



City of
Stoke-on-Trent

A GUIDE TO OVERVIEW AND SCRUTINY

Overview and Scrutiny in the National Context

The Purpose

The overview and scrutiny function is derived from statute. Its purpose is to ensure that local government remains transparent, accountable and open. Its principal role is to hold decision-makers to account by reviewing policies and decisions made by the Cabinet and key partner organisations.

The Legal Power

Overview and scrutiny committees have the legal power to:

- Make reports or recommendations to the Cabinet.
- Require that the Council makes information available to it, both in the form of written reports and by Cabinet member and officer attendance at committee meetings.
- Require that the Cabinet (or other decisionmakers) respond to its recommendations within a set time frame.

For external organisations, overview and scrutiny committees have the legal power to:

- Require health providers to provide information, respond to committee reports and attend overview and scrutiny meetings.
- Scrutinise the work of Crime and Disorder Reduction Partnerships and the work undertaken by the responsible authorities in connection with the discharge of crime and disorder functions.
- Request and scrutinise information from risk management authorities of flood risk management functions which may affect the local authority area.

Statutory Guidance

In May 2019, the Ministry for Housing Communities and Local Government published Statutory Guidance on Overview and Scrutiny in Local Government¹. Local authorities have an obligation to hold the guidance in regard when exercising their scrutiny function, although it is nationally recognised that each authority is best placed to determine its own scrutiny arrangements.

The guidance seeks to ensure that local authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

¹ [Overview and Scrutiny Statutory Guidance](#)

Overview and Scrutiny in Stoke-on-Trent

The Council's Constitution provides for the Council to appoint at least one overview and scrutiny committee.

Committee Remits

The City Council appoints four overview and scrutiny committees and the remits of each committee were last reviewed by Full Council in October 2021. Since January 2022, the remit of the four committees has essentially mirrored that of the Council's four directorates. The committees are:

- Adult Social Care, Health Integration and Wellbeing - [Committee details](#)
- Children and Family Services - [Committee details](#)
- Housing, Development and Growth - [Committee details](#)
- Strategy and Resources - [Committee details](#)

Committee Membership

With the exception of the seven City of Stoke-on-Trent Cabinet Members, all councillors may be a member of an overview and scrutiny committee. Appointments to committees are made at the Annual City Council meeting. Eight councillors are appointed to serve on each committee and political balance proportionality rules are applied to each one. Each political group has its own process for deciding how to match councillors to committees.

The Council's Constitution makes appropriate provision for the Children and Family Services Overview and Scrutiny Committee to include voting representatives. These representatives are selected and appointed in accordance with legislative requirements and are additional to the 8 councillor members.

Committee Meetings

Each overview and scrutiny committee is scheduled to meet on average eight times a year, although the Chair can call further meetings as necessary. The meetings are held in public and members of the public and other external organisations can be invited to speak and give evidence.

Committee Role

Planning Work

Each committee maintains a work programme which aims to set out topics for each meeting throughout the year. Work programmes are often reviewed annually but they are live documents and it is vital that flexibility is built in to respond to issues of concern as they arise and to scrutinise issues arising from the Notice of Decisions, which is published monthly and lists the key decisions that the Cabinet is planning to take.

Items for inclusion on the work programmes originate from suggestions by lead officers as well as members. The Chairs have regular briefings with Directors and/or service leads on current and potential issues which may impact on the committee's

planned work, this is intended to ensure that particularly significant issues are given priority.

Monitoring Performance

The committees have a role in monitoring the performance of the Council's services and they each receive quarterly updates of performance against the Council's strategic measures that relate to their remits.

Themed Reviews

Where there is a need for a detailed review of a particular issue, the committees will dedicate a meeting as a focussed evidence gathering session or they may choose to establish a Task and Finish Group to carry out the work on the committee's behalf.

Each committee has agreed to follow a step process when undertaking a review which is underpinned by early planning and preparation. When embarking on a themed review, committees should be clear about its purpose. Questions that need to be considered include - what are the drivers for it? Why now? What does the committee hope to achieve?

Final review reports containing a committee's findings, conclusions and recommendations will be forwarded to the relevant Cabinet Member and Lead Officer. The agreed process provides for committees to decide on a topic by topic basis whether a formal Cabinet response is required and if this is the case then relevant procedure rules are provided in the Constitution. Committees are responsible for reviewing any progress made in response their recommendations and monitoring arrangements are built into the work programmes.

Pre-decision Scrutiny

Committees can seek to become involved in a decision before it is formally taken by the Cabinet. The selection of topics for pre-decision scrutiny should form part of the regular dialogue between chairs and directorates, so that appropriate planning can take place. It is recognised that pre-decision scrutiny that is carried out immediately before a decision is made will have obvious time limitations.

Post-decision Scrutiny and Call-in

Committees may choose to undertake post-decision scrutiny in response to decisions that have already been made. Some of this activity will be expressed through the regular performance monitoring that is built into the work programming but there will be occasions when a committee might want to review how a decision has been implemented and whether the original objectives and anticipated outcomes are being met.

Call-in is a mechanism for the committees to consider key decisions taken by the Cabinet prior to implementation. Provision is made in the Constitution for a minimum of three councillors to seek to call-in a decision within five working days after publication of the decision taken. It is a tool that should only be used in very exceptional circumstances and members are required to provide good reason when submitting a call-in request.

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