



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	FULL COUNCIL – 31 JULY 2024
Subject	OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2023/24
Wards affected	None
Accountable member	Councillor Gina Blomefield, Chair of the Overview and Scrutiny Committee Email: gina.blomefield@cotswold.gov.uk
Accountable officer	Andrew Brown, Business Manager for Democratic Services Email: Democratic@Cotswold.gov.uk
Report author	Caleb Harris, Senior Democratic Services Officer Email: caleb.harris@cotswold.gov.uk
Summary/Purpose	To receive the annual report of the work of the Overview and Scrutiny Committee.
Annexes	Annex A – Executive Scrutiny Protocol (Part E10 of the Constitution) Annex B – Recommendations to Cabinet from 2023/24 year Annex C – Current O&S Work Programme
Recommendation(s)	That Full Council resolves to: I. Note the Annual Report of the Overview and Scrutiny Committee 2023/24.
Corporate priorities	<ul style="list-style-type: none">• Delivering Good Services• Responding to the Climate Emergency• Delivering Housing• Supporting Communities• Supporting the Economy <p>The Overview and Scrutiny Committee in its work considers reports from a variety of areas which support the agreed priorities within the Council's Corporate Plan.</p>
Key Decision	NO



COTSWOLD
DISTRICT COUNCIL

Exempt	NO
Consultees/ Consultation	Overview and Scrutiny Committee, Director of Governance, Interim Executive Director (Publica), Cotswold Local Management Team



1. EXECUTIVE SUMMARY

- 1.1** An annual report may be submitted to Full Council to demonstrate the impact of Overview and Scrutiny and the effectiveness of the Executive Scrutiny Protocol under Part E10 (point 10.2) of the Constitution
- 1.2** The Council therefore is asked to note the report for the previous civic year and the future work programme for the Overview and Scrutiny Committee.

2. BACKGROUND

- 2.1** A Corporate Peer Challenge Feedback Report from October 2022 noted that there were different views about the effectiveness of the Council's Overview and Scrutiny function. The report welcomed the requirement for the Chair of the Overview and Scrutiny Committee to be an opposition member as a mature constitutional change that provided a good foundation. The report also noted that the Leader and Cabinet were clear that they wished to be held to account more by Overview and Scrutiny.
- 2.2** Following the Peer Challenge report, the Council has refocused the role of Overview and Scrutiny on to holding Cabinet to account and contributing to policy development on behalf of the local community.
- 2.3** The Council under the Cabinet and Leader model now operates an effective Overview and Scrutiny Committee which provides pre-decision scrutiny of Cabinet decisions and contributes to the development of the Council's Budget and Policy Framework. The Committee is also empowered to consider other issues that affect the district or its people.
- 2.4** Decisions to be taken by Cabinet are notified on the Forward Plan for 28 days in line with the statutory provisions of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. These decisions will also include Key Officer Decisions which are delegated by Cabinet. For completeness, Council decisions are also included on the Forward Plan.
- 2.5** The Committee of 10 Members, chaired by an opposition Member, provides oversight of the work of the Cabinet and will question Cabinet Members about proposals within their portfolio responsibilities.
- 2.6** Council passed in November 2022 the Executive Scrutiny Protocol which sets out the relationship between the Overview and Scrutiny Committee and the Executive (Cabinet).
- 2.7** The protocol describes how important good relations between the Overview and Scrutiny Committee and the Cabinet will enable strong decision-making.
- 2.8** In paragraph 10.1 of the protocol, it sets out the following requirements to demonstrate the success of the protocol. These are:
 - Recognition of the value of scrutiny;



- A clear record of constructive challenge;
- Valuable scrutiny reviews that achieve impactful outcomes;
- An open and accountable decision-making process

2.9 Officers have also taken into account the guidance from the work of external bodies such as the Centre for Governance and Scrutiny to help guide the Committee in using best practice to achieve the aims of the protocol.

3. THE VALUE OF SCRUTINY AND CONSTRUCTIVE CHALLENGE

- 3.1** For Overview and Scrutiny to be successful, it must be able to demonstrate its ability to scrutinise and provide a 'critical friend' analysis of the work of Cabinet and proposals that are set to come before Cabinet.
- 3.2** Under the Executive Leader and Cabinet Model operated by the Council, Overview and Scrutiny has a key role in providing democratic checks and balances on the role of the Cabinet.
- 3.3** In the 2023/24 civic year, pre-decision scrutiny has been properly embedded as a feature of the Council's executive decision-making process and the Overview and Scrutiny Committee has proven to be effective at undertaking this role.
- 3.4** The Cabinet Forward Plan is published on a monthly basis via the [Cabinet's Forward Plan webpage](#). This enables the Committee to select reports for consideration at future meetings. Annex C provides the Overview and Scrutiny Work Programme at present. This work programme is agreed annually but reviewed at each meeting and adjusted to take account of emerging priorities and any adjustments to the Cabinet Forward Plan.
- 3.5** Overview and Scrutiny at each meeting will hear from the Leader/Cabinet Member responsible for each report for pre-decision scrutiny. There is then the opportunity for the Committee to discuss various aspects of reports and ask the Cabinet Member detailed questions. On occasions, Members or public speakers have made representations to the Committee which have informed its deliberations.
- 3.6** Annex B provides the list of recommendations that have been presented to Cabinet in the 2023/24 civic year. Any recommendations are agreed to by the Committee at the conclusion of each item, with the Chair and Vice-Chair confirming with officers the final wording of the recommendations after the meeting if necessary.
- 3.7** Cabinet Members are then given the opportunity to consider the recommendations and the responses are agreed to by Cabinet collectively, before being reported back to the next meeting of the Overview and Scrutiny Committee.



- 3.8** In total, 28 recommendations have been made to Cabinet by the Overview and Scrutiny Committee in 2023/24, with 22 recommendations being accepted, in whole or in part, by Cabinet.
- 3.9** There are a number of recommendations which made a noticeable contribution to the quality of decisions made by Cabinet. These recommendations often took into account the views of other stakeholders including areas of public interest. The issues involved include those around the Local Plan and Public Conveniences where local impacts were brought to the attention of the Committee.

4. VALUABLE SCRUTINY REVIEWS THAT ACHIEVE IMPACTFUL OUTCOMES

- 4.1** Scrutiny Reviews conducted by the Overview and Scrutiny Committee play an important role in enabling Members to have input into the policy-development process.
- 4.2** Under Article 7.3 of the Constitution, Task and Finish Groups can be set up by the Committee to provide critical oversight of areas of policy within the Council and oversee external policy too.
- 4.3** These groups are made up of a select number of Members on a cross-party basis. The membership of Task and Finish Groups may include non-Executive Members who are not Members of the Overview and Scrutiny Committee.
- 4.4** Since the Peer Review, the Overview and Scrutiny Committee has established two Task and Finish Groups in order to scrutinise emerging policy and to influence process and to provide reports and / or recommendations to Cabinet.

EMPLOYMENT POLICIES TASK AND FINISH GROUP

- 4.5** The Employment Policies Task and Finish Group was established during the 2022/23 civic year on 4 October 2022 with its terms of reference agreed by the Committee membership at that time.
- 4.6** The Employment Policies Task and Finish Group was chaired by Councillor David Cunningham and attended by Councillors Nikki Ind, Julia Judd and Mark Harris. The Group examined the Council's work in updating its HR Policies for Council employees.
- 4.7** The Group, in discussion with officers, oversaw the development of new HR Policies around employment and health and safety. Whilst the Group was largely guided by the specialist knowledge of officers, the group provided valuable cross-party oversight of the process for updating employment and health and safety policies and assurance that the work was progressing in a timely fashion.



- 4.8 These updated policies were presented to [Cabinet on 12 September 2023](#) and approved for use in respect of Council employees.

PUBLIC CONVENIENCES WORKING GROUP

- 4.9 Following the decision by Cabinet to extend the current contract for the service and maintenance of public conveniences on 17 July 2023, the Overview and Scrutiny Committee was asked by the Deputy Leader and Cabinet Member for Finance, Councillor Mike Evemy, to establish a task and finish group to inform future Cabinet decisions about the Council's public conveniences facilities.
- 4.10 The Overview and Scrutiny Committee agreed at its meeting on 26 September 2023 to set up this task and finish group with Councillor Tony Slater as its Chair and Councillor Gary Selwyn as the Vice-Chair. Councillors David Cunningham and Dilys Neill were the other serving Members on the group.
- 4.11 The Group, within its terms of reference, was asked to consider a number of options in relation to the future of the public convenience facilities operated by Cotswold District Council. The key primary focusses were:
- To look at the future of the Public Conveniences within the District in regard to which sites would be kept, closed or transferred to Town/Parish Councils (if desired).
 - To review charging structures for the sites and provide recommendations.
 - To consider the merits of retendering the contract and of bringing the service back in-house.
- 4.12 The Group then held a series of private meetings to assess the current situation at the sites and discuss the data to determine the best course of action.
- 4.13 The Group took evidence from Town and Parish Councils, the current contractor Danfo and other organisations such as Crohn's & Colitis UK. It also reviewed financial and usage data for the different facilities across the district.
- 4.14 The recommendations covered a variety of aspects around public conveniences including capital expenditure to refurbish and enhance the existing facilities with card readers, requirements of access to public conveniences and future management of the facilities.
- 4.15 The Group then agreed a report which was presented to the Overview and Scrutiny Committee on 30 January 2024 and then [Cabinet on 1 February 2024](#). Cabinet accepted the majority of the eleven recommendations that the Group put forward.
- 4.16 The recommendations not accepted were recognised for the points made but needed further information before a decision could be reached. These recommendations were in regard to future capital expenditure and a review of the charging structure for the facilities.



4.17 This Group was an example of Overview and Scrutiny playing a meaningful and influential role in the development of Council policy.

GWR PROVISION OF RAILWAY SERVICES REVIEW

4.18 Overview and Scrutiny is sometimes called upon to review different areas of policy following issues that arise externally which may have an impact on communities.

4.19 On 20 September 2023, a motion was passed by Full Council titled 'Rail Ticket Offices'. The motion, proposed by Councillor Paul Hodgkinson and seconded by Councillor Angus Jenkinson, was tabled after the announcement of plans by rail operators to close rail ticket offices across England.

4.20 The motion agreed to refer the issue to the Overview and Scrutiny Committee and invite Great Western Railway (GWR) to attend a meeting to discuss its plans and future staffing.

4.21 It was announced on 31 October 2023 that the Government had asked rail operators to not proceed with the proposals following a public consultation. However, the Committee at a Special Meeting on 21 November 2023 met and discussed railway services within the District with the Director of Business Development for GWR.

4.22 The Committee discussed some wider challenges which included access to services, the efficiency of railway links provided and the maintenance of infrastructure within the District.

4.23 Overview and Scrutiny showed its role in engaging with community issues and demonstrated how it can use its position to influence and hold to account organisations outside of the Council.

OTHER RECOMMENDATIONS MADE TO CABINET

4.24 Overview and Scrutiny has the authority to make recommendations to Cabinet on any issue that it sees fit regardless of whether it is a Cabinet decision. Whilst the majority of recommendations made to Cabinet were on pre-decision scrutiny items, there were other topical recommendations made.

4.25 Overview and Scrutiny also made some important recommendations to Cabinet on other community and Council priority items. These were in relation to rivers and sewage and an update on the ecological emergency.

4.26 The Committee discussed these topics with the relevant Cabinet Members and officers in order to gain background knowledge and understanding of the issues involved.

5. AN OPEN AND ACCOUNTABLE DECISION-MAKING PROCESS

5.1 Overview and Scrutiny through all of the methods described in the previous sections, promotes the overall objective of open and accountable decision-making processes which is a fundamental part of the decision structures of the Council.



- 5.2** Cabinet is expected within the protocol to be open and honest with the Committee and to assist in allowing the Committee to scrutinise decisions before them.
- 5.3** Cabinet Members for items are invited to meetings of Overview and Scrutiny and are substituted by the Leader or another Cabinet Member where possible if they are not able to attend.
- 5.4** Whilst senior officers in the room may assist in providing specialist details to the Committee, the focus of the Committee has been to engage with Cabinet Members.
- 5.5** The Committee has also used its powers to hold Special Meetings where required in order to provide comprehensive insight on reports such as the Publica Review (the transfer of services from Publica to the Council).
- 5.6** In addition to the pre-decision scrutiny approach outlined above, all Cabinet decisions, Cabinet Member decisions and key decisions taken by officers are subject to call-in by any three members of the Committee (who must be from at least two political groups) within 5 working days of the decision being taken. Call-in is intended to be used in exceptional circumstances where a decision is believed to be contrary to the authority's decision-making principles.
- 5.7** If a valid call-in is made, the decision will be referred to the next meeting of the Overview and Scrutiny Committee (which may be a specially convened meeting). The Committee will hear why the decision was taken and why it was called in before deciding whether the decision can stand and be implemented immediately, or whether the decision is referred back to the decision maker with comments, or in some circumstances, referred to Council.
- 5.8** No decisions were called in during the 2023/24 civic year. The most recent call-in related to the lease of land at Station Road, Kemble, due to concerns about the information available to inform the decision. The call-in was heard by the Overview and Scrutiny Committee on 1 February 2023 with no further recommendations made to Cabinet or Council on the decision.

6. CONCLUSIONS

- 6.1** The relationship between the Overview and Scrutiny Committee and Cabinet is important to the overall governance arrangements of the Council.
- 6.2** Overview and Scrutiny performs an important role of checking the authority of Cabinet and providing an accountability mechanism for community issues.
- 6.3** The Executive Scrutiny Protocol (Part E.10) agreed by Full Council sets out the requirements for the relationship to operate in order to provide good policy development and effective pre-decision scrutiny.



- 6.4** The work of the Overview and Scrutiny Committee over the 2023/24 Civic Year can be clearly seen in scrutinising the decisions of Cabinet and contributing to overall policies, for example through the work of Task and Finish Groups.
- 6.5** In doing so, the Committee demonstrates its ability within the Council to provide constructive and insightful work within the decision-making processes.

7. ALTERNATIVE OPTIONS

- 7.1** Council is being asked to note the effectiveness of the protocol and the scrutiny processes. It can ask officers to bring a future report in a different format if it wishes to do so.
- 7.2** Council can refer any Constitutional matters regarding scrutiny processes to the Constitution Working Group if any such concerns arise.

8. FINANCIAL IMPLICATIONS

- 8.1** There are no specific financial implications associated with this report.

9. LEGAL IMPLICATIONS

- 9.1** There are none arising from the report.

10. RISK ASSESSMENT

- 10.1** None.

11. EQUALITIES IMPACT

- 11.1** Not applicable to this report.

12. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 12.1** Members are required to travel to Overview and Scrutiny Committee meetings in-person as required by statutory provisions which may have a climate impact. Meetings of Task and Finish Groups as they are not decision-makers are usually held remotely as allowed for the convenience of Members and other participants.

13. BACKGROUND PAPERS

- 13.1** None.

(END)