

09.03.10

Item 7

TO: EXECUTIVE
FROM: OVERVIEW & SCRUTINY CONSULTANT
RE: REVIEW OF OVERVIEW & SCRUTINY ARRANGEMENTS –
CONSULTATION PAPER

1. PURPOSE OF REPORT

To consult with the Council's Executive with regard to the review of overview and scrutiny arrangements within the Council.

2. RECOMMENDATIONS

That the Executive consider the report and make any appropriate recommendations on the review of the Council's overview and scrutiny arrangements, taking into account the proposals for change set out at paragraph 5.1 and 5.2 of the report.

This will inform the consultation process set out in the timetable agreed by the Overview and Scrutiny Management Committee on 21st December 2009, which includes a report to the Choosing to Change Board on 30th March 2010 with final recommendations to full Council on 13th April 2010.

3. BACKGROUND

- 3.1.1 The Executive are aware that overview and scrutiny members have been engaged in a review of their function over the past three months, and of the programme to which they have been working. This built on a review of structure which had taken place over the previous twelve months.
- 3.2 A total of four workshops were held over this period, the first on 14th December 2009 engaging the Overview & Scrutiny Management Committee, and then subsequent ones on 11th and 20th January and 26th February 2010 involving the entire overview and scrutiny membership.
- 3.3 Members of the Executive have been copied into the programmes of the workshops as it was important that their wing of the Council's democratic process had an understanding of the journey the overview & scrutiny wing was embarked upon.
- 3.4 Overview & Scrutiny Members considered where they were in the legislative field, the wider Cumbrian scrutiny community, and how a number of other comparable councils were currently operating. The latter included rules and protocols serving as a guide to good scrutiny practice.
- 3.5 The engagement in this process by the Overview & Scrutiny Management Committee of the Council has been exemplary in my view.

- 3.6 Other members of the scrutiny community have also played a very important and integral part along the way in developing the ideas and focus which this council is directed to take by them over the next municipal year.
- 3.7 Members of the Executive are asked to consider the proposals set out at paragraph 4 below, taking into account the minority view set out at paragraph y below, together with the programme of the 26th February 2010 at appendix A, and make any recommendations it considers appropriate so these can be incorporated into the report to Council on 13th April 2010.
4. 26TH FEBRUARY WORKSHOP
- 4.1 Attached at appendix A is a copy of the 26th February 2010 programme to which members from overview & scrutiny worked.
- 4.2 To assist them with this process Members first considered what should be the aim of the Overview and Scrutiny function. Their attention was drawn to the aim of another Council, containing a common theme, as follows:
- To make a positive contribution to the development of policy and performance, and securing improvements*
- (i) by reviewing areas of concern to Members and making recommendations for improvement*
(ii) by monitoring the performance of the Council against key targets
(ii) by helping the Council to develop or review its policies.
- 4.3 Members came to their own conclusions that there ought to be a refocus of their work around policy and performance issues.
- 4.4 Members' attention was also drawn to guidance identified by the IDeA around the role of overview and scrutiny in the process of policy creation and implementation. This sets out eight key areas, all important, namely
- (a) strategic development of policy
 - (b) reviewing issues of concern of local people
 - (c) review of policy first developed by others
 - (d) 'call-in' of and reference to Executive decisions
 - (e) scrutiny of the process of the way in which decisions have been made
 - (f) receiving the monitoring reports carried out internally and externally on services
 - (g) reviews of specific services
 - (h) monitoring and scrutinising the activities of others.
- 4.5 With their aims and objectives in mind, members were then asked to consider how they would set their workplan for 2010-11 ensuring effective prioritisation and built in flexibility for in year workplan additions.
- 4.6 Members were also asked to consider what protocols they would need, how they would ensure effective skills and expertise, and how they would ensure

the Council's duty to involve was incorporated into their work over the next municipal year. Attached at Appendix B are a number of protocols which are considered to be useful for moving forward within a new structure.

- 4.7 Overview & scrutiny by its nature must be led by members, and in my view the emotional intelligence of a Council can be gauged by the effectiveness of its overview & scrutiny function.
- 4.7 Refocusing in the way proposed by members should emphasise the member – led nature of the function within this Council and improve its effectiveness.

5. PROPOSALS FOR CHANGE

5.1 STRUCTURE

- 5.1.1 After agreeing that their aim should be to focus on policy development and review the majority of the members attending the workshop on 26th February 2010 favoured a hybrid of option 2 on their programme. Members will recall that option 2 has been considered previously and was a preferred option of a number of members.
- 5.1.2 They proposed that one overview and scrutiny committee (the Committee) be established, made up of 18 members of the Council. No leads should be incorporated into this model because to do so would reduce the flexibility which the Committee would need when giving due consideration to its work programme for the next municipal year.
- 5.1.3 It was recognised that the compilation and upkeep of the work plan was the most important action for the Committee to undertake, as this would form the business plan and the performance management framework within which the Committee would operate over the coming year.
- 5.1.4 The composition of the Committee should be informed by the personal development plans of members, those who expressed an interest in being scrutineers, and who also agreed to undergo the requisite training in order to acquire the necessary knowledge and skills for them to become truly effective in their work.
- 5.1.5 It was suggested that the members who were most likely to excel in this role would be those with commitment, drive and knowledge, always bearing in mind that the first two come from within, whereas the latter can be taught and acquired.
- 5.1.6 The remaining 18 members (those excluding the Executive and the Audit Committee) would form a pool of members from which 'improvement groups' (essentially task and finish groups) would be selected to work with members appointed from the Committee to carry out detailed work. These groups could be chaired by a member of the Committee, with at least one or two members who are not a member of the Committee on it, subject to training. It would be good practice for co-opted members to be part of this pool.

- 5.1.7 Finally, there was enthusiastic support for the election of the chair and deputy chair of the committee by the committee itself, on the basis that the committee should be working as a team for the good of the Council and the Community.
- 5.1.8 My view is that properly managed and provided it is supported by the appropriate terms of reference, /guidance/toolkit and protocols there is no reason why this option cannot work for the Council, and provide real benefits in the form of improved policy development and performance. Importantly, it has now been thought through on a number of different levels over the past twelve months.
- 5.1.9 It is also important to recognise that a structure is there as a tool to assist the function to carry out its job, and if on review after say 18 to 24 months it is not producing effective scrutiny then it can be changed. I would guard against fundamental change too soon as a new way of working, which is what this is, takes time to bed in.
- 5.1.10 Members should note that this option had the support of the majority who attended the workshop and was not unanimous. A minority favoured option 5, three committees aligned to the Corporate Implementation Plan, and unlike those who had initially supported option 3, a two committee structure but were prepared to go with the majority, this minority was unwilling to compromise and wanted their voice to be made known to further consultees.
- 5.1.11 In considering the operation of overview and scrutiny generally it may be opportune at this point to think about the provision of a dedicated budget to be managed by the Committee. This could further enhance the development of the overview and scrutiny function within the Council, and is, in addition, very good practice.
- 5.1.12 Members may also be aware that, although the Committee would be a constituted committee of the Council and therefore required to be politically balanced, this need not be the case if full Council on a unanimous vote decided otherwise. Such a move may be worthy of consideration when matching up the skill set of members eligible for appointment to the Committee.

5.2 PROTOCOLS AND TERMS OF REFERENCE

- 5.2.1 In my view the following protocols (attached at appendix B) should be considered for adoption in the first instance by the Council whatever structure it chooses, and some in particular to the proposal set out at paragraph 5 above.
- 5.2.2 Once the Council becomes accustomed to working to them, they can be amended or added to as the need arises. The important thing is that they are kept together in a guidance toolkit/pack developed for all members, officers and the public to refer to when engaging in this process.

(a)The Protocol on Overview and Scrutiny Committees in operation at Cumbria County Council, adapted accordingly.

- (b) Work plan and prioritisation Protocol, including financial scrutiny
- (c) Protocol for the inclusion of non-executive councillors in the overview and scrutiny process
- (d) Overview and scrutiny Councillor's Conduct Protocol
- (e) Witness protocol
- (f) Meeting guidance
- (g) Employee guide to Overview and Scrutiny
- (h) Officer Support Protocol
- (i) Task and Finish/Improvement Group Protocol
- (j) Overview and scrutiny Media Protocol
- (k) Councillor call for action – Guidance for members of the Council
- (l) Report Protocol

6 REPORT ON BETTER PUBLIC ENGAGEMENT

- 6.1 This report has previously been agreed the Overview and Scrutiny Management Committee and for completeness should now be considered by Council. It is attached at Appendix C.

7 PROTOCOL BETWEEN THE EXECUTIVE AND OVERVIEW AND SCRUTINY

- 7.1 Members will recall that this protocol was agreed by Council in September 2008 and should be included in any suite of documents governing overview and scrutiny arrangements. It is attached at appendix D.

8. DRAFT CONSTITUTIONAL AMENDMENTS IF PROPOSALS AT PARAGRAPH 5 OF THIS REPORT ARE ACCEPTED

- 8.1 For completeness draft constitutional amendments to Article 6 and the Overview and Scrutiny Procedure Rules are attached at Appendix E of this report for consideration if members are minded to accept the proposals set out at paragraph 5 of this report.

OVERVIEW AND SCRUTINY WORKSHOPS (4) and (5)

All Non –Executive Members

26th February 2010

9.00 am to 3pm

Hensingham Athletic Stadium

PROGRAMME

Workshop 4 9.00 am – 12.00 am

OVERVIEW AND SCRUTINY GUIDANCE PACK

Attached to this programme are a set of documents which Members are asked to scrutinise with a view to adapting as part of their governance arrangements for the forthcoming municipal year.

They are generally uncontroversial, but will serve as guidance/toolkit for members, officers, partners, the community, and indeed anyone who is involved, or wants to become involved, in the scrutiny process. With the agreement of Council they would form part of the arrangements for how scrutiny is delivered in the Council in the future.

They are sectioned as follows:

1. Cumbria County Council - Protocol on Overview and Scrutiny Committees
2. Chorley Borough Council – Overview and Scrutiny Information and Guidance
3. Northampton Borough Council – Co-optee Guidance Booklet and Appendices to Toolkit including protocols
4. Scarborough Borough Council – Templates, Protocols and Guidance
5. Oldham Metropolitan Borough Council – Witness Guide, report template, prioritisation framework.

Desired Outcome: Agreement to go forward with identified pack for Copeland

Workshop 5 12.00 - 12.30 (lunch) 1.15pm – 3.00 pm**PROPOSALS FOR STRUCTURE**

Following on from previous workshops Members must now consider in depth the five options outlined below, and formulate recommendations for other relevant consultees to consider during March, so that Overview and Scrutiny Management Committee can report to Council on 13th April 2010 on the considered way forward for the Council. Agreed variations on the options arising out of the workshop will also be taken forward.

1. Option 1 No change (Appendix A)
2. Option 2 one committee with identified leads over task & finish groups.(Appendix B)
3. Option 3 two committees, (one overview and one scrutiny) (Appendix C)
4. Option 4 three committees,(one board, two thematic committees) (Appendix D)
5. Option 5 three committees aligned to the priorities of the Corporate Implementation plan under the headings of Transformational Leadership, Improving quality of life, Promoting prosperity. (Appendix E)
6. Option 6 two committees (Performance and Policy, with informal co-ordinating group) (Appendix F)

Set out in the attached appendices is information relevant to each option. Members have previously been asked for suggestions on other options and as no additional ones have been received it is now time to consider those on the table in order to ensure progress.

Members should consider the option which will provide them with the flexibility and capacity to provide the Council with an effective and efficient scrutiny service which adds value to the Council and its Community and which is both meaningful to and respected by all those who come across it.

Desired Outcome: Agreed option to take forward for further appropriate consultation

APPENDIX A

OPTION 1 No change

1. This option has already been considered in depth in 2009 during the previous review and members are referred to reports going to Management Committee on 16th December 2008 and 13th March 2009.
2. The concerns with the current system are therefore well rehearsed, and Members will be familiar with them. However it is worth rehearsing below some of the key points made in previous reports for the purposes of this review:
 - *There is an inconsistency in the performance of individual committees; some committees still resemble old style service committees;*
 - *Task and Finish Groups are particularly effective at looking at specific issues;*
 - *There is a need for a sharper focus on improvement and delivery;*
3. Other observations were
 - *Too many agenda items*
 - *Too many reports for information*
 - *Agendas based on structures, rather than priorities*
 - *Insufficient pre-scrutiny and policy development work*
 - *Lack of public engagement*
 - *Non-executive members who are disengaged from Overview and Scrutiny*
 - *Untimely consideration of topics etc*
4. Despite these observations, some members still feel the current system is working and there is little point in changing for changes sake.
5. It is difficult to externally analyse with any real certainty the effectiveness of the task and finish groups over the last few years as overview and scrutiny has no central database on the website where previous reviews can readily be reviewed, and while reports are made to Council, there has been no annual report since 2006 which would provide information as to what has been done over the previous year to demonstrate effectiveness. While reports to Council are good practice, what is missing is the all important annual review which enables members to look back at what went well or not so well and so ensure continuous improvement for the coming year.
6. In considering this option therefore members are encouraged to look back over the last three years management reports to assess for themselves the overall effectiveness of the function for the benefit of Council and ultimately the people of Copeland.

Recommendation:

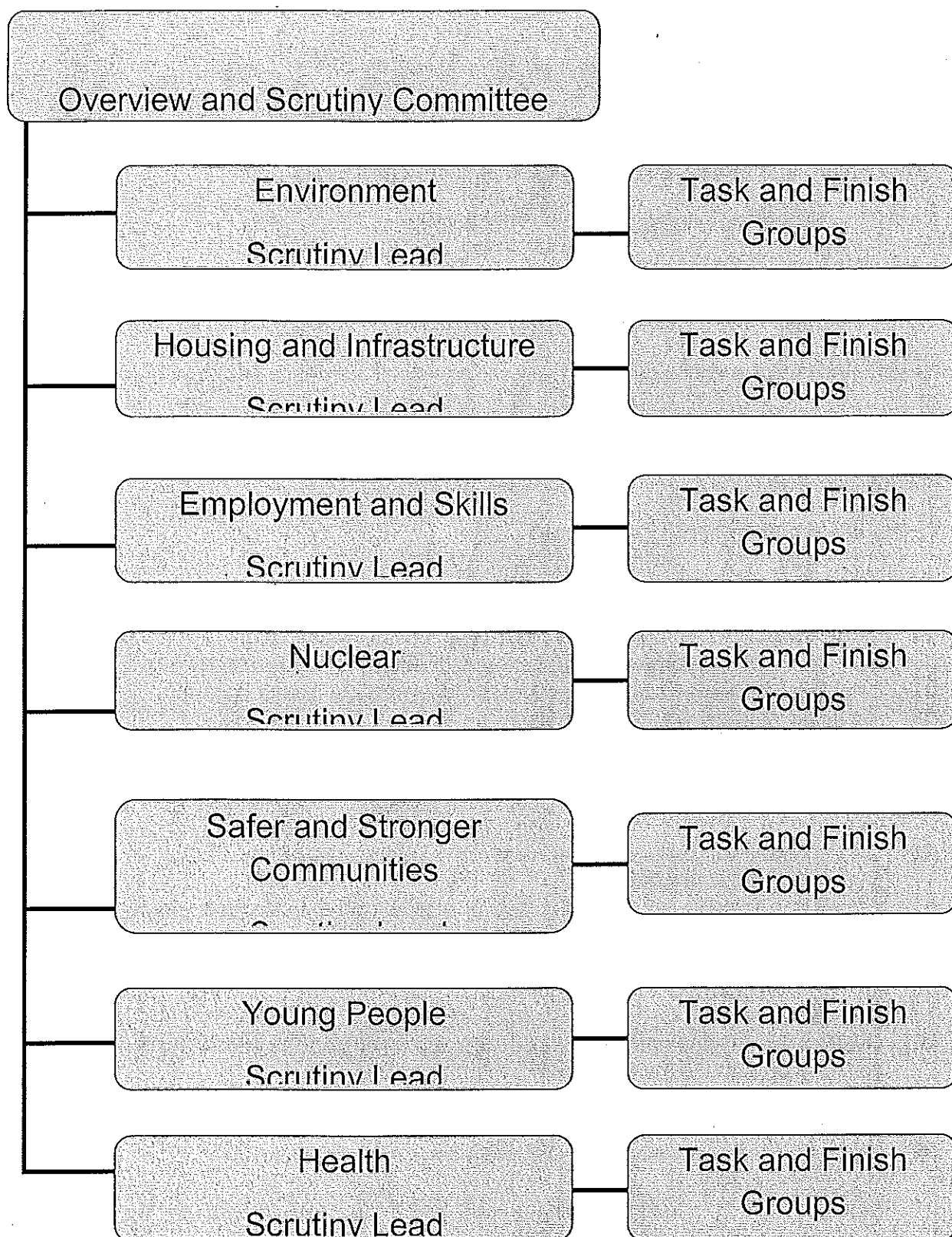
That staying the same, even with updated terms of reference, will simply perpetuate the barriers already identified to effective overview and scrutiny within Copeland, and therefore this option should be rejected

APPENDIX B

OPTION 2 One committee with identified leads over task & finish groups

1. This option was also considered in depth during 2009 and members are referred to the OSC Management reports and outcomes reported to the meetings on 6th July and 3rd August when considering this option.
2. The structure proposed and agreed by OSC management as worthy of further consideration is set out below.
3. The debate was informed by the approach taken by the County Council during its own review, and members are reminded of that approach below.
4. Concerns were expressed in workshops that this option would create too much power in one committee and could lead to exclusivity rather than encouraging members to be included in the committee's work through task and finish groups.
5. It may be that this way of working is a step too far at this moment in time, but if it is not taken forward, one that the Council should keep on its radar for future review. Advice from the Centre of Public Scrutiny, and indeed Government, is that only the smallest authorities should consider one committee, a category which population wise, Copeland clearly fits. However, in terms of agenda and geography, and given the acknowledged weaknesses within the Council, and the Nuclear and Energy Coast dimension, it should be debated as to whether this structure could deliver the most effective overview and scrutiny of the Council's key challenges over the next few years.

Recommendation: That members do not dismiss this option out of hand. Members clearly deliberated on it to get to the point they did in August 2009, and therefore should not lose sight of the advantages which this option would bring to the table. Properly managed there is no reason why this option cannot work for the Council, but it needs to be fully considered in the light of point 5 above as to whether it is the best option for the Council at this moment in time.



Environment – Cleaner and Greener issues

Housing and Infrastructure – Housing and Infrastructure including transport

Employment and Skills - Employment and economic activity

Nuclear – Nuclear Industry and impact on the borough

Safer and Stronger Communities – Crime and Disorder Issues

Young People – How the Council engages and deals with young peoples issues

Health – All health services particularly preventative work to reduce health inequalities

However it would be appropriate for the terms of the Scrutiny Lead to be reviewed annually to ensure that they remain consistent with the organisational structure and aims of the council.

Terms of Reference of the Committee

A proposed terms of reference for the Committee could be to:

- (A) Be responsible for and oversee all aspects of Overview and Scrutiny at the council
- (B) Agree a scrutiny programme and the terms of reference for each scrutiny review
- (C) Establish time limited scrutiny task groups to investigate issues in depth
- (D) Act as an interface with the Executive
- (E) Receive and comment on major policy issues, such as the Corporate Plan
- (F) Have responsibility for budget scrutiny and performance management issues (with scrutiny task groups established as necessary to take up any detailed work over the year)
- (G) Decide how to deal with call ins (with scrutiny task groups established as necessary to take up any detailed work)
- (H) Decide how to deal with Councillor Call for Actions (with scrutiny task groups established as necessary to take up any detailed work)
- (I) Act as the Council's Crime and Disorder Committee
- (J) Monitor the implementation of any scrutiny recommendations accepted by the Executive
- (K) Oversee the development of member skills and competencies in scrutiny in consultation with the member development champion
- (L) Review issues of local concern
- (M) Monitor and scrutinise, as appropriate, the activities of outside bodies
- (N) Results and issues arising from Comprehensive Area Assessment

Setting up of Task and Finish groups

There is a commitment within this structure for each Scrutiny Lead to establish a Task and Finish Group. It is considered that the Scrutiny Lead would consider which issue within their area that they would like to look at in more detail to enable the council to improve its services.

The Scrutiny Lead would then need to bring a terms of reference and a proposed membership for the review to the Management Committee. The Management Committee would then agree the terms of reference, set the priority of the review against any others that are running and set the numbers of members who should make up the Task and Finish Group.

It will be up to the Scrutiny Lead to be proactive in getting the right mix of members on the Task and Finish groups. It is essential that the numbers of members involved in Task and Finish Groups increases rather than decreases. To help this it would be useful for all non Executive members to be asked for what areas they would be interested in looking at.

It could also be appropriate to involve the relevant Portfolio Holder and Head of Service as co-opted members of the group.

It is anticipated that Task and Finish Groups will run in a similar manner that they do now. That is doing work on an evidence gathering basis, going on site visits, looking at best practise, seeking out the views of the local community particularly service users as well as getting information from relevant witnesses which could include experts within the local community.

Once the review has been completed it would need to come back to the Management Committee to approve the recommendations before they are sent on to the Executive and/or any external body

The following section sets out some of the key external and internal drivers which have helped to inform the County Council's future approach to Overview and Scrutiny, as referred to at point 3 above.

External Drivers

- **Partnership and locality working**
This will include monitoring performance at both strategic and locality levels, with a particular focus on outcomes
- **New scrutiny powers for district councils**
Local Government and Public Involvement in Health Act 2007
Crime and Justice Act 2007

- **Supporting the authority's needs with regard to the new Comprehensive Area Assessment (CAA) process.**
Focusing on outcomes and closer community engagement, (Area Assessment) organisational change, use of resources etc. (Organisational Assessment)
- **Extended responsibilities for health scrutiny including:**
Locality practice working and other consequences from Closer to Home
- **Increased community engagement and influence including:**
Councillor call for action and Community petitions

Internal Drivers

- **A more consistent timely and focused approach to scrutiny with regard to the authority's key policy and service priorities**
- **Better use of non-executive member skills and knowledge in the delivery of value-added scrutiny**
- **Better realisation of the value of scrutiny throughout the organisation**
- **Need for more efficient use of resources in the context of the Council's shrinking revenue budget.**

APPENDIX C

OPTION 3 TWO COMMITTEES – ONE OVERVIEW, ONE SCRUTINY

1. Another interesting option is set out below.
2. Essentially there are two committees, with a focus on the performance and policy development of the Council, whilst maintaining the requirement to hold the Executive to account, and ensure scrutiny of external bodies such as the NHS and the Crime and Disorder Partnership.
3. The advantage of this structure is that it is a complete change from thematic thinking, whilst incorporating the key elements of the overview and scrutiny function. It aligns itself neatly alongside the Executive as an equal partner in the governance of the Council. It provides the flexibility for overview and scrutiny of all the key priorities facing the Borough, and should ensure that the work plans for the year are properly thought through and costed.
4. In order for it to work effectively it will need a budget allocation, which will aid focused and forward planning for the coming year.
5. It is inclusive, as all non-executive members are on the overview panel from where is drawn the membership of the overview project groups, but it gets round the concern that all non-executive members should be on overview and scrutiny committees. A failing of the latter school of thought is that work is actually being carried out by members by simply turning up to a committee. Committees in the modern world should not be held unless their members are going to produce tangible benefits for the Council and the Community by contributing to the Council's continual improvement.
6. In considering this option members are advised that the intention is that between them the two committees form two distinct wings of the overall function of overview and scrutiny. While they stand alone they compliment one another to make up the whole. For example, they don't both deal with call-in, nor do they both set up project groups to look at a particular area. The overview committee is the policy development arm of overview and scrutiny, which is why it has the authority to set up project groups to look at under (or even over) performance and how best to develop policy to improve the overall performance of the Council. It does not get side-tracked by dealing with call-ins, that is the job of the scrutiny committee.

Recommendation: That members consider how this option could be applied to the Council. To do so effectively Members may need to put to one side their traditional way of thinking about scrutiny, take off their ward councillor hats, and imagine themselves as a professional scrutineer within the Council's business.

A. OVERVIEW COMMITTEE (POLICY DEVELOPMENT)
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- Politically-balanced
- Comprise 9 Councillors (including a Chair and Deputy Chair)
- Each member is allocated a Service Area Specialism equivalent to Executive Portfolios to act as Scrutiny Champion for the purposes of selecting Work Programme topics and also provide a focus for consultations on policy initiatives
- To determine the Annual Work Programme based on Council Priorities and Objectives
- To examine policy initiatives at the request of the Leader or the Executive
- To be consulted in the policy development stages of initiatives referred to it by the Leader or the Executive
- To examine urgent policy developments
- To set a brief in outline for all Reviews and establish the Overview Project Groups (OPGs) for individual Reviews (The Political Groups to appoint to seats on the OPGs in line with Political Balance on the Council) and appoint the Chair of each OPG
- To deal with all issues relating to the Councillor Call for Action initiative
- To receive reports from OPG chairs at each meeting on the progress of Reviews

- To require the attendance of Chief Officers as necessary but particularly at the first meeting in each Municipal Year to receive reports on significant policy initiatives being developed for consideration by the Leader or the Executive in that year.
- To determine where the outcomes from Reviews are referred:-
 - To the Leader or the Executive
 - To the appropriate Chief Officer/Executive Member
 - To the appropriate partner
 - To an external agency
- To appoint Lead Officers for particular Reviews
- To allocate the necessary funding from the Scrutiny Budget for the purposes of commissioning external research or scrutiny
- To assess and agree training and awareness needs for overview and scrutiny for the forthcoming year.

OVERVIEW PROJECT GROUPS
APPOINTED AND BRIEFED BY
OVERVIEW COMMITTEE (NOT
POLITICALLY BALANCED)

- All non-Executive Members of the Council including members of the Overview Committee and Scrutiny Committee from which Overview Project Group members will be selected
- Bank of non-voting Co-Opted Members from which appropriate specialisms for Reviews can be drawn as required
- To scrutinise policy issues as scoped and referred to by the Overview Committee
- To scope Reviews in detail bearing in mind the Committee's outline Brief
- Membership to include other Co-opted Members with necessary skills for particular Reviews as determined by individual OPGs
- OPGs to report Review outcomes to the Overview Management Committee unless the Committee determines otherwise for expediency
- OPGs to be public meetings in line with the Access to Information Procedure Rules unless otherwise advised by Overview Committee
- Information on OPG meeting dates to be placed on dedicated pages on the website

B. SCRUTINY COMMITTEE (HOLDING DECISION-MAKERS TO ACCOUNT)

- **Politically-balanced**
- **Comprises 9 Councillors including Chair and Deputy Chair) and co-opted members from panel as required**
- **Councillors not to be members of the Overview Management Committee**
- **Remit:**
 - **To hold the Executive, Leader Executive Members under delegated powers and partners, to account**
- **To review, monitor and manage the overall scrutiny process**
- **To scrutinise NHS Cumbria, Crime and Disorder Partnership, Local Area Committee**
- **To oversee:**
 - **the provision, planning and management of the Council's resources including its Budget, Revenue borrowing and assets and its Audit arrangements. This to include scrutiny of the allocated spending to departments and reasons why some areas overperform and others underperform**
 - **the Council's Corporate Plans and Strategies**
 - **the receipt of all reports from external inspectors**
 - **the Risk Management Strategies of the Authority**

APPENDIX D

OPTION 4 Three committees (one board, two thematic)

1. This option as set out below came out of discussions at the first workshop of this review with Management Committee. In fairness it was quite late in the day and Members did not have the opportunity to debate it in any meaningful way.
2. It is a variation on Option 2 at Appendix B, and is not that different from other models in some other district councils.

Recommendation: That while it should not be dismissed out of hand, it remains heavily reliant on themes, which may encourage members to lapse into the historical ways of operating identified previously as being barriers to effective scrutiny, and members should therefore question whether it is sufficiently radical to suit their needs.

Proposal:

Taking proposal set out in Appendix B, to set up

- a. Overview and Scrutiny Board – 7 lead members plus Chair and Deputy which sets workplans and monitors the performance of b and c below.
- b. Overview and scrutiny committee – environment/housing/employment/nuclear – 4 lead members
- c. Overview and scrutiny committee – safer stronger communities,/young people/health

APPENDIX E

OPTION 5 Three committees aligned to the Corporate Implementation Plan

1. This option is interesting as it provides a focus for members on the Council's corporate priorities for the year. Terms of reference will still need to be worked out, and care would need to be taken to ensure they are not over burdensome.
2. The option would however need to ensure that all members were performing to the required ability, as all would presumably be responsible for holding the Executive to account in their area, in depth scrutiny reviews, and overview. The temptation to try to do everything would have to be strongly resisted, as well as trying to operate along service committee lines as before.
3. Each work plan would have to be carefully thought through to avoid overload and reversion to type, and to ensure the key weaknesses and challenges for the Council over the coming year were picked up for scrutiny.
4. The themes will change next year and so this should be borne in mind when considering this option.
5. It is also proposed that these are 3 stand alone committees. Other councils who have operated in this way have sometimes experienced a lack of direction, focus and capacity to ensure effective scrutiny by all three committees, which members should take into consideration.

Recommendation: That members consider how this could apply to this Council, and ask themselves honestly if they could prevent it being used to avoid a critical look at the performance and assisting in policy development of the Council

Option:

1. Overview and Scrutiny Committee (Transformational Leadership)
2. Overview and Scrutiny Committee (Improving Quality of Life)
3. Overview and Scrutiny Committee (Promoting Prosperity)

APPENDIX F

OPTION 6 Two Committees and a co-ordinating informal group

1. This was an option favoured by some members at the third workshop where we looked in depth at how some authorities were organising themselves.
2. An advantage is that it again moves away from the thematic approach to focus members' minds on the policies and performance of the Council and relevant partners.
3. It appears to be working effectively as a model elsewhere and it was presented clearly in a way which members could readily identify with.
4. It had previously operated with as a constituted co-ordinating board and had recently moved to the two committee structure.

Recommendation: This option is a variation on option 3 with a very definite focus on performance and policy which are critical areas for this Council to address over the next few years. It is readily adaptable and apparently simple to administer. (Famous last words!)

Option:

Performance Scrutiny Committee

dealing with complaints handling, ombudsman complaints, best value performance indicators, performance of specific Heads of Service (where appropriate) Call-ins, recommendations to Cabinet

Policy Scrutiny Committee

Develop and review matters referred by Cabinet; consider and implement mechanisms to encourage and enhance community participation in the development of policy options; question cabinet members and/or committees and officers about their views on issues and proposals affecting the area; monitor existing Council policies to ensure recommendations are being implemented; monitor the forward plan and agree those policies to be scrutinized prior to decision by Cabinet/full Council; to make recommendations to Cabinet

Co-ordinating Group

Previously a constituted management meeting but decision recently taken not to constitute given its administrative function. Would need clear guidelines agreed by Council to ensure effective functioning.

PROTOCOL ON OVERVIEW AND SCRUTINY COMMITTEES

[This Protocol is to be read in conjunction with the Overview and Scrutiny Procedure Rules set out at section 4E of the County Council's Constitution. It is intended to supplement those Rules. Where there is any conflict between the Rules and this Protocol, the Rules shall prevail]

[The Scrutiny Management Board is authorised to make any changes to the Protocol, subject to the agreement of the Cabinet on any matters affecting the Executive]

Introduction

1. The purpose of this Protocol is to put further flesh on the bones of the Constitution and to provide more detailed guidance for members on the operation of the Overview and Scrutiny Procedure Rules.
2. The County Council has established the following under its Constitution:
 - Scrutiny Management Board
 - Children and Young People's Scrutiny Advisory Board
 - Adults Scrutiny Advisory Board
 - Safer/Stronger and Inclusive Communities Scrutiny Advisory Board
 - Economy and Environment Scrutiny Advisory Board
 - Cumbria Health and Wellbeing Scrutiny Committee
 - Cumbria Joint Scrutiny Committee
3. Unless otherwise stated, references to Rules are references to the Overview and Scrutiny Procedure Rules set out at Section 4E of the Constitution. References to paragraphs are references to paragraphs in the Overview and Scrutiny Procedure Rules.

Guiding Principles

4. The guiding principle for the work of Overview and Scrutiny is that it should involve constructive criticism with the aim of improving decision-making. Whilst it is accepted that some work (particularly call-in) could potentially be adversarial in a political environment, the emphasis of the work of Overview and Scrutiny should be on making a positive contribution to the development of policy and performance
5. While Overview and Scrutiny will review Executive decisions through the "call-in" mechanism, importantly, they will also assist in the development of County Council policy by looking at existing policies and the effectiveness of their delivery, including reviewing whether new policies or changes to existing policies are needed.

Officer Support

6. Officers of the County Council owe a duty to support and advise all members, irrespective of the political party to which members belong or whether they carry out Executive or non-Executive roles.
7. In practice, most of the day to day work of corporate directors will be advising members of the Cabinet. This will include:
 - ♦ producing or co-ordinating advice to help Cabinet Members make decisions;
 - ♦ subsequently appearing at Overview and Scrutiny with the relevant Cabinet Member if those proposals are called in, to advise Overview and Scrutiny and to explain their previous advice to Cabinet Members.
8. Corporate directors' work for the Executive does not reduce the importance of their work for Overview and Scrutiny or compromise the independence of thought of Overview and Scrutiny. Subject to the Chief Executive's overall role as principal policy adviser to the County Council on all issues, each corporate director is the principal adviser to the County Council (and therefore to Scrutiny) on his or her area of responsibility. This means in practice that:
 - there is a presumption that corporate directors who have been asked to prepare papers for Scrutiny should brief the Chair on their content before the meeting either personally or through their representative; the only occasion when a corporate director should not personally brief the Chair is when he or she is to be questioned on their advice on a matter which has been called in; and
 - work on issues referred to Scrutiny by the Cabinet should be supported by the relevant corporate director.
9. An officer nominated by each corporate director will be available to support the scrutiny role from a service perspective, on terms that reflect the needs of the scrutiny process.
10. There is no requirement for anyone other than the Head of Member Services and Scrutiny [and representatives(s)] to attend formal Scrutiny meetings, unless specifically invited (or required) to do so for a particular item.
11. Scrutiny should not be 'managed' by officers; but they should ensure they make the best use of officer advice on the practical, financial and political implications of proposals so that Scrutiny recommendations are well formed and credible.
12. Papers should be produced to the direction of the Overview and Scrutiny, whether prepared by corporate directors or the Scrutiny team, with the early involvement of the Chair and Vice-Chair.

13. Against the background above, the particular role of the Scrutiny team is to facilitate the ability of Scrutiny to ask pertinent questions, and to consider the advice of corporate directors in the light of the views of others, and of other issues. The team may support Scrutiny by introducing new perspectives, but the team is not to be regarded as an alternative source of professional or policy advice on issues which are properly the responsibility of corporate directors. The Scrutiny team may also provide critical commentaries on reports provided by directorates. An officer from the team acts as the principal adviser to the Chair at meetings of Scrutiny.
14. The Scrutiny team also has an important role in helping Scrutiny to scrutinise individual proposals of the Executive before they are finalised ('call-in').
15. The Scrutiny team will support the approved work programme for Overview and Scrutiny, in addition to support from corporate directors and their representatives. Legal advice as required will be given by the Chief Legal Officer, and administrative and logistical support for the work of Scrutiny will be provided by Member Services.

Procedures at Scrutiny Committee Meetings

General

16. Certain of the Council Procedure Rules (Section 4A of the Constitution) apply to Scrutiny as they apply to other committee and sub-committee meetings. However, Scrutiny require a different mode of operation from traditional committees. Different venues, approaches to agenda setting, and different modes of chairing meetings are all acceptable. The style of operation should be appropriate to the key tasks of scrutiny.
17. Section 21 of the Local Government Act 2000 places a duty on members of the Executive and officers of the County Council to attend a meeting of Scrutiny to answer questions if required to do so. Cabinet Members should not attend meetings of Scrutiny as participants as a matter of course, but may request the Chair of the Scrutiny Board to allow them to attend and speak on a particular item; the final decision rests with the Chair of the Scrutiny Board.
18. Informal, private meetings of members of Scrutiny Boards may take place, particularly to prepare for the questioning of witnesses (internal or external) in relation to scrutiny investigations.

**Rights of members to ask for matters to be included in the agenda
(s21(8) of the Local Government Act 2000)**

19. Any member of a Scrutiny Board, or any five members of the Council who are not members of a Scrutiny Board, has a right to ensure that any item relevant to the remit of a Scrutiny Board is placed on the agenda and discussed at a meeting of the relevant Board. This right should be used in a constructive way and not to subvert a decision properly taken (for example, to repeat a debate carried out at a previous meeting within the last six months) or as a means for a member to obtain information for which other rights and procedures exist at law and under the Constitution.
20. Any member wishing to have an item relevant to the functions of a Scrutiny Board included on an agenda must give notice of the item to the Head of Member Services and Scrutiny not later than 10 working days before the date of the next scheduled ordinary meeting, if they wish consideration to be given to its inclusion on the agenda for that meeting in accordance with this Protocol. The notice should specify the key issues the member wishes the Board to consider, the Scrutiny function to be undertaken and the object of such scrutiny. The provision for 10 days notice may be waived in exceptional circumstances where an item is so urgent that deferment to the next meeting would prevent its effective consideration and Scrutiny.
21. In determining the next available Scrutiny Board to which the item should be referred for consideration the Head of Member Services and Scrutiny shall consult the Chair of the Scrutiny Management Board or the Chair of the relevant Advisory Board who shall determine the matter having regard to the weight of business, the Board's agreed programme of work and the urgency and importance of the item brought forward by the member. In determining the importance and urgency of the item the Chair shall have regard to the views of the member and to such factors as:
 - whether the item relates to a significant variation to the Council's budget;
 - whether the item involves a significant departure from or change to the Council's Policy Framework;
 - whether the item involves any significant propriety or probity issues;
 - whether, because of the urgent nature of the business, including any deadlines for decisions or action, consideration cannot be deferred to a future meeting;
 - whether the item relates to an Education matter in respect of which Education representatives will be required to attend the meeting.

No item which properly falls for consideration by a Scrutiny Board submitted by a member may be deferred for longer than one scheduled meeting after receipt of the item by the Head of Member Services and Scrutiny.

22. The Chair of the Scrutiny Management Board or the Chair of the relevant Advisory Board shall reject items which are not relevant to the specific functions of Scrutiny as set out in the Constitution. In particular items which seek to debate but not to review or scrutinise the decisions or performance of the Executive, committees or officers in accordance with the Scrutiny function, which supplant the statutory and constitutional management role of the Executive or the substance of which is the obtaining of information rather than performance of a Scrutiny function may be rejected. In the latter case the member will be referred to the appropriate member of the Executive, Corporate Director or Proper Officer. Where items are rejected under this Protocol the Chair shall report the matter to the next meeting of the Scrutiny Board.
23. Members requesting that items be placed on a Scrutiny agenda shall not have a right to request the preparation of detailed reports by officers. The Scrutiny Board concerned shall have the right to request the provision of information or the preparation of reports to enable the item to be properly considered. These provisions do not affect the additional rights of members of Scrutiny Boards to documents set out in the Access to Information Procedure Rules in Part 4 of the Constitution.
24. These provisions shall apply equally to notice seeking the inclusion of items received from five members of the Council who are not members of Scrutiny as they apply to such notice received from a member of a Board.

Interests

25. A member who is involved in the consideration of a matter at a meeting of Scrutiny must regard himself/herself as having a personal and prejudicial interest if that consideration relates to a decision made, or action taken, by another Committee or Sub-Committee or Joint Committee or Joint Sub-Committee of which he/she may also be a member. (In certain circumstances this provision may also extend to working groups and similar bodies). A member with such a personal and prejudicial interest must withdraw from the room where the meeting is being held while the matter is being considered. This paragraph does not apply if the member attends the meeting of Scrutiny for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

Speakers

26. Scrutiny has the power (see paragraph 14 of the Rules) to require the attendance of members and officers. Decisions on who should be invited to attend are normally for Scrutiny Board, but the Chair of the relevant Board, advised by the Corporate Director(s) and the Scrutiny Officer, may put forward proposals for the Board's consideration in order to expedite business at the meeting.
27. Where someone requested to attend is genuinely unable to be at the meeting, then in the case of a Cabinet member, another Cabinet member nominated by the Leader shall attend in his or her place, and in the case of an officer, another officer who is able to speak on the topic under consideration shall attend. The Chair of a Scrutiny

Board may seek the advice of the Council's Monitoring Officer on whether the requirements of Rule 14.3 are met in the event of the member or officer requested giving notice that they are unable to attend.

28. Anyone asked to speak to a Scrutiny Board shall be entitled to see the public papers which have been made available to the Scrutiny Board and, wherever possible, on the same timescale as for a member of that Scrutiny Board.
29. Speakers shall be able to bring such notes and diaries as are helpful to them in assisting the Scrutiny Board, but shall expect to make available any such notes to the Board on the request of the Chair.
30. Papers submitted by speakers shall become public documents once they have presented their evidence and shall be cited as background papers to the Scrutiny Board's published report.
31. When officers appear to answer questions their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may be asked to explain and justify advice they have given to members of the Executive prior to decisions being taken, and they should also be asked to explain and justify decisions they themselves have taken under delegations from the Executive. Officers shall not be required to give personal opinion on any Executive decision taken following advice from officers.
32. In order to provide for the effective discharge of the Board's business, the Chair of a Scrutiny Board may specify a time limit for a contribution, in advance of the commencement of such contribution, which shall not be less than five minutes. If someone making such a contribution exceeds the time limit given the Chair may stop him or her. The Chair may also structure a discussion and limit the time allowed for questioning by members of the Scrutiny Board. Any such proposals from the Chair are subject to the agreement of the Board.
33. Speakers shall be entitled to a copy of any draft minute or other record taken of their contribution for comment. Should they feel that such record is not accurate then they shall be given the opportunity to make a written representation asking for the correction to be submitted to the next meeting of the Scrutiny Board.
34. All speakers will be treated with courtesy and respect, and all questions to witnesses will be made in an orderly manner as directed by the Chair of the meeting.

Co-option

35. Where a Scrutiny Board (other than Children and Young People) proposes to discuss a substantive education matter, as part of a cross-cutting review of services for example, the Monitoring Officer will advise whether it would be appropriate to invite to the meeting the Church and parent governor representatives.

Policy Development and Review

36. Scrutiny boards may make proposals to the Executive or Council on policy developments relating to matters within their terms of reference, not forming part of the Council's Policy and Budget Framework, and may hold inquiries, investigate available options for future direction in policy development, appoint advisers and assessors to assist in the process and report to the Executive or Council. In order to avoid unnecessary duplication of staffing and other resources Scrutiny Boards proposing to undertake such work will first advise the Executive of their proposal and the Executive shall have the opportunity to comment where the proposal will affect issues currently, or prospectively, under consideration by the Executive. The Scrutiny Boards shall consider the comments of the Executive but the decision as to whether or not to proceed with such work shall rest with the Scrutiny Board.

Task and Finish Groups

37. Scrutiny Boards may set up task and finish groups to look into key strategic issues, or exceptionally for more general purposes, with the approval of the Scrutiny Management Board.
38. Standing task and finish groups will be the exception rather than the rule. Task and finish groups will normally be set up by the Scrutiny Management Board to do a specified task or project and will have defined terms of reference and be time limited.
39. A separate publication has been produced "Working on a Task and Finish Group - A Short Guide to Good Practice" to assist members appointed to serve on task and finish groups.
40. Where a Scrutiny Board refers a completed investigation or review to Cabinet, the Chair of the relevant Scrutiny Board (or the Vice-Chair in his or her absence) shall be invited to the Cabinet meeting to present the report and to answer questions. An officer involved in the investigation or review may accompany the Chair to deal with matters of information or detail, but the Chair will present the Board's findings and conclusions and respond to Cabinet Member questions.
41. Where reports fall within rule 12 of the Overview and Scrutiny Procedure Rules, the procedures set out shall apply, but otherwise the Cabinet shall provide a response to the Scrutiny Board within one month from the date on which it considered the referral.

Call-in Protocol

42. The role of Scrutiny Boards in calling-in a decision before it is finalised, is:
- To test the merits of the decision.
 - To consider the process by which the decision has been formulated.

- To make recommendations (to support the decision, change aspects of the decision or to invite the decision making committee or body to re-consider).
 - To suggest further steps before a decision is made (but not to try to carry out those steps in place of the decision making committee or body).
 - To recommend to the decision making committee or body the matter be dealt with at full County Council, or to recommend directly to full County Council if the Committee believe the matter to be contrary to the Budget or Policy Framework.
 - To come to a view in a relatively short time scale, so as not to compromise the speed and efficiency of the decision-making process.
43. The call-in mechanism is an important part of a short decision-making process, and is designed to test the merits of the decision and to ensure that members have an opportunity to recommend change or reconsideration or deferral. The call-in mechanism is not, therefore:
- a judicial or quasi-judicial process, or a public inquiry;
 - an extended examination of areas only remotely connected to the actual decision;
 - an open house for anyone to attend and make representations.
44. The three or more non-executive members requesting the call-in shall submit their request in writing or by e-mail to the Head of Member Services and Scrutiny, and shall give reasons for requesting that the matter be called in to assist the Scrutiny Board in their deliberations. It is not sufficient for the call-in notice simply to state that the members concerned wish to test the merits of a decision. The notice shall specify more precisely which aspect or aspects of the decision the members wish to question or challenge. This is important because it will allow those summoned to the call-in meeting the opportunity to prepare adequately beforehand and to provide further information as necessary to clarify or explain the reasons for the decision. The members will make a joint written request, identifying a Lead Member. For the avoidance of doubt, a call-in request may be submitted by e-mail provided it is clear that the request has the support of three or more members.
45. The Head of Member Services and Scrutiny may rule that a call-in request is not valid only in the limited circumstances below:
- That the call-in request has not been made within five working days of publication (or three days in relation to final decisions on school organisation proposals).
 - That the call-in request has not been made by at least three members.
 - That it is not clear which Executive decision is being called in.

- That the decision is exempt from call-in on account of the urgency provisions.

Notwithstanding that members have properly exercised their right of call-in, the Head of Member Services and Scrutiny, in consultation with the Chair and the lead call-in member, should still give consideration following the call-in and prior to the meeting of the Scrutiny Board to determining the matter prior to, or without the need to hold, a meeting of the Scrutiny Board, e.g. by clarification of the decision or the provision of additional information. The timescale for the convening of a meeting should not be affected by such consideration.

46. Save in the circumstance in paragraph 51 below, a call-in may only be withdrawn with the agreement of the three members submitting the request in the first instance. If any or all of the members are not satisfied with the further clarification or information provided the call-in meeting must proceed.
47. Where the Head of Member Services and Scrutiny advises, however, that for Constitutional or legal reasons the only possible outcome of a call-in can be a referral back, the Chair of the relevant Scrutiny Board (or the Vice-Chair in his or her absence) shall have authority to rule that the call-in meeting shall not be held. The Head of Member Services and Scrutiny shall inform the call-in members and all the members of the relevant Scrutiny Board of the call-in request and the Chair's decision, and shall ensure that the matter which is the subject of the call-in is placed on the agenda for the next meeting of the relevant decision-making body. Notwithstanding the Chair's decision, nothing in this paragraph shall prevent the decision-making body's further decision being called in, and any call-in shall also be subject to the provisions of this Protocol.
48. A decision can only be called in once. If, however, the Executive substantially amends the original proposal in a way which the Scrutiny Board has not considered nor could reasonably have foreseen, to the extent that in reality it is a different decision, the Scrutiny Board has the right to call it in again.

Call-in: Advice to the Chair of the Scrutiny Board before the meeting of the Scrutiny Board to consider a call-in

49. Subject always to the views of the Scrutiny Board at which the matter is to be considered, the Chair of the relevant Board shall undertake preliminary enquiries and/or consultations before the meeting in order to:
 - (1) clarify the matters to be examined by the Board;
 - (2) consider the recorded views of those who have already been consulted or involved before the decision was taken;
 - (3) form an opinion as to what further papers, if any, should be made available to the Board;
 - (4) decide who should be invited to explain the decision.

50. There is an expectation that the Chair of the Scrutiny Board will in most circumstances meet the lead call-in member and the Cabinet Member with appropriate officers before the meeting and come to a view on the matters above. This is to ensure that so far as possible any areas of disagreement are discussed fully beforehand and valuable time is not spent at the meeting itself on matters of process and procedure. Where such prior discussion does not result in agreement between the Chair, the lead call-in member and the Cabinet Member the Chair will propose a course of action to the Scrutiny Board for them to consider and decide the way forward.

Call-In: Arrangements for the Scrutiny Board

51. The representative of the Head of Member Services and Scrutiny will confirm attendance and the arrangements with those invited to attend. Where a decision of the Cabinet or a local committee has been called in, it will be the responsibility of the relevant Cabinet Member or the Chair or Vice-Chair of the Local Committee as appropriate to attend the Scrutiny Board to explain the reasons for the decision. The relevant Corporate Director (or the lead one, if two or more are involved) will be responsible for co-ordinating officers to explain the advice given to the Cabinet or the Local Committee and to provide further background information.
52. Papers will be despatched as soon as possible with notice of the date and time when the matter is to be considered. Member Services will attempt to despatch the detailed decision and supporting papers within one working day after notification from the Head of Member Services and Scrutiny of his decision to call-in the proposal, in order to give members of the Board the maximum amount of time to read the papers. In any event an agenda with a full set of papers will be despatched no less than five working days before the meeting.
53. The agenda should include:
- ☐ The proposal and supporting papers submitted to the decision-taker (normally as the first substantive item on the Committee's agenda).
 - ☐ A list of background papers to the proposal.
 - ☐ The minute of the decision.
 - ☐ The request for the call-in.
 - ☐ The reasons given by the requestors for the call-in.
 - ☐ Any other papers that the members requesting the call-in identify. Background papers listed in the report to the decision-taker will not routinely be included in the agenda unless those members, or the Chair, so request.

- ☐ The issues indicated to the decision making committee or body to be considered, unless those have not been decided by the time the agenda is despatched, in which case a supplementary note will be sent out as soon as possible and will be read out at the beginning of the meeting. (N.B. The Board will not be restricted to this list of issues, but care will need to be taken at the meeting in allowing other matters to be raised, if there is a likelihood that further work will be needed).
 - ☐ An indication as to whether further papers are likely (e.g. from the Cabinet member or third party), although the presumption should be that all the relevant information was included in the Forward Plan and at the time the proposal was considered, that consultation procedures had been properly carried out and that third party views were properly summarised in the papers submitted to the Cabinet.
 - ☐ The persons to be invited to attend to answer questions on the issues before the Board and the order in which they will appear.
54. If, in exceptional circumstances, late papers become available after the normal agenda despatch date, they must be made available to all members of the Board as far in advance of the meeting as possible. Where papers become available on the day of the meeting, the Board will decide whether to accept them and, if they do accept them, whether to adjourn to read them.
55. Any other issues concerning the conduct of the meeting arising between the date of the call-in and the date of the Scrutiny Board will be dealt with by the Chair of the relevant Board in consultation with the Lead Member requesting the call-in, with any necessary officer advice/support.

Call-in: The Meeting

56. The Chair or members of the Board may feel that it is appropriate to meet informally before the meeting. In those circumstances the Chair will ask the Head of Member Services and Scrutiny to notify all members of the Board that there will be an informal meeting at least thirty minutes before the meeting. With the Scrutiny Officer and the representatives of the Heads of Legal and Member Services and Scrutiny present, members will:
- read any last minute papers;
 - consider the identified and any other relevant issues;
 - consider how sensitive issues should be managed, and how any issues not originally identified, might be handled;
 - receive a report from the Chair on any issues concerning the conduct of the meeting on which he/she has taken a view;
 - consider the questions to be asked of witnesses.

The purpose of the pre-meeting is purely to discuss and arrange procedural matters, not to discuss the merits of the issue.

57. The Board meeting should start promptly at the publicised time.
58. The chair shall allow the three call-in members a maximum period of 15 minutes in total to present their arguments. How the 15 minutes is allocated between the three members is a matter for the lead call-in member to determine. He/she may speak for the whole period recognising that the other call-in members will not then have the opportunity to make any contribution at this stage of the meeting.
59. The presumption should be that the meeting and all papers submitted to the Board should be open to the press and public. It may be necessary however to exclude the press and public to deal with "exempt" or confidential matters. This may be important not only on the day, to stop the disclosure to the press and public of exempt material (such as advice affecting the County Council's legal position, the commercial affairs of another body, or sensitive information about individual members of staff) but also to stop subsequent access to files on such matters. The time spent in private session should be kept to a minimum. Similarly exempt material in reports should be organised if possible into an appendix, so that the rest of the report can be available to the press and public.
60. Even though the press and public may have to be excluded, however, it does not necessarily follow that all those invited to attend would also have to be excluded. The presumption should be that they should all be allowed to remain, to ensure the transparency of the process carried out in confidential session. Exceptionally it may be necessary to invite parties to advise the Scrutiny Board one at a time, without the presence of others who have also been invited, if that is the only way in which the confidentiality of the material can be properly protected. That will usually mean officers who have advised the decision-making committee or body on this issue remaining to answer questions from the Scrutiny Board on that advice, in the absence of other parties. It will be important however:
 - (i) for this to be carefully explained to others, preferably in public before the resolution to exclude the press and public is passed;
 - (ii) to limit the scope of that advice strictly to the confidential material, and not to allow it to range into advice on the general merits of the issue when others could properly have been allowed to be present.
61. Normally, the Board should be able to articulate its view in public, with the assistance of the representative of the Head of Member Services and Scrutiny who is clerking the meeting. Exceptionally, however, members may wish an opportunity to pause to review papers and what they have heard. It will be quite proper in those circumstances to adjourn. It will be important to explain carefully the reasons for the adjournment in public and that no one will be given an unfair advantage. If during that time members of a Board wish to reconsider or clarify any point, then (subject to

the points above on Part II material) the Board should reconvene in public or (if in Part II) with everyone present who has been invited to attend.

62. During an adjournment the Board may wish to have assistance in articulating their view for announcement in public. If so, they should invite the representatives of the Heads of Legal and Member Services and Scrutiny to assist in that process.

Call-in: The Scrutiny Board's View, Recommendations to the Cabinet, a Cabinet Member or to County Council

63. It will be important for the Scrutiny Board to balance the need on the one hand for decisions not to be unreasonably delayed and, on the other, for matters called-in to be properly discussed and debated. Normally consideration of a call-in will be dealt with at a single meeting but, exceptionally, there may be circumstances where this is not possible. If the Board agrees that further investigation or information is required, the Cabinet or Cabinet Member may agree to extend the time in which a final view may be expressed if, in their opinion, delay would not be prejudicial to the County Council's interests.
64. Where a Scrutiny Board refers a matter back to Cabinet for further consideration, and the Cabinet reaffirms its original decision, the Cabinet shall give reasons to the Scrutiny Board for its decision. The giving of reasons shall not be a ground for the Scrutiny Board to refer the matter back to Cabinet again, either because the Board disagrees with those reasons, seeks further clarification of the decision, or for any other reason.

Review of Protocol

65. This Protocol shall be kept under review and amended as appropriate from time to time by the Scrutiny Management Board, subject to the agreement of the Cabinet on any matters affecting the Executive.

WORK PROGRAMME & PRIORITISATION PROTOCOL AND FINANCIAL SCRUTINY

A. GENERAL

1. It is the responsibility of the Overview and Scrutiny Committee (the Committee) to select topics for overview and scrutiny and to set it an annual work programme for itself at the beginning of each municipal year.
2. The work programme will comprise priority issues, so as to allow for the inclusion of ad hoc and urgent items during the year.
3. The Committee will consider other issues in addition to its work programme by agreement. In the first instance an approach should be made to the Chair and Deputy.
4. It is important for the Committee to report its workings and recommendations for future work programmes to full Council at least once a year.

B. SELECTION OF TOPICS

1. This is one of the most critical aspects of the overview and scrutiny process to ensure the objectives set by the Council are achieved.
2. Overview and scrutiny must add value to the work of the Council and produce worthwhile outcomes for local people.
3. A key practical consideration is capacity. Members and officers have a finite amount of time to invest in overview and scrutiny, but the number of topics is potentially very large, far exceeding the Council's capacity to deal with them in a thorough and effective way. Overview and scrutiny must therefore be fully focused on the things that matter most and on outcomes that make a real difference.

C. STRUCTURED APPROACH

1. A structured approach to topic selection is essential. Individual whims, the unimportant, the inappropriate and non-priorities can be filtered out in a consistent, open and transparent way.

2. THREE STAGE SELECTION PROCESS

Stage 1 - Use to assess reason for topic selection

Stage 2 - Use to confirm there is a reason to reject

Stage 3 - Use to look at rationale and desired outcomes

Stage 1 Good reasons to select

1. Improvements to local people are the likely result
2. Corporate priority for the Council
3. This is a key issue for the public with high levels of dissatisfaction.
4. A poor performing service
5. Barriers exist creating inequality in service provision

Stage 2 – Reasons to reject

1. Already addressed/being addressed appropriately
2. Part of a legal process
3. Falls within the Council's complaints procedure
4. Subject to disciplinary/grievance procedure
5. Unlikely to result in real or tangible improvements for local people

Stage 3 – Questions to ask

1. Why would we do this?
2. How does it link to the Council's Corporate Strategy?
3. What tangible benefits could result for our community or customers?
4. What evidence is there to support the need for a review?
5. What would we wish to achieve and why?

IF TOPICS ARE COMPETING CONSIDER:

1. Their importance in terms of the Council's aims and priorities
2. The likely benefit to the widest possible sections of the community

D. THE ANNUAL WORK PROGRAMME

1. Main Considerations

- Ensure that:
- (a) all key overview and scrutiny roles are included
 - (b) all the topics to be considered are priorities, will help achieve the objectives of the overview and scrutiny functions
 - (c) there is a balanced workload which does not exceed the capacity to do a thorough job.

2. Types of tasks

Matters included may be regular, ongoing tasks such as scrutiny of Executive business, improvement plans, the annual budget, or alternatively specific one off issues.

3. Framework for the development of the work plan

- Process:
- (1) identify potential topics/issues
 - (2) select topics
 - (3) allocate work
 - (4) Timetable work
 - (5) check resources
 - (6) Finalise for approval by Committee
 - (7) Review and update

(1) Identify potential topics/issues

- (a) Review forward plan, Executive agendas/minutes (leave capacity in programme to pick up in year issues.
- (b) Consider issues for potential policy review or development (eg what's not working well, where are the gaps in policy, input on major policy developments)
- (c) Consider issues for potential indepth review/inquiry (eg significant community concerns, major problem areas, poorly performing services, inequality in service provision, consistent areas of over/under spending)

- (d) Identify 'standard' items for scrutiny and programme in at the outset(eg annual budget, annual corporate planning process).
- (e) consider areas for external scrutiny where significant community concerns and/or statutory duties exist (agency/partner plans, multi-agency plans)
- (f) Invite suggestions from Members of the Council, the Executive, Officers and the Public.

(2) Select Topics

Once identified, filter and prioritise each potential topic for review or policy development through the topic selection process set out at B and C in this protocol.

(3) Allocate work and check for balance

- (a) Timetable the workload
- (b) Are all the scrutiny functions include?

(4) Timetable

Timetable the draft work programme having regard to the Council's schedule of meetings and other relevant factors (eg holidays, significant other work commitments)

(5) Check resources

Consider the resources needed to carry out draft work programme as allocated (include member time, officer capacity, budget requirements)

(6) Finalise for approval

Finalise draft work programme for formal approval by the Overview and Scrutiny Committee

(7) Review and update

Keep work programme under constant review (each committee meeting), adjust as work through, update as new topics/suggestions are received and prioritised), maintain an audit trail of record of progress, achievements, outcomes.

E. FINANCIAL SCRUTINY A KEY AREA

Overview and scrutiny can have an important role to play in the scrutiny of financial planning, the budget setting process, reviewing budget performance and business plans.

1. Some key roles
 - (a) Reality checking
 - (b) promoting the integration between budgets and business plans
 - (c) performance and budget monitoring

Financial scrutiny is about influence and adding value, looking at the bigger picture rather than the detail, focusing on outcomes.

2. Questions to consider about financial planning

Has the Council got a Medium term financial plan(MTFP)/how well is it integrated into the Corporate Plan/How does the MTFP contribute to resource allocation to priority services and issues/how is the MTFP used in the annual budget planning process/how is the MTFP monitored.

3. Questions to consider about budget setting

Do the proposed spending plans fit with the Council's overall aims, objectives and priorities/is it clear how the outcome/output will be measured/have opportunities been taken to generate income/have acceptable targets been established/has the budget been reviewed or rolled over/how well does the budget work with expected service demand

4. Questions to ask about budget performance

Did expenditure meet the objectives set/what are the reasons for under/overspends/what is their impact on Council plans and policies/was this taken into account future budget years/have income targets been set/what are the risks if they haven't

PROTOCOL FOR THE INCLUSION OF NON-EXECUTIVE COUNCILLORS IN THE OVERVIEW AND SCRUTINY PROCESS

1.1 The new political structures adopted in April 2010 provided for one Overview Scrutiny Committee comprising 18 councillors whose job it is to:

- Receive Call-ins of Executive decisions
- Establish a yearly Scrutiny Work Programme
- Set up Task and Finish Groups to scrutinise policy development and service delivery
- Monitor the outcomes of scrutiny reviews

1.2 Task and Finish Groups play a critical role in informing future policy development in the council as well as scrutinising current policies and services both inside and outside the council.

1.3 It is important therefore that all non-executive councillors have the opportunity to be involved in the work of the Task and Finish Groups as it will:

- Give a wider democratic representation to inform the groups work
- Widen the knowledge and skills resource base of councillors involved in scrutiny.
- Give them a 'hands-on' opportunity to make a difference in areas of work that they have a specific interest in

1.4 It is hoped that non-executive councillors will elect to work on at least one Task and Finish Group a year. The following will be put into place to help councillors to be involved:

- The draft Scrutiny Work Programme will be circulated to all non-executive councillors in May at the Annual Council meeting, asking if they have a specific interest in any of the investigations scheduled in the forthcoming year.
- Task and Finish Groups will comprise a minimum of one Overview and Scrutiny Councillor and one non-executive Councillor. It is envisaged that an Overview and Scrutiny Councillor would chair the Task and Finish Group.

- 1.5 In this Protocol the term "non-executive Councillor" refers to all Councillors other than the Leader and members of the ~~Executive~~. However those members of the ~~Executive~~ AUDIT COMMITTEE who are not on the ~~Executive~~ although not prohibited from taking part in the Overview and Scrutiny process, will not be expected to serve on Task and Finish Groups.

Overview and Scrutiny Councillor's Conduct Protocol

Effective Overview and Scrutiny of the Council's policies, decision-making and delivery of services is a legal requirement of non-executive councillors.

This protocol seeks to clarify the standards of conduct expected of those councillors involved in the Overview and Scrutiny and Task and Finish Group's processes and give guidance to those councillors who are involved in this work.

Compliance with the following standards is required of all Overview and Scrutiny councillors and any breach of the standards will be referred in the first instance to the Chair of Overview and Scrutiny and if unresolved to the Chair of the Standards Committee:

1. The Overview and Scrutiny Committee and the Task and Finish Groups will conduct their business in a friendly and orderly way in order to maximise the participation of all Councillors and facilitate constructive debate. In so doing, councillors will refrain from personal criticism of other councillors and officers, whatever their position in the Council.
2. Attendance by all councillors is important to ensure the democratic processes are achieved, all points of view are given and full discussion takes place with continuity of discussion and debate. Those councillors appointed to the Overview and Scrutiny Committee and Task and Finish Groups will therefore be expected to give priority to attending scheduled meetings.
3. Individual councillors will uphold the highest standards of probity and integrity as laid down in the Councillor's Code of Conduct and set out in the Council's Constitution. They will use their powers of scrutiny in a manner worthy of the trust placed in them by the local people.
4. Scrutiny councillors will be expected to engage in all scrutiny learning and development opportunities provided by the Council in order to carry out their roles as effective scrutineers.
5. The Chair and Deputies of Overview and Scrutiny will ensure effective working relationships with Party Whips.
6. The Overview and Scrutiny Annual Report and Task and Finish Group reports will document Councillor attendance to ensure the highest standard of Councillor commitment.

WITNESS PROTOCOL

1 GUIDANCE FOR COUNCILLORS REGARDING WITNESS EVIDENCE

Witnesses are an essential ingredient when undertaking an overview and scrutiny review and their evidence is an invaluable source of information. Attending an Overview and Scrutiny Committee or Task and Finish Group will often be a new experience for people. It should be remembered that external witnesses are present on a voluntary basis.

The following guidance is written to ensure the experiences for witnesses when giving evidence are positive and stress-free.

The Council will:

- 1 Give witnesses as much notice as possible of the time, date and place of the meeting at which their evidence is to be taken
- 2 Inform the witness of the purpose of the review and the areas on which the overview and scrutiny body will want to question them
- 3 Wherever possible give the witness a list of questions, or the line of questioning, in advance, explaining that this will not be a restrictive list
- 4 Provide witnesses with copies of reports, papers and background information where appropriate
- 5 Indicate whether any written documents are required in support of the witness's oral evidence. Requests for presentations will be made a minimum of one week prior to the meeting.
- 6 Invite witnesses to submit written evidence, if appropriate, and where this is provided it should be circulated to the committee/group in advance of the meeting at which the evidence will be taken.
- 7 Inform witnesses that the Overview and Scrutiny meeting is held in public, is open to the press and that all reports are public documents unless they contain exempt or confidential information.

- 8 Inform witnesses that Task and Finish Groups are not public meetings, but the evidence submitted to them are submitted for public viewing.
- 9 Respect the right of external witnesses to decline to attend council meetings, but submit written evidence instead.
- 10 Arrange for witnesses to be introduced to the Chair of the meeting prior to the start of the meeting.
- 11 Introduce witnesses to the committee/group
- 12 Ensure all witnesses are treated with courtesy and respect
- 13 Ensure all questions to witnesses are made in an orderly manner under the direction of the Chair and that councillors ask questions relevant to the objectives of the review.
- 14 Provide the Review findings to all witnesses who request them.

2 QUESTIONING TO GAIN THE MOST FROM WITNESSES

The evidence of witnesses to a review may often be the most valuable source of information. However, if the questions are not the right ones they may not be effective in soliciting the best information. Asking questions is not about profiling yourself, making a personal speech or arguing with witnesses as this can put them off giving evidence. Considering what questions to ask and the types of question to use to gain focused information often means preparation beforehand. Below are examples that can be considered.

Question types

Most people will be familiar with the two basic question types 'open' and 'closed'. These can be described as follows:

Closed:

Are used when you require a brief factual answer as they close down discussion e.g.

"What is your name?"

"Do you work in other organisations?"

Open:

Are used to gain more than a 'yes' or 'no' answer as they stimulate further discussion on an issue e.g.

"Please give us an example of how your service has improved?"

"Tell us about how your service is organised"

But there are also some questioning styles, which can elicit different types of responses and therefore different outcomes.

In preparing for questioning witnesses, it might be helpful to think about the way in which questions can be asked to get the outcome that you are looking for.

Probing:

Seek verifiable data and usually start with the words who, what, why, where, when, or how. They are used to gather information about a situation e.g.

"How much have we spent on this service this year?"

"Who was consulted before the changes were implemented?"

Opinion finding:

Ask for subjective information that gets at opinions, values or beliefs. They will help you understand views e.g.

"Do you think people understand the services available?"

"How do you feel the consultation went?"

Getting the detail:

Can help find out more specific detail from the witnesses e.g.

"You mentioned costs a moment ago – can you be more specific?"

"Explain that in more detail for us please."

Best/least questions:

They are similar to opinion finding questions as they help to test the limits of participant's needs and wants e.g.

"What is the best thing about the service we offer?"

"What is the worst thing about the way we publicise our services?"

Third party questions:

Can help people express sensitive information and help uncover thoughts in an indirect manner, but beware that they do not become leading questions e.g.

"Some people say it takes too long to get a response from our services. How does that sound to you?"

Crystal ball or hypothetical questions:

Can help to explore ideas e.g.

"If time and money were no object, what sort of computer system would you design for the department?"

Questioning do's and don'ts

To make the best use of the time available for a witness, it is important to think about not only the type of question but also the way in which it is asked. The following suggest some issues to think about:

DO:

- Ask clear concise questions covering a single issue
- Ask challenging questions that will stimulate thought
- Ask reasonable questions based on what witnesses will know about
- Ask honest and relevant questions
- Ask a question
- Allow time for thoughtful responses

DON'T:

- Ask rambling, ambiguous questions that cover a number of issues
- Ask questions that don't provide opportunity for thought
- Ask questions about issues not in the witness's knowledge
- Ask "trick" questions designed to confuse witnesses
- Make a personal statement or a speech
- Let witnesses cross-examine each other
- Talk or leave the room when people are giving evidence

3 GUIDANCE FOR WITNESSES AT OVERVIEW AND SCRUTINY REVIEW BODIES

The following list provides some useful guidelines in giving evidence for a review being undertaken by an Overview and Scrutiny body of Northampton Borough Council. It is intended for use by internal and external witnesses and should be read together with the Council's Guidance for Witness Evidence:

- 1 **Contacts** – every review will have a named review coordinator. You will be given this person's name, please use them as your point of contact.
- 2 **Topic** – make sure you are clear of the topic and the areas that the committee/panel would like you to address. If you are not sure ask the review coordinator.
- 3 **Discussion** – discuss your contribution with the Review Coordinator in advance, especially if this is the first time you have given evidence to an overview and scrutiny body.
- 4 **Contribution** – be prepared to be asked for your opinions and views as well as to give factual information. If you are asked to provide written evidence, make this as simple and as concise as possible – if you are a Council officer remember that you are not presenting a committee report but providing information to help the councillors conducting the review.
- 5 **Presentations** – if you have been asked, or have offered, to give a presentation in relation to your evidence to the committee/group let the review coordinator know what equipment you will need. Please provide copies of your presentation for Members of the panel – wherever possible in advance of the meeting.
- 6 **The meeting** – Members of the committee/group want to make sure participants feel free and able to attend so they will ensure that meetings are as informal as possible and that you are able to contribute fully to the topic under review.

BOROUGH COUNCIL

OVERVIEW & SCRUTINY EVALUATION FORM

ARE YOU A VISITOR TO THE OVERVIEW AND SCRUTINY BODY MEETING?

Thank you for attending the Overview and Scrutiny Body Meeting today.

Members of the Overview and Scrutiny Body welcome any comments regarding the meeting and your experience of Overview and Scrutiny and how this might be improved. We would appreciate if you could complete the attached questionnaire and return it to the Overview and Scrutiny Team at the address below.

Team:

Organisation:

Overview & Scrutiny Body attended:

.....

Were you clear on what was required from you by the Overview and Scrutiny Body?

Yes

☐

No

☐

Any Comments?

Was there reasonable notice given for you to respond to the request of information at the earliest opportunity?

Yes

☐

No

☐

Any Comments?

Did you receive clear notice of the date, time and place of the Overview & Scrutiny meeting?

Yes

☐

No

☐

Any Comments?

Were you treated with courtesy and respect?

Yes

☐

No

☐

Any Comments?

Were all questions asked in an orderly fashion?

Yes

☐

No

☐

Any Comments?

Was there anything the Chair could have done better?

Yes ☐

No ☐

Any Comments?

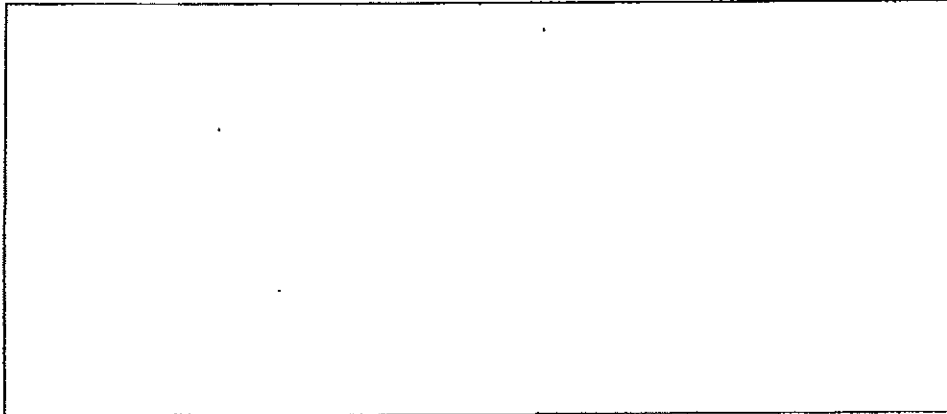
Was there anything the Overview and Scrutiny team could have done better?

Yes ☐

No ☐

Any Comments?

Any other comments?



Please return the form to:

Overview and Scrutiny

Performance Review

Unit 1

Unit 2

Unit 3

Unit 4

Unit 5

Unit 6: The End of the World

Overview and Scrutiny

Meeting Guidance

- 1 As the Overview and Scrutiny meeting is a business meeting of the Council, only members of the Committee and staff supporting Overview and Scrutiny should sit at the Committee table for the duration of the meeting.
- 2 Only Committee members will be able to ask questions of individuals presenting evidence to the committee.
- 3 Individuals other than Committee members should inform the Chair prior to the meeting of their wish to speak at the meeting. Whilst waiting to be called to speak, they should be seated in the public gallery. The Chair will decide the appropriate time to call the speaker to the table. Once the speaker has finished what they wish to say, they will be requested to leave the table.
- 4 The public will be able to speak at an Overview and Scrutiny Committee meeting if they are providing relevant information to an agenda item. It is important for the efficiency of the meeting that individuals wishing to make the same points are represented by one individual who can state that they are a representative. Public speaking will however be limited to three minutes.
- 5 Where the public wish to raise new issues for scrutinising this should be done in writing.
- 6 Overview and Scrutiny Committee meetings will normally commence at and finish at approximately The Scrutiny Officer will produce a timed agenda sheet; i.e. estimated timescales for each agenda item, for the Chair's to use as a guide during the meeting.

EMPLOYEE GUIDE TO OVERVIEW AND SCRUTINY

Your Role in Overview and Scrutiny – What is expected of you?

Overview and Scrutiny is the main way by which Cabinet is held to account in public. As well as scrutinising individual decisions, scrutiny has an important role in reviewing Council policies and making recommendations, to the Executive or full Council, on future policy options. It can also review the discharge of non-Executive functions and reports on matters of more general concern. This summary guide provides you with a snapshot of the various ways in which you might get involved in Overview and Scrutiny.

These are:

- Overview and Scrutiny
- Call-in
- Preparation information for overview scrutiny members i.e. preparing a briefing note or Committee report
- Getting involved in a detailed review

The Overview and Scrutiny function is supported by a scrutiny officer who provides advice and support to Councillors to undertake their work. This includes research, analysing data and report preparation.

The Overview Scrutiny Structure is:

- One Overview and Scrutiny Committee – for reviewing the issues and policy.
- The Overview and Scrutiny Committee sets up time limited Task and Finish Groups to carry out strategic and operational reviews.
- All non-executive Councillors are given the opportunity to be involved in the reviews by putting themselves forward to join the Task and Finish Groups throughout the year to review issues of interest and importance and inform critical policy development.

Call-in

When a decision is made by the ~~Executive~~ collectively, any Councillor may call in that decision for the Overview and Scrutiny Committee to consider. This is subject to the 'urgency' provisions set out in the Council's Constitution. The power of call in does not apply to the day to day management and operational decisions made by employees under delegated powers and may only be exercised in relation to non-key decisions as part of a review of service plans or during the best value process. ¹³ [To consider]

Employees should therefore build an Implementation buffer into their project plan just in case the decision that they are involved in progressing is called in.

Preparing information for Scrutiny Councillors i.e. preparing a Committee report

Employees may be asked to attend an Overview and Scrutiny Committee meeting to ensure that Scrutiny Councillors have an understanding of the issue of service area to be scrutinised including; aims and objectives, how they might be developed, the practicalities of service delivery and issues and problems facing the Council.

This may involve preparing a report and/or providing information and advice on:

- existing policies and practices;
- recent committee reports/decisions;
- legislative requirements upon the Council;
- demand v supply/Recovery Plan/Community Plan targets; and
- limiting factors on performance.

Getting involved in a detailed review (Task and Finish Group)

For more detailed investigations Overview and Scrutiny Task and Finish Groups are established to consider specific topics in detail over a specified period of time. The Task and Finish Groups are made up of small number of Councillors and often co-opted members who analyse and assess a specific Council or another

organisations activities and processes, with a view to making improvements.

Overview and Scrutiny is not about undertaking a witch-hunt it is about working with the ~~Executive~~ and employees to improve Council services. Overview and Scrutiny Councillors will aim to adopt a non-adversarial approach and to work with employees to identify improvements.

When both a ~~Executive~~ Member and senior officers are summoned to appear before the Overview and Scrutiny Committee, or are invited to make a contribution to proceedings, each shall contribute within the scope of the normal boundaries of the officer and Member roles, at the direction of the Chair.

Normally individual Task and Finish Groups are in existence for no longer than six months. Frequency at meetings varies, with monthly as average. Where appropriate, off-site venues will be used for the meetings where doing so will give Members greater awareness/engagement with local communities.

It is worth noting that Councillors are entitled to information in accordance with their rights as a Councillor. These rights are specified in the Council's code of conduct. Employees have a duty to provide information in accordance with the advice, to all Councillors irrespective of their status and political party. Requests for information that do not meet the criteria set out in the code of conduct should, in the first instance, be referred to your line manager, and where the matter cannot be resolved, to the Council's Monitoring Officer. Under no circumstances should they be ignored.

Further Information

This summary guide provides a brief introduction, which I hope you find useful. Please do not hesitate to contact the Scrutiny Officer who will be happy to help:

BOROUGH COUNCIL

BOROUGH COUNCIL

OFFICER SUPPORT PROTOCOL

All Officers

All officers have a duty to support all members of the Council. In respect of Overview and Scrutiny, this could involve attending meetings, giving briefings, advising Overview and Scrutiny members and providing information.

In addition to this, the following groups of officers have specific roles to support the overview and scrutiny process:

- Chief Executive, Directors and Heads of Service
- Overview and Scrutiny Team
- Meetings Services

Senior Officers

The role of Directors and Heads of Service is to:

- Co-ordinate officer attendance at Overview and Scrutiny Committee meetings and Task and Finish groups from within their teams when requested.
- Co-ordinate the preparation and submission of materials to Committees and Task and Finish Groups when requested, and within the agreed timescales.
- Support Portfolio Holders in responding to Overview and Scrutiny Committee recommendations
- Provide briefings for Committees on issues relating to their service, as requested by members.

Overview and Scrutiny Officers

The Overview and Scrutiny Team is a significant dedicated resource to support the work of the Overview and Scrutiny Committees, and offers Overview and Scrutiny Committees independent support that is not aligned with a service-based Department.

The role of the Overview and Scrutiny Team is to provide advice, guidance and support to the Council's overview and scrutiny function. In addition to direct support to Overview and Scrutiny Committees, this includes promoting

Overview and Scrutiny Borough Council Overview and Scrutiny

the overview and scrutiny function internally and externally, and ensuring that it is operating to best effect.

Overview and Scrutiny officers provide support to Committees in drawing up work programmes, planning reviews, and preparing reports and recommendations. They will provide direct research support or commission professional advice / identify external witnesses as appropriate. Overview and Scrutiny officers also:

- Support the Committee chairmen in the setting of agendas, and liaise with Meeting Services and other appropriate officers to ensure that requested items appear on the agenda.
- Inform senior officers of the Overview and Scrutiny Committees' work programmes, and coordinate support from these officers, ensuring that these officers are notified as early as possible of any evidence requirements.

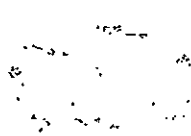
It is not the role of Overview and Scrutiny officers to provide political support to individual Members or Groups.

Meeting Services Officers

Meeting Services officers also provide direct support to the Overview and Scrutiny Committees. This involves:

- Finalising and distributing the agenda and supporting papers within the statutory timescales.
- Taking minutes of the proceedings of Overview and Scrutiny Committees and recording any actions to be taken.
- Arranging any presentation equipment and setting up room.
- Arranging site visits for Members

Borough Council Overview & Scrutiny



BOROUGH COUNCIL

OVERVIEW AND SCRUTINY

Task and Finish Group Protocol

Guidelines for operation of Task and Finish Group

Task and Finish Groups need to operate on a relatively informal basis in the sense that they are a forum for information gathering and discussion between group members and officers rather than a formal decision making body. They have no delegated powers.

Information about each new Task and Finish Group will be included on the Council's intranet site.

Early within the project and wherever possible, the Task and Finish Group should identify details of any co-optees or contributors required to further the gathering of evidence and enhance the process or provide specific knowledge.

Meetings will take place as often as needed until the task is complete, on average around every six weeks. Following the scoping (planning) meeting, the group should aim to hold the necessary meetings within as short a timeframe as possible so that findings do not become out of date before completion of the task.

Visits can also be very useful in helping Task and Finish Groups to get to grips with issues and should be arranged for the group, or individual representatives of the group, as needed.

Meetings of the Task and Finish Group will be less formal than meetings of Overview and Scrutiny Committees. They require an approach that allows all members of the group to participate fully, and incorporates questioning and discussion with contributors. Informal ways of working are to be encouraged. There will be considerable discussion between members of the group and people asked to give information.

In the event that the task involves research, the group must always ascertain whether such research is/has already been undertaken elsewhere e.g. Overview and Scrutiny Committee, directorate, partner organisation.

The chair of the Task and Finish Group has a role to make sure all councillors have the opportunity to know about activities of the Task and Finish Group. Members of the parent Overview and Scrutiny Committee will be kept informed regarding progress of tasks through commission planning and progress reports. All councillors can obtain information at any time during a review via the Council's intranet site or the Overview and Scrutiny Officer working with the group.

In discussing issues to reach conclusions and make recommendations it is hoped that the group will be able to reach agreement by consensus. If following discussion on a particular issue, agreement cannot be reached, a minority view on a particular issue will be included in any report to the Overview and Scrutiny Committee.

Members of the Task and Finish Group should operate within the agreed plan for the task and must not

Borough Council Overview & Scrutiny

disclose or use any information/knowledge obtained through involvement in the group for any other purpose. This also applies to councillors not on the group who have requested information about the work being undertaken.

Councillors should not do anything to pre-empt or undermine the outcome of a task and finish group's recommendations.

The chair of the Task and Finish Group has joint responsibility, with the chair of the Overview and Scrutiny Committee, for the issuing a media briefing in relation to completed review work and any subsequent media interaction needed. The Overview and Scrutiny Officer will assist with this role in liaison with the Corporate Communications Unit.

The review process

Planning and scoping

Councillors need to be thoroughly involved in the planning of a review. Having been given an indication of what the scope should be through the agreed suggestion form, the Task and Finish Group should consider the specific issues it will cover and agree a plan for the task. They should be assisted in this by advice from officers.

The plan should set out:

- 1 A clear statement of the scrutiny topic.
- 2 The aim (or purpose) of the project.
- 3 The scope of the project - what will be included and excluded.
- 4 Any specific questions to be answered.
- 5 Specific concerns or issues, which should be addressed.
- 6 How it will contribute to achieving Corporate Priorities
- 7 Initial list of key stakeholders, partners or other agencies to involve.
- 8 Initial list of witnesses, both internal and external, to involve
- 9 Timescale for completion of the task.

Within the agreed scope, members of the Task and Finish Group decide what information it needs and what questions to ask and if external expertise should be involved. Where needs are identified consideration should be given as to why that information/contact etc is necessary. This may include which people or organisations should be consulted and at what stage further consultation may be appropriate. In addition, the group should consult appropriate contacts on their views at the planning stage – this should include the equalities and communications teams.

Gathering information

Once the planning is finished, the group will actively gather its evidence. Some of this will be written information, such as council documents, national guidance or information from organisations providing a similar service. Information can also be collected by asking people questions. Evidence to Task and Finish Groups from officers should be fact-based and not contain recommendations unless presented in the form of options. Questioning should be aimed at trying to understand and explore issues rather than at catching the witness out. Members of the group should avoid making statements rather than asking questions. Information might also be gathered from user groups, the public, other interested parties or partners. Sometimes the group will think that their enquiries would benefit from a site visit or other activities such as by directly trying the service.

Site visits by members of a Task and Finish Group can be an extremely valuable part of the process and could inform Councillors' questioning of subsequent contributors.

If the group wants to hold a public meeting to seek views on an issue they can. Members of Task and Finish Groups should be engaging with other organisations, partners, user groups, other councils etc and talking to people who are affected by the issue being considered to make sure they are gathering

Borough Council Overview & Scrutiny

Information.

Rather than minutes of the meeting, notes are taken to record evidenced given at meetings of the Task and Finish Groups. The notes allow people who have contributed information to check if has been understood properly.

Reflect, learn and draw conclusions

When the group has gathered all the evidence it needs, they will assess it and reflect on what they have learned. A draft report is written to help this process. This helps the group to draw conclusions from what they have learned. The report of the Task and Finish Group's recommendations must be an expression of the views of the group rather than a report to the group written by Officers. This means that it is important for members of the group to express their views at the drafting stage.

The relevant department will normally be given a chance to comment on the draft report before the group makes recommendations. This is an opportunity for factual corrections to be made. Sometimes the report relates to work by bodies outside the council. In that case, these bodies may be consulted.

Report findings and recommendations

At the end of each review reports need to be produced that are written in clear English. The reports must outline the information gathered and information be presented in a variety of ways so that they are interesting and easy to read.

The final report will be based on facts collected and give a full picture of the issues under scrutiny. It will reflect the range of views presented to the Task and Finish Group. The report will contain conclusions (key findings) and clear recommendations.

Generally, when the report is endorsed it will be by consensus among all members of the group. However, occasionally agreement cannot be reached, so the views of all members will then be reflected in the report.

When the Task and Finish Group has finished its report, the members of that group present their work to their parent Overview and Scrutiny Committee. As part of this process, the group will explain the work it has done and ask the Committee to support its recommendations. The Committee could also comment on the report or ask for further work to be done.

Producing the Report

Having considered all the evidence the group will reach conclusions and make recommendations that will be made public in a report. However, organisations that have participated in the review will be sent a draft copy; this will enable them to comment on the factual accuracy of the evidence relating to their organisation and inform the group of implications of the recommendations that may not have been considered.

Findings and recommendations of Task and Finish Groups will be presented to the relevant Overview and Scrutiny Committee for endorsement before submission to Cabinet and/or Full Council.

The parent Overview and Scrutiny Committee will monitor the implementation of the recommendations that have been made approximately six months after the report has been received by Cabinet.

OVERVIEW AND SCRUTINY

TASK AND FINISH GROUP

1. Purpose/Objectives of the Review
2. Outcomes Required
3. Information Required
4. Format of Information
5. Methods Used to Gather Information
6. Co-Options to the Review Committee
7. Evidence gathering Timetable
8. Responsible Officers
Lead Officer
Co-ordinator
9. Resources and Budgets
10. Final report presented by:
11. Monitoring procedure:

GUIDANCE ON FINAL REPORTS FROM SCRUTINY REVIEWS

The following list of headings is intended as guidance to Chairs and review co-ordinators in preparing final reports at the conclusion of a scrutiny review.

CHAIRMAN'S FOREWORD (Optional) & ACKNOWLEDGEMENTS
REASON REPORT REQUESTED PURPOSE OF REPORT STATUS OF REPORT – This report is the work of the x Task Group, on behalf of the x Overview and Scrutiny Committee, and where opinions are expressed it should be pointed out that they are not necessarily those of Scarborough Borough Council. While we have sought to draw on this review to make recommendations and suggestions that are helpful to the Council, our work has been designed solely for the purpose of discharging our terms of reference agreed by the parent committee. Accordingly, our work cannot be relied upon to identify every area of strength, weakness or opportunity for improvement.
INTRODUCTION - this should outline the purpose and objectives of the review, any issues relevant to its commissioning and the timescale within which the review was undertaken
SUMMARY - a summary of the purpose of the report including its intended recipients (Cabinet/Portfolio holder and/or Council and any relevant external bodies)
BACKGROUND - why the review was undertaken
METHODOLOGY - how was it carried out: for example commissioned research, number of witnesses called and from what areas of interest, visits undertaken. Detailed appendices can provide additional information.
FINDINGS - these should indicate clearly how the findings relate to the evidence gathered by the review
RECOMMENDATIONS - this section should indicate to whom/what body the recommendations are addressed, in particular where these include outside bodies. Recommendations should be clear and concise and if the task group believes these should have specific timescales associated with them this should be clearly stated
IMPLICATIONS – details the Policy, Legal, Financial and Equalities and Diversity implications of the Review's recommendations – also staffing, planning, crime and disorder, and health and safety implications if appropriate.
APPENDICES - should include evidence submitted, relevant background information etc

Borough Council Overview and Scrutiny

BOROUGH COUNCIL

OVERVIEW AND SCRUTINY

REPORTING PROCESS (Task + Finish)

1. It will be the role of the Overview and Scrutiny Task and Finish Group to cause a report to be prepared on a subject that has been assigned to it by an Overview and Scrutiny Committee.
2. The report will contain relevant evidence and/or opinion from persons who have been asked to contribute. They will be asked to confirm the accuracy of the evidence/opinion in it. The Overview and Scrutiny Officer who is supporting the Task and Finish Group, or his/her deputy, will prepare the report in draft and invite the Task and Finish Group to approve it at the next suitable meeting.
3. Once approved, the report will be sent to Heads whose Service is affected by its contents. The Heads of Service will be invited to comment on the accuracy of the contents, especially on technical matters within their competence. They will submit any such comments to the Overview and Scrutiny Officer within 10 working days of receiving the invitation.
4. If the Overview and Scrutiny Officer so decides, having received any such comments, a meeting of the Task and Finish Group will be convened to decide whether to review its approval of the report.
5. Once finally approved, the report will be submitted at the next available meeting of the Overview and Scrutiny Committee for its approval.

6. The report, once approved by the Overview and Scrutiny Committee, will be submitted at the next available meeting of the Cabinet for its consideration and acceptance. It is expected that the Portfolio Holder affected by the contents of the report, and the Chair of the Task and Finish Group, will attend relevant meetings of the Cabinet and of the Overview and Scrutiny Committee.
7. The Overview and Scrutiny Committee will meet, within about two months of the date of the meeting at which Cabinet first considered the report, to consider the Cabinet's response to the report and, in particular, its acceptance of the report recommendations.
8. The Overview and Scrutiny Committee will monitor their implementation at a meeting within six months thereafter, by questioning the relevant Portfolio Holder.
9. If the Overview and Scrutiny Committee is unhappy with the implementation it will meet again until it is.

Borough Council Overview and Scrutiny

BOROUGH COUNCIL

Borough Council Overview and Scrutiny Media Protocol

This Protocol defines the Borough Council's approach to communications for its Overview and Scrutiny function when dealing with the media.

It applies to the publication of Overview and Scrutiny review reports and reactively dealing with any resulting enquiries from the media.

This protocol is designed to achieve three outcome:-

- To publish and publicise the outcomes from the Council's Overview and Scrutiny reviews;
- To be clear about roles and responsibilities in the Council for publishing the outcomes of Overview and Scrutiny reviews in relation to the Council's policy on communications with the media; and
- To make sure the Council has a consistent and uniform approach in dealing with the media.

On publication of a review the Overview and Scrutiny team will complete an Overview and Scrutiny Review Information sheet, copy attached at Appendix A. The Council's Corporate Communications team will post the information on the Council's website and email it to local media contacts. The information sheet will include a Chair's statement representing the outcomes of the Task and Finish Group and contact details for the Chair.

The Chair of the Task and Finish Group will be available for media enquiries directly. The Chair's statement will represent the views and outcomes of the Task and Finish Group. Advice on handling enquiries will be available from the Corporate Communications Team.

Borough Council Overview and Scrutiny

In dealing with the media it is crucial that issues are identified that may provide an opportunity for positive publicity or which may be contentious and plan for them as early as possible. The Overview and Scrutiny Committees will update the Corporate Communications team about reviews that are planned and may be due to be published.

Borough Council Overview and Scrutiny

BOROUGH COUNCIL

Borough Council

Overview and Scrutiny Review

Review Title:

Date:-

Chair:-

Other Councillors :-

Purpose of the Review:-

Summary:-

Findings:-

(Media Protocol
Appendix A)

Borough Council Overview and Scrutiny

Recommendations:-

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Chair's Statement:-

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A copy of the full report is available from the Overview and Scrutiny Team and will be published on the Council's website:
www.....gov.uk/scrutiny

MEDIA PROTOCOL CONTINUED

Background

The media has an important role to play in providing information to the public about Borough Council and its policies, decisions, services and activities.

The overview and scrutiny process will inevitably generate media interest as it is vital to the effective running of the Borough Council, monitoring the decision-making process and making recommendations to the Cabinet and the authority as a whole. Media interest will also be sought to help encourage participation by the public in appropriate scrutiny activity.

The protocol governs how the work of the Overview and Scrutiny Committees is publicised through the media. It identifies key spokespeople; guides how press releases are issued and media enquiries responded to, and explains the role of the Communications Officer in this process.

Key spokespeople

The key media spokesperson on any issue directly related to overview and scrutiny will be the chair of the relevant committee or task group. As key spokesperson, the Chair may be consulted about any media interest in relation to issues within their specific areas of responsibility and reporters may be directed to them for a comment. They may also be quoted or featured in publicity such as press releases and photocalls. The key spokesperson will represent the views of the committee or task group and not their own personal or political party views.

On issues which relate more generally to the work of the Borough Council as a whole and its services and which are not specifically related to the overview and scrutiny function, the key spokespeople are the Leader or relevant Cabinet Member within a portfolio area. However, it may be appropriate on some occasions for these media issues to be referred to an overview and scrutiny spokesperson.

Press releases and statements – publicising the work of overview and scrutiny

The Communications Officer's role in publicising the Borough Council's services, policies and plans includes issuing press releases and statements on issues relating to overview and scrutiny.

Where a press release or statement is needed to publicise the work of an overview and scrutiny committee to respond to media interest, the Communications Officer will liaise with the relevant key spokesperson on content and a suitable quote and also with relevant officers for factual information. At the commencement of a review, consideration will be given by the Chair, and other members as appropriate, of the reviewing body, the Overview and Scrutiny Manager and the Communications Officer to the issuing of a press release. Further press releases will be considered as the

review progresses, culminating with publicity when the final report is published and any follow up.

Media enquiries

All enquiries from the media relating to overview and scrutiny issues will either be referred directly to the relevant key spokesperson or discussed with them and relevant officers prior to an appropriate response being given by the Communications Officer.

Individual members

It is the prerogative of the individual councillors on the overview and scrutiny committees to make their own statements relating to their involvement. However, they are advised to liaise with appropriate spokespeople and officers on media issues to ensure a consistent and co-ordinated approach.

Party politics

Nothing in this protocol precludes any political group from issuing its own media information. However this should not be done through the Communications Officer and it must be made clear that the information has not come from the Borough Council. The work of the Communications Officer including the issuing of press releases, is carried out on behalf of the corporate Council and should not be party political, as specified in the Government's Code of Practice on local authority publicity.

COUNCILLOR CALL FOR ACTION

GUIDANCE FOR MEMBERS OF THE COUNCIL

Introduction

Under section 119 of the Local Government and Public Involvement in Health Act 2007, you now have the ability to call for debate and discussion at the appropriate overview and scrutiny committee about a topic of neighbourhood concern. These powers are known as the Councillor Call for Action (CCfA). The topic is not limited to services provided by the Council, but includes issues relating to the Council's partners, in line with the area focus of the Comprehensive Area Assessment. You have similar powers in relation to crime and disorder matters under the Police and Justice Act 2006. The commencement date for the CCfA was 1 April 2009.

The Councillor Call for Action is essentially about empowering the ward councillor to resolve local issues. However, for the issue to come before the overview and scrutiny committee, you are expected to have exhausted all other avenues first. This is why the CCfA is about much more than scrutiny, but rather about clarifying for the benefit of the councillor, the different ways in which you can resolve an issue which affects your ward.

Initial questions to consider

1. Are the concerns individual complaints?

If it is a complaint about a Council service, then refer to the Council's Corporate Complaints Procedure (see 'Complaints' in the A to Z on the Council's website). However, if a series of your constituents' complaints demonstrate a systematic failure in a particular service area in your ward, then this may be appropriate for a CCfA.

2. Do the concerns relate to individual 'quasi judicial' decisions (e.g. planning and licensing) or to council and non domestic rates?

These kinds of concerns are subject to their own statutory appeals process. However, patterns of issues may be appropriate for a CCfA, e.g. community concerns about the proliferation of licensed premises in a local neighbourhood.

3. Is the issue a genuine local concern?

The legislation excludes matters which are 'vexatious, discriminatory or not reasonable.' Referring to the Freedom of Information Act, the key question around 'vexatious' is 'whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.'

you may wish to refer your issue to the relevant scrutiny committee. You may feel that there is a more complex/strategic issue at the heart of the problem that could not be resolved at the lower level. Scrutiny itself is not a means to achieve quick resolutions, but, as a last resort, it can facilitate high profile debate about a ward issue which may engender further dialogue or action.

Next steps

1. Ask the scrutiny officer to convene an informal meeting with yourself, the Chair of the relevant committee, Head of Service or Service Unit Manager, and relevant partner representatives to discuss the CCfA informally. This meeting will seek to establish what actions you have taken to resolve the issue (make sure you have your evidence/case file to hand), what resolution you hope to achieve through scrutiny, and whether, depending on the issue, it is appropriate to convene a joint overview and scrutiny meeting with the County Council.
2. If after this discussion, the Chair agrees that scrutiny can contribute to the resolution of the problem, then the issue will be placed on the agenda of the next available meeting, or a specially convened meeting, if there are strong reasons to do so.

At the meeting

1. The ward councillor presents the case for the CCfA
2. The community representatives put their case as well
3. The Head of Service/ Service Unit Manager/ partnership representatives respond
4. The Committee questions the ward councillor and other witnesses and debates the issue

Possible outcomes

1. The Committee determines not to make a report (perhaps because after discussion it is clear that the issue cannot go any further)
2. Based on their deliberations, the Committee drafts a public report on the CCfA with recommendations to the relevant agencies
3. The Committee determines that it is a complex issue that requires further investigation, and decides to undertake an in-depth scrutiny review.

More generally, you will want to be sure that the concern is not just an individual 'hobby horse'. Finding out the views of other community members will help clarify this.

Trying to resolve a concern before bringing it to scrutiny

The CCfA should come to scrutiny as a last resort. There will be quicker, more direct ways to resolve an issue affecting your ward. Here are some options to consider first.

1. *Discuss the issue with the relevant Head of Service, Service Unit Manager or another agency, for example Police or the Primary Care Trust's Patient Advice and Liaison Service (PALS)*

Some community concerns can be satisfied by public explanation, an assurance that a problem will not be repeated and an apology.

2. *If your ward issue can be addressed through the Council spending a relatively small sum, then you can make an application to your Area Committee.*

Contact: Democratic and Administrative Services Manager, tel:

3. *Discuss the issue with the relevant Cabinet Member.*

4. *If it is a crime and disorder matter, then you can raise the issue with the Safer Communities Partnership.*

Contact: Safer Communities Partnership Manager, tel:

5. *If it is an issue which cuts across different agencies' responsibilities or which could benefit from the input of different agencies, then you can raise it with the Community Partnership, which is the Local Strategic Partnership for the Borough. Depending on the issue it may be appropriate to be considered by the Community Partnership Board, or if wider community input is required by one of the Area Forums.*

Contact: Community Partnerships Manager, tel:

When it is time to refer your local issue to scrutiny

When you feel you have done everything within your power to remedy a community concern, you have exhausted all mechanisms and have tried to resolve the problem(s) with the aid of other agencies and partnerships, then

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COMMITTEE PROGRESS REPORTS, ANNUAL REPORT TO COUNCIL AND
OTHER OVERVIEW AND SCRUTINY REPORTS

1. The Chair and Deputy of the Overview and Scrutiny Committee are responsible for the production of progress reports to full Council on the activities of Overview and Scrutiny during and at the end of each year. In doing so they should ensure they consult with their overview and scrutiny colleagues where necessary and as they consider appropriate.
2. These reports should be outcome based, focused on key issues, the improvements generated and value added by overview and scrutiny.
3. As with the production of any report to be published in the Council's name, In drafting such reports they should take advice as appropriate from the relevant chief officer or their delegated nominee, as well as their Scrutiny Support Officer. Any advice sought needs to be timely.
4. In providing this advice, officers should, as with all their work, ensure the report is balanced, whilst not interfering with the integrity or independence of the Committee.
5. Where reports have been finalised by the Chair and Deputy they should not be changed without the express consent of either the Chair or Deputy.
6. If the matter relates to a legal or financial issue or in the case of a dispute the advice of the Chief Executive, Monitoring Officer or section 151 Officer should be sought prior to publication and in accordance with the Members Code of Conduct. Any advice sought needs to be timely.
7. This protocol applies to any report for publication which is produced by overview and scrutiny members in relation to their work.

Overview and Scrutiny Management Committee 231109
Item 7

Greater public involvement in Overview and Scrutiny

LEAD OFFICER: Tim Capper, Democratic Services Manager
REPORT AUTHOR: Tim Capper

Recommendation: that the committee confirms the details that it wishes to be implemented and makes a recommendation to the council asking for the council to confirm its support for the proposed changes.

1. Background

The Committee at its meetings on 6 July, 28 September and 26 October 2009 considered a report on a number of principles for better public engagement for Overview and Scrutiny at the council.

2. Proposals

(A) Holding meetings away from the Copeland Centre

The previous report stated that the over-riding concern should be to engage local people in a style that is fit for purpose and is adding an additional element into the evidence gathering process. Members may therefore, initially, wish to be selective about targeting scrutiny items that may be of higher public interest as part of a concerted effort to involve local people.

It is suggested that when appropriate a meeting of the Management Committee could be held to consider a local issue. The meetings would be held in a local venue rotated around the main towns of Whitehaven, Egremont, Cleator Moor, Millom, Mid Copeland (Seascale, Gosforth etc) and North Copeland (Distington). The venue could also be chosen on the basis of the local relevance of the topic to be discussed.

The meeting would be held on a date and time to be agreed in a local community centre with refreshments made available for members of the public.

The agenda would comprise of 3 items.

1. A 'Question and Answer' session for members of the public.

Any resident could ask 2 questions with usually no more than 6 questions being allowed at each meeting. However, it will be up to the Chairman to decide how questions are dealt with.

The question must be written and delivered to the Member Services no later than a set number of days prior to the start of the meeting and a written copy of the answer provided to the questioner within 10 working days after the meeting.

2. An item of specific concern raised by the locality.

In advance of the meeting the local Parish/Town Council could be asked for items of interest. An invitation would be put in the local media asking for items of interest from members of the public and making them aware of the opportunity to come and ask questions.

Furthermore, selected key local organisations could be formally written to asking them what items they may want to put forward and encouraging them to attend.

Where an item put forward is considered by the committee and they want it to be investigated by a Task and Finish Group the person(s) who raised the issue should be asked if they wish to be co-opted on to the Task and Finish Group.

3. An item brought by the council.

This could include policy items where we are asking how the public would like us to deal with a specific item or items where actions have been reviewed asking what went well and what went wrong.

It would need to be an item that resonated in the area which would be open to public comment.

This item could be suggested by the local members or by Corporate Team.

(B) Seek to develop relations with the press and media

The previous report stated that information on council meetings, agenda papers, reports and minutes is currently available on the council's website but there is a need to further improve the image and

knowledge of overview and scrutiny, and the council more widely, through the local media.

A leaflet and guidance for members of the public should also be prepared on the same basis.

(C) Task and Finish Groups

A greater profile for all Task and Finish Group reports should be achieved through publishing their final report with a press release and an invitation for local media to interview the Chair of the Task and Finish Group on the report.

A similar event should be arranged after the six months and twelve months review of the recommendations has been undertaken so that any changes and improvements to the services as a result of the recommendations can be publicly identified.

Furthermore, all Task and Finish Groups should now as a matter of course look to have relevant co-optees from the community on the groups. Similarly meetings should be held in local community venues, as appropriate, with the opportunity to hear relevant local views with a press release advertising inquiries and evidence sessions.

Similarly relevant voluntary groups should be encouraged to participate in the work and be asked to carry out specific research where appropriate.

Management Committee

The Management Committee could seek to co-opt expertise onto the committee as and when required, or through asking for their attendance at committee meetings as advisors.

Co-optees can be members of the public, representatives of the community/voluntary sector or other partner agencies (in a non-voting capacity).

This could include a representative from any of our leading partners such as CALC, the PCT or Acute Trust Board, Police Authority or Lake District National Park authority.

Co-option could either be for a particular project or review or longer-term. The advantage of co-option is that the people co-opted bring with them particular knowledge or expertise which will benefit the panel over time. The role of co-optees is to assist Panels in gathering and

assessing evidence. Generally speaking they should have knowledge and interest in a significant proportion of the Committee's remit and should be able to give the Committee dispassionate advice. The purpose of cooption is not to provide groups with a platform to pursue particular agendas but rather to add knowledge and expertise to the Committee.

Co-option can require considerable time and commitment from co-optees for which there might also be a training requirement. It can however also make for more flexible and informal arrangements for involving people, for example as advisors or witnesses.

Public engagement in the scrutiny process should also be included as a fundamental part of the overall terms of reference of the council's scrutiny function.

A result from this work will be to see how much the work programmes of the Scrutiny Committees are linked to the priorities of local communities. It would be appropriate once the profile and understanding of Overview and Scrutiny has been raised in the local communities to seek their views on what items should be in the annual work plan. This may occur naturally from the meetings held in the local venues or may need to be a more formal process.

Resources

There will be an effect on the resources in Member Services and Communications Departments with the extra promotional work suggested in some of these options. Both of these areas are lightly resourced and it is suggested that the proposals in this report be run as a pilot for 6 months to see what effect they have on resources.

Any co-opted members onto a committee or a Task and Finish Group will be able to claim their expenses under the Members Allowances Scheme.

Conclusion

The Committee is asked to consider the changes to how Overview and Scrutiny is operated at the council and to make recommendations to council to change the council's constitution where it is needed.

Protocol on Relations between Overview and Scrutiny and the Executive

General Principles, Values and Behaviours

Executive and Overview and Scrutiny functions should maintain high standards of public accountability and mutual respect. Relations between the Executive and Overview and Scrutiny should not be confrontational but a positive and constructive collaboration to secure improvements in Council and other public services for the borough and its people.

Overview and Scrutiny Members will work together with the Executive in a non-partisan environment and aim to adopt a non-adversarial but challenging approach to identify improvements.

In seeking agreement to this protocol, it is acknowledged that there are different rights and roles of both Overview and Scrutiny and Executive Members but that both are committed to developing an effective relationship. This will involve but not be limited to:

- Frequent and honest dialogue between Executive Members and Overview and Scrutiny Members, either individually or collectively,
- Regular discussions regarding Executive and Overview and Scrutiny work programmes/activities including establishing joint activities/projects where possible,
- Establishing effective and formal reporting structures, and
- Respecting the confidential nature of the discussions that may from time to time take place.

Attendance at each other's meetings and Civic Diary

The Civic Diary should be set so that meetings involving the Executive do not clash with scheduled Overview and Scrutiny meetings and vice versa.

Special meetings of the Executive or Overview and Scrutiny should avoid clashes with meetings already in the Civic Diary.

There should be a general presumption that Overview and Scrutiny Chairs (or their vice-chairs) can attend scheduled Executive meetings for items within their Committee's remit if they so wish.

The convention of having the Chair of the relevant Task and Finish Group presenting to the Executive any reports which their Group submits is confirmed.

There will be a similar presumption that Portfolio Holders can attend scheduled meetings of those Overview and Scrutiny committees that cover their respective portfolio. The wider participation of Executive Members at Overview and Scrutiny Committees will assist the Committees by allowing Executive Members to inform the debate, to clarify matters of fact and to contribute to the scrutiny process as a whole.

Where a Portfolio Holder or the relevant Overview and Scrutiny member is unable to attend on a particular date he/she is requested to notify the Chair of the meeting as soon as possible in order to agree the most appropriate course of action.

Executive Members will normally be invited to attend any meeting of the Overview and Scrutiny Management Committee at which it is intended to consider a Call-In request in relation to his/her area of responsibility.

All Members should promote an atmosphere of openness at Overview and Scrutiny Committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Overview and Scrutiny Committee Members, the Portfolio Holder and other participants.

Portfolio Holders can also attend and participate in informal or workshop sessions of Overview and Scrutiny Committees if invited to do so.

Responding to Overview and Scrutiny Subject Review Final Reports

These are mostly reports with recommendations that have resulted from the work of a Task and Finish Group who will have spent some time formulating their recommendations and considering witness evidence.

The relevant Task and Finish Group Chair will present the Final Report at an Executive meeting.

The Executive can expect a Task and Finish report that:

- Has clear, concise recommendations,
- Identifies potential areas for improvement with, where possible, a number of options for the Executive to consider, and
- Highlights the financial cost of the options and where possible, identifies potential sources of funding.

Prior to the meeting of the Executive at which the report will be considered, the Portfolio Holder concerned and the Chair of the relevant Task and Finish Group should normally meet to discuss the detailed recommendations. The purpose of the meeting shall be to highlight and examine areas of potential agreement or disagreement in relation to the findings of the report.

The Executive's response to the report should be in writing dealing with each recommendation making it clear if it is accepted or not and what action will be taken within a maximum of two months.

To assist in this process a pro-forma detailing each recommendation, the Executive response, and identifying a lead officer and time-scale will be used (a copy is appended to this protocol).

This will enable the Overview and Scrutiny Committee to monitor implementation of the agreed response to their recommendations.

Responding to Overview and Scrutiny recommendations/resolutions

It is agreed that clarity in recommendations to the Executive and the Executive's response to them is vital. The onus is on the respective chair of both Overview and Scrutiny and Executive to keep this issue to the front of their minds when summarising and framing resolutions.

The attendance of Overview and Scrutiny Chairs at Executive and Portfolio Holders at Overview and Scrutiny meetings is particularly helpful in allowing clarification where needed.

Planning for Overview and Scrutiny Policy Development Role

Overview and Scrutiny Members recognises the Executive's role in taking operational decisions on Executive functions.

The Executive recognises Overview and Scrutiny Committee's role in policy development, and that good planning will facilitate this work being both effective and to follow best practise.

Individual Portfolio Holders and Overview and Scrutiny Chairs should consider meeting regularly to identify and plan for policy development work in which all members can participate.

The intention should be to programme such work at an early stage in the development of a policy. The use of Task and Finish Groups involving both Overview and Scrutiny members and the Portfolio Holder is recognised as a particularly useful vehicle for this work. Input from the Portfolio Holder and relevant Corporate Team member/Senior Officer would be especially useful at the start of a review in defining the process to be followed and at the end of the review in providing background information that would help shape the recommendations.

The work of the Task and Finish Groups could include:

- Gathering key information to work out which factors should be considered in drawing up a policy at its initial stage with no conclusions being drawn,
- Reviewing the draft policy when it has been written to give a general "steer" as to whether further work is needed, and
- When the policy has been developed to test the policy against the background of the information that has been seen and the knowledge of the group of local circumstances.

Policy Briefings

When officers are providing briefings to the appropriate member(s) of the Executive on topics such as a Government consultation paper or a new piece of legislation, they should consider inviting the Chair of the appropriate scrutiny committee to the briefing in order to save time and effort. Where officers are providing briefings to Overview and Scrutiny members on topics within the work plans and site visits they should consider inviting the relevant Portfolio Holder.

Monitoring and Review of Protocol

The application of this protocol shall be monitored at each joint informal meeting between the Overview and Scrutiny Management Committee and the Executive and a structured review will be undertaken after it has been in use for a full Civic Year. At that time Corporate Team will also review the application of the protocol in so far as it relates to officers.

Appendix

Pro-forma for Executive Response to Overview and Scrutiny Subject Review Final Report

Overview and Scrutiny Committee:-

Review:-

Portfolio Holder(s):-

Date

Recommendation	Executive Response	Lead/Responsible Officer	Implementation Date
1.			
2.			
3.			
4.			
5.			

CONSTITUTIONAL AMENDMENTS IF PROPOSAL ACCEPTED

ARTICLE 6 OVERVIEW AND SCRUTINY

6.01 The Overview and Scrutiny Framework

The Council has established and appointed an overarching Overview and Scrutiny Committee made up of 18 members which leads and co-ordinates the Council's overview and scrutiny functions. The Committee undertakes scrutiny reviews itself but also appoints Improvement Groups to undertake individual scrutiny reviews.

The Committee and the Improvement Groups are intended to play an important role in ensuring that all the services of the Council are efficient and effective and meet the needs of the local community.

6.02 The Committee

The Committee has an overall responsibility for all scrutiny work, including that undertaken in the Improvement Groups.

The Committee may exercise the full range of overview and scrutiny powers and functions including the 'call-in' of executive decisions. It may consider any topic appropriate for scrutiny but will normally focus on:

- Holding the Executive to account
- Performance, resources, capacity and corporate governance matters
- Appointing Improvement Groups to undertake detailed scrutiny reviews
- Consideration of recommendations from the Improvement Groups
- Making recommendations to the Executive and/or the Council flowing from its own work and that of the Improvement Groups
- Setting and monitoring the annual scrutiny work programme
- Selection of inquiry topics and approval of project outlines and plans

6.03 Improvement Groups

Each improvement group will be appointed by the Overview and Scrutiny Committee to undertake a review into a particular matter. The membership of the improvement group will include Councillors who are members of the Overview and Scrutiny Committee and others who are not on the Executive.

They will be chaired by a member of the Overview and scrutiny Committee.

Once an improvement group has completed its investigation it will prepare a report which will be submitted to the Overview and Scrutiny Committee.

6.04 General Role

Within its terms of reference the Overview and Scrutiny Committee may:

- i. review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii. make reports and recommendations to the full Council, its Committees or Sub-committees, the Executive or any Council Officers, in relation to the Council's functions;
- iii. consider any matter affecting the Borough or its residents; and
- iv. review decisions made or planned to be made by the Executive before they are implemented.

6.05 Specific functions

(a) Policy development and review

The Overview and Scrutiny Committee may

- i) assist the Council and the Executive in the development of the budget and policy framework by in-depth analysis of policy issues;
- ii) Conduct research, community and other consultation for the purpose of analysing policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Executive, members of Committees or sub-committees and officers about their views on issues and proposals affecting the Borough;
- v) liaise with other external organisations operating in the area, whether national, or local, to ensure that the interests of local people are enhanced by collaborative working;

(b) Scrutiny

The Overview and Scrutiny Committee may:

- i) review and scrutinise decisions made by and performance of the Executive, Committees, sub-committees and officers, both in relation to particular decisions and over time;

- ii) review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and to particular service areas;
- iii) question members of the Executive, members of Committees, sub-committee and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, Initiatives or projects.
- iv) make recommendations to the Executive, any Committee or sub-committee, the Council or any Officer arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other persons, bodies or partnerships providing services to residents of the Borough or undertaking activities in the Borough which affect the economic, social or environmental well-being of the Borough or its residents;
- vi) request reports from such persons or bodies about their activities and performance and invite them to address the Overview and Scrutiny Committee or Improvement Group.

(c) Finance

The Overview and Scrutiny Committee shall exercise overall responsibility for any finances made available to it.

(d) Periodic Reports

The Overview and Scrutiny Committee shall report periodically to the full Council on its workings and its future and ongoing work programmes and working methods and those of the Improvement Groups.

6.06 Proceedings of Overview and Scrutiny Committee

The Overview and Scrutiny Committee shall conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in the Constitution.

6.07 Protocols, Statutory Guidance and the Law

The Overview and Scrutiny Committee shall conduct itself in accordance with the protocols approved by the Council from time to time and appended to the Constitution,

but if there is ever a conflict between, the protocols and the rules, the rules shall prevail, as shall legislation and statutory guidance over either.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. The Overview and Scrutiny Committee

1.1 The Council had established the Overview and Scrutiny Committee in accordance with Article 6., with functions as stated. The Committee may appoint such Improvement Groups as it thinks fit to undertake reviews.

1.2 In carrying out its functions, the Overview and Scrutiny Committee shall

(a) approve an annual work programme for the Overview and Scrutiny function

(b) ensure that the reviews it undertakes and the referrals and reports to and from the Executive are managed efficiently and do not exceed the capacity of the Council's organisation or create difficulty for the efficient management of Executive or Council business.

1.3 The council's overview and scrutiny functions shall additionally be carried out in the framework, protocols and toolkit/guidance approved by Council.

2. Membership of the Committee

There are 18 members appointed to the Committee by Council at its Annual Meeting, all of whom must have made a commitment to training and development within the role over the next 6 months. However, no member may take part in the scrutiny of a decision in which he or she has been directly involved.

The Committee appoints ad hoc Improvement Groups to undertake specific assignments. Any member of the Council other than an Executive Member is eligible to be a member of an Improvement Group. The Chairs and members of such groups are appointed by the Committee with the Chairs being drawn from among members of the Committee.

The Committee may also appoint up to two non voting lay/co-opted members on to its Committee or any Improvement Group, The lay/co-opted members are appointed for a specific project or for the year.

3. Meetings

The number of ordinary meetings to be held each year by the Committee shall unless the Council otherwise determines be included in a programme of meetings approved by the Council at each Annual Meeting of the Council. Additional meetings may also be held from time to time, as and when appropriate. Additional meetings of the

Committee shall be held as the Committee itself may decide during the year at the request of its Chair or pursuant to a requisition signed by any five non Executive members and delivered to the Chief Executive. The Improvement Groups shall determine the dates and times of their own meetings.

4. Work Programme and agenda items

The Committee shall determine its annual work programme and items for the agendas of individual meetings in accordance with the Protocols and Toolkit adopted by the Council. Every non Executive member shall be entitled to give to the Chief Executive notice that he or she wishes an item relevant to the functions of the Committee to be included on the agenda for the next ordinary meeting. On receipt of such a request the Chief Executive shall either ensure that the item is included on the agenda for that meeting or with the approval of or at the direction of the Chair give a written explanation of why the item has not been included.

5. Policy review and development

5.1 The Budget and Policy Framework Procedure Rules give the Overview and Scrutiny Committee a specific role in relation to the approval or adoption of the Budget and Policy Framework. In addition to that role, Overview and Scrutiny Committee may:

- (a) make recommendations to the Executive and/or the Council in respect of Budgets or Policy Frameworks at a time when the Executive is not considering proposals for submission to the Council; and
- (b) contribute to the development of policy with regard to matters not forming part of Budget or Policy Framework and make proposals or recommendations to the Executive for policy developments relating to matters within the remit of the Executive.

5.2 For the purpose of discharging their functions, the Overview and Scrutiny Committee may:

- (a) hold enquiries;
- (b) investigate and research the available options for future direction in policy development;
- (c) appoint advisers and assessors to assist it;
- (d) hold site visits;
- (e) conduct public surveys;
- (f) hold public meetings;
- (g) commission research;
- (h) require members of the Executive and officers of the Council to attend before them to answer questions;
- (i) invite any person to attend one of its meetings to address the members on or discuss with them any matter under consideration; and
- (j) do any other thing they may consider reasonably necessary for or conducive to that purpose.

6. Reports of the Committee

6.1 Once it has formed recommendations on proposals for policy development, the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by the Executive or the Council as appropriate.

6.2 If the members of the Committee are not unanimous in agreeing a report, one minority report may be prepared and submitted for consideration by the Council or the Executive along with the majority report.

6.3 Every report submitted by the Committee to the Council or the Executive shall be considered by it within three months.

7. Rights of Members to documents

In addition to their other rights as members of the Council, members of the Overview and Scrutiny Committee have the further rights to documents and notice of meetings conferred on them by the Access to Information Procedure Rules in Appendix 3 to this Constitution.

8. Review of Executive decisions

8.1 When:

- (a) a decision has been made but not implemented by the Executive Cabinet, or an individual member of the Executive Cabinet; or
- (b) a decision has been made but not implemented by an officer with delegated authority from the Executive Cabinet
 - i) Members of the Council may within ... working days of the decision being made and in accordance with the call-in procedure set out in ... request the Overview and Scrutiny Committee to recommend that the decision be reconsidered by the person or body who made it; or
 - ii) determine to arrange for the decision to be reviewed or scrutinised by the Council.

If no ordinary or additional meeting of the Committee is held within five days of the decision, the power conferred on the Committee under this Rule may be exercised by means of a written resolution signed by the Chair of the Committee and three of its other members delivered to the Chief Executive within the requisite five working days. The resolution may be contained in a single document, signed by all the members concerned, or in several documents in identical form, each signed by one or more members.

- 8.2 Subject to Rule 8.4, if the Committee recommends that the decision be reconsidered by the person or body who made it, that person or body shall do so as soon as practicable and, pending that reconsideration, no steps shall be taken to implement the decision.
- 8.3 Any person or body who reconsiders a decision may rescind, amend or re-affirm it, as they think fit, and whatever decision is taken on the reconsideration shall itself not be subject to the power of review conferred by Rule 8.1.
- 8.4 Rule 8.2 shall not apply if within two working days of being notified of the decision of the Overview and Scrutiny Committee the Chief Executive certifies in writing that the reconsideration of the decision by the person or body who made it would in his or her opinion seriously prejudice the interests of the Council, the public or some other person or body.
- 8.5 If as provided in Rule 8.1 the Committee decides to arrange for the decision to be reviewed or scrutinised by the Council, the Council shall determine at its next meeting whether it will review or scrutinise the decision and, if so, when and how. But there shall be no obligation to postpone any implementation of the decision.

- 8.6 If the Council does decide to review or scrutinise the decision, the Council will only have power to express views or make recommendations to the body or person who made it unless it was not in accordance with the Policy Framework or was contrary to or not wholly consistent with the Budget.
- 8.7 In addition to the power conferred by Rule 8.1, the Committee may itself, at any time within 2 months of a decision within the purview of that Rule being made, review and scrutinise that decision and formulate views or recommendations for consideration by the Executive and/or the body or person who made it. It shall then be the duty of the Executive or the body or person to consider those views or recommendations within three months.
- 8.8 For the purpose of assisting Members and informing members of the public about Overview and Scrutiny, the Overview and Scrutiny Committee may prepare and publish and subsequently amend or replace an administrative guidance document on the procedures whereby it will exercise its powers under Article 6 of the Constitution those procedures are to operate within the framework of these Overview and Scrutiny Procedure Rules and may include procedures whereby members of the public may request the committee to recommend that an executive decision be reconsidered by the body or person who made it.

9. Procedure at meetings

- 9.1 The Overview and Scrutiny Committee shall normally consider the following business:
- (a) Apologies for absence
 - (b) Minutes of the last meeting;
 - (c) Declarations of interest;
 - (d) consideration of any matter referred to it for a decision or report or in relation to review or scrutiny of a decision;
 - (e) responses of the Executive to reports of the Committee; and
 - (f) other business as set out on the agenda for the meeting.
- 9.2 When, in connection with its review or scrutiny of any decision or matter or any enquiry or investigation, the Committee requires or asks persons to attend a meeting in order to assist the Committee, express views, give evidence or answer questions, the meeting shall be conducted by the Committee in accordance with the following principles:
- (a) the proceedings shall be conducted fairly;
 - (b) all members of the Committee shall have the opportunity to ask questions of attendees and to contribute and speak; and
 - (c) those required or requested to attend shall be treated with respect and courtesy and otherwise supported in line with the Council's Overview and Scrutiny Witness Charter set out in the Overview and Scrutiny Toolkit.
- 9.3 Following every review or investigation that it has undertaken, the Committee shall prepare a report, for submission to the Executive and/or the Council as appropriate.

Programme /Timetable for O & S Strategy Events agreed on 21 December 2009

- 1. OSC MC Workshop** **14 December 2009**
- 2. OSC MC Meeting** **21 December 2009**
- 3. All day workshop for all Members excluding Executive with similar programme to 14 December 2009 and amended objectives**
11 January 2010
- 4. 2 half day workshops with smaller team agreed on 11 January to look at specific items needing further consideration**
Week of 11 and 18 January
- 5. Progress report to OSC Management meeting** **25 January 2010**
- 6. Consultation report to Executive** **10 February 2010**
- 7. Choosing to Change Board ?** **? February 2010**
- 8. Consultation on proposals to various stakeholders**
Public/officers/Cumbrian Scrutiny partners/LSP During February
- 9. Progress Report to OSC Management Meeting** **15 February 2010**
- 10. Report to Executive with outcomes and final proposals to go to Council**
9 March 2010
- 11. Choosing to Change Board ?** **? March 2010**
- 12. Progress Report to OSC Management Meeting** **15 March 2010**
- 13. Constitutional and web changes to Full Council** **13 April 2010**

