

APPENDIX 1: A MORE FLEXIBLE, EFFECTIVE SCRUTINY FUNCTION FOR 2023-24

In April 2021, the City Council adopted an Overview & Scrutiny Framework document that set out a vision for Overview & Scrutiny in Birmingham.

“To ensure effective democratic accountability and oversight of the Council’s executive. This will be achieved by a Member-led Scrutiny function which is held in high regard by its many stakeholders and which adds value for the people of Birmingham.”

“To achieve this, Scrutiny will follow the nationally agreed ‘Four Principles of Good Scrutiny’:

- **Amplify public voice and concerns;**
- **Drive improvement in public services;**
- **Provide constructive ‘critical friend’ challenge; and**
- **Be led by ‘independent minded people’ who take responsibility for their role.”**

“Scrutiny must add value and not duplicate the other forms of performance management, review or inspection. that Scrutiny is involved in a timely manner, at a point where the outcome can be influenced, to ensure involvement is meaningful.”

The framework document recognised that:

“Creating a strong organisational culture that recognises the critical role of an independent Scrutiny in the governance process is essential to adding value and creating efficient and effective services.”

“Scrutiny should be well planned and timely.”

Unfortunately, Scrutiny has not always delivered on these goals and in its relationship with the Council’s executive (i.e., Cabinet) and the Chief Executive’s Senior Leadership Team – Scrutiny has not always been held in equal respect. For some years, Overview & Scrutiny has pursued very few issues that have contributed significantly to the thinking and actions of the Council’s Cabinet and the Chief Executives senior management team. We have not always been enabled to deliver on the aspirations set out in the O & S Framework document.

As we move into the 2023–24 municipal year, the roles and responsibilities must be clear:

“Overview & Scrutiny Chairs are responsible for leading and co-ordinating the work the Scrutiny Committee so that Scrutiny functions in a positive, constructive and non-partisan manner. Overview and Scrutiny members must contribute time and effort to both the development and the carrying out the Scrutiny work programme

So, in adopting their responsibility, the present Co-ordinating O & S members are putting forward a number of suggestions that will improve the way in which Scrutiny Committees function, learning from their own experiences in 2022-23.

1. Remit of Overview & Scrutiny Committees

The remit and workload of committees is uneven. Particularly, the remit of the Housing & Neighbourhoods and Health & Social Care Committees is much larger than that of other committees.

In a separate document, Scrutiny Planning 2023/24, the present Co-ordinating O & S members have reviewed the terms of reference of Scrutiny Committees and are recommending arrangements for 2023-24 that will ensure that the workloads of the committees are more evenly balanced and, in part, better aligned with the remits of Cabinet Members. Co-ordinating O & S will consult further over the next 6 months on further changes to the structure and operation of Scrutiny.

2. Engagement with Cabinet Members

In the current Scrutiny structure, most Cabinet Members attend multiple committees to report on their activities and policies – with some Cabinet Members being asked to attend three or four separate Scrutiny committees. This takes up a considerable portion of the time allocated to committee meetings and requires an equally considerable time commitment by Cabinet Members and the officers that support them. Moreover, many of these reports do not lead to Scrutiny added value or impact as the reports are presented for information and noting.

A Cabinet Members should only be in formal attendance when deemed necessary by the relevant Scrutiny Chair.

There will be occasions when an Overview & Scrutiny Committee will wish to receive an update report on a specific policy or initiative at a scheduled meeting of the committee, to allow members to publicly consider the appropriateness of that policy or initiative to the Council's Corporate Plan and the challenges faced by the Council – a recognised part of the role of Scrutiny. Also, these update reports could be scheduled at the request of the Cabinet Member so that Scrutiny is involved in a timely manner.

These opportunities should arise from regular dialogue between a Cabinet Member and the relevant Scrutiny Chair; and always with the intention that the Scrutiny committee should be adding value through its engagement with the Cabinet Member.

A Cabinet Member may wish to issue directly to members of an Overview & Scrutiny Committee a briefing note to provide members with background information, especially important at the start of the municipal year as some committee members may not have knowledge of plans and strategies being pursued by the Cabinet/Council.

Furthermore, it should be incumbent on a Cabinet Member to advise a Scrutiny Chair, in a timely manner, of a report being taken to Cabinet when the Scrutiny Chair is listed as the relevant Scrutiny Chair, or of a report being placed on the Forward Plan.

3. Meeting arrangements

For years, Scrutiny committees have met in formal, structured public meetings, mostly monthly. Some flexibility in meeting arrangements could bring advantages, particularly if Scrutiny members are being engaged in the other work of the committee – such as a Task & Finish Group.

Initially at the start of the municipal year, through informal meetings or workshops, members could identify a ‘menu’ of issues (including policy development, policy review, issues of accountability, statutory functions, voice of the public,) as the potential work programme of that committee – meeting with the Cabinet Member(s) to ensure the list of issues would be welcomed by them. The list would be a ‘menu’ from which topics could be selected for consideration by the committee or a Task & Finish Group. The committee would regularly review the ‘menu’ and decide which issues need to be examined further and how that work would be undertaken. Scrutiny activities should be thorough and undertaken in a timely manner.

At the June meetings, each Committee will consider information including key data from the City Observatory, information from Corporate Performance reports, Cabinet Member and directorate priorities and issues recommended or carried forwards from the previous scrutiny work programmes to inform the initial menu of topics for the work programme for the year.

Aspects of the work programme would be assigned¹ to scheduled (public) meetings of the committee or a more limited number of members that might take evidence from a number of witnesses, whilst other issues could be assigned to Task & Finish Groups set up by the committee - with these groups meeting in public or private sessions as required, enabling the committee to focus on specific matters throughout the year as appropriate and without unnecessary delay.

Whilst scheduled meetings of the committee would rely primarily on resources available through the Scrutiny Office, other Scrutiny activities could be supported by resources from elsewhere in the Council – as successfully achieved this year by the Customer Services Programme and Homes for Ukraine Task & Finish Groups set up by the Co-ordinating O & S Committee.

A Task & Finish Group or other sub-committee arrangements would include members from different political groups – but not necessarily politically balanced, and would have Terms of Reference, setting out aims, methodology and timescale, agreed by the sponsoring committee and would have to report back to that committee with a final report. The sponsoring committee could also determine whether a Task & Finish Group could include non-executive members from beyond the committee to draw on other members’ interest and experience, but there would be a limit on the number of co-options to prevent a Task & Finish Group from becoming ineffective.

It may be appropriate for a Scrutiny report of significant importance to be reported directly to Council rather than via the Scrutiny Business Report to Council three times a year. Such requests would need to be directed to the Council Business Management Committee.

¹ <https://cfigs.org.uk/wp-content/uploads/Work-Programming-FINAL.pdf>