



Overview and Scrutiny Toolkit

Purpose of the Scrutiny Toolkit

Overview and Scrutiny (OSC) is an important part of the council's democratic governance. This document is a toolkit to help the mayor, councillors, council officers and partners understand overview and scrutiny and their role.

The toolkit is structured to provide the following:

Part A – Overview and Scrutiny function and governance arrangements

- Essential principles and components for effective scrutiny
- Governance structure – Scrutiny's relationship to decision making controls
- Role of OSC, legal context, powers and the use of Sub-Committees
- Scrutiny portfolio
- Types of scrutiny activity

Part B – Key Roles and Responsibilities

- Scrutiny chairs and leads
- Co-opted Members
- Senior Officers and Partners
- Statutory Scrutiny Officer and Scrutiny Support
- Non-executive Councillors

Part C – Useful scrutiny tools

- Work programme prioritisation
- Process map for scrutiny reviews and challenge sessions
- Benefits of using pre-meets
- Using key lines of enquiry
- Scrutinising and measuring performance
- Witnesses, evidence collection and resident involvement
- Call-in process

Part D – More Information

- How to get in touch with scrutiny team
- Contact Information
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Part A – Overview and scrutiny function and governance arrangements

The overview and scrutiny function is essential, it plays an important role in the council's governance and decision-making process. Providing a check and balance to ensure that decisions made by the Executive Mayor, Cabinet and its partners are in the best interests of the residents and that the council provides a quality service.

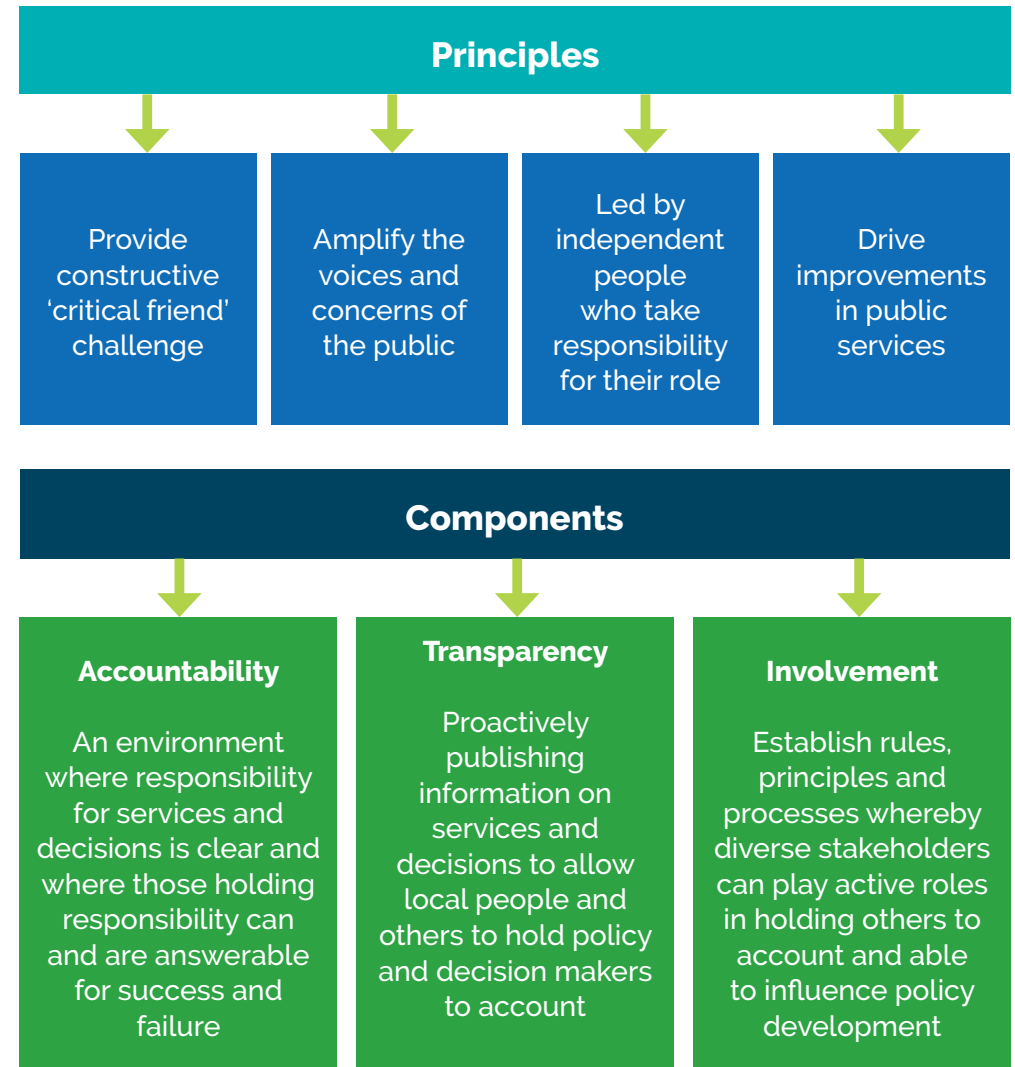
Overview and Scrutiny Committee¹ review key decisions by asking pre-decision scrutiny questions and making recommendations to enable improvements to strategies and policies, service delivery and implementation of these.

The overview and scrutiny function supports non-executive Members and Co-opted Members to:

- Examine the services provided by the council and its partners to the wider community;
- Question on how decisions are made or reached;
- Collaborate with others, be challenging but constructive in proposing improvements; and
- Encourages external and public involvement to support robust discussions.

Essential principles and components for effective scrutiny

Tower Hamlets approach to scrutiny is underpinned by the Centre for Governance and Scrutiny's (CfGS) four key principles and three components that demonstrate good scrutiny and governance.



CfGS key principles and components for effective scrutiny

¹This document will refer the Overview and Scrutiny Committee as OSC

Practices that enable effective scrutiny

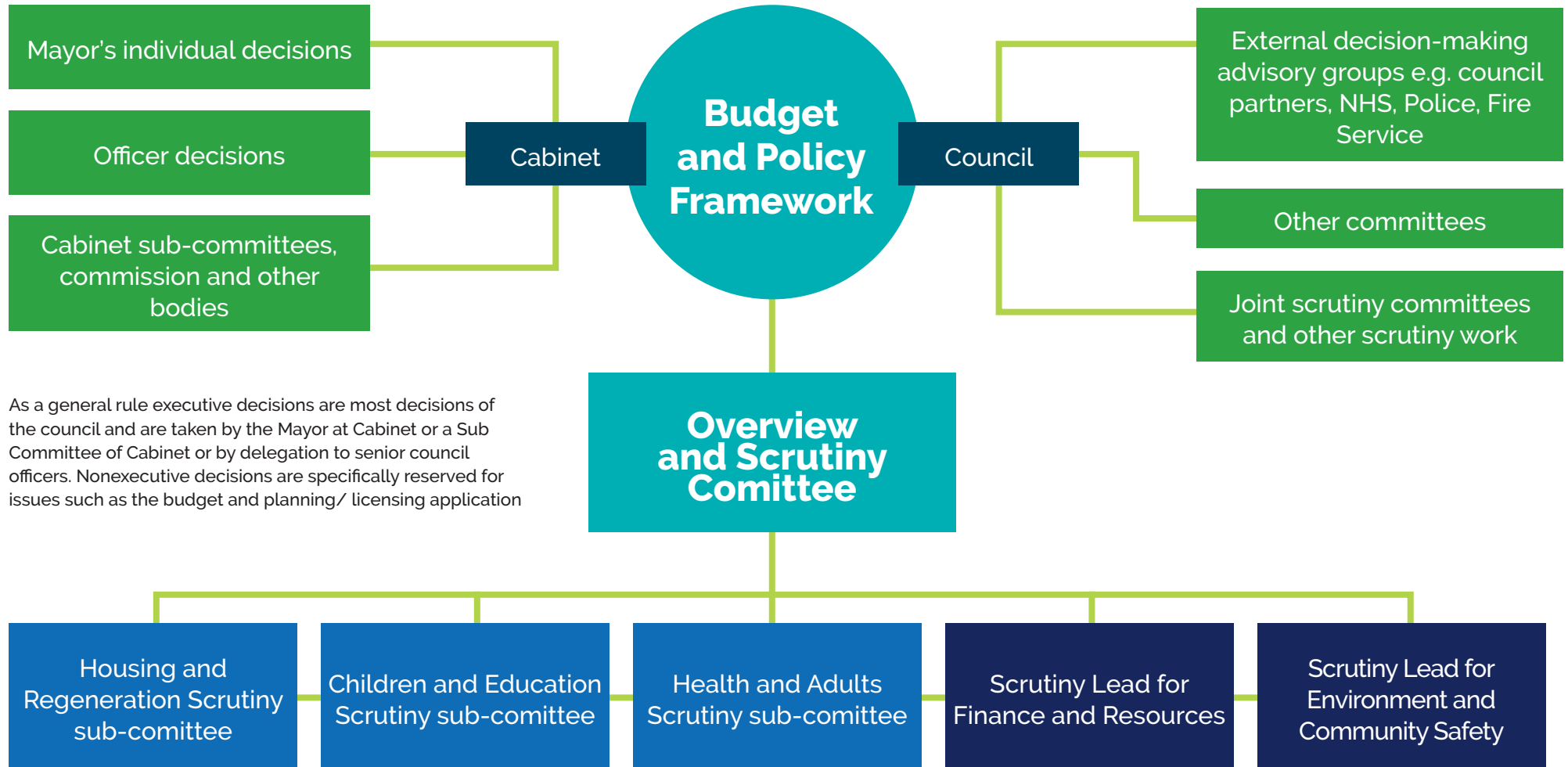
- A member led Scrutiny Work Programme;
- A clear process for everyone involved;
- Applies a range of evidence-based sources to ensure robust discussion;
- Utilises a range of techniques for scrutiny activities including site visits, offline engagement with stakeholders, reviews and challenge sessions;
- Involves the community and lived experience;
- Monitors the progress of scrutiny recommendations and council delivery using action plans, strategic performance reporting against set KPI's and milestones; and
- Considers a theme driven approach that is relevant to the community and supports understanding of strategic issues.

Governance structure – Decision making framework at Tower Hamlets

Tower Hamlets has a Mayoral system in which the elected Mayor and Cabinet both hold decision making responsibilities. OSC and the sub-committees scrutinise the decisions made by these bodies in order to ensure they are in line with the budget and policy frameworks. Key points of note on the decision-making framework:

- Consists of an elected Mayor (holds a four-year term in office) and is supported by Cabinet Members;
- The Mayor sets the councils policy direction, recommends budget proposals and tax levels for approval by Full Council;
- The Mayor can also take Mayor's individual decisions and these are published on the council's website;
- Decisions taken are in line with the budget and policy framework agreed at Full Council;
- Tower Hamlets has 45 Ward Councillors and the structure enables Members to reflect on the council proposals;
- Proposals outside the budget and policy framework must be referred to Full Council; and
- 'Key decisions' taken by the executive are decisions that involve two or more wards or has significant funding implications which must be included in the forth coming decision plan and published 28 days prior to the decision being implemented.

The attached diagram sets out the key decision-making entities in the council and the relationship between them.



As a general rule executive decisions are most decisions of the council and are taken by the Mayor at Cabinet or a Sub Committee of Cabinet or by delegation to senior council officers. Nonexecutive decisions are specifically reserved for issues such as the budget and planning/ licensing application

OSC and its Sub-Committees relationship with governance and decision-making stakeholders

*Note some bodies may not have been included or under general heading in governance diagram to enable viewing clarity

To ensure effective scrutiny is sustainable, OSC and its Sub-Committees must build and establish a good working relationship with their Cabinet peers, including:

- Holding constructive dialogue and respecting each other's role;
- Recognising the value that both add to the council's decision-making process
- The Cabinet should encourage and welcome the contribution that OSC and its Sub-Committees make at an early stage in shaping or informing policy / decision making; and
- Cabinet can request the OSC and or its Sub-Committees to undertake a specific activity to support the Cabinet with its decision-making remit.

Role of OSC, legal context, powers and the use of Sub-Committees

The Local Government Act (2000) and Localism Act (2011) stipulates the legal requirement for councils with executive management structure to have an overview and scrutiny process in place. In 2019, the UK Government published and set out statutory guidance for overview and scrutiny function focusing on strengthening the role of scrutiny.

At Tower Hamlets, The Overview and Scrutiny Committee is made up of nine non-executive (elected) Members and two co-optees who meet on a monthly cycle to discuss topics and issues affecting the borough's residents.

Scrutiny Members have enhanced powers to access exempt or confidential information in addition to those to perform their duties.

The OSC is the principal member led body and has the ability to make recommendations for service improvements, influence policy development and key decisions made by the council and its partners which deliver local services. To fulfil and support its role, OSC can and will:

- Hold the executive to account through scrutinising the council's performance and key decisions;
- monitor Cabinet decisions to ensure they are robust and good value for money;
- ask pre-decision scrutiny questions and consider decisions that are call-ins;
- request elected Mayor and Cabinet Member to attend OSC and explain their decisions, council plans and performance;
- OSC can request the executive to submit a report to Full Council if it considers that a key decision has been taken which was not published in advance.

As part of the refresh of OSC and under its terms of reference, the OSC has appointed three Scrutiny Sub-Committees and two Scrutiny Leads to appropriate and deliver on scrutiny focussed committee meetings, scrutiny reviews and challenge sessions as part of its forward plan.

Scrutiny Portfolio

OSC

Strategy & Performance
 Strategic partnership
 Oversight of budget scrutiny
 Tower Hamlets Partnership & Plan
 Policy development and Implementation
 Cohesion, integration and community relations
 Civic Centre
 Council Transformation and continuous Improvement
 Communications
 Equalities
 Member Support

Health and Adults

Adult Social Care
 Adults with Disabilities
 Mental Health
 Carers
 Loneliness
 Tackling Health Inequalities
 Public Health
 Leisure Sport and Physical Activity
 NHS Health Services
 Integrated Services
 Adult Safeguarding
 Adult Social Care Charing

Children and Education

Children Services and Ofsted
 Children Social Care
 Looked After Children and Child protection
 Children With disabilities And special needs
 Youth Services
 Youth offending and youth justice
 Tackling child poverty
 Early Years, Learning and Play
 Children Centres
 Young People Learning
 School Improvement
 Further & Higher Education
 Arts and Events
 Cultural Creative Industries
 Community Language Services

Housing and Regeneration

Housing Mgt and Better Neighbourhoods
 Housing Options and Advice
 Tower Hamlets Homes and registered providers
 Private Sector Housing
 Housing Strategy
 Economic Regeneration
 Housing Fire Safety
 New Council Homes
 Local Development Framework and Local Plan
 Regeneration strategy and Sustainability
 Asset Management
 Planning Services Building Control and enforcement
 Major Projects
 Employment Partnership
 Economic Development
 Work Path
 Apprenticeship and Training
 Support for local businesses
 Market and Town Centres

Environment and Community Safety

Community Safety
 THEO's Enforcement
 Crime prevention
 Antisocial Behaviour
 Drugs and Alcohol Crime prevention
 Tackling radicalisation / Prevent
 Waste management and recycling
 Street management and cleanliness
 Environmental Health and Protection
 Environment enforcement
 Parking Services
 Parks and Open Spaces
 Transport Services
 Neighbourhood refresh programme
 Licensing, Policy and Strategy
 Trading Standards
 Air Quality

Finance and Resources

Finance, Budget
 Development and Monitoring
 Capital Strategy and Delivery
 Capital Delivery and Property Services
 Grants and Volunteer Sector
 Procurement and Corporate programmes
 Value for money
 Revenue Services
 Human Resources
 ICT
 Risk management
 Tackling poverty and welfare reform
 Customer access and Local Presence
 Idea Stores and Libraries
 Digital inclusion and Internet access

Types of scrutiny activity

Scrutiny can take different forms and there are a number of different approaches for scrutiny processes or ways in which issues are brought to the attention of scrutiny:

- Reviewing budget and policy framework items on strategies, plans and position statement such as housing, health, employment and enterprise, crime and disorder, environment and licensing;
- Pre-decision scrutiny of Cabinet business – reviewing forthcoming plans allowing OSC to highlight issues for its work programme. OSC meets before Cabinet and it is able to raise questions for Cabinet consideration on key decisions and policy areas;
- Spotlight focus on particular policy area and or a Cabinet Member's portfolio;
- Undertaking budget scrutiny including budget setting and allocation of resources, risk, borrowing, capital expenditure and savings;
- Investigating specific issues or services using scrutiny reviews and challenge sessions;
- Call-in of decision whereby OSC reviews the executive decision and if necessary requests changes/amendments to that decision prior to its implementation; and
- Petitions can trigger OSC debate and must include names, addresses and signatures of at least 1000 people who reside, work or study in the borough.

Tower Hamlets in numbers

310,300

Total population (2021)



Tower Hamlets has the fastest growing population nationally. The local population has grown by **22.1%** from **254,100** in 2011. Nationally, population growth has been much slower over the decade since 2011 (**6.6%**).



Tower Hamlets is the most densely populated borough in England with **15,695** residents per square kilometre.



Tower Hamlets has a young age profile. It is the only local authority area where less than **6%** of residents (**5.6%**) are aged 65+



Tower Hamlets now has the **20th** largest population of local authority areas in England moving up **20** places in the decade since 2011.



Tower Hamlets has the equal **10th** highest population of London boroughs having moved up from **17th** in 2011.



The working age population has increased by **25%** since 2011. **220,300** residents are aged between 20 – 64 in 2021.



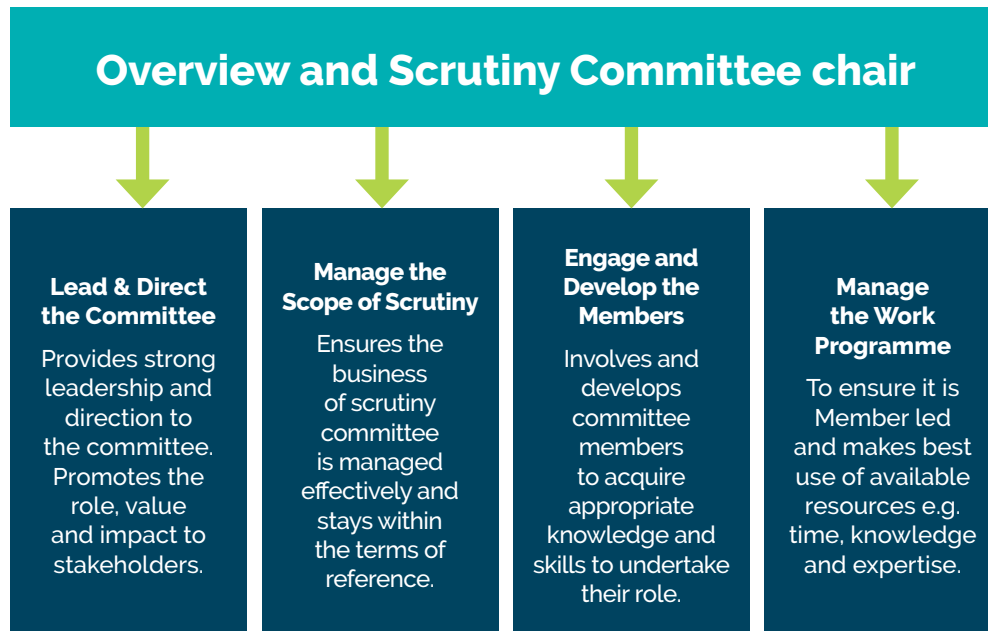
Tower Hamlets has seen the largest increase in total number of households of any local authority area across England and Wales. Between 2011 and 2021, an additional **19,200** households have been formed, representing a **19%** increase since 2011.



Part B – Key Roles and Responsibilities

Scrutiny chairs and leads

The OSC chair (along with the vice chair) holds responsibility for chairing the principal scrutiny committee meetings working with other scrutiny Members to promote the scrutiny function and profile. The chair also holds responsibility for:



Scrutiny chairs/leads will work closely with statutory scrutiny officer, scrutiny network officers and Democratic Services to co-ordinate scrutiny activities and the scrutiny work programme. All scrutiny chairs will ensure:

- that the chairing of OSC and Sub-Committee meetings is timely, efficient and follows the agreed agenda;
- that they play a key role in leading discussions on setting objectives and ensure that committee Members understand their role and responsibilities on hearing evidence;
- that they promote the appropriate decorum, discipline and standards of behaviour in scrutiny;
- that they have adequate resources support including Members development, officer support and funding for scrutiny activities;
- that they take a lead in monitoring the council's decision-making process and ensure decisions are aligned to council's budget and policy framework;
- that they scrutinise the activities of the Cabinet;
- that they invite Mayor, Cabinet Members, officers and partners to attend scrutiny committee meetings to answer questions;
- that they own and present scrutiny committee reports to the relevant bodies of the council;
- that they pay special attention to protect the scrutiny committee's independence (avoid being the de facto opposition to the executive).

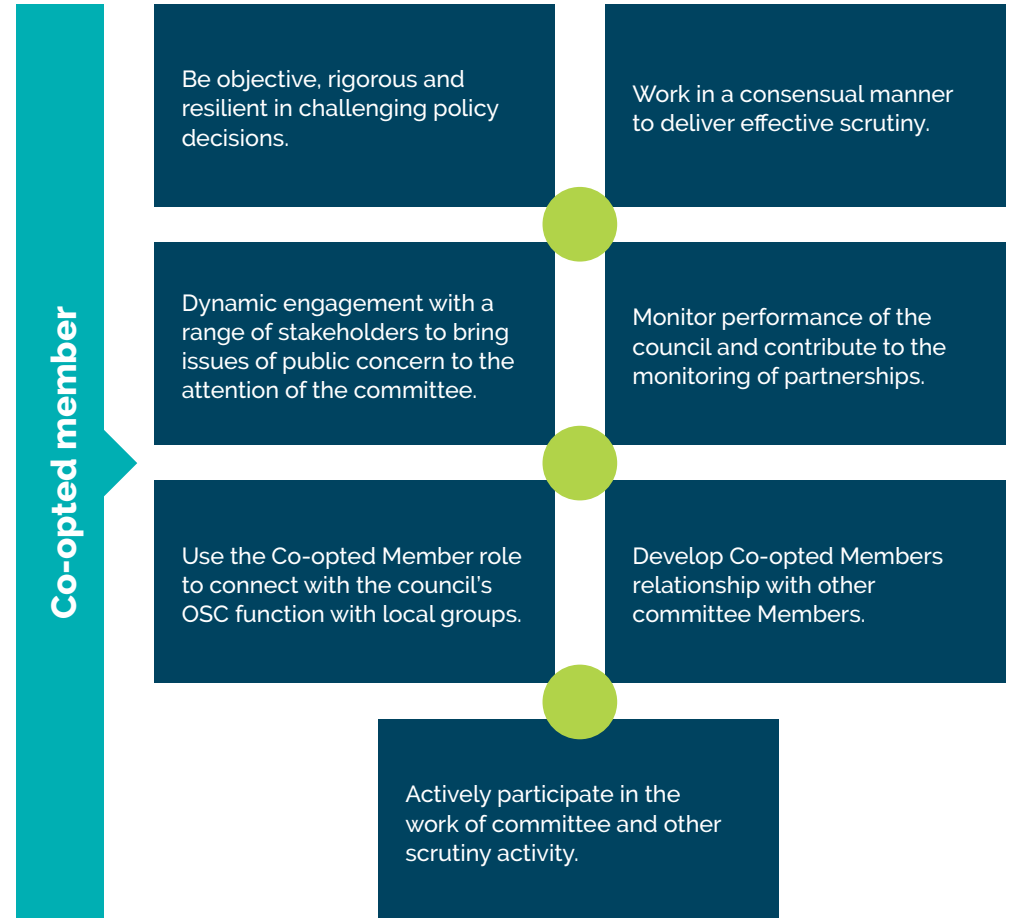
Types of scrutiny activity

Scrutiny support 12 dedicated Co-opted Members on its scrutiny committees who represent the community perspective. Involving co-optees with scrutiny activities helps the committee to better understand the key issues and encourages better public engagement.

OSC and its subcommittees have the following Co-opted Membership:

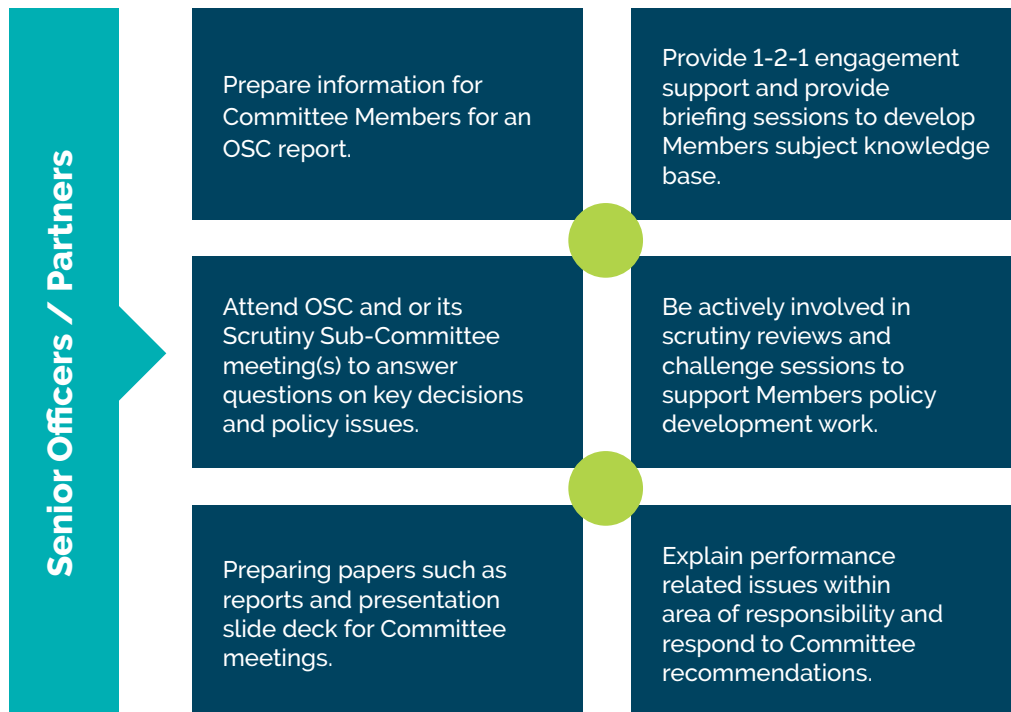
Scrutiny Committee	OSC	Health and Adults	Housing and Regeneration	Children and Education
Number of Co-opted Members	2	2 (1 of the Member is a Healthwatch representative)	2 (a leaseholder representative and a tenant representative)	(Statutory co-optees) 3 Parent Governors, 1 Church of England, 1 Roman Catholic and 1 Muslim representative

Statutory Co-opted Members can only vote on Education Issues, comment on other topics but unable to vote



Senior Officers and Partners

Corporate, Divisional Directors will be asked to provide support to the overview and scrutiny process. This may include providing technical support to Cabinet spotlights and budget scrutiny. They may also be expected to contribute agenda items which directly impacts one of their services. Key partners such as the Borough Commander may be invited to provide OSC an overview of their performance and future community safety plans.



Senior Officer and Partner role

Officers from relevant services or those within scope have an obligation to help develop workable actions and to put into effect the purpose and intent of scrutiny report recommendations ensuring that these are implemented in the way that the executive have agreed.

Effective scrutiny can also examine issues that are politically contentious and at times may lead to the executive disagreeing with the scrutiny report findings or the recommendations of a scrutiny committee.

Officers are encouraged to hold dialogue with scrutiny Members to ensure that they understand the reasons why certain information is needed as this helps to council to provide both relevant and timely information and meets compliance requirements. Officers **MUST** ensure that all reports are submitted 12 days prior to publishing to allow for amendments or queries to be followed up.

Statutory Scrutiny Officer and Scrutiny Support

S9FB of the Local Government Act 2000 (incorporated into the Localism Act 2011) requires local authorities in England to appoint a statutory scrutiny officer (SSO). In Tower Hamlets the Director for Strategy Improvement and Transformation holds this role with the following responsibilities:

- To promote the role of the OSC and its Sub-Committees;
- Provide support to scrutiny committee and its Members; and
- Provide support and guidance to Members and officers relating to the functions of the scrutiny committee.

Scrutiny Officer

The scrutiny officers' main role will be to support the scrutiny chair/ lead and the Members of the committee in delivering effective scrutiny. This includes:



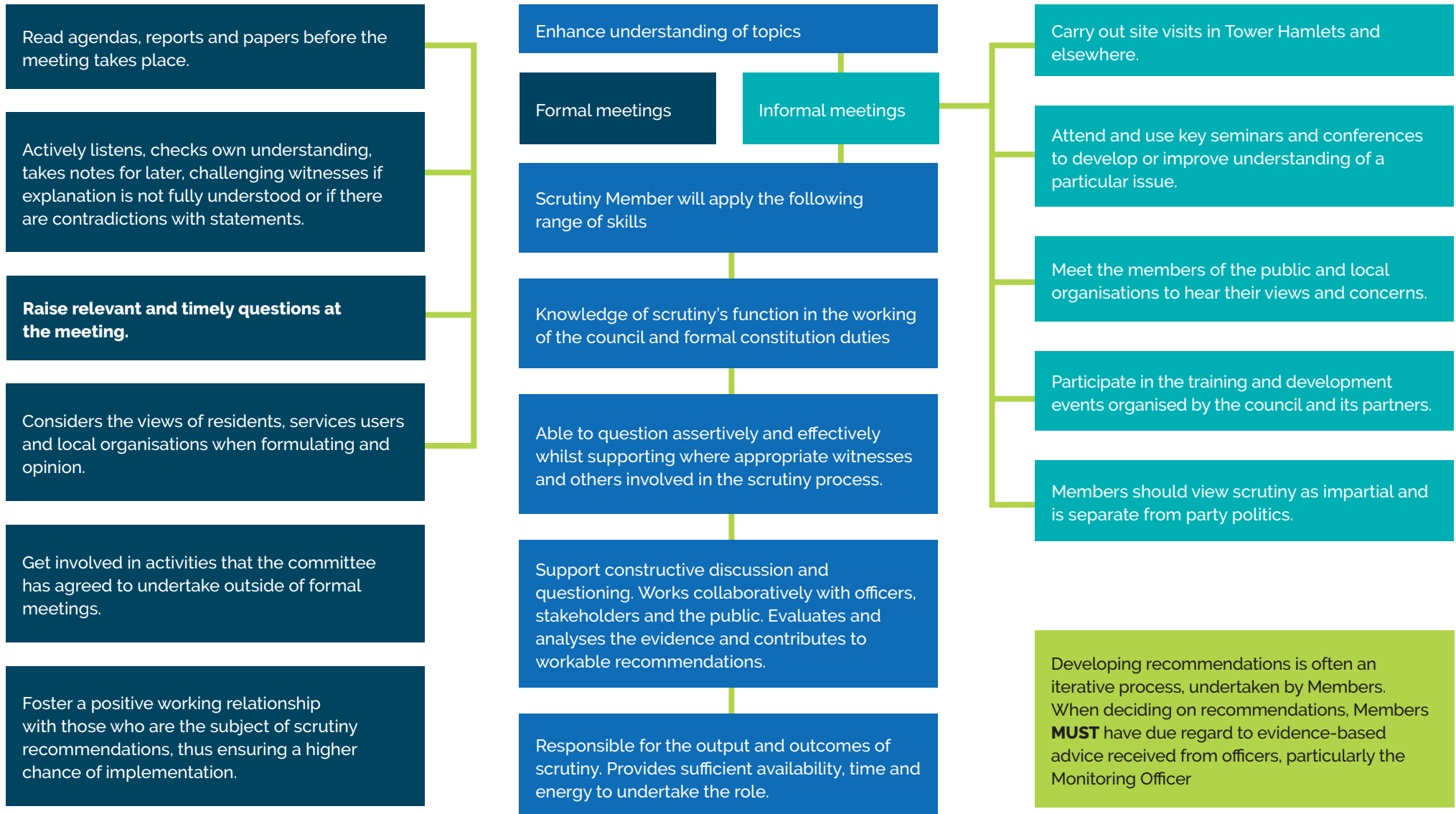
Scrutiny officers are responsible for providing appropriate advice and support to Members and officer engaged in the scrutiny process similar to Cabinet, other executive committees and elected Members in general. All council officers are expected to provide impartial advice and guidance.

Democratic Service organises the scrutiny committee meetings and this includes collating and distributing the agenda, preparing meeting venue and taking minutes of the meeting. They also advise the Committee Members on any constitutional and governance matters.

Non-executive Members

Non-executive Members can contribute and be involved in committee work. This includes scrutiny reviews, challenge sessions, call-ins and they can also make suggestions for OSC to focus on.

A non- executive Member working within overview and scrutiny function holds both individual and collective responsibility to ensure that the delivery of scrutiny is Member

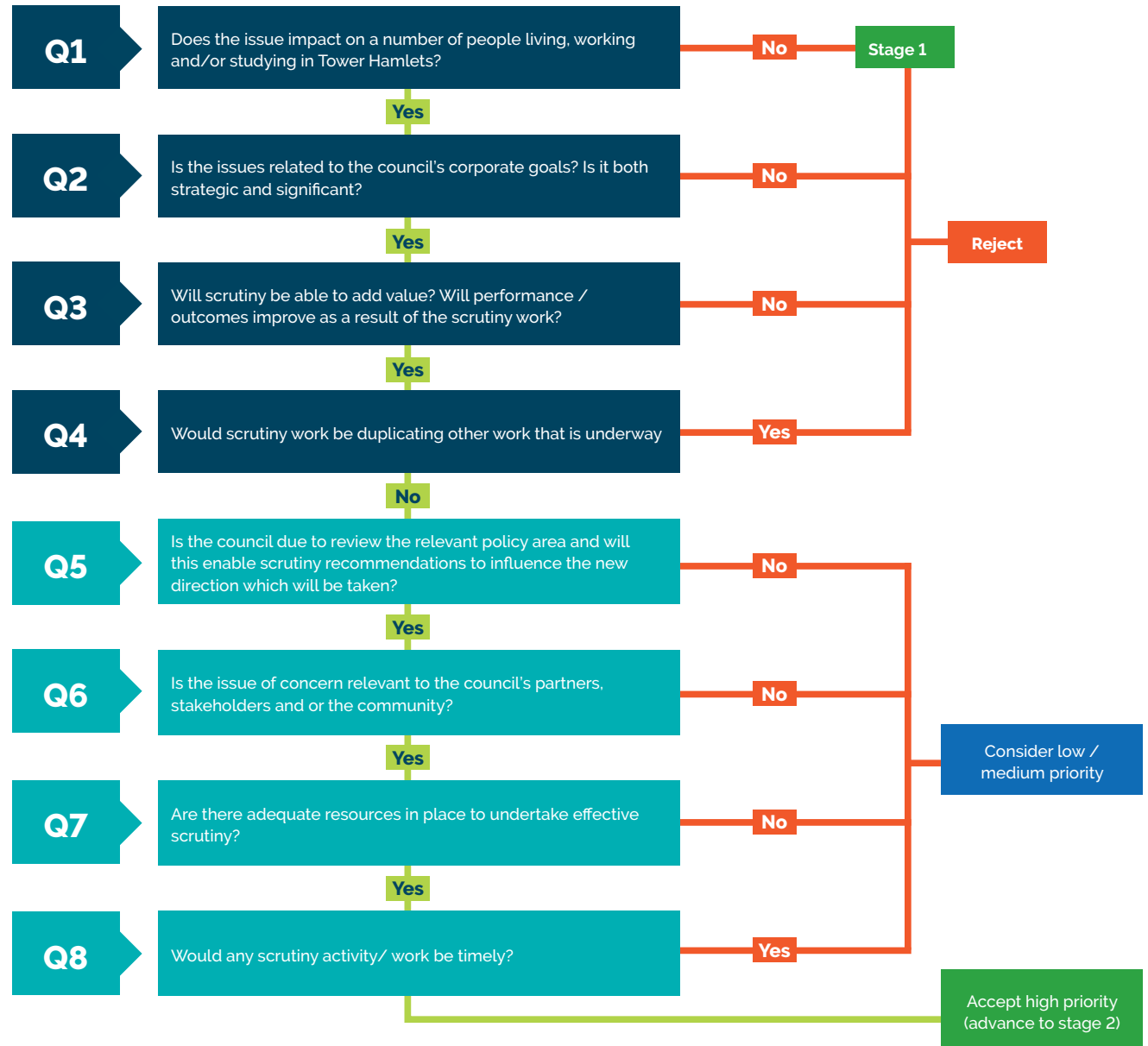


Part C – Useful scrutiny tools

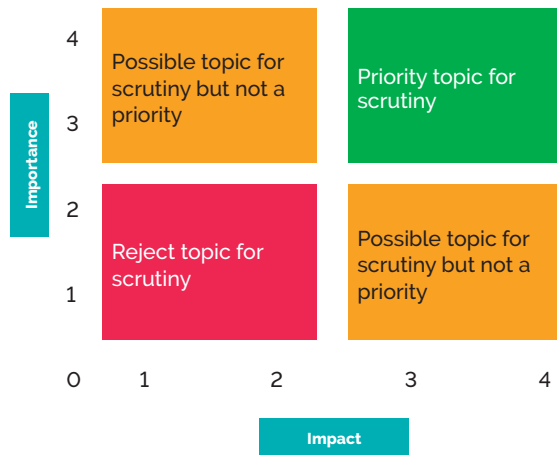
Work Programme Prioritisation

The work programme prioritisation tool helps Scrutiny Members to filter suggestions and determine the scrutiny areas Members wish to investigate.

CfGS suggests that once Scrutiny Members have generated a number of initial ideas for scrutiny topics, the process below should be followed. Starting at stage one to generate a list of suitable topics for scrutiny and to sift out less suitable topics. This would then generate a green list to advance to stage two of the process and an (amber) reserve list.



At stage two, Scrutiny Members would use the green list from stage one and then use the prioritise scoring chart below. All red topics needs to be rejected at this stage (even if it made passed stage one). All reserve lists being considered (amber) Must go through stage two of the prioritisation process.

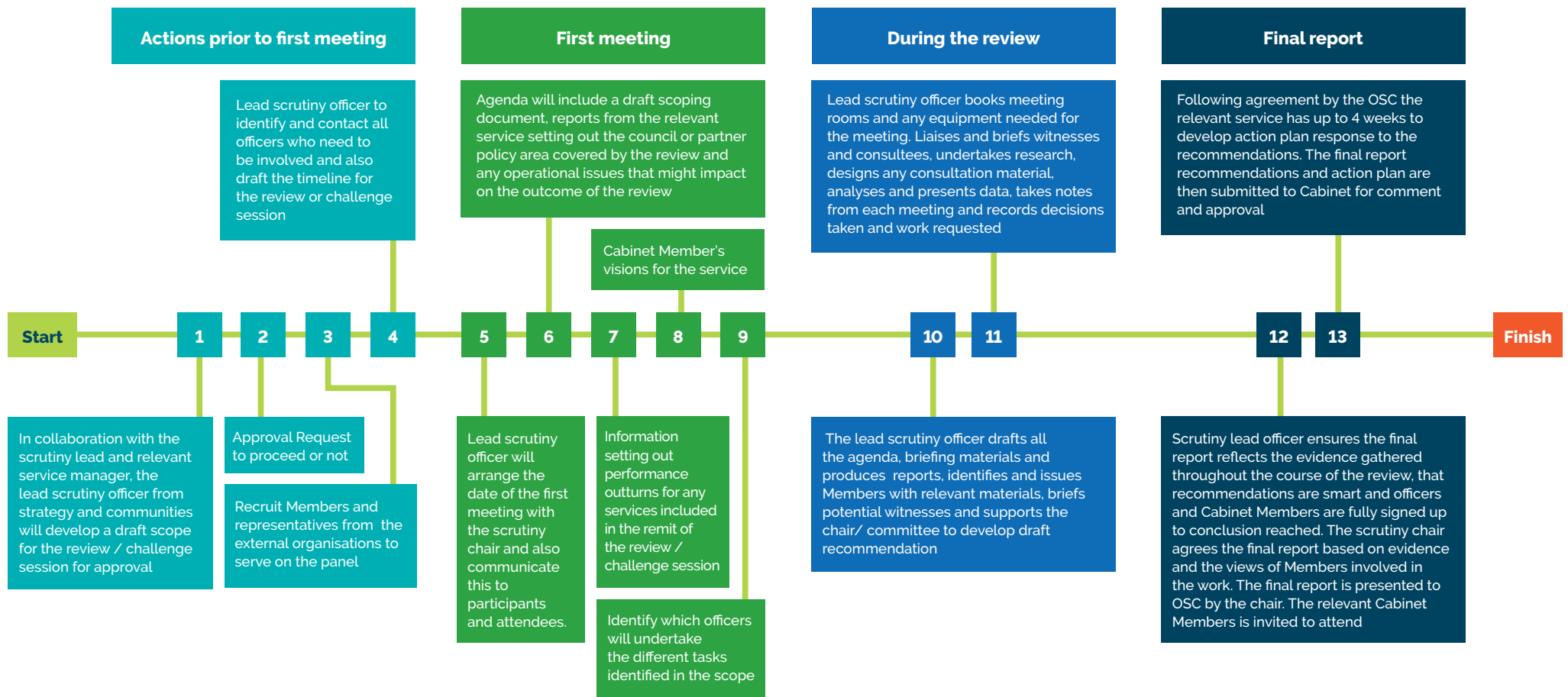


Stage 2

Score	Importance	Impact
0	No evidence that the topic/ issue is linked to council corporate objectives and priorities.	No identified benefits that are likely to result from a scrutiny investigation.
1	No evidence of links to the council's aims and priorities, but it is an ongoing area of public concern that falls within the authorities remit.	Minor benefits can be identified that would affect one ward or resident or service user group.
2	Some evidence of links to the council's key corporate objectives but it may be indirect and the topic is not related to current priorities.	Minor benefits that may affect one ward or resident or service user group to Moderate benefits that may affect two or more wards, resident, service user group. Identifiable benefits to an individual service area within the council Potential identifiable benefits to an individual service area with the council
3	Good evidence of links to council's key corporate objective and priorities and there is evidence that the issue is of public concern.	Moderate benefits that may affect two or more wards, resident, service user group to Substantial benefits for a significant proportion of the community. Identifiable benefits to a department/ directorate within the council
4	Strong evidence of links to council's key corporate objectives and priorities and there is evidence of a high level of public concern.	Substantial potential benefits for a significant proportion of the community. Substantial benefits for the whole council

Process map for scrutiny reviews and challenge sessions

Members should determine as part of their scrutiny work programme development whether they will be undertaking a scrutiny review or a one-off challenge session, this will depend on the complexity or breadth of the topic.



Benefits of using pre-meets

Meeting with the scrutiny chair and scrutiny committee Members beforehand is highly recommended. Good practice suggests allowing for 30 minutes prior to the scrutiny meeting going ahead.

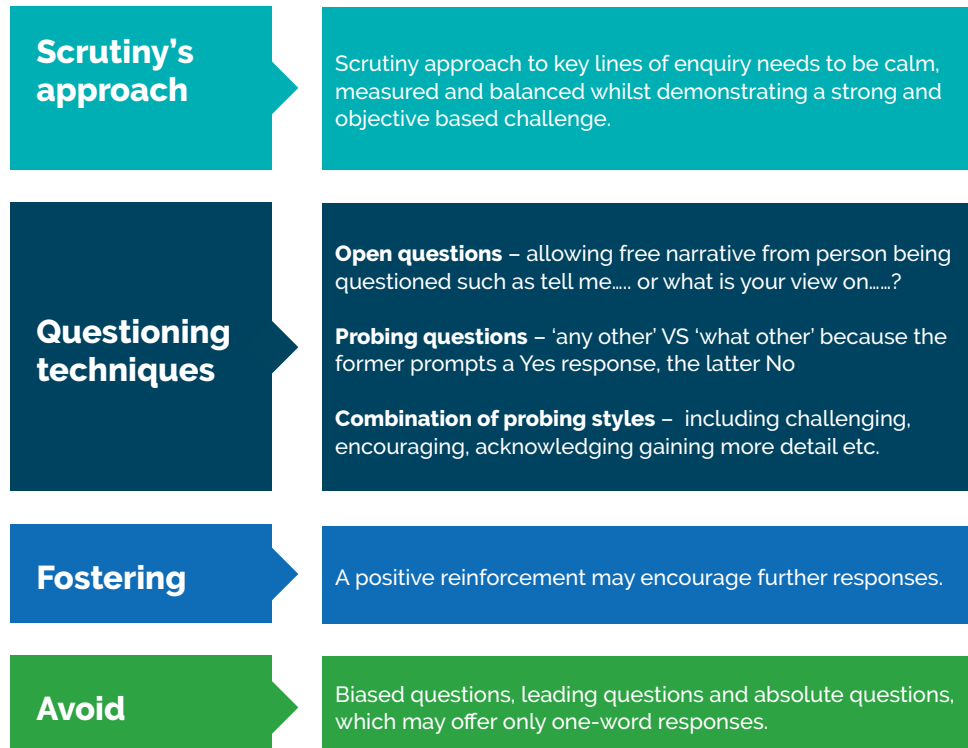
Pre-meets helps scrutiny officers and the chair to plan, structure and co-ordinate the meeting such as getting a sense of the type and nature of key lines of enquiry to be asked at the meeting. It also provides the Committee Members an opportunity to raise any issues, queries or clarification about the items on the agenda.

The check list below helps to consider the following:

- 1 Review and run through the chairs briefing to confirm the agenda, timeframe for each agenda item and questions;
- 2 Review key lines of enquiry, distribution in terms of who will be asking the questions and if committee Members have any additional or supplementary questions they wish to put forward;
- 3 Check with the chair and committee if there are likely to be any conflicts of interests;
- 4 Check with the chair and committee if there any likely to be any contentious issues or topics and how to manage any challenging behaviour;
- 5 Inform the chair if there are likely to be any apologies or substitutes;
- 6 Inform the chair of any external or public attendance expected and or questions that the public would like to be raised on the specific agenda item;
- 7 Consider any likely action points / recommendations to be required or raised at the meeting; and
- 8 If the meeting is within community setting, the chair needs to ensure that they inform all attendees of any housekeeping information at the beginning of the meeting (in-order to manage any risks).

Using key lines of enquiry

The Centre for Governance and Scrutiny (CfGS) provides excellent publication on questioning techniques for scrutiny Members. The key points include:



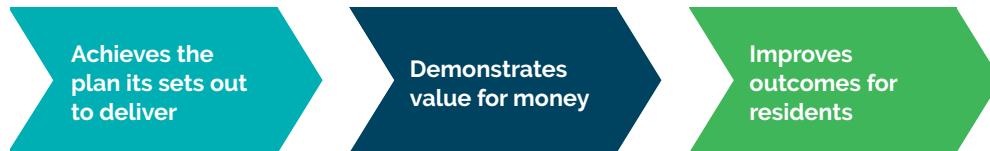
CfGS also suggests that the following key lines of enquiry (KLoE) areas could be used to frame the discussion. Some topics or issue specific KLoE unique to a review can be produced at scoping stage to help develop the review's focus

The following five KLoE may help Members to focus their questioning for policy development and scope planning:



Scrutinising and Measuring Performance

Performance management should be a continuous process, that responds to actual strategic performance information to ensure the council:



Reviewing performance information using an evidence-based approach helps scrutiny councillors to have a good understanding of the areas that require further 'critical friend' challenge.

Performance information can assist scrutiny to:

- Inform the scrutiny work programme and helps to focus on areas;
- develop scopes for scrutiny reviews and challenge sessions;
- hold the executive to account on decisions and strategic priorities;
- benchmark performance with other services and organisations; and
- be used as part of evidence gathering.

Assessing the impact of the role of overview and scrutiny can be difficult to measure. CfGS suggests that performance indicators for scrutiny can be developed under four principles:

Performance

Critical friend Challenge

% of items on scrutiny work programme taken from the forward plan.
% of items on Cabinet agenda amended through scrutiny intervention.

Reflecting the voice and concerns of the public and its communities

% of items on the scrutiny work programme suggested by the public on issues raised via surveys, comments and or complaints.
Number of visits to council's scrutiny web page.
Number of external people involved in the scrutiny process.

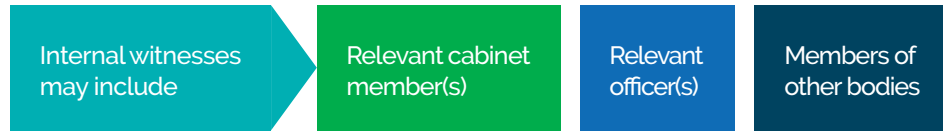
Taking the lead and owning the scrutiny process

% of meetings attended by councillors at which they were required.
% of councillors involved in training on scrutiny.
% of councillors that have a good awareness of the role of scrutiny and their role as a scrutiny member.

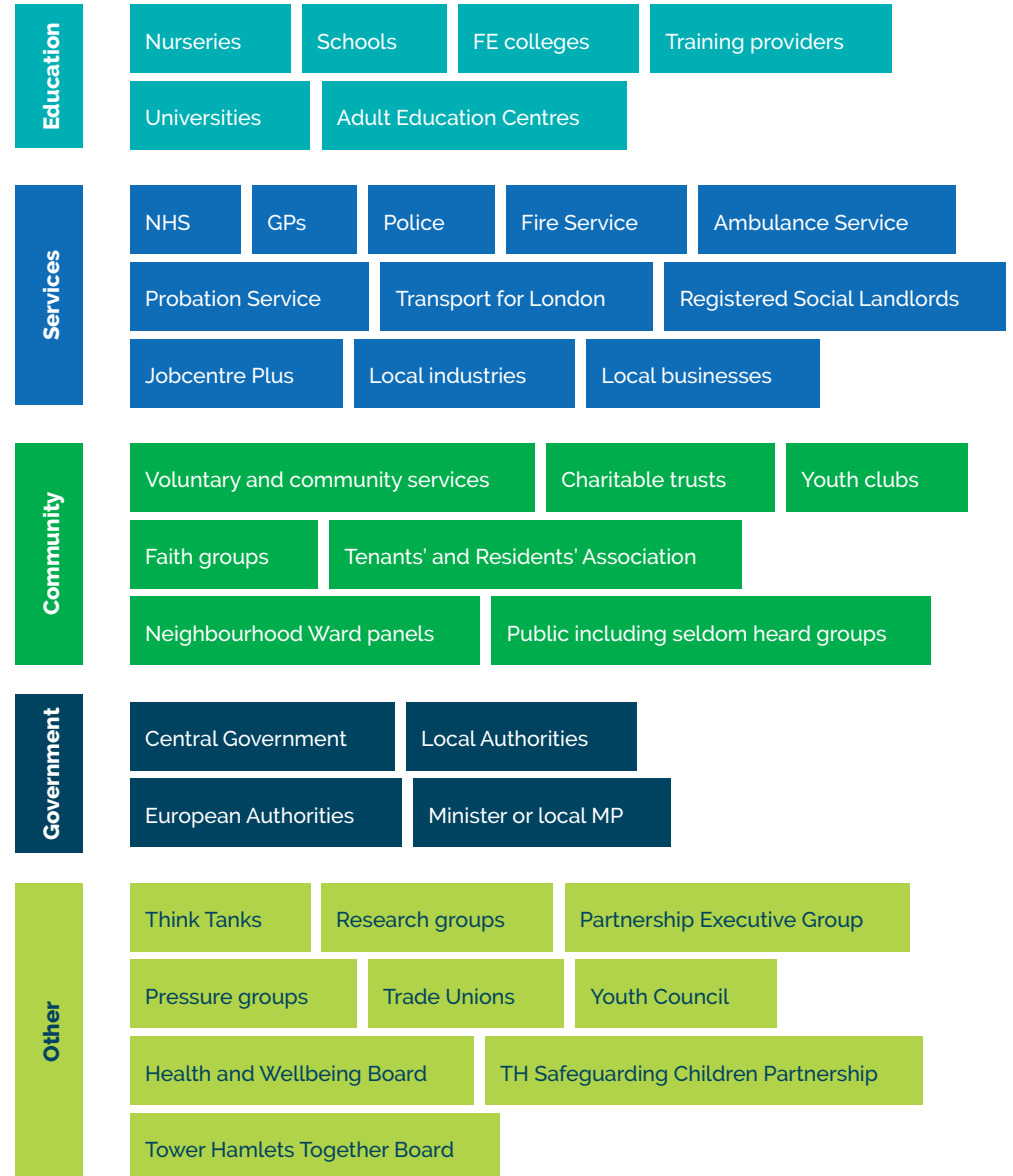
Making an impact on service delivery

% of scrutiny recommendations implemented by the executive.
% of stakeholders who feel that scrutiny has an impact on services
Improve identified by stakeholders because of scrutiny.

The evidence of witnesses to scrutiny may often be the most valuable source of information and helps to inform the discussion and recommendations by the committee.



External witnesses can be drawn from a diverse range of individuals and or organisations. Councillors should undertake stakeholder mapping to secure the right witnesses for the meeting. A number of different stakeholders are shown below who could potentially be accessible as witnesses for scrutiny meetings, reviews and challenge sessions.



There are some points of consideration when gathering evidence from witnesses including:

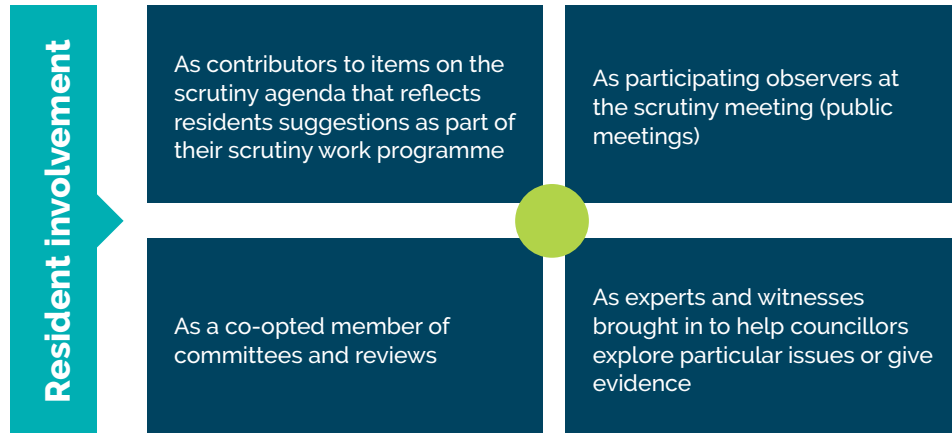
Location	Most committee meetings will normally be held within council premises (which are usually well equipped), however some meetings may take place within the community settings as they potentially offer better public turnout and engagement. Having a less formal setting can also put witnesses at ease. Since the introduction of digital technology and impact of the pandemic, many of the meetings have been able to be delivered in a hybrid mode using technology and provide greater accessibility for engagement
Layout	For formal committee meetings a horseshoe table layout is preferable and considered effective. In less informal settings, councillors should consider a circular layout that may reduce witnesses feeling less intimidated.
Briefing witnesses	It is important that both internal and external witnesses are aware of what to expect when they attend to give evidence

Encouraging community participation with the scrutiny process is a key mechanism for scrutiny councillors to represent the views of their community and ensure that these views are considered by the council in its policy development and decision making.

To help with engage a wide range of the borough's community, scrutiny councillors will need to factor in the following:

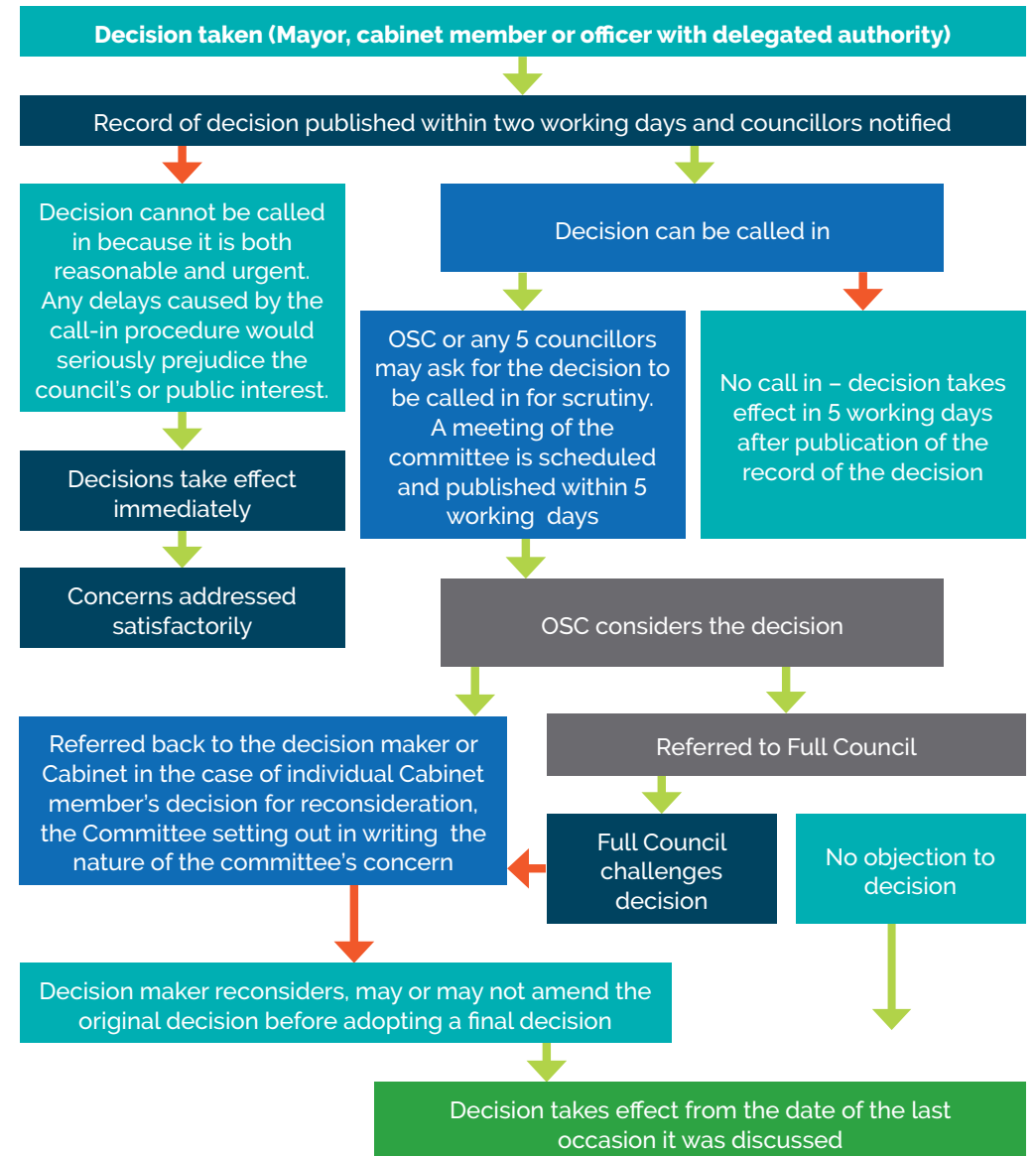
- Ensure meeting places are accessible and welcoming;
- Meeting people informally in their own neighbourhoods and communities;
- Advertise at Idea Stores and local delivery points;
- Using social media channels to increase publicity, exposure and demand;
- Visit community forums and place publicity in the local and community press and community centres;
- Hold dialogue with faith group leaders and voluntary and community sectors; and
- Use plain English, brail and community languages to maximise engagement and have wider reach.

There are four ways that residents can be involved in scrutiny as contributors:



Call-in Process

The diagram on the right shows how an executive decision is called in. There are a number of reasons why a decision may be called in but usually a 'call in' takes place if the decision has not been implemented.



Part D – More Information

How to get in touch with the scrutiny team

If you would like more information or wish to contact the scrutiny team. You can email the scrutiny team at:

Email: Scrutiny2@towerhamlets.gov.uk
Webpage: www.towerhamlets.gov.uk/thscrutiny

You can also contact the statutory scrutiny officer on:

Afazul Hoque
Head of Corporate Strategy and Communities
Email: afazul.hoque@towerhamlets.gov.uk

Or contact the scrutiny lead officer:

Daniel Kerr
Strategy and Policy Lead
Corporate Strategy and Communities
Email: daniel.kerr@towerhamlets.gov.uk

 www.towerhamlets.gov.uk

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Appendix 1

Reflective preparatory questions	Questions on scrutiny performance
Why is performance at the current level?	
Is the council meeting its targets?	<ol style="list-style-type: none"> Why are we not meeting these performance targets? Is there any other reason for this? How accurate was your forecast last time? Are the targets sufficiently ambitious? What were the targets based on? How have you identified all the risks to achievement?
Is the service in question improving?	
How are these services planned and do they deliver against the council's priorities? Where is the evidence to demonstrate this?	
Does the information align with your own research or experience within your ward?	
What is the quality of the service being received by residents regardless of if the council has met its target?	
What difference does it make?	
What are the implications of not meeting this target?	<ol style="list-style-type: none"> What impact does this have on residents? Will this affect other services and partners? Is there any impact on equalities, sustainability or efficiency?
If the target is being met, can we move resources from this area to a higher priority?	
How do you ensure things get better?	
How will performance be improved? How is the project or service advancing the council into the future?	<ol style="list-style-type: none"> How will the causes of underperformance be addressed? Are there additional resources, training or support required? If additional resources is needed where will this come from? When can we expect performance to be back on track? Can other services, partners contribute to the improvements How well are other council's or services performing in the area? What are they doing differently?
Has the performance been poor for two consecutive quarters? Is it time to call it in for a review?	
What meaningful improvements can the committee suggest that will improve the service both for the council and residents?	

Appendix 2

Advice on expectations and behaviour for witnesses, and scrutiny members when participating with scrutiny meetings.

