Overview and Scrutiny

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Introduction

Scrutiny plays an important role at NK and gives Councillors who serve on the Overview and Scrutiny Panels the opportunity to express their views on all local authority work.

This guide is intended to provide an easy to use and practical reference, both for Councillors and Officers who are new to Scrutiny and those who wish to ascertain more detail concerning a particular area.

Overview and Scrutiny is a process led by Members. We therefore encourage all Councillors to read this document and retain it for their reference.

• Members of the Overview and Scrutiny Panels;
• Executive Members of the Council;
• Officers;
• Witnesses in Scrutiny reviews; and
• Members of the public.

The aim is to provide an overall framework within which Overview and Scrutiny at North Kesteven can develop and help the Council achieve its vision, aims and priorities. To do this, Overview and Scrutiny needs to fully focus on the things that make a real difference to local residents. The function of Scrutiny is to make recommendations, as it is the function of Executive Board to make the majority of decisions.

In this guide, the term ‘Scrutiny’ is used to describe the entire Overview and Scrutiny function, as set out in the Local Government Act 2000 and associated guidance.
Overview and Scrutiny was introduced by the Local Government Act 2000 as part of the modernisation agenda for local government. It replaces what is often referred to as the “traditional committee system” and all Councils must have at least one Overview and Scrutiny committee separate to the Executive Board, which is the main decision-making committee of the council. At North Kesteven District Council, the process is carried out by three Overview and Scrutiny Panels.

The national body, the Centre for Public Scrutiny outlines four principles of good public scrutiny:

1. To provide a “critical friend” to the Executive Board.
2. Reflecting the voice and concerns of the public
3. Taking the lead and owning the scrutiny process
4. Making an impact on the delivery of public services.

What is Overview and Scrutiny?

The Overview and Scrutiny process influences decisions, but does not make them. Its success depends on how well skills are developed and how they can be used to challenge in a constructive manner. The three key legislative roles are:

- Policy review and development: Checking on whether existing policies are effective and challenging, and assisting the Executive Board to shape new ones;
- Act as an alternative source of information/advice to the Executive: Contributing towards the continuous improvement of Council services;
- External Scrutiny: Reviewing or investigating matters of particular concern either within the Council or within the community.

The scrutiny role also provides opportunities for public involvement and debate. This supports a focus on localism and the Members’ role in this.

To work effectively, Overview and Scrutiny must be Member-led. This means that Members must be pro-active in selecting items they want to review or challenge. A key success-factor is that of evidence. All recommendations coming from Overview and Scrutiny should be supported with reasons based on wide-ranging evidence.

Overview and Scrutiny Panels have a role in monitoring the performance of the Council and the Executive Board by challenging performance indicators and reviewing how policies contribute to the Council’s priorities. In this way, the Panels can help the Executive be more effective. By identifying
Overview and Scrutiny

areas of concern or good practice elsewhere, Members can start a scrutiny review to investigate potential improvements to policy and service delivery.

The Scrutiny process is the opportunity for Members to examine the various functions of the Council, consider decisions, ask questions on how decisions have been made, investigate whether service improvements could be made, and make appropriate recommendations.

Overview and Scrutiny Members can influence the development of new policies or review current ones to bring them up to date. This policy-development role might be carried out at the invitation of the Executive Board, by the Panel’s choice, in response to public concern or as a result of call-in (call-in is explained later in the Guide).

Developing Scrutiny

Scrubtiney can operate in a number of different ways and has a variety of responsibilities. A key part of the Scrutiny role is a commitment to ensure that Council responsibilities are addressed, performance is well managed and that partners are engaged in influencing the Council’s decisions, working in an open, transparent, inclusive and accountable manner. The effectiveness of Scrutiny will depend in part on:

- Members and officers developing a common understanding of the principles and process of scrutiny;
- Willingness to appraise performance honestly and embrace continuous improvement;
- The ability to be open-minded and confident about challenging the status quo;
- A commitment to looking forward to improved performance rather than dwelling on poor performance;
- An impartial approach to considering and evaluating the actions of the Executive Board both before and after decisions are taken;
- Reviewing and monitoring performance and operational effectiveness in service areas or themes, including their own effectiveness and work schedule;
- Seeking information pro-actively about and being aware of: all Council activities, including existing and new policies, procedures and key issues, including:-
  - The setting of and management of the Council’s budget;
  - National developments and best practice relating to scrutiny;
  - Considering and investigating broad policy issues and making recommendations to the Executive Board or the Council.
Overview and Scrutiny in Action

Scrutiny at North Kesteven

North Kesteven District Council has three Overview and Scrutiny Panels (OSPs):
- Communities and Economy
- Environment
- Performance and Resources.

The powers for all Panels come from the Local Government Act 2000 and are set out in the Council's Constitution. The specific areas of responsibility for each Panel are set out in Article 6, section 6.04 of the Council's Constitution.

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Heads of Service:
- Development, Economy and Cultural Services
- Communities
- Corporate and Customer Services

Heads of Service:
- Environment and Public Protection
- Joint Planning Unit

Heads of Service:
- Business Management
- Corporate and Customer Services
Overview and Scrutiny

Terms of Reference

Each Panel can:

- Review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;
- Make reports and recommendations with regard to the discharge of any of those functions, to the full Council, its Committees or Sub-committees, the Executive or any Council Officers;
- Consider any matter affecting the District or its residents;
- Exercise the right to call in decisions made by the Executive Board but which have not been implemented;
- Assist the Council and/or the Executive Board with the development of future policies and strategies;
- Invite Executive Members and senior officers of the authority to attend its meetings to answer questions;
- Invite other persons from outside the Council to attend meetings;
- Appoint Task and Finish Groups to carry out a scrutiny review or undertake other specified tasks; and
- Co-opt people who are not elected Members.

Membership

The Chairman and Members of the Overview and Scrutiny Panels are appointed annually by the full Council and the Panels are politically balanced.

The Overview and Scrutiny Panels may set-up Task and Finish Groups to undertake specific projects. The Panel appoints the Members to the Task and Finish Group, and outlines objectives and timescales for the review. Task and Finish Groups are not politically balanced and may include Members from any Panel or any other non-Executive Member. Membership of each Task and Finish Group is determined by Member interest and availability and perhaps relevant expertise.

An Overview and Scrutiny Panel may also co-opt up to two non-Council members onto its Panel. These members may be appointed for a specific project or for a whole municipal year. They do not have voting rights but they can bring valuable external insights and/or specialist knowledge.

Meetings

Scrutiny Panels meet regularly in public and members of the public and other external organisations can be invited to speak and give evidence. Likely meeting times and dates will be agreed at Full Council, although the Chairman can call further meetings if necessary. Some information must be withheld from the press and the public on the basis that it is confidential and/or exempt information. When this information is being discussed, the meeting excludes the press and the public.
One of the main advantages of the Overview and Scrutiny process is that it can be less formal than other Council meetings. Meetings are focused on gathering evidence and forming recommendations, and will usually involve much discussion between Officers and Members. Within the general rules of the Constitution, the Chairman can decide rules of conduct for meetings.

**Quorum for a Panel**
The quorum for an Overview and Scrutiny Panel is five Members of the Panel with voting rights.

**Access to Documents**
Overview and Scrutiny Panels (including Task and Finish Groups) will be entitled to copies of any document which is in the possession or control of the Executive or its Committees and which contains material relating to any business transacted at a public or private meeting of the Executive or its Committees, or any decision that has been made by an officer of the authority in accordance with executive arrangements.

Exceptions are:
- Any document that is in draft form;
- Advice of a Political Adviser;
- Any part of a document that contains exempt or confidential information unless that information is relevant to an action or decisions they are reviewing or scrutinising or intend to scrutinise. However, regulations introduced in 2012 stipulate that a decision by the Executive to withhold parts of information as requested by a councillor must include a written statement explaining their reasons for this.

**Co-ordinating Scrutiny**
It is important to ensure that the work of scrutiny is well co-ordinated and uses a partnership approach with the Executive Board to add value to our services. There are two sets of meetings with this role:

**Executive and Scrutiny Liaison**
This comprises the Executive Board and the Chairman and Vice-Chairman of each of the three Overview and Scrutiny Panels (OSPs). This informal meeting is led by the Leader of the Council. It meets annually, usually the week following a Scrutiny Forum meeting, and on an ad hoc basis when necessary. Its general purpose is to facilitate a mutual exchange of information and a meaningful dialogue between scrutiny and Executive Board Members. It also:

- Discusses matters of mutual interest in relation to the effectiveness of the overview and scrutiny function;
- Liaises on the work programme and forward plan in consideration of potential items for overview and scrutiny;
- Discusses progress with task and finish groups and any outstanding scrutiny reviews.
Overview and Scrutiny

Scrutiny Forum

The Scrutiny Forum comprises the Chairmen and Vice-Chairmen of each of the three Overview and Scrutiny Panels (OSPs). The Leader and Deputy Leader may be invited from time to time as non-voting Members. The meeting is chaired on a rotation basis between the three Chairmen. They meet annually, and on an ad hoc basis when required. The general purpose of the meetings is to monitor progress and performance of the Overview and Scrutiny function. It also:

• Considers areas for policy development and, in areas that are cross-cutting, determines which Panel undertakes the review, in light of workloads and interest;
• Monitors progress with the Task and Finish Groups;
• Monitors the workload of each Panel and makes recommendations to Council, where necessary, to address any imbalances;
• Resolves any issues relating to the terms of reference of the OSPs;
• Considers the impact of any changes to legislation or guidance relating to the Overview and Scrutiny function.

What Scrutiny Should Not Do

Scrutiny does not get involved in:

• Minor matters or individual concerns which are not of wider community significance. These need to be pursued through the appropriate service unit or the Ward Councillor.

• Individual complaints. These are addressed through the Council’s complaints procedure and not through the scrutiny process.

• Legal proceedings, planning and licensing decisions.
The Role of Members

General Scrutiny Skills

Overview and Scrutiny Members can expect to receive a considerable amount of paperwork to read and will attend quite a few activities in relation to a specific review. The Panels will prioritise the work that needs to be undertaken by keeping up with new legislation, public opinion, the Council’s performance and priorities, and good practice.

Councillors will decide what to investigate, and how a review will be undertaken. This includes who to invite as witnesses and what questions will be asked. Having heard all the evidence, the Panel will consider its conclusions and make recommendations within a report. It may then; depending on the nature of the report; forward the report to the Executive Board, a specific Executive Member, (with a special interest), or to the Council.

Members of the Executive Board may be invited to attend Overview and Scrutiny Panel meetings to answer questions on their special areas of interest.

Witnesses or advisers appearing before an Overview and Scrutiny Panel should be made to feel welcome, in an atmosphere of co-operation and transparency. An interrogative or confrontational approach is clearly not conducive to information gathering.

However, Members are expected to ask probing questions in order to gain the information they need. All Members involved in the process are required to follow the Council’s Overview and Scrutiny Members’ Conduct Protocol and Witness Charter, on pages 25-27.

Training is provided on Overview and Scrutiny throughout the year. Further specific training for Chairmen and Vice-Chairmen is also provided.

Overview and Scrutiny Members are expected to set aside party politics and concentrate on securing sufficient information in order to report fair and unbiased findings and recommendations.
The Role of Officers

Scrutiny should be seen by all officers as an excellent opportunity to work closely with Members to review and improve services. Members must appreciate that notice should be given to officers to prepare information and reports. Officers have two main roles to play:

- Firstly - in supporting Panel members throughout the Overview and Scrutiny process. This will include giving guidance and advice on the process and activities, providing background information, research, professional and technical information.
- Secondly - in giving 'evidence' to the Panel and to answer questions. The information officers give should, as far as possible, be confined to factual statements and explanations relating to policies and decisions as appropriate. Officers should avoid being drawn in to discussions on the merits of alternative policies where this is politically contentious.
- The Policy Review & Scrutiny Officer is the lead officer for Overview and Scrutiny.

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<tr>
<td>Scrutiny Officer</td>
<td>Duties include:</td>
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<td></td>
<td>• Support and advice to Scrutiny Members and Chairmen;</td>
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<td>• Co-ordinate work programme and agenda;</td>
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<td>• Manage task and finish groups;</td>
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<td>• Oversee processes and communication;</td>
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<td>• Promote Overview and Scrutiny;</td>
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<td>• Conduct or commission research for Members;</td>
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<td>• Training and development;</td>
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<td>Democratic Services Officers</td>
<td>A Democratic Services Officer assigned to each Scrutiny Panel assists the Scrutiny Officer in providing the liaison with the Executive Board, Overview and Scrutiny and the Chairs of the Panel. They co-ordinate Panel and Task and Finish Group agendas and write the minutes for each. They assist the Chairmen in issuing invitations for witnesses and other administration.</td>
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<td>Senior Officers</td>
<td>Service Heads or Managers from relevant Service units provide Panels including Tasks and Finish Groups with professional and technical information and advice relevant to the issue under scrutiny, if requested to do so. This may mean that they are asked to provide written and/or verbal reports, policy documents or other appropriate information or evidence.</td>
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The Work Programme

It is the Panels’ responsibility to select scrutiny topics and develop and set an annual work programme for itself by considering the following:

2. Balanced workload.
3. Capacity.
4. Timetable for the work.
5. Reviewing and updating the Programme.

The programme is decided at the first meeting of each Panel held after the Council’s annual meeting. The work programme should include topics for each meeting throughout the year. However, it is vital that Scrutiny Panels retain the flexibility to respond to issues of concern as they arise and to scrutinise issues arising from the Executive Board’s Forward Plan.

1. Choosing a Topic/Issue

Scrutiny has a wide scope and can scrutinise those policies or issues they feel appropriate. The selection of relevant topics or issues for Scrutiny is a critical step in the entire scrutiny process to ensure the objectives the Council has set for it are achieved. In setting the work programme each Panel needs to consider the following issues and subject matters:

- Forward Plan, Executive Board agendas/minutes;
- Policy development and review: any perceived gaps in policy, or areas that do not seem to be working well;
- New or pending legislation/input on major consultation documents;
- Consider issues for potential in-depth review. For instance, these might be significant community concerns, major problem areas, or substantial over/under spending;
- Consider areas for external scrutiny where significant community concerns exist such as multi-agency plans – e.g. Community Safety Strategy, the Community Plan, etc;
- Invite contributions to the work programme from Members of the Panel, full Council, Executive Board, officers and the public.

2. Balanced Workload

Due consideration must be given to undertaking each element of scrutiny:

- Policy review and development;
- Consider decisions made by the Executive;
- Legislative or other national policy changes;
- Consider the resources needed, (for instance, Officers, Members, and any other resources to carry out the work programme) – time, capacity and budget requirements.
3. Ensuring capacity

In putting the work programme together, the Panel needs to consider Members’ capacity to deliver the programme and Officers’ capacity to support them in that task. In practice it is unlikely, in view of other Panel work, that the Panels will have the capacity or resources to complete more than one or two in-depth reviews in any one year and those reviews need careful planning and management.

A Task and Finish Group may be set up to carry out a review of a specific topic or issue. Task and Finish Groups should work to a clear remit, with agreed timescales, and report their findings directly to the parent Overview and Scrutiny Panel. Task and Finish Group meetings are not public meetings and no formal agenda is produced.

The Policy Review and Scrutiny Officer, mindful of service delivery or significant corporate requirements, will advise on the capacity to support the work programme and help in trying to accommodate Members’ requests.

4. Timescales

Scrutiny Reviews work to a guideline timetable of 12 weeks, as detailed in Article 6.11 of the Constitution: “a review should be completed within a 12 week timeframe except in extenuating circumstances or where a particularly complex piece of work is being undertaken”. The work programme should be reviewed regularly, adjusting and updating as necessary as new topics and suggestions are received and prioritised. Task and Finish Groups should not become on-going groups or sub-committees.

Task and Finish Groups

Task and Finish Groups carry out in-depth investigations into a specific area or policy. There is no maximum membership of members on a Task and Finish Group, but as many as it is considered appropriate to enable sufficient ownership of the task and enable the Group to proceed efficiently. Membership is approved by the relevant Panel and is determined by Members’ availability and the level of interest including ward, geographical, subject matter, and perhaps expertise. Any non-executive Member can be appointed to a Task and Finish Group, even if they are not a Member of the parent, or any, Overview and Scrutiny Panel. Each Group is entitled to co-opt up to two non-elected Members who may speak and not vote. A Lead Member shall be appointed by the Task and Finish Group at their first meeting. The Lead Member must be drawn from the Overview and Scrutiny Panel’s membership and cannot be a co-optee. Where a joint Task and Finish Group is formed between two Panels, it is recommended that membership be limited to a maximum of seven members.

A review can:

- Scrutinise and review the performance of a particular service or activity. This can be measured against agreed policy objectives, past performance, accepted standards, national performance targets and expectations of users.
- Provide an in depth review of the implementation of a particular policy and its subsequent effectiveness.
• Assist the Council or Executive Board in the development of new policies and strategies through the detailed analysis of policy issues, research and consultation

Preparation of a timed project plan, appropriate meeting dates and milestones, in addition to the regular Panel agenda item, should help manage this process and keep clear focus, as with the Scrutiny Review process outlined above. The meetings are facilitated by the Scrutiny Officer.

The constitution and performance of Task and Finish Groups will be reviewed at the annual meetings of the Scrutiny Forum (meeting of Overview and Scrutiny Panel Chairmen and Vice-Chairmen) and its joint meeting with the Executive Board to ensure they are achieving their objectives.

**Operation**

Task and Finish Group meetings are not public meetings and a formal agenda is not necessary. Ideally, information shall be provided to the Group five working days before they meet and there should be a minimum of ten working days between each meeting to allow adequate time for information to be collected. There is no allocated time for the duration of a review as each will depend on the nature of the review. As a guide, some may take between 8-12 weeks whereas others, such as in-depth scrutiny reviews, could be longer.

Task and Finish Groups report their findings directly to the Parent Overview and Scrutiny Panel. All Members of the Council will be advised that a Task and Finish Group has been appointed to undertake a specific review and Members will usually be given an opportunity to take part in the review by offering to submit evidence to the Group.

Any non-executive Member can be appointed to a Task and Finish Group, even if they are not a Member of the parent, or any, Overview and Scrutiny Panel.

**How to conduct a review**

Scrutiny topics may have been pre-selected by the Overview and Scrutiny Panels or from suggestions made by elected Members, officers and members of the public or from referrals by the Executive Board or the Council.

The review may be undertaken by the Overview and Scrutiny Panels themselves, but because of the amount of work involved, it is often advised that a Task and Finish Group carry out a scrutiny review.

The review process can be more innovative than purely relying on meetings. For example, all relevant partners could attend a workshop to look at the issue and explore options with a follow up meeting to analyse the outcome. Other methods of obtaining information are: - Site visits, peer discussion and desk based research, including best practice at other local authorities. When looking for further information for your review, consider whether you might be able to ‘piggy-back’ onto relevant consultation exercises currently taking place.
Overview and Scrutiny

The review process

Stage 1 – Scoping the review
The scoping exercise can be carried out by the Overview and Scrutiny Panel or the Task and Finish Group undertaking the review. It is essential that the Panel decide whether they themselves will scope the remit for the Task and Finish Group, or if they wish to delegate responsibility to the Task and Finish Group to undertake this at their initial meeting. If it is the latter, then this must be recorded in the Minutes, and the Task and Finish Group must report back to the Panel for formal approval of the remit. Any deviation from the agreed remit of a Task and Finish Group must be reported to the Panel for approval.

If this is a review that multiple Panels have raised, the scope will be discussed by all the Chairmen and Vice Chairmen of the relevant Panels and will be agreed and monitored by the Lead Panel before the review begins. This ensures that any deviation from the agreed remit can be reported to the Panel or Panels involved and dealt with accordingly. An interim update report will be submitted to the Chairman and Vice Chairman of the Lead Panel, for verification, if there is a long gap between OSP meetings. The Lead Panel will have voting rights regarding the approval of the report and its recommendations to the Executive Board.

The first meeting of a Task and Finish Group would be to appoint its Lead Member and to carry out the scope, if not already done so by the Panel. This will clearly set out:

- Objectives: Why are we doing this?
- Desired outcomes – What do we want or expect the end of the process to look like?
- Key issues and areas of focus
- Any risks involved in undertaking the review (and how they can be minimised)
- How and where the evidence should be taken
- Timescales.
- Any financial implications

For the duration of a Task and Finish Group there should be an agenda item of ‘Task and Finish Group Update’ at each relevant Overview and Scrutiny Panel agenda. A summary report should be presented by the Lead Member of the Task and Finish Group and the Policy Review and Scrutiny Officer at each relevant Panel meeting, so that the Panel/Lead Panel is kept informed of progress throughout the process.
Stage 2 – Evidence

The next step is to identify the sources of information needed and the specific methods for collecting it. Sourcing methods to obtain information could include relevant Council or Government Policy, desk top based research, recent related reports, best practice examples, and interviews.

Scrutiny Panels and Task and Finish Group may want to investigate:

- Are service users’ expectations/needs being met?
- Is the service achieving what the policy intended?
- Does the service meet any/all statutory obligations or national standards and targets?
- Are there any unintended outcomes of the policy?
- Is there honesty and openness about its current performance and the reasons behind it?
- How has performance been assessed?
- How does performance compare with that of others?
- Is the service capable of meeting planned targets/standards?

Gathering Evidence

Scrutiny Panels are independent. They can ask anyone to meet with them, to join them on the Panels or to provide professional support. For example:

- **Witnesses or Advisers** – Scrutiny Panels can invite people from inside and outside the Council to meet the Panel, or Task and Finish Groups, to answer questions and give expert opinions. A Councillor or officer may be called as an expert witness. Panels may invite advisers from outside the Council to make submissions to them or to attend meetings. The Task and Finish Group must provide reasonable notice of all of the requirements of the scrutiny body, to enable the witness to respond with all the requisite information, at the earliest opportunity. For full details, please see the witness charter, on page 27.

- **Co-opting** – local people or business or professional representatives can be included as non-voting members of a Scrutiny Panel or Task and Finish Group. The Panel may also invite non-voting co-optees onto the Panel.

- **Independent Professional Support** – Panels may seek professional support and expertise, or facilitators.

- **Professional support from council staff** – Scrutiny Panels may commission reports from and or specific information from officers. In particular, the Panels will have access to the advice of the Monitoring Officer and Chief Financial Officer. Officer teams will also be formed to assist the Panels with scrutiny reviews

- **Executive Board** – details of any review exercise being undertaken either by a Panel or Task and Finish Group will be notified to the appropriate Member with special interest on the Executive Board.
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- **External organisations** – these can be approached via the scrutiny process to obtain information relevant to their work in the district and in relation to our priorities. Such organisations could be health service providers, utilities, charities, residents groups, government agencies and businesses. We are able to request information or attendance at meetings to answer questions.

Overview and Scrutiny has the opportunity to be innovative. It can gather evidence in a number of different ways such as going on site visits, holding focus groups, workshops, or carrying out surveys.

**Stage 3 – Considering the Information**

Discussion and analysis of information can be undertaken on an ongoing basis at Task and Finish Group meetings. Once all the evidence/information has been collected, and discussed, the Task and Finish Group will need to decide on its recommendations, and which evidence it wishes to use in support. Support officers will help collate the evidence received and support Members in putting together their findings and recommendations.

**Stage 4 – Recommendations and Reaching a Conclusion**

It is important that both the findings and recommendations of the final report are derived from clear evidence, demonstrated in the report. The aim is to achieve a consensus on the report’s recommendations and the Lead Member needs to ensure that all Members have had an opportunity to contribute their views. A draft report will be prepared, and circulated to all those who provided evidence for the review. This is to ensure that the report reflects accurately their submission.

- At the relevant Overview and Scrutiny Panel/Lead Panel meeting, the final report should be introduced by the Policy Review and Scrutiny Officer. The final report will then be presented by the Lead Member of the Task and Finish Group for comment and any necessary amendments. After the Lead Member has presented the report, the Chairman of the Overview and Scrutiny Panel/Lead Panel may make a statement/comments. Members of the other relevant Panel(s) may be invited to attend this meeting, but only Members of the Lead Panel will have voting rights. The Lead Panel shall consult with the other Panel(s) whose comments shall be incorporated in the final report before submitting its final findings to the Executive and/or Council.

- If it is recommended, a final review report containing the findings will be forwarded to Executive Board/Council, and the Chairman of the Overview and Scrutiny Panel/Lead Panel shall present the report.
Stage 5 – Feedback and Action
Following the report stage, it is important that feedback is given to the review's contributors and the stakeholders concerned about the outcomes of the review. Members will need to consider and decide the most appropriate method, such as meetings, email or letter. The feedback should make it clear what actions are proposed as a result of the review. The responsibility for ensuring these actions are carried out lies with the Executive Board or Council.

Stage 6 – Monitoring
Arrangements - Enough time needs to be built into the annual work programme in order to make sure that the Overview and Scrutiny function is effective. Time needs to be allocated to monitor the implementation of recommendations.

Public Participation
Public involvement can play an important part of the Overview and Scrutiny process. This can happen in a number of ways, such as: suggesting topics for scrutiny, attending meetings as observers, providing written or verbal evidence relevant to a particular scrutiny review when invited to do so.

A scrutiny review request form is available by e-mailing scrutiny@n-kesteven.gov.uk

All requests will be considered by the Chairman or the whole Panel and the person making the request will be kept informed on progress.
Call-in

What is Call-In?
A decision that has been made, but not yet implemented, can be referred to the Overview and Scrutiny Panel. This called-in decision cannot be implemented until it has been considered by the Overview and Scrutiny Panel, which can examine the issue and question the decision taken.

What can be called-in?
Call-in powers relate to a decision made by the Executive Board or Officer Decision Panel, other than a recommendation to the Full Council or a decision being taken under the Urgent Action Procedures, as set out in Appendix 4a of the Constitution.

Call-In Procedure
The decisions must be called-in within five working days of the date of the ‘decision notice’ being published, which is circulated to all Members of the Council. The decision on the proposal takes effect at the end of that period if the decision has not been ‘called-in’.

Step by step guidance and Call-In Protocol is below.

Decisions can be called in either by the Chairman or by three Members of a Scrutiny Panel. At any time during the five-day call-in period, any Member can ask to see reports or any papers in respect of the issue being discussed, and can take preliminary advice from officers about its implications.

All ‘call-in’ requests must be made in writing, individually by a Member, to the Chief Executive, giving details of the decision that is being called-in, and the reasons for the request.

Call-in Protocol

The call-in mechanism is designed to test the merits of any proposal and to ensure that Members have the opportunity to recommend options. In calling in a decision of the Executive Board or Officer Decision Panel, the Chairman and/or Members of the Scrutiny Panel must consider the following matters:

- Overview and Scrutiny Panel Members should pay close attention to the Forward Plans...... This will usually enable members to be in a position to partake of timely debate on forthcoming decisions to Overview and Scrutiny Panels before final decisions are made. This will prevent excessive use of call-in and promote open discussion of forthcoming issues of significance to the Council.

- Is the issue one that has not been considered in open forum or has otherwise been a subject of prior consultation before the decision was taken?
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- Is it an issue, where other significant representations from Members, residents or other relevant bodies have been made, but not considered, before a decision was taken?

- Is the decision likely to cause significant concern or distress to the local community or be prejudicial to individuals within it?

- Is any delay in making the decision, likely as a result of calling it in, reasonable?

Role of Call-In
The role of the Overview and Scrutiny Panels in calling-in any proposal before it is finalised, is as follows:
- To test the merits of the proposal;
- To consider the process by which proposals have been formulated;
- To ask the Executive Board or Officer Decision Panel to reconsider the proposal in light of the recommendations from the Overview and Scrutiny Panel;
- To suggest that further steps be taken before a decision is made, although any decision on whether to accept those other steps are matters for the Executive Board to decide;
- In respect of the Executive Board decision, to recommend to the Executive Board that the matter is dealt with by the Council, to refer the matter to the Chief Executive and the Monitoring Officer to determine whether or not the decision is beyond the scope of the Executive Board being outside the Council's policy framework and budget; and
- To come to a view in a relatively short space of time so as not to cause unreasonable delay to the efficiency of the decision-making process.

It is not a process that should be abused as it will lose its effectiveness. By way of a guide, a 'healthy' number would be three per year.

What cannot be Called-In?
In particular, it should be noted that the Overview and Scrutiny Panel cannot:

- Scrutinise individual decisions made by, or on behalf of, the Regulatory Committees of the Council eg decisions relating to development management, licensing, registration, consents and other permissions, or

- Scrutinise decisions relating to individual members of staff taken by the Appointments Panel and Appeals Panel.

Councillor Call for Action (CCfA) – Local Government & Public Involvement in Health Act 2007

Councillor Call for Action is about helping members to resolve issues on behalf of their residents. Councillors have the ability to call for debate and discussion at committee on a topic of neighbourhood concern, under Section 119 of the Local Government and Public Involvement in Health Act 2007. These powers are known as the “Councillor Call for Action” (CCfA for short).
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A different Act of Parliament, the Police and Justice Act 2006, sets out a CCfA for crime and disorder and community safety issues. It makes provision for the establishment of a designated Panel to deal with crime and disorder scrutiny. At NKDC this falls under the remit of the Environment and Communities Overview and Scrutiny Panel.

How Does a CCfA Work?
CCfA is an opportunity for the whole Council, and is a way for members to try to bring about specific solutions for local problems. It is designed to sit alongside existing mechanisms already at councillors’ disposal to resolve local issues.

The power to refer a matter is available only where the matter is of direct concern to the ward which the councillor represents. If there is more than one ward member representing an area, there is no requirement for all councillors to agree. However, as a matter of courtesy a letter will be sent informing the other ward members of the CCfA. A District Councillor cannot raise a CCfA at a County Council Overview and Scrutiny Panel and vice versa.

What is a ‘Local Government Matter’?
The CCfA may cover any local government matter relating to any function of the council and any local services provided by external service providers/partners, which affect the councillor’s ward or constituents. A local government matter is defined as a matter which:

- Relates to the discharge of any function of the council;
- Affects all or part of the electoral area for which the member is elected or any person who lives or works in that area; and
- Is not an excluded matter (please see below).

The following matters are excluded from the CCfA:

- Any matters that are vexatious, discriminatory or not reasonable
- Any matter relating to a planning decision
- Any matter relating to a licensing decision
- Any matter relating to a complaint
- Any matter relating to an appeal.

What is a CCfA for Crime and Disorder?
If the CCfA is regarding a crime and disorder matter, the same process applies but can be raised at the Environment and Communities O&S Panel only.

If you believe that a CCfA on an issue should be considered, please approach the Policy Review and Scrutiny Officer who will decide if a CCfA is appropriate, based on the council’s policy and rules on exclusions. If agreed, the issue will be placed on the agenda for a subsequent meeting.
Scrutiny of the Community Safety Partnership
The North Kesteven Community Safety Partnership (CSP) was created by the Crime and Disorder Act 1998 to develop and implement strategies to reduce crime and disorder. It exists to make sure that a number of prescribed ‘responsible authorities’ work together to jointly agree and deliver community safety priorities.

Section 19 of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinise decisions made or other action taken in connection with the responsible authorities of their crime and disorder functions. At NKDC this requirement falls under the remit of the Environment and Communities Overview and Scrutiny Panel’s. The role of the O&S Panel is to do the following:

- To consider crime and disorder Councillor Calls for Action that arises through the council’s existing CCfA process.
- To consider actions undertaken by the responsible authorities on the community safety partnership; and
- Make reports or recommendations to the local authority with regard to those functions.

The Panel should include in its work programme a list of issues which it needs to cover during the year. This should be agreed in consultation with the relevant partners on the Community Safety Partnership and reflect local community need.
Overview and Scrutiny Members Protocol

This protocol sets out the standards of behaviour and responsibilities expected of all Members of the Council involved in the overview and scrutiny process. There are additional responsibilities and powers pertaining to Chairmen of the Overview and Scrutiny Panels included in this protocol.

The proper and effective Overview and Scrutiny of the Council’s decision making, policies and delivery of services is a crucial responsibility of democratically elected members, and this protocol aims to provide guidance to Members in the exercise of this function.

Adherence to these standards is required of all Overview and Scrutiny Members and breach of the standards will be referred to the Chairman of the Overview and Scrutiny Committee.

1. The Overview and Scrutiny Panels shall conduct their business in a friendly and orderly fashion, in such a way as to maximise participation from all Members and to facilitate debate. Attendance by all Members is important to ensure all points of view are heard and a full discussion is possible.

2. The Council requires Members to uphold the highest standards of probity and integrity and they shall be guided in those standards by the Members’ Code of Conduct set out in Appendix 14 of the Council’s Constitution. The onus of responsibility for upholding those standards rests with the individual councillor.

3. Members shall have a responsibility to take up such opportunities of training and development that may be provided by the Council, in order better to carry out their activities as effective scrutineers.

Objectives of Overview and Scrutiny

Members understand that the objectives of overview and scrutiny are to:
- support the Council in achieving its vision for the District and its strategic aims and priorities.
- promote open and transparent decision-making, democratic accountability and to consider the decisions taken by the Executive Board.
- promote continuous improvement, best practice and innovation within the services, functions and policies which the Council has responsibility for or influence over.

Members understand that the purpose of scrutiny is not to:
- decide Council policy.
- further personal agendas, rivalries or differences.
- examine minor matters, individual complaints, internal disciplinary matters or other matters prejudicial to the Council’s interests.
Behaviour of Scrutiny Members

All Scrutiny Members shall:

- Refrain from personal criticism of other Members and officers, whatever their position in the Council.
- Carry out debate in a polite and respectful manner and consider the implications of such discussions and any consequent press coverage on the public perception of scrutiny.
- Use their powers of scrutiny properly and behave in a manner worthy of the trust placed in them by the local people who have elected them.
- Not permit personal agendas, rivalries and differences to deflect them from properly fulfilling their duties as scrutiny members. Declare any interest in the matters under scrutiny.
- Uphold the Overview and Scrutiny Witness Charter.

Scrutiny Members must be free to carry out their work with the maximum independence and freedom to challenge and monitor Executive Board decisions, Council policies and service delivery, they shall not be subject to pressure from Executive Members on the nature or tendency of their reviews, monitoring and other duties.

Duties and responsibilities of the Overview and Scrutiny Chairman

The Chairmen of the Overview and Scrutiny Panels shall:

- Provide strong and fair leadership and clear guidance to Members and officers involved in the overview and scrutiny function.
- Develop a clear understanding of the terms of reference of the Overview and Scrutiny Panels and the scope and range of the overview and scrutiny functions for which they are responsible.
- Ensure the Panels and their work are effective in undertaking their functions and contribute to the achievement of the Council’s Strategic Aims and Priorities, the delivery of best value, the continuous improvement in services and implementation of best practice.
- Agree all agendas for the Panel’s meetings and take a lead in developing a forward work programme for the whole overview and scrutiny function and ensuring it is adhered to within budget provision.
  - Result in a change to established policy
  - Have major resource implications
  - Be contentious or politically sensitive
  - Have implications for other areas of Council responsibility or relationships with external partners or bodies.
  - Seek to involve all scrutiny members in the work of the Panel.
  - Have responsibility for liaison with Chief Officers responsible for services that fall under the Panel’s scrutiny remit or terms of reference.
- Decide, in consultation with officers, whether witnesses will be allowed the opportunity to make an opening statement to the Panel.
- Ensure that they introduce themselves to any witnesses prior to the scrutiny meeting.
Overview and Scrutiny Witness Charter

Attending the Overview and Scrutiny Panel meeting as a witness is often a new experience for people. The Council recognises the need to support witnesses. We will keep witnesses informed during the scrutiny process to try and ensure that the experience is as stress-free as possible.

The Council will:

1. Inform the witness of the time, date and place of the scrutiny meeting at which their evidence is to be taken.

2. Inform the witness of the matters about which the scrutiny body wish to ask them. Inform the witness of any documents that the Overview and Scrutiny or Panel wish to have produced for them.

3. Provide reasonable notice of all of the requirements of the scrutiny body to enable the witness to respond in full at the earliest opportunity.

4. Provide copies of all relevant reports, papers and background information.

5. Arrange for the Chairman of the scrutiny meeting to introduce himself/herself to the witness prior to the proceedings.

6. Ensure that all witnesses are treated with courtesy and respect and that all questions to witnesses are made in an orderly manner as directed by the Chairman of the meeting.

7. Ensure where appropriate that the witness is provided with information about claiming witness expenses.

8. Following the proceedings, write to the witness and where appropriate, inform them of the outcome.

9. The Council’s protocol on Officer/Member Relations will apply to all internal witnesses.
Contacts

For further information, to offer feedback or to request an item for scrutiny, please contact:

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