we have found that democratic services teams manage to keep aside committee dates to accommodate such meetings as this is easier than trying to agree new dates based on availability of members, officers and rooms. This is done by either placing reserve dates in the calendar for the use of committee to hold a review at short notice or place formal dates in the calendar with the understanding that these meetings will be cancelled when not required.

Generally, a meeting will need to be called to take place within 10 working days of the end of the call-in period, which is the timescale contained in the 2000 Guidance.

This is intended to provide enough time for a report to be drafted and then the meeting to be called with the requisite 5 clear days' notice. As said, this is a very tight timetable, and officers putting forward key decisions where a call-in is likely will need to think about this earlier in the planning stage.

It is the CfGS view that a 10 working day period (beginning with the end of the call-in request period itself), within which a call-in should result in the matter being considered substantively by an overview and scrutiny committee, should be seen as standard and applied wherever practicable. Again, this seeks to balance the need for scrutiny and the need for efficient and effective decision making.

### (d) Who drafts the report, and what should it say?

The minimum information presented to the reviewing overview and scrutiny committee should be copies of the decision itself, together with any accompanying reports for the decision maker at that time, and a copy of the request for call-in.

This will often then include a covering paper setting out the reasons for the call-in given by the requestor, together with any comments on validity made by the monitoring officer (or Chair).

Those requesting the call-in will not usually have the opportunity to add their own covering report or to expand at length and in writing their own reasons for calling the decision in (although a call-in "request form", which we covered briefly above, may provide some of that information).

The opportunity is likely to exist for members to request that more information be provided in respect of the decision. Background information and other data likely to be relevant can and should be provided, especially if part of the reason for the call-in is member concern over a lack of supporting information.

CfGS considers that an agenda for the reviewing overview and scrutiny committee should be fronted by a report(s) by officers and should, at the least, reflect the same material that has gone to decision-makers, but those requesting call-ins may reasonably expect additional information to be provided.

The report and agenda should also set out the procedure to be followed at the meeting.

A call-in review is not necessarily an adversarial matter but 'a review', and as such that the procedure may include additional information and attendees to be included that are considered by the Chair, committee members or officers to be useful and may not purely be that or those requested by the decision-maker or those requesting the call-in.

## (e) What will the procedure be in the reviewing committee?

### (i) Who is invited to participate?

Call-in meetings are held in public and provide an opportunity for the decision-maker, and others, to be held to account for given decisions. In certain matters, it may be the only time when there has been the opportunity to discuss the issue in public. It is important that there is an opportunity for issues to get a full airing, and for this to happen relevant witnesses need to be invited.

At a minimum this includes:

- Those requesting the call-in. This may be for a set time and from each or just by a lead requestor for review (or shared time if more than one call-in)

It is worth noting that many authorities do not normally allow those requesting the call-in to also be members of the reviewing overview and scrutiny committee conducting the review, in the same way that the decision-makers are not, on the basis of the natural justice principle that one may not be a judge in one's own cause. This means that, in practice, while requestors may be able to be present and even to participate in debate, they may not be able to vote;

- The decision-maker. The decision-maker will need to have the opportunity to speak to the issues involved and to respond to questions;
- A relevant senior officer. An executive decision submitted to members will have been the subject of a report written by an officer who should be present to answer questions.

It is common that the requestors and the decision-maker(s) are permitted to request 'witnesses' to attend the meeting to support their view. This may be relevant officers but may also be those considered experts on a matter or representatives of those members of the public or community affected by the matter. Likewise, the Chair and members of the committee may want to gather evidence from others likely to be affected by the decision, although with limited time at their disposal it might be challenging to do so in a way that is fair.

Where this is the case, considering who, how many and how long they may speak for is an essential part of the meeting procedure or protocol, which will need to be determined by the Chair, usually in consultation with representatives of members of the committee from other political groups and the monitoring officer, as part of the pre-meeting and agenda setting process.

Call-ins are likely to happen in respect of high-profile issues. Members of the public (and others with an interest) are likely to attend the meeting although they will have no formal right to address members or to participate otherwise. In addition to considering formal invitations as above, some authorities, under certain circumstances, consider it appropriate for the Chair to invite those attending, in addition to any other people from outside the authority invited to give evidence, to come forward at the meeting to assist the committee. This has been found to be useful, for example, to get a sense of:

- community needs or impacts;
- the community impact of a decision;
- the nature of a consultation exercise which may have informed the decision; or
- stakeholders' views on issues where requestors may feel the decision maker gave too little or too much weight.

In engaging the wider public, officers supporting the committee, and the committee itself, will need to have regard to the way it communicates the role and purpose of call-in. In particular, the fact that the committee cannot "strike down" a decision or force a change in direction is important. It is likely that in communicating its work on call-in, a scrutiny committee will need to engage with the council's corporate communications function. Expectations will therefore need to be managed.

CfGS considers that, whilst it is the case that only members of the committee have a right to address the committee, and an invitation to others is at the discretion of the chair, the chair and others should have regard to the likelihood that high profile and complex decisions are likely to have a range of stakeholders, who may deserve the opportunity to be heard, within the confines of what is a time-limited process.

## (ii) The way discussion is conducted

Although detailed provisions about the conduct of call-in meetings probably do not need to form part of an authority's rules of procedure, it is common for there to be a set procedure contained in a protocol or other document and that this is known by members and agreed in final form and shared as part of the agenda setting process. At the very least it is the norm for there to be a guidance note for chairs and members of the overview and scrutiny committee, not least for reasons of consistency.

The level of formality with which call-in meetings are carried out will vary from authority to authority.

In some authorities the way the debate is “managed” is entirely a matter for the chair. Elsewhere the call-in provisions will set out certain requirements, including set strict time limits for a lead or secondary requestor, decision-maker and other presenters or witnesses to address the committee. This latter approach is common where the authority has a history of call-in that has proved to be fractious. Whatever happens, arrangements cannot be made up on the fly. Having a clear sense about how call-in meetings can be run fairly will require an agreed procedure. This may include:

- An introduction by the chair, setting out the reason for the call-in and reminding members of the purpose of call-in, running through the expected process of the meeting and providing a reminder for those present of the options that exist for the reviewing overview and scrutiny committee in terms of any recommendations they might make to the decision-maker;
- Providing an opportunity for those requesting the call-in to address the meeting and set out their arguments in more detail. As we have already noted, it is usual for requestors to be able to participate in the meeting, but it is likely that they will not be allowed to vote;
- Providing an opportunity for the decision-maker to respond. The decision-maker will be a witness – it will be for the chair to ensure fairness of time to address the committee between the requestor(s) for review and the decision-maker(s), whose contributions will be of central importance in allowing the committee to review their decision;
- Providing an opportunity for officers and other witnesses to contribute (see above);
- Questions from the committee members on the arguments and information put to the committee, which will have to be carefully managed by the chair to ensure there is no undue partiality, time-wasting or ‘grandstanding’ in the putting of questions and that replies are succinct and to the point (applying time limits if needs be);
- Debate amongst members. The chair is likely to need to ensure that debate focuses on the call-in and addressing only the decision itself, rather than ranging across into wider areas of council policy. An awareness of broader issues is important to provide context, but call-in should not be used as providing an opportunity for a wider critique of the organisation's priorities and direction;
- Taking a decision – considered in detail below.

Even where set process or standard agenda and timings may not be present in call-in protocols in the constitution, all authorities should have in place a published procedure that sets out in detail how call-in meetings will be carried out. The chair of the overview and scrutiny committee reviewing the called-in decision should be supported to ensure that this is used consistently, and participants (especially external participants) supported so that they understand their role and contribution.



### (iii) Taking the decision

The chair will need to determine when the debate has reached a point that issues have been dealt with sufficiently to allow a resolution/decision to be made as to “what happens” with the call-in.

As with any decision, a scrutiny committee can pass a resolution on a matter by general consent or by a recorded vote. It is quite likely that votes will be necessary at a call-in meeting.

The Committee cannot substitute its own judgement for the original decision. The Committee may however make a decision across the following range:

- (1) To uphold the original decision and allow it to be implemented unimpeded;
- (2) To uphold the original decision and allow it to be implemented unimpeded, but to also make recommendations to the decision maker or others in respect of future actions and policy (including recommending a further or more in-depth review by a committee;
- (3) To recommend that the decision be reconsidered by the original decision-maker;
- (4) To recommend that the decision be reconsidered by the original decision-maker who made it, together with recommendations for steps to be taken by the decision-maker or preferred outcomes, which may or may not sit alongside further recommendations concerning policy or review; or
- (5) To arrange for the call-in review, as conducted here so far as it relates to the decision, to be exercised instead by a meeting of the full authority, in which respect it must be noted that
  - the meeting of the full authority has no further powers than the committee can exercise, or has exercised and
  - the statutory Guidance, to which the committee must have regard, requires that the committee should *only* refer matters to the full council where the committee considers that the decision under review is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

All of the above should be accompanied by the committee’s reasons.



## 5. The Outcome

---

### (a) Referral to full Council

A referral to a full authority meeting will be highly unusual for the reasons set out in the statutory guidance detailed above. In this circumstance, the original decision and the committee's papers (minutes) will be referred to a meeting of the full authority.

In having regard to the statutory guidance, the subject matter referred to full council for review should only ever concern itself with whether the decision-maker ever held the lawful authority to purport to make that decision or not. As such, it will always be accompanied by a briefing note and/or advice from the monitoring officer and, in the case of budgetary matters, from the s.151 officer. It may also be accompanied by external legal or governmental advice.

The full authority meeting may only hold a debate so far as it relates to the decision called-in for review. The resolution that is produced as a result of that full authority debate may at most, like the committee, only recommend in exercise of its powers under s9F(4) Local Government Act 2000 that the decision be reconsidered by the person who made it.

### (b) Referring back to the original decision-maker

The Act refers to the decision being referred back to the person who made it and the Guidance describes it thus:

*“The decision maker reconsiders the decision and decides whether or not to change it, explaining her or his reasons to the next meeting of overview and scrutiny or full council as appropriate. For example, the decision is re-examined at the next meeting of the executive with one or more representatives of the overview and scrutiny committee attending to put their case.”*

If a single cabinet member or an officer made the decision that is being referred back, then they make go on to consider the referral, any recommendations and reasons and then make the decision anew. It is quite likely, however, that following the focus on the decision brought about by the call-in and the reviewing overview and scrutiny committee's disagreement with the decision that it is referred by the single cabinet member or officer who made the decision to the leader and full cabinet. This is entirely acceptable; any decision maker may refuse to exercise their delegation on the basis that it is no longer appropriate to do so and request that the higher authority (and in this case there is no higher than the meeting of full cabinet) makes the decision.

In practice, therefore, the decision will usually be referred back to Cabinet, at a meeting convened to follow shortly after the overview and scrutiny meeting. Here, scrutiny's recommendations will be considered and Cabinet will decide whether to accept, or reject, those recommendations and may either endorse the original decision, in which case it is implemented unaltered from the original, may make a new decision with amended elements or application, or determine to do something different altogether.

Whatever is determined by the decision-maker on re-consideration, the subsequent decision should not be open to further call-in, regardless of the outcome.

Reasons do not strictly need to be given by the decision-maker on reconsideration but it would be highly unusual not to. The CfGS view is that not only does this help to ensure that call-in is taken seriously but failure to do so may make the decision open to legal challenge.

Whilst the statutory guidance suggests that the original decision-maker would report their decision to a subsequent meeting of an overview and scrutiny committee, or to full Council, many councils do not and explain that this is because of the level of publicity and political scrutiny created by the call-in and referral back means that such further attendance and steps are usually unnecessary.

### The Local Government Act 2000 as originally drafted

The original drafting of the principal provisions relating to call-in were set out in sections 21 and 38 of the Local Government Act 2000. This was amended by the Localism Act 2011 so that those provisions now apply to Wales only and new sections 9F, 9FA and 9Q were inserted for England.

Readers unfamiliar with the legislation should ensure that they are looking at the right parts of the Act. The changes since 2011 mean that the parts relating to England, and the parts relating to Wales, are substantively very similar (particularly in respect of call-in) but do contain critical differences.

### The current legislation

Call-in is established through a two-step legal process. The first is by use of the general power of review and scrutiny at section 9F(2), which states that:

*“Executive arrangements by a local authority must ensure that its overview and scrutiny committee has power (or its overview and scrutiny committees, and any joint overview and scrutiny committees, have power between them) —*

- (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 executive”*

The specific element come to be known as ‘call-in’ is then an aspect of that wider ability to review or scrutinise any decision made by the executive provided for by Section 9F(4), which states that:

*“The power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes power—*

- (a) to recommend that the decision be reconsidered by the person who made it, or*
- (b) to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority”*

To supplement this, section 9FA adds additional powers, including that:

*“(8) An overview and scrutiny committee of a local authority or a sub-committee of such a committee*

- (a) may require members of the executive, and officers of the authority, to attend before it to answer questions ...”*

In exercising this function the local authority must also apply the following requirements concerning statutory guidance. This is set out at section 9Q of the Local Government Act 2000, which states that:

- “(1) A local authority must have regard to any guidance for the time being issued by the Secretary of State for the purposes of this Part.*
- (2) Guidance under this section may make different provision for different cases or descriptions of local authority*

and is repeated more specifically in section 9FA, which states that:

*“(11) In exercising, or deciding whether to exercise, any of its functions an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State.”*

## Statutory Guidance

---

The 2019 guidance aside, other statutory guidance on call-in is now over two decades old, and difficult to find online. The relevant sections are therefore presented in the section below in their entirety.

### **‘Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities Guidance’**

This is the most recent statutory, issued for England in May 2019, refers to call-in at the following points.

At Section 2 (Culture), this guidance states:

*“11. Authorities can establish a strong organisational culture by:*

*“d) Managing disagreement*

*...*

*Scrutiny committees do have the power to ‘call in’ decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.”*

and at Section 3 (Resourcing), it states:

*“17 ... When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:*

*Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions”*

### **‘Local Government Act 2000: Guidance to English Authorities’**

The original ‘Local Government Act 2000: Guidance to English Authorities’, last updated 20th July 2001, is what established the considerations for local authorities’ call-in arrangements in stating the following [updated where required].

#### **“CALL-IN OF DECISIONS**

*3.77 Sections 21(2) and (3) [(Wales) and sections 9F(2) and (4) (England)] of the Act mean that a local authority’s executive arrangements must ensure that overview and scrutiny committees have the specific powers, in respect of functions which are the responsibility of the executive, to recommend that a decision made but not yet implemented be reconsidered by the person who made the decision or to recommend that the full council consider whether that person should reconsider the decision.*

*3.78 Local authorities should make provision in their executive arrangements and standing orders, for procedures by which members of the local authority can request that a meeting of an overview and scrutiny committee be held to consider whether or not to use these powers in respect of a decision made but not yet implemented (a so called ‘call-in’ procedure). Such provisions may include a standard period of delay before decisions are implemented. Those provisions should ensure that there is an appropriate balance between effectively holding the executive to account, being able to question decisions before they are implemented and allowing effective and efficient decision making by the executive within the policy framework and budget agreed by the full council. The provisions should ensure that a decision maker could only be asked to reconsider a decision once. Day-to-day management and operational decisions taken by officers should not be subject to any call-in procedure.*

3.79 In addition, where the executive wishes to take an urgent key decision by seeking the agreement of the chair of a relevant overview and scrutiny committee (or where there is no chair of the overview and scrutiny committee with the chairman or vice chairman of the authority) that the matter is urgent the local authority's call-in procedure should include provisions which prevent such urgent decisions from being called-in or in any other way delayed.

3.80 Local authorities should also agree how called-in decisions are responded to. If an overview and scrutiny committee examines a decision and decides to recommend an alternative course of action, local authorities should set out how this should work. In particular local authorities should consider the following questions:

- how should the executive (or other body within the local authority as the case maybe) respond?
- what should the timescale for such a response be?

3.81 Figure [below] provides an illustrative example of one possible procedure for call in.

#### ILLUSTRATIVE EXAMPLE OF ONE POSSIBLE PROCEDURE FOR CALL IN

- The executive publishes decisions made either at an executive meeting or which has been taken by an individual member.
- The executive arrangements provide that decisions which can be subject to call-in will come into force within, say, 5 working days of the decision being published, unless an overview and scrutiny committee calls it in.
- Within that period any two or more members of an overview and scrutiny committee can request a meeting of the relevant overview and scrutiny committee to review the decision.
- All action to implement the decision is suspended for up to two weeks from the date of the decision. Within which time the overview and scrutiny committee may meet to decide whether to exercise the powers in section [9F(4)] of the Act.
- If the committee decides it disagrees with the decision, it may exercise the powers in [9F(4)] having regard to this statutory guidance.
- The decision maker reconsiders the decision and decides whether or not to change it, explaining her or his reasons to the next meeting of overview and scrutiny or full council as appropriate. For example, the decision is re-examined at the next meeting of the executive with one or more representatives of the overview and scrutiny committee attending to put their case.

3.82 Local authorities should ensure that the executive arrangements ensure that any call in procedure is not abused or used unduly to delay decisions or slowing down the process of decision making. In particular the executive will, from time to time, need to take decisions need to be implemented quickly. Local authorities will need to develop local conventions and protocols to prevent abuse of an overview and scrutiny committee's power to recommend that a decision made but not yet implemented be reconsidered. Local authorities should keep the operation of any call-in arrangements under review to ensure that they are not abused with an associated negative effect on the efficiency of executive decision making.

- 3.82A A call-in mechanism provides a process by which a decision made but not yet supplied implemented can be discussed at a meeting on an overview and scrutiny committee within a specified timescale during which implementation of the decision is suspended. A call-in mechanism cannot circumscribe the power in section [9FC] of the Act for an individual member of an overview and scrutiny committee to ensure that any matter of relevance to the remit of the committee be placed on the agenda and discussed at a meeting of the committee. However, the exercise of the power in section [9FC] does not have the effect of suspending implementation of a decision. Any call-in power for members to request a meeting and suspend implementation of a decision must therefore be in addition to the powers in section [9FC].
- 3.83 A safeguard which could be adopted in the executive arrangements could be to include provision requiring a certain number of committee (or local authority) members to call in a particular decision (although in the case of a church or parent governor representative they may be given an individual power to call in a decision).
- 3.85 Local authorities will need to consider, when designing such mechanisms, that under normal circumstances where a decision relates to a function which is the responsibility of the executive, ultimately only the executive can decide the matter.
- 3.86 To avoid the possibility of very many emergency council meetings the Secretary of State recommends that overview and scrutiny committees should only use the power in section [9F(4)(b)] to refer matters to the full council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget. Where an overview and scrutiny committee refers a decision to the full council there should be a clear timescale set out in the local authority's constitution within which the debate should take place and to avoid decisions being unnecessarily delayed."

## Modular Constitutions for English Local Authorities: Overview and Scrutiny Procedure Rules – Excerpt

### 16. Call-in

Within executive forms of constitutions there are several mechanisms which can be used to resolve conflict between the executive and the Council/overview and scrutiny committees. So long as there is compliance with section 21(3) 9F(4) of the Local Government Act 2000, Councils have a choice about the chosen mechanism.

Call-in is also a feature of the alternative arrangements. However, because decisions will be made under delegation from the full Council, rather than a separately constituted executive, local authorities may wish to avoid use of call-in other than in exceptional circumstances. The text below provides a clause that Councils operating alternative arrangements may wish to adopt at the start of their procedure rules relating to call in.

Call-in should only be used in exceptional circumstances. These are where members of the appropriate overview and scrutiny committee have evidence which suggest that the policy committee did not take the decision in accordance with the principles set out in Article 13 (Decision Making).

Councils may wish to give examples here, or elaborate the conditions in the light of their local circumstances. For example, they could refer to inadequate consultation with stakeholders prior to a decision or an absence of evidence on which to take a decision.

Various call-in processes can be used. These examples provide that decisions are notified to the overview and scrutiny chairs and only become effective if there is no objection by an overview and scrutiny committee within x days.

- (a) When a decision is made by [the executive, an individual member of the executive or a committee of the executive, or a key decision is made by an officer with delegated authority from the executive, — in executive arrangements] [a policy committee — under alternative arrangements] or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. Chairs of all overview and scrutiny committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. Where the chairman is of the same party as the (majority of) the executive, Councils may wish to introduce a requirement for copies to be sent to all members of the committee.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of [x — say 5] working days after the publication of the decision, unless an overview and scrutiny committee objects to it and calls it in.
- (c) During that period, the proper officer shall call-in a decision for scrutiny by the committee if so requested by the chair or any [three] members of the committee, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chair of the committee, and in any case within 5 days of the decision to call-in.
- (d) If, having considered the decision, the overview and scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further [x] working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the overview and scrutiny committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of that further [x] working day period, whichever is the earlier.
- (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, [the following text applies only to executive forms of constitution — it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case,] the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by [the executive as a whole or a committee of it — in executive arrangements] [a policy committee — under alternative arrangements], a meeting will be convened to reconsider within [x] working days of the Council request. [This text applies to executive forms of constitution — Where the decision was made by an individual, the individual will reconsider within [x] working days of the Council request.]
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.



(h) Where a [n executive — in executive arrangements] decision has been taken by an area committee, then the right of call-in shall extend to any [x] members of another area committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those [x] members may request the proper officer to call-in the decision. He/she shall call a meeting of the relevant overview and scrutiny committee on such a date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within five days of the decision to call-in. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant overview and scrutiny committee.

or

(i) Where a [n executive — in executive arrangements] decision has been taken by an area committee then the right of call-in shall extend to any other area committee which resolves to refer a decision which has been made but not implemented to a relevant overview and scrutiny committee for consideration in accordance with these provisions. An area committee may only request the proper officer to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant overview and scrutiny committee.

These provisions reflect some possibilities by which disputes between area committees may be dealt with and reviewed. Choices on area committee call in/resolution of disputes should be reflected here.

#### EXCEPTIONS

- (j) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are (the paragraphs below are examples):
- i) that an overview and scrutiny committee may only call-in [y] decisions per [year] [three month period] [six month period];
  - ii) only decisions involving expenditure or reductions in service over a value of £[z] may be called in;
  - iii) five members of an overview and scrutiny committee [from at least two political parties] are needed for a decision to be called in;
  - iv) once a member has signed a request for call-in under paragraph 16 (call-in) above, he/she may not do so again until a period of [x months] has expired.

## CALL-IN AND URGENCY

The operation of the urgency provisions in relation to call-in procedures and the timescales in them are to be determined by Councils. In executive forms of constitution, the Council and the executive might agree a definition of urgency or the chairs of the overview and scrutiny committees might agree the definition. The arbiter need not be the chairman. It could be the chair of an overview and scrutiny committee. Report to Council is optional.

- (k) The call-in procedure set out above shall not apply where the decision being taken by the [executive — in executive arrangements] [policy committee — under alternative arrangements] is urgent. A decision will be urgent if any delay likely to be caused by the call in process would [for example — seriously prejudice the Council's or the public's interests]. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairman of the council (mayor — in leader and cabinet and alternative arrangements) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the chairman (mayor — in leader and cabinet and alternative arrangements), the vice-chair's (deputy mayor's — in leader and cabinet and alternative arrangements) consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (l) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.



Report Author- Ed Hammond, Acting Chief Executive Officer, CfGS



77 Mansell Street London E1 8AN

telephone **020 7543 5627** email **info@cfgs.org.uk** twitter **@cfgs scrutiny**

MARCH 23

[www.cfgs.org.uk](http://www.cfgs.org.uk)

Centre for Governance and Scrutiny Limited is a registered charity: 1136243 and a Limited Company registered in England and Wales: 5133443

## **Motion referred from Council Assembly 22 March 2023**

**Agreed by Cabinet on 13 June 2023**

### **Safer Southwark Communities**

1. This council notes:
  - a. That Southwark Council thanks Baroness Casey for her independent review into the standards of behaviour and internal culture of the Metropolitan Police Service ('the Met').
  - b. Southwark residents and all Londoners expect and deserve a police service they can trust, not fear, which responds to the needs of the communities it serves and is accountable to the community for the decisions it makes. The fundamental principle of policing by consent requires the Met to both earn and maintain this public trust in everything it does.
  - c. We are therefore appalled by the findings of the review, including the finding of institutional racism, sexism, misogyny and homophobia in the Met and the failure to implement much needed operational, cultural and systemic change, despite numerous opportunities to do so over several decades.
  - d. Our community have been let down by a longstanding failure within the Met to fully accept that policing can also attract predators and bullies. The Met needs to be alive to this very serious risk. It needs to keep them out when they try to get in, to root them out where they exist, and to guard against the corrosive effects that their actions have on trust, confidence and the fundamental Peelian principles of policing by consent.
  - e. We are deeply concerned that our residents' trust and confidence in the Met has fallen even more than in other areas of London. Trust and confidence in the Met fell by 10% in Southwark in the last year alone. Less than half of Southwark residents feel the Met is doing a "good job". Our borough had the lowest number of residents in London who felt well informed about the activity of their local police. People from Black and mixed ethnic groups have the lowest trust and confidence in the Met of all racial groups.
  - f. We welcome the fact that the new Met Commissioner has committed to major reform of the Met and to rebuild Londoners' confidence in their Police Service.
  - g. However to rebuild trust and confidence in the police the Metropolitan Police Service must go further and must follow the full recommendations of the Casey report and work with our communities and the council in a genuine and meaningful way to deliver them.

- h. Southwark Council has written to Sir Mark Rowley, to seek a joint meeting with our basic command unit (BCU) partners, Lambeth Council, to discuss how these vital changes can best be taken forward in our two boroughs.
- i. The failures highlighted in the Casey review are overwhelmingly due to a longstanding failure of culture within the force. However, the review also highlights that government cuts to funding for the Met have exacerbated some problems, putting children and women in particular at greater risk and leading to a situation where London no longer has a functioning neighbourhood policing service.

2. This council resolves to:

- a. Send a joint letter from all Southwark councillors calling on the Met to fully implement the recommendations Baroness Casey has set out in her report.
- b. Ask the Leader and Cabinet to:
  - i. Consistently and constructively challenge the Met to work with our community and especially women, Black, Asian, minority ethnic, young people and LGBTQ+ residents to restore trust and confidence in policing.
  - ii. Maintain and strengthen the work of the Youth Independent Advisory Group – young people who train Met officers on the fair and respectful use of stop and search – and the work of our pilot Police Encounter Panels, who review body worn video footage.
  - iii. Build on the work of the Youth Independent Advisory Group, to create the opportunity for other groups to review and challenge policing practices constructively including work with our women and our Black, Asian, minority ethnic and LGBTQ+ communities.
  - iv. Write to the Home Secretary asking her to urgently take action to amend the law so that failing police officers can be dismissed where needed.
  - v. Work with colleagues in London Councils, as well as with our local London Assembly Member, Marina Ahmad, to challenge and support the Met to deliver these vital reforms.
- c. Request that the council's Overview and Scrutiny Committee and Housing and Community Safety Scrutiny commission consider how they can proactively work with our community to hold the Met to account for their progress against Baroness Casey's recommendations, and use the full powers of Southwark's Overview and Scrutiny function to summon relevant senior members of the Metropolitan Police Service to give regular updates on progress made

in relation to implementing the recommendations of Baroness Casey's report.

- d. Campaign with other local authorities and the Greater London Authority (GLA) to fully reverse the government's damaging police cuts.

This page is intentionally blank.

## OVERVIEW & SCRUTINY COMMITTEE

MUNICIPAL YEAR 23-24

### AGENDA DISTRIBUTION LIST (OPEN)

**NOTE:** Original held by Scrutiny Team; all amendments/queries to Everton Roberts Tel: 020 7525 7221

Name	No of copies	Name	No of copies
<b>Overview and Scrutiny Committee Members</b>		<b>Officers</b>	
<b>Paper copy</b>		Joseph Brown – Cabinet Office	
Councillor Victor Chamberlain	1	Jack Beddoe – Cabinet Office	
<b>Electronic Versions (no hard copy)</b>		Euan Cadzow-Webb – Liberal Democrat Group Office	
Councillor Ian Wingfield		<b>Paper copy</b>	
Councillor Irina Von Wiese		Allan Wells, Legal Department	1
Councillor Suzanne Abachor		Everton Roberts, Governance and Assurance (Spares)	10
Councillor Ellie Cumbo			
Councillor Jon Hartley			
Councillor Laura Johnson			
Councillor Sunny Lambe			
Councillor Margy Newens			
Councillor Bethan Roberts			
Councillor Chloe Tomlinson			
Martin Brecknell			
Lynette Murphy-O'Dwyer			
Jonathan Clay			
Marcin Jagodzinski			
<b>RESERVES</b>			
Councillor Rachel Bentley			
Councillor Sunil Chopra			
Councillor Sam Dalton		<b>Total paper copies</b>	12
Councillor Sam Foster			
Councillor Esme Hicks			
Councillor Sarah King			
Councillor Sandra Rhule			
Councillor Jane Salmon			
Councillor Andy Simmons			
Councillor Cleo Soanes			
		<b>Dated: June 2023</b>	