

# Birmingham City Council

## City Council

13 April 2021



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**Subject:** Scrutiny Business Report  
**Report of:** Co-ordinating O&S Committee  
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Does the report contain confidential or exempt information? ☐ Yes ☒ No

### 1 Executive Summary

- 1.1 This, the fourth Scrutiny Business Report to Full Council, presents the Scrutiny Framework for agreement. It also sets out proposed amendments to strengthen the call-in process.
- 1.2 The aim of the Scrutiny Framework is to set out a statement of collective understanding of scrutiny's role within the Council, and the value that it adds. It will be a guide for Members and other parties, describing the purpose of Scrutiny, the interface between Scrutiny and the Executive and the principles that underpin the relationship. Further operational details will be set out in a series of procedure notes.
- 1.3 The introduction of the Scrutiny Framework is an opportunity for the whole Council – backbench Members, the Executive and senior officers – to create the right culture, lead the way and make achieving a high standard a reality.

### 2 Recommendation

- 2.1 That Full Council endorses the Scrutiny Framework set out in Appendix 1.

### 3 Background

- 3.1 As has been reported in previous Scrutiny Business Reports, Scrutiny Members had agreed to develop and implement a Scrutiny Framework.<sup>1</sup> The intention was to set out the role and purpose of Scrutiny, in order to build understanding across the wider organisation of how Scrutiny can benefit the Council and to set out consistent standards by which this can be achieved.

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<sup>1</sup> Formally agreed at Co-ordinating O&S Committee, September 2020

- 3.2 The framework presented is the result of the work of cross-party Members, including backbenchers and Cabinet Members, and of officers. This approach, and the adoption by Full Council, signals the extent to which a strong cultural commitment to scrutiny is owned by the council's leadership.
- 3.3 Whilst many other councils have scrutiny protocols and elements of a scrutiny framework, there is currently no other council that has implemented a comprehensive framework of this type.

## **4 Methodology**

- 4.1 In relation to designing the framework, Members were mindful of the advice from the Centre for Public Scrutiny (CfPS)<sup>2</sup> in the Good Scrutiny Guide, emphasising the importance of involving all Members:

*"In CfPS's experience, the value in the production of such a document derives from the conversations that precede its agreement, rather than the document itself."*

- 4.2 Therefore, the approach taken commenced with Scrutiny Members (Co-ordinating O&S Committee) and then included workshops with Cabinet Members and senior officers, and with backbench Members. Members were supported by the CfPS, and they wish to thank the Chief Executive, Jacqui McKinley, for her assistance in facilitating the workshops.
- 4.3 A cross-party group of Members (Cllr Carl Rice, Cllr Sir Albert Bore, Cllr Debbie Clancy, Cllr Roger Harmer, and Cllr John Cotton representing the Executive) then developed a draft for consultation. This was endorsed by the Co-ordinating O&S Members and circulated to all Members and discussed at senior officer meetings. Feedback from those sessions have fed into the final version.

## **5 The Scrutiny Framework**

- 5.1 The Scrutiny Framework has been designed as a relatively short document, setting out the key principles, and supported by a set of procedure notes.
- 5.2 The framework sets out a vision statement, with a set of conditions for success. This is underpinned by a revised set of procedure notes setting out more detailed practical arrangements. A list of the procedure notes is set out at the end of the Scrutiny Framework.
- 5.3 It is proposed that the Scrutiny Framework and procedure notes are reviewed annually by the Co-ordinating O&S Committee.

### ***The Vision***

- 5.4 The vision set out seeks to emphasise that Scrutiny is a strategic function of the Council, and a critical part of a strong local governance framework. It also highlights the importance of a positive culture, as Scrutiny is most effective when it is not reliant

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<sup>2</sup> Now the Centre for Governance and Scrutiny (CfGS)

on legislation, the constitution or guidance but willing participants, as the Statutory Guidance on Scrutiny recognises:

*‘Creating a strong organisational culture that supports scrutiny is essential to adding value creating efficient and effective services.’*

- 5.5 The current Constitution sets out four principles of good scrutiny. These were developed by the Centre for Governance and Scrutiny (CfGS, then the Centre for Public Scrutiny) and adopted by many councils across the country. They have recently been reviewed and amended by the CfGS.<sup>3</sup> Reflecting on feedback from Members in the workshop, which suggested an appetite to emphasise the voice of the public, Members of Co-ordinating O&S Committee agreed that the order of the principles be changed to put “Amplify public voice and concerns” first in the vision.

### **Conditions for Success**

- 5.6 The conditions for success were developed from the feedback at the workshops. The intention is that these are succinct summaries, with more detailed guidance contained in the procedure notes.
- 5.7 The proposed conditions for success are:
1. Reflecting the Concerns of Citizens
  2. Parity of esteem between the Executive and Scrutiny
  3. Member Leadership and Engagement
  4. Mutual Respect and Good Faith
  5. Clear Purpose and Focus
  6. Evidence Based Conclusions and Recommendations that Add Value
  7. Clear Roles, Responsibilities and Relationships
  8. Transparency of the Scrutiny Process and Access to Information
  9. Co-operation with Partners and Professional Bodies

## **6 Amendments to the Call-in Process**

- 6.1 Alongside the development of the Scrutiny Framework, Members of the Co-ordinating O&S Committee considered amendments to the call-in process, to strengthen cross-party engagement in Scrutiny.

### **Background**

- 6.2 Call-in is a statutory right for Members to delay the implementation of an Executive decision that has not yet been implemented so to allow a Committee to consider the decision.

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<sup>3</sup> <https://www.cfgs.org.uk/revisiting-the-four-principles-of-good-scrutiny/>

- 6.3 An external peer review in 2019 expressed the opinion that the number of call-ins at the Council were disproportionately high;<sup>4</sup> and, separately, Members had raised concerns about their ability to prepare properly for call-in meetings. This led to a cross-party Member review of the call-in criteria, the call-in request form and whether an informal resolution step was needed ahead of a call-in meeting.

### ***Call-In Criteria***

- 6.4 The first question Members considered was whether the call-in criteria set out in the Constitution were sufficiently robust. After considering an analysis of the criteria used in successful call-in requests, Members concluded that the criteria were on the whole robust, but will put forward two recommendations to the Council Business Management Committee:
1. That criteria 7 “the decision appears to be particularly ‘novel’ and therefore likely to set an important precedent” is deleted as a criteria for call-in, as analysis showed this criteria had not been used in a successful call-in within the last two years;
  2. That criteria 9 is amended to read “the decision appears to give rise to significant *governance*, legal, financial or propriety issues” – reflecting concerns raised in a number of call-ins heard by the Resources O&S Committee.

### ***Further Details for Request for Call-In***

- 6.5 To enable the better management of the call-in process Members also considered whether there was a need for the Members to give more indication of why they were making the request for call-in. The Constitution states that “The “Request for Call In” should state the reason for call-in.” Currently under the procedure, Members are only required to tick one or more of the criteria boxes and not give specific reasons to explain the request for a call-in meeting.
- 6.6 Requesting more detail would allow Committee Members, Cabinet Members and officers to prepare for the call-in more thoroughly. It can be the case that matters are raised in the call-in meetings that cannot be adequately addressed by the Executive, or questioned by other Committee Members, as the criteria used for the call-in requests are insufficiently informative, particularly where specific or technical detail would assist Members in making their decision. Given the time limited nature of call-ins, more information ahead of the meeting would help the process run more smoothly.
- 6.7 Members agreed to make this change to the process, by adding a column to the list of criteria requiring an explanation for the choice of each criteria. This would take the form of a short concise statement of one or two sentences.

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<sup>4</sup> LGA Peer Review – report available [here](#)

### ***Early Resolution***

- 6.8 A further advantage of the sharing of more detail is that it would give the Cabinet Member and officers the opportunity to respond ahead of the meeting with additional information.
- 6.9 If, in turn, that led to those who have requested the call-in meeting re-considering that request, they would have the option to withdraw the request for call-in, and so the meeting to consider the call-in would not go ahead. In that case, the matter would be reported to the next scheduled meeting of the relevant O&S Committee to ensure full transparency.
- 6.10 Members considered whether any informal resolution mechanism would further improve the process, and agreed that it would not, so no recommendation will be made on that point.

### ***Next Steps***

- 6.11 Following discussion at Full Council, these changes will be presented to Council Business Management Committee to consider any resulting Constitution changes, which will be brought back to Full Council as part of the Annual Review of the Constitution.