

Overview & Scrutiny Information & Guidance

A practical guide to overview and scrutiny
in Chorley Council 2009

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1. INTRODUCTION

This toolkit aims to give clear guidance on the Council's overview and scrutiny function as well as provide practical advice to all those who take part in the scrutiny process:

- Members of Overview and Scrutiny Committee and task and finish groups;
- Executive Members of the Council;
- Officers;
- Witnesses in scrutiny inquiries;
- Members of the public.

A Framework

The aim is to provide an overall framework within which overview and scrutiny in Chorley can develop and add value to the Council's activities, supporting the Council's strategic objectives and meeting the aspirations of the Borough's citizens. To achieve that overview and scrutiny needs to be fully focussed on the things that matter most and on outcomes that make a real difference to local citizens.

The toolkit aims to provide opportunities for wider scrutiny, assist in delivering equality of service provision and to remove barriers to scrutiny.

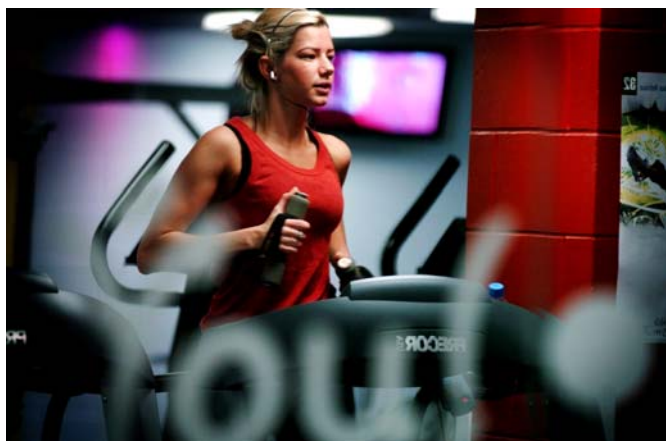
The toolkit is arranged in two main parts:

- **general guidance**
- **supplementary information**, (forms, check lists, background information)

Learning from Experience

The information provided is drawn from a variety of sources including the work of other Councils, it draws heavily on good practice particularly advocated by the IDeA and experience to date in Chorley.

Scrutiny needs to be fully focused on the things that matter most and on outcomes that make a real difference to local citizens



2. ABOUT OVERVIEW AND SCRUTINY

Overview and Scrutiny was introduced as part of the modernisation agenda for local government in 2000. The Local Government Act 2000 requires Councils to have at least one overview and scrutiny committee. The more recent Local Government and Public Involvement in Health Act 2007 provides for wider scrutiny powers to include external scrutiny of partner organisations.

What is Overview and Scrutiny?

There is no single definition of overview and scrutiny. It therefore should be viewed as an umbrella term covering a wide range of possible roles. However, the four key roles are:

- holding the Executive and decision makers to account
- policy development and review
- performance management
- external scrutiny

Scrutiny therefore:

- acts as a watchdog for Executive decision-making
- checks on whether existing policies are effective and helps to shape new policies
- contributes towards the continuous improvement of Council services
- reviews or investigates matters of particular concern either within the Council or within the community.

The scrutiny role also provides opportunity for public involvement and debate and working with partners. It can help bridge perceived gaps in service provision including equality issues.

Above all, the process needs to be firmly focussed both on issues of importance and in making a difference. This is key to overview and scrutiny reaching its potential and being of value to the Council and to local people.

Different Skills

Scrutiny requires a different approach involving different skills for all concerned. Overview and scrutiny should be member-led.

“Members must lead in shaping scrutiny structures, processes, outputs in devising and revising work programmes and in undertaking in-depth investigation. Members also need to provide clear leadership to officers supporting scrutiny.”

idea-knowledge.gov.uk best practice guide – overview and scrutiny

Opportunity

The scrutiny process provides the opportunity for councillors to examine the various functions of the Council and the work of some partners, to ask questions on how decisions have been made, to consider whether service improvements can be put in place and make recommendations to this effect. It also provides the opportunity for councillors to champion issues of local concern to

residents, to participate in the development of new policy and to allow those without a voice to be heard.

Scrutiny task groups can meet informally and invite those who they believe can help with their investigations to give evidence – whether service users or other experts in their field. They can learn significantly from best practice elsewhere.

Policy Influence

Overview and scrutiny councillors can also influence the development and review of policy. This policy development role might be carried out at the invitation of the Cabinet (pre decision scrutiny), on their own volition, in response to public pressure or the result of a call-in request.

The style of the Executive Cabinet in Chorley is a very open one, allowing questions from all other Members of the Council. Overview and Scrutiny Committee meets earlier in the same week and the Chair of the Committee will report Scrutiny's views on key issues to the relevant Executive Cabinet meeting, allowing a Scrutiny input into decisions.



3. OVERVIEW AND SCRUTINY IN CHORLEY

Overview and Scrutiny Objectives

The Council recognises the key role that Overview and Scrutiny plays in the organisation. The following extract is part of the introduction to the Council's Constitution. The Constitution is the key document in the governance of the Council

Overview and Scrutiny

The Council has an Overview and Scrutiny Committee which supports the work of the Executive and the Council as a whole. The Committee operates as an Overview and Scrutiny Committee in its own right and appoints task and finish groups which undertake particular pieces of work.

The work of members involved in Overview and Scrutiny is directed at securing improvements which make Chorley a better place to live, work and visit. Overview and Scrutiny does this in a number of ways. One way is by reviewing areas of concern to Members and making recommendations for improvement. Another is by monitoring the performance of the Council against key targets. A third is by helping the Council to develop or review its policies.

Overview and Scrutiny also hold the Executive to account by scrutinising decisions before they are made or before they are implemented through 'call-in' mechanisms. In those cases the Executive can be asked to think again before implementing the decision. Decisions may also be scrutinised after they have been implemented to see whether they have achieved their aims.

Overview and Scrutiny is increasingly taking on a greater role in scrutinising the work of other bodies (particularly those in the public sector) who contribute to making Chorley the place it is.

Overview and Scrutiny in Chorley also goes beyond the work of the Committee and Task and Finish Groups. Full Council has an overview and scrutiny role, particularly on key policies. Members of the Council exercise that role by attending meetings of the Executive Cabinet, asking questions and making suggestions. Individual Members see how Council services, policies and practices impact on the individuals that the Council serves. By drawing these experiences to the attention of the decision makers, they perform a key scrutiny role.

The roles and respective areas of responsibility of the Overview and Scrutiny Committee and the Panels are shown in more detail below. The full terms of reference are included as Appendix 7.

The Structure of Overview and Scrutiny in Chorley

Since the introduction of overview and scrutiny there has been a number of changes in structure to support the function. In 2008 it was decided to move to a very simple structure of one Overview and Scrutiny Committee meeting monthly, establishing Task and Finish Groups to undertake scrutiny reviews and investigations.

Overview and Scrutiny Structure

Overview and Scrutiny Committee

The Committee has overall responsibility for all scrutiny work and exercises the full range of overview and scrutiny powers and functions including the 'call-in' of executive decision.

Key functions are:

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

Task and Finish Groups

Each "task and finish" group will be appointed by the Overview and Scrutiny Committee to undertake a review into a particular matter. The membership of the "task and finish" group will normally include Councillors who are members of the Overview and Scrutiny Committee but all members other than Executive Members are eligible and encouraged to participate in task and finish groups.

The size of a task and finish group will be determined by the Committee but will ideally be between 6 and 10 members.

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

Who gets involved in Scrutiny?

The Overview and Scrutiny Committee may also appoint up to two 'lay' members (ie non-Council members) onto its own committee following recommendations. The lay members may be appointed for a specific project or review for a whole municipal year. Whilst they do not have voting rights, they can bring valuable external insight and/or specialist knowledge to assist and influence the Council's scrutiny work.

Councillors' Role on Task Groups

Councillors serving on the Overview and Scrutiny Committee and Task and Finish Groups can be involved in a range of activities linked to their work – formal or informal meetings, site visits, external meetings. Scrutiny members:

- decide what to investigate ie scope the investigation;
- how the inquiry will be undertaken;
- who will be invited to appear to give evidence to assist with each inquiry; and
- the questions to be asked.
- draw up recommendations for consideration by the Executive

Councillors may be allocated tasks to undertake themselves particularly research or seeking views.

Councillors who are members of the Executive Cabinet may be invited (or required) to attend Overview and Scrutiny Committee or a task group meeting to answer questions on their relevant portfolio service or on decisions they have taken.

What doesn't Scrutiny 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 directorate, ward councillors or with the portfolio member responsible for the matter in question. Nor does scrutiny deal with individual complaints. These are addressed through the Council's corporate complaints procedure.

There are a limited number of topics which are not appropriate for scrutiny, such as matters that are subject to legal proceedings, like licensing and planning applications and these are highlighted in a later section.

Scrutiny of partners is increasing and is being encouraged by Central Government, however scrutiny of the police is not permitted.



Where Does Scrutiny Fit In?

Illustrated below is the political management structure of the Council and where scrutiny fits into the wider organisation of the Council.

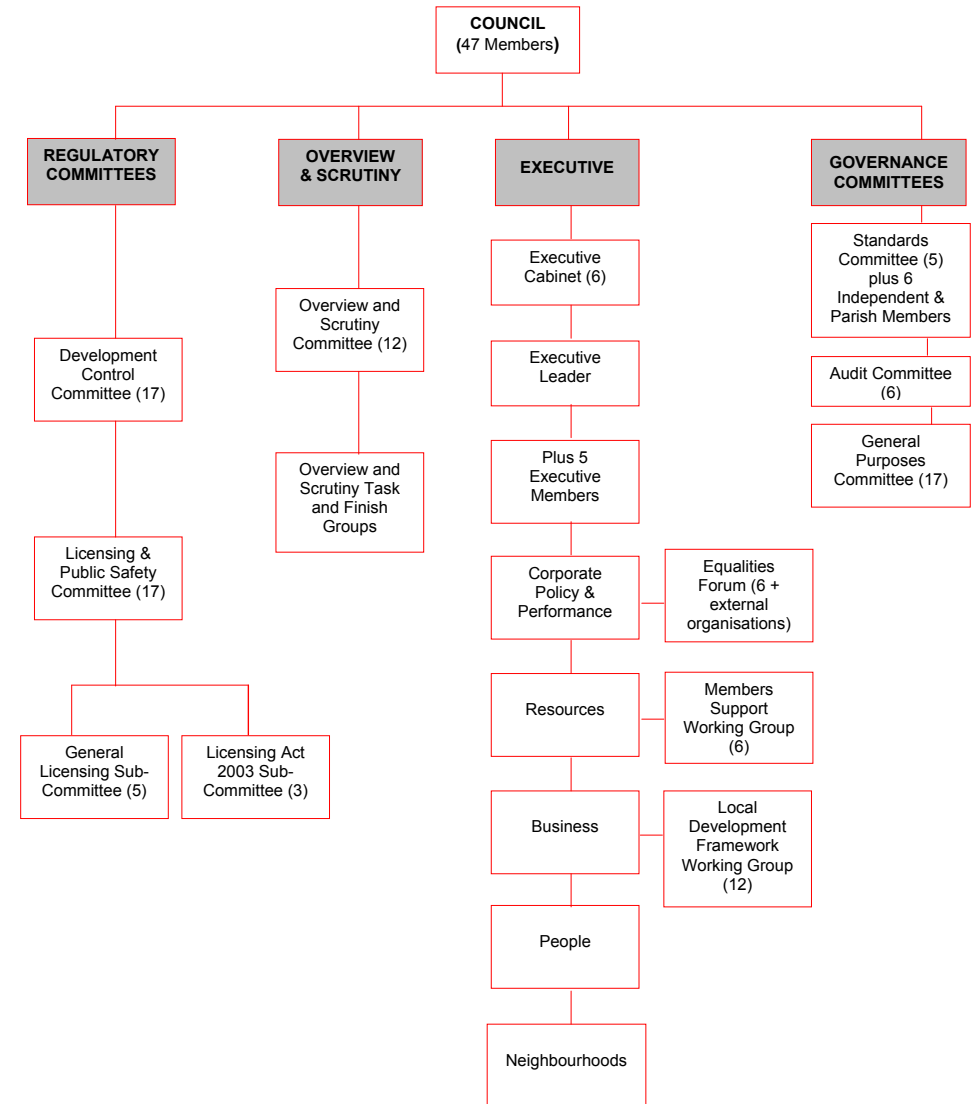
Health Overview and Scrutiny

Section 7 of the Health and Social Care Act 2001 requires local authorities with social services responsibilities (in our case Lancashire County Council) to “ensure that their overview and scrutiny committee or committees have the power to scrutinise the planning, provision and operation of health services.”

Although the power falls with Lancashire County Council, they can delegate their powers to a local level eg a district council or a couple of districts together. The Council has a representative on the Lancashire County Council’s Health Scrutiny Committee.



Chorley Council Political Management Structure



(The numbers in brackets show the number of members on each Committee)

Officer Roles

Officers have two main roles to play.

- (1) Supporting Overview and Scrutiny Committee and Task Group 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 and administrative support.
- (2) Giving 'evidence' to the Overview and Scrutiny Committee or Task Group 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 into discussions on the merits of alternative policies where this is politically contentious. Members should also avoid putting Officers in that position.

Officers will be given the terms of reference for a review, the topics/issues to be explored and may be given an indication of the questions likely to be asked.

Officers should be open and co-operate fully with the inquiry. They should not just limit themselves to answering questions but should also provide information they feel would be useful for Members to know. This will help to ensure the best possible service improvements and benefits for all sections of the community result from the scrutiny process.

Style

Overview and Scrutiny Committee and Task Group meetings will be open to the public and media unless confidential matters are being discussed. Task Groups in particular are more informal with considerable discussion between officers and members. Both officers and Members should see the process as a partnership.

Officer Support for Overview and Scrutiny	
Role	Responsibilities
Lead Officer	<p>General Support The Assistant Chief Executives and Directors will provide the senior officer advice and support for the Overview and Scrutiny Committee.</p> <p>Support for Scrutiny Inquiries The lead officer will be appointed for each scrutiny inquiry.</p> <p>Their role is to provide the Committee or Task Group with professional and technical information and advice relevant to the issue under scrutiny. This may mean that they are asked to provide written and/or verbal reports, policy documents or other appropriate information or evidence. They will also provide support in collating and assimilating the information/evidence and assisting the Officer drafting the Inquiry Report based on members findings and recommendations.</p>
Democratic & Member Services Officer	The Democratic & Member Services Officer assigned to each task group provides the liaison with Cabinet, Overview and Scrutiny Committee and the chair of the task group. They also provide supporting information for the issue under scrutiny, and produces timetables to enable the work programme to be undertaken effectively. They also assist the chairs in issuing invitations to witnesses and draft the final report.
Policy Support	An officer from the Policy and Performance directorate may be assigned to each inquiry. If appointed, their role is to provide internal policy documents, monitoring reports, and verbal reports. This may also be asked by the scrutiny body to provide comparative data/information and good practice examples from other authorities and organisations.

Call-In Arrangements

Holding the Executive to account is a key overview and scrutiny function. The call-in power referred to earlier, enables Cabinet, Executive Member or Officer delegated decisions to be referred back by the Overview and Scrutiny Committee for reconsideration by the original decision-maker prior to their implementation, or for review and scrutiny by the full Council.

In Chorley, call-in requests can be made by any member of the local community, including members of the Council, within 10 working days of the publication of a decision.

What Can't be Called-In?

The call-in procedure only applies to decisions regarding Executive functions. It doesn't apply to decisions made by the two regulatory committees, Development Control and Licensing or to the Standards Committee, or to the General Purposes Committee. Nor does it apply to:

- decisions that have already been implemented or previously 'called-in', or
- decisions where reconsideration would be seriously prejudicial to the interests of the Council, the public or some other person or body, and the Chief Executive so certifies.

Call-in Procedure

The call-in procedure is designed to strike a balance between enabling its ease of use whenever it is appropriate and providing safeguards to prevent abuse. Consequently a call-in request must state the reasons for the objection to the decision and present an alternative proposal for consideration. All requests must be made in writing and be received by the Head of Democratic Services within 10 working days of the decision being published.

The structure of Overview and Scrutiny in Chorley which allows the Chair of Overview and Scrutiny and any other Members of the Council to comment and influence items at Executive cabinet, means that call in is unusual.

Appendix 1
The Call-In Form to
make a form call-in request

All requests for call-in are considered initially by the Chair of the Overview and Scrutiny Committee who will reject any considered to be frivolous, defamatory, incomplete or otherwise outside the scope of the call-in procedure or inappropriate for consideration. Call-in requests accepted by the Overview and Scrutiny Committee Chair will, where practicable (having regard to when the decision is likely to be implemented), be submitted to the next meeting of the Overview and Scrutiny Committee (provided they are received before the meeting agenda has closed).

If it is not practicable for consideration of a call-in request to wait until the next Overview and Scrutiny Committee meeting, the Chair with the agreement of three other members of the Overview and Scrutiny Committee, may decide to call-in the decision.

Where a decision is referred back to the original decision-maker no steps shall then be taken to implement the decision until it has been reconsidered by the body or person who made it. If a decision is referred to Council, the Council will decide at its next meeting whether to review or scrutinise the decision and if so, when and how. But there is no obligation in that event to postpone any implementation of the decision. 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 line with the Policy Framework or the Budget.

The Overview and Scrutiny Committee may itself decide within two months of a decision being made to review and scrutinise it and formulate views or recommendations for consideration by the Cabinet and or the body or person who made the decision. Those views or recommendations must then be considered within three months.

Where the Overview and Scrutiny Committee refers a decision back, the decision maker is under an obligation to reconsider the original decision in the light of the representations made. There is no requirement however, to change the decision. Following such reconsideration, the decision, with or without modification, may be implemented and it cannot be call-in again.

Public Involvement

Chorley Council has a very open style of scrutiny and welcomes public involvement as an important part of the overview and scrutiny process. Members of the public may get involved in a number of ways:

- by suggesting topics for scrutiny
- by attending meetings as observers
- by submitting written evidence relevant to a particular scrutiny inquires when invited to do so
- by appearing as a witness at scrutiny inquiries when invited to do so
- by representing identifiable stakeholder groups eg through consultation with the Equalities Forum

Consider the best ways to access "hard to reach" groups. These may include:

- older people
- young people
- busy working people
- those whose first language is not English
- those with young children
- those with low levels of literacy

Suggesting Topics

Suggestions for scrutiny review topics are welcomed from the public and forms and guidance notes for members of the public to submit suggestions for scrutiny topics are provided at Appendix 2 and are available on the Council's website at www.chorley.gov.uk

Meetings and Current Task Groups

Details of the Overview and Scrutiny Committee and the current Task and Finish Groups can be found on the Council's website. Alternatively they can be obtained from Democratic Services, Town Hall, Chorley PR7 1DP. Telephone 01257 515118 or www.chorley.gov.uk

Final reports from scrutiny investigations are also published on the Council's website.

Appendix 2

The Forms for the public to submit suggestions for scrutiny topics including guidance on what can/can't be submitted.

4. SELECTING TOPICS FOR SCRUTINY

The selection of topics is one of the most critical aspects of the scrutiny process to ensure the objectives the Council has set for it are achieved.

Get it right and the outcomes will add value to the overall work of the Council, result in tangible benefits for local people, and motivate all involved to go on to do more of the same. Get it wrong and the outcomes will be of little or no consequence, the process will have wasted a great deal of member and officer time, demotivating all concerned and devaluing the scrutiny role.

Scrutiny must add value to the work of the Council and produce worthwhile outcomes for local people

The other key practical consideration in topic selection is capacity. Members and officers have a finite amount of time to invest in scrutiny, but the number of scrutiny topics is potentially very large, far exceeding the Council's capacity to deal with them all in a thorough and effective way. Scrutiny therefore needs to be fully focused on the things that matter most and on outcomes that make a real difference.

Structured Approach

To achieve this a structured approach to topic selection is essential. That way, individual whims, the unimportant, the inappropriate, and non-priorities can be filtered out in a consistent, open and transparent way.

Topic Selection Process in 3 Steps

Stage 1 – Good Reasons for Selecting a Topic

1. Improvements for local people are the likely result
2. Corporate priority for the Council
3. We know 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 a Topic

1. Already addressed
2. Part of a legal process
3. Falls within Council 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 the community or our customers.
4. What evidence is there to support the need for a review?
5. What would we wish to achieve and why?

In considering scrutiny topics use Stage 1 to assess the reason for topic selection, Stage 2 to confirm that there is a reason to reject and then Stage 3 to look at the rationale and desired outcomes.

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

5. SETTING WORK PROGRAMMES

Responsibility

As previously mentioned it is the Overview and Scrutiny Committee's responsibility to select scrutiny topics and develop and set an annual work programme for itself.

Main Considerations

In drawing-up the work programme Overview and Scrutiny Committee members need to ensure that:

- all key overview and scrutiny roles are included
- all the topics to be considered are priorities, will help achieve the Scrutiny function's objectives, and merit inclusion
- there is a balanced workload which does not exceed the capacity to do a thorough job.

Types of Tasks

Matters included in the work programme may take the form of regular, on-going tasks such as the scrutiny of Executive Cabinet business, the business improvement plans or the annual budget, or alternatively, specific one-off issues.

Work Programme Development

The process below provides a practical framework for developing a work programme. An explanation of each step follows on from this.

Work Programme Development Process

- **Identify potential topics/issues**
- **Select topics for scrutiny**
- **Allocate work**
- **Timetable work**
- **Check resources**
- **Finalise for approval by Overview and Scrutiny Committee**
- **Review and Update**



Identify potential topics/issues

- review the Forward Plan, Executive Cabinet agendas/minutes, Executive Leader and Member decisions etc (leave capacity in programme to pick up issues during the year)
- consider issues for potential policy review or development (eg what's not working well, where are the gaps in policy, input on major consultation documents)
- consider issues for potential in-depth review/inquiry (eg significant community concerns, major problem areas, poorly performing services, inequality in service provision, consistent areas of substantial over/under spending)
- identify 'standard' items for scrutiny and programme in at the outset (eg annual budget)
- consider areas for external scrutiny where significant community concerns exist (agency/partner plans, multi-agency plans – eg Local Strategic Partnership)
- invite suggestions for scrutiny topics from members of the Council, the Executive Cabinet, officers and the public

Select Topics for Scrutiny

- filter and prioritise each potential issue for review or policy development through the topic selection process detailed in Section 4.

Allocate Workload and Check for Balance

- timetable the scrutiny workload
- are all the scrutiny functions included?

Timetable

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

Check Resources

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

Finalise for Approval

- finalise draft work programme for approval by Overview and Scrutiny Committee

Review and Update

- keep work programme under constant review (every overview and scrutiny committee), adjusting and updating as necessary, and as new topics and suggestions are received and prioritised.



6. FINANCIAL SCRUTINY

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

Some key roles for scrutiny:

- reality checking budgets and plans prior to their approval
- promoting the integration between budgets and business plans
- performance and budget monitoring

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

Questions to consider about financial planning

- Has the Council got a Medium Term Financial Plan (MTFP)
- How well is it integrated with 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 setting process
- How is the MTFP monitored

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?

Questions to consider about budget performance

- Did expenditure meet the objectives set?
- What are the reasons for under/overspends?
- What's their impact on Council plans and policies?
- Was this taken into account for future budget years?
- Have income targets been met?
- What are the risks if they haven't?

7. CARRYING OUT AN INQUIRY

Carrying out an Inquiry

To simplify matters the inquiry process has been split into seven stages. The chart opposite gives a quick route map through the process, the main considerations involved and the roles of members and officers at each stage.

This section of the toolkit also provides other practical guidance, hints and tips to help ensure a successful outcome for all concerned.

Be Modern and Innovative

- When planning a review, try to think of innovative and imaginative ways of working. Rather than a series of meetings, you could for example hold a half or one-day conference with stakeholders then follow this up with a separate meeting to analyse the outcome.
- Make good use of visits to locations affected by the issue. Find out how best practice and/or beacon councils deal with such issues. Be outward looking in approach; visit other local authorities or independent operators to see how they do things.
- Do take account of the outcome of Value for Money (VFM) or business plans – they might already be making recommendations or implementing actions to help solve the issue you've been asked to scrutinise.
- When looking for further information for your review, consider whether you might be able to link onto relevant consultation exercises currently taking place.

Stage 1 – Topic Selection

Scrutiny topics are pre-selected by the Overview and Scrutiny Committee (OSC) from suggestions made by elected members, officers and members of the public or from referrals by the Executive Cabinet or the Council. Scrutiny inquiries will be undertaken either by the Overview and Scrutiny Committee itself or in the majority of cases allocated to a Task and Finish Group.

Topic selection has been dealt with in some detail in Section 4 of this guide.

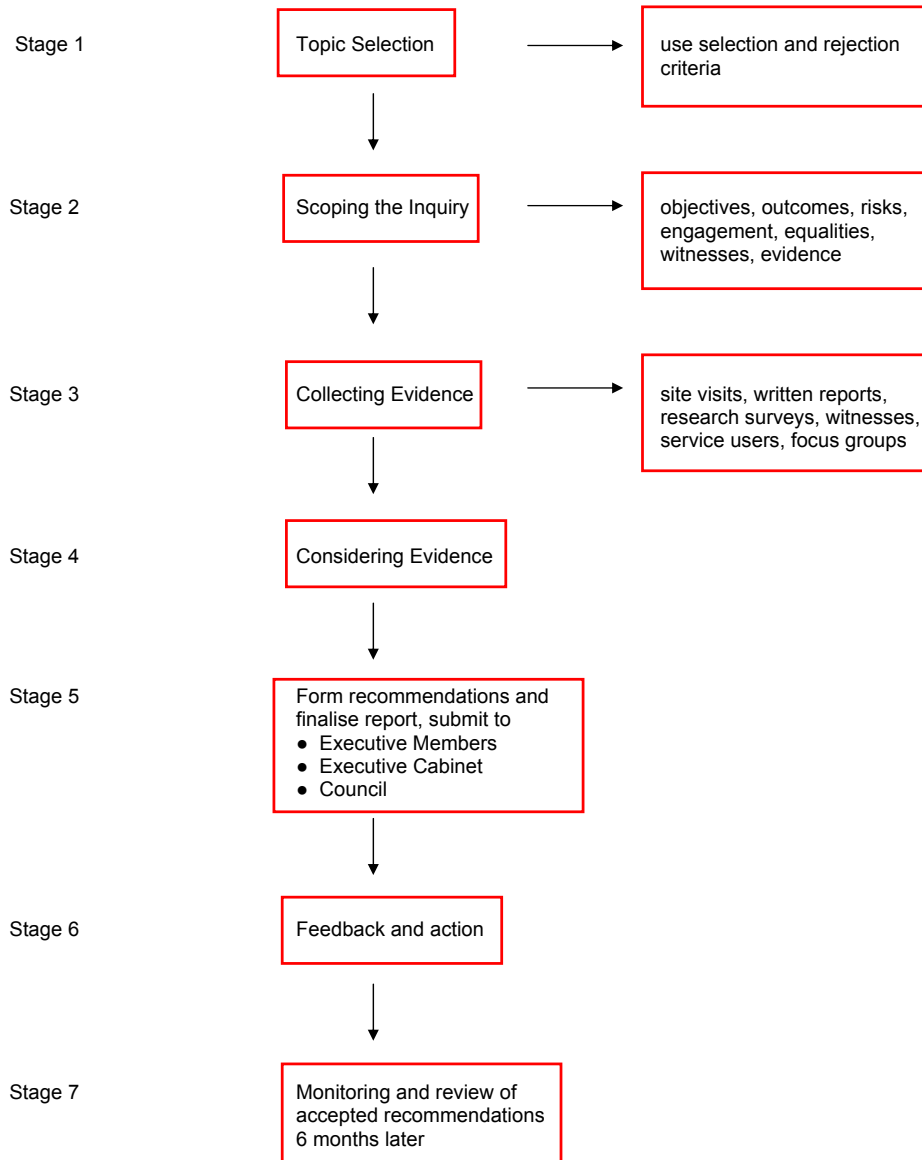
Stage 2 – Scoping the Inquiry

Scope Inquiry – The scoping exercise is carried out by the scrutiny task group undertaking the inquiry but requires the Overview and Scrutiny Committee's approval by the inquiry progresses. Use Appendix 4 to assist in scoping a review.

Scoping an inquiry involves clearly setting out:

- Its objectives
- Desired outcomes
- Terms of reference
- Key issues and areas of focus
- The risks involved in undertaking the inquiry (and how they can be minimised)
- How and where the evidence should be taken
- Timescale

Scrutiny Inquiry Flowchart



Careful scoping of an inquiry is essential in order to make it as effective as possible. If a review is too broad it may not be possible to sufficiently resource the project within an acceptable timescale. Worse, it might lose direction and focus and end up with unclear recommendations leading to ineffective action.

Appendix 3
A template and checklist for scoping an inquiry

Prepare Project Plan – Once the inquiry scope is decided and the inquiry project outline is completed and approved by the Overview and Scrutiny Committee. A project plan can be produced to provide a logical schedule of the activities and meetings etc required to carry out the inquiry as efficiently as possible.

Scrutiny Investigation – Project Plan

Topic:

Stage and Task	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
1. Topic selected															
2. Scope inquiry • complete project outline • complete project plan															
3. Collect evidence • source information															
4. Consider evidence															
5. Report															
6. Feedback and action															
7. Monitor															

Stage 3 – Collecting Evidence

Identify information – Having completed the scope for an inquiry the information required, its sources and methods for obtaining it, need to be identified. What information is going to be needed to fulfil the objectives of the inquiry?

Investigating and gathering evidence – tools, techniques and approaches

- Researching practice in other councils
- Researching best practice through local government organisations, eg LGA, IDeA, etc
- Undertaking site visits
- Calling on expert witnesses
- Hearing evidence from community and voluntary groups, the public, business sector representatives, key partners
- Consulting service user groups and local interest groups
- Consulting existing partnership groups, eg LSP
- Members collecting evidence, seeking views within their constituents
- Commissioning research
- Joint working with other authorities and organisations
- Public meetings
- Mystery shopping/visits
- Officer reports and presentations

Consider Witnesses – Witnesses have a key role to play in helping scrutiny bodies to fulfil their inquiry objectives. They may be anxious or apprehensive about appearing or not know what to expect. They need to be treated with courtesy and consideration and be properly briefed on what the inquiry is about, where, when and how it is to be conducted and what questions they are likely to be asked.

Care needs to be taken when inviting 'witnesses' to appear. The term can be off-putting to some people. Informal initial approaches either face to face or by telephone may help to reassure people, especially those from outside the Council. See the box below for more guidance on witnesses.

Consider

- need to pay expenses to witnesses or 'expert' witness fees
- drawing up a question plan, so questions are structured and open ended to encourage full answers
- consider appropriate venues
- consider accessibility for those with disabilities
 - is provision required for people with sensory disabilities (eg induction loop/signer, large print)?
 - Is provision required for people whose first language is not English (eg interpreters or written translations)?
 - Is the timing of the meeting accessible to the people invited? Consider caring responsibilities and cultural/religious issues

Stage 4 – Considering the Evidence

Analyse – Once all the evidence has been collected the scrutiny task group will need to meet to consider and analyse it.

Officers will collate the evidence received and support members in formulating their findings and recommendations.

Findings – It is important that both the findings and the recommendations are drawn out of the evidence and adequately supported by it.

Consensus – The aim is to achieve a consensus and the Chair needs to ensure that all members have had an opportunity to contribute their views.

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

Stage 5 – Report

Draft Report – Based on members findings and recommendations, officers will prepare a draft inquiry report for member approval. Scrutiny inquiry reports should follow a standard reporting format. (See Appendix 8) and be submitted to the Task Group for approval before being reported to the Overview and Scrutiny Committee.

Recommendations should be:

- based on clear evidence
- address identified need
- relate to corporate priorities
- have broad support
- demonstrate tangible benefits
- take account of resources

Stage 6 – Feedback and Action

Options – Following the report stage it is important that feedback is given to the inquiry's contributors and the stakeholders concerned about the outcomes of the inquiry. Members will need to consider and decide the most appropriate method(s), for example, feedback meeting, newsletter, letters to individuals, newspaper notice etc.

Actions – The feedback should make it clear what actions are proposed as a result of the inquiry and that responsibility for ensuring these are carried out lies with the Executive.

Stage 7 – Monitoring

Arrangements – To ensure the overview and scrutiny function is effective, the Overview and Scrutiny Committee will need to make suitable arrangements to monitor the implementation of the adopted recommendations. It can do this by building-in time for such monitoring into its work programme at appropriate intervals and commissioning progress reports from officers.

Further Scrutiny – Where members are not satisfied with progress or the actions taken, the Overview and Scrutiny Committee may decide that further scrutiny should be undertaken.

8. SKILLS FOR OVERVIEW AND SCRUTINY

Scrutiny – Openness and Inclusivity

It is vital that the overview and scrutiny process should be open and inclusive – working for and with the community and partners to achieve common goals and to play its part in breaking down barriers to sectors of the community. Members should be prepared to receive information direct from users and the community.

This means that, in order to carry out the scrutiny role effectively, members will need well developed questioning and analytical skills.

What Skills are Needed?

Members either individually or collectively will already possess a lot of the personal skills required but the focus will be in bringing these together in a way that ensures confidence in the outcomes and recommendations at the end of the scrutiny process. A key factor here will be ensuring that the findings and recommendations are supported by evidence. This provides 'transparency' to the scrutiny process.

Skills for Scrutiny
Chairing Skills – an obvious key skill for those chairing an overview and scrutiny committee or task group.
Work/Project planning skills – the ability to plan events to a conclusion taking into account resources and timescales.
Team Working – getting members of a scrutiny committee or panel working effectively together towards a common goal.
Questioning skills – definitely not 'interrogation' skills but the ability to probe for information.
Listening skills – genuinely listening to others whose views and options may differ from your own.
Analytical skills – the ability to review and interpret data and reach conclusions based on clear evidence.
Inclusive working – understanding the unique characteristics, respecting them and seeking solutions.

The individual Personal Development Plans for each Councillor are a way of flagging training and development requirements for the scrutiny role.

Chairing Skills

Good chairing skills are essential in running a scrutiny review and these may differ from chairing formal Committee meetings. This section contains some brief practical guidance which can be applied not only to scrutiny meetings but also to running meetings generally.

The Effective Chair

A good chair needs to be fairly assertive, controlling the meeting by allowing others to get their points over, maintaining a balanced discussion, sticking to the agenda and discouraging deviation and delay. They will be firm but fair, open and frank, and clearly and confidently make points. Importantly, they will represent the will of the meeting. Below are some pointers on effective chairing.

Prepare for the meeting:

- clarify the purpose of the meeting
- check there is an effective agenda
- make sure the right people are invited
- make sure all the necessary documents are produced
- check the venue is suitable in everyway
- prepare yourself mentally

Opening the meeting:

- create a good first impression
- start on time and welcome people
- clarify roles and responsibilities
- focus on what the meeting must achieve
- establish ground rules
- get commitment to the agenda
- agree use of time and an expected end time

Managing the business:

- steer discussions in a logical structured way
- encourage questions, not statements or speeches and avoid confrontation
- allow more than one question in order to focus on a particular issue
- avoid becoming personally involved in the TASK – concentrate on managing the PROCESS
- use problem solving to work through complex issues
- manage time to ensure that agenda items receive the appropriate level of discussions
- move recommendations when necessary and appropriate
- manage the personalities – control the extroverts and encourage the introverts
- use body-language to influence people
- use questions skilfully to achieve results
- handle conflict positively to channel energy or commitment
- encourage a wide variety of views and opinions
- summarise key points and seek consensus for recommendations and action plans
- ensure the notes record key agreements, facts or opinion, or verbatim quotes

Close the meeting:

- summarise key points – **who** will do **what** and by **when**?
- clarify how outstanding issues will be resolved
- confirm arrangements for follow up documentation
- agree the details for the next meeting, if any
- thank everyone for their contribution

Ideally the framework for the next meeting, particularly of a scrutiny task group, should be set at the end of the last meeting. If members help contribute to the agenda beforehand they will have some ownership of it.

Effective Members Questioning and Listening Skills:

Below are some pointers for all scrutiny members when interviewing others, including Members, Officers, expert witnesses, or members of the public.

Questions should be phrased to gain the maximum relevant information.

- make sure the committee is clear about why they are investigating a particular witness
- agree questions and prepare a question plan
- use plain language, not jargon or acronyms
- use open questions
- allow thinking time for a response
- avoid multiple questions

Listening skills are helped by:

- looking interested
- inquiring with questions
- staying focused
- testing your interests
- evaluating the message
- neutralising your feelings



9. WHAT MAKES GOOD SCRUTINY

The IdeA has created the following matrix which summarises the four principles of good public scrutiny.

	effective public scrutineers 1. provide 'critical friend' challenge to executive as well as external authorities and agencies	effective public scrutineers 2. reflect the voice and concerns of the public and its communities	Effective public scrutineers 3. should take the lead and own the scrutiny process on behalf of the public	Effective public scrutineers 4. should make an impact on the delivery of public services
Roles and relationship	<ul style="list-style-type: none"> • constructive, robust and purposeful challenge to prompt executive reflection on policy development and decision-making • mutual respect and 'parity of esteem' for the scrutiny function as a legitimate check on executive arrangements in exercising public accountability • partnership approach with 'external' agencies and authorities • focused and proactive policy development in collaboration with executive colleagues 	<ul style="list-style-type: none"> • ensuring an ongoing dialogue with the public and its diverse communities where the voice of the public is heard and responded to • taking a community leadership role by focusing on issues of community concern • constructive relationships with press and media • careful management of public expectations of change 	<ul style="list-style-type: none"> • independence from the executive • legitimate by the assembly, legislature or council • champions of the value and potential for scrutiny and active promotion of its status and credibility • active engagement in committees, with the public and colleagues • constructive working partnership with professional officers and advisers in support of the 'lay' scrutineer 	<ul style="list-style-type: none"> • promote community well-being and improve the quality of life • strategic quality assurance on behalf of the public
process and practice	<ul style="list-style-type: none"> • constructive working arrangements supported by clear rules of engagement • co-ordinated workload planning integrated into corporate processes • reporting and monitoring mechanisms to follow up recommendations made • non-aggressive physical environment and behaviours to create optimum conditions for investigative evidence-based process 	<ul style="list-style-type: none"> • open and transparent processes with public access to information • meetings conducted in public which invite public participation and 'active citizenship' • innovative public communication, consultation and feedback • create the conditions for plural views and concerns to be taken into account, particularly those of minority groups 	<ul style="list-style-type: none"> • arrangements in place to ensure active engagement of scrutineers in the scrutiny process • ensure adequate public representation and, where appropriate, political balance • create conditions for deliberation and consensus building • independent work programme informed by interests and concerns of scrutineers on behalf of the public 	<ul style="list-style-type: none"> • access to timely scrutiny of corporate policies, plans and budgets • co-ordinate and strategic reviews of policy and service performance in line with strategic objectives • monitoring service performance against key indicators
skills and support	<ul style="list-style-type: none"> • objective questioning • inclusive, focused chairing • access to information and expert advice 	<ul style="list-style-type: none"> • active listening and sympathetic questioning • adequate resourcing for public dialogue mechanisms • professional communications advice and support 	<ul style="list-style-type: none"> • deliberative skills and consensus building • reflect on the process, learn from experience and innovate • acknowledge professional officer support for the 'lay' scrutineer • appropriate training and development 	<ul style="list-style-type: none"> • access to timely and accurate performance information • analysis and interpretation of performance data • resources and professional support for the collection and presentation of performance information • clear understanding of the distinction between strategic and operational performance review

10. CONTACTS AND FURTHER INFORMATION

The final section provides some helpful contacts, websites and references where further information about overview and scrutiny may be found.

When carrying out a scrutiny inquiry or policy review check out the CFPS (Centre for Public Scrutiny) website where or why of other Council's scrutiny reviews exist

Contacts

Chorley Council

Overview and Scrutiny

Tel: 01257 515196, 515118
Fax: 01257 515150
E-mail: committee.admin@chorley.gov.uk

General Information

Website: www.chorley.gov.uk

Lancashire County Council

General Enquiries

Tel: 01772 254868

Health Overview and Scrutiny

Tel: 01772 532229

General Information

www.lancashire.gov.uk

Improvement and Development Agency

www.idea.gov.uk

Centre for Public Scrutiny

www.cfps.org.uk

Executive Decision 'Call-in' Request

REQUEST FOR CALL-IN OF EXECUTIVE DECISION

I wish to register a request for the following Executive decision to be called in for reconsideration prior to implementation. My objection to the decision and alternative decision/proposal are set out below.

Decision taken at/by _____ Date published _____

Decision Title: _____

I am (please tick appropriate box)

- Chorley Councillor the Chair or Secretary of a voluntary group with an interest in the Borough a proprietor or director of a local business situated in the Borough
- a resident of the Borough

The Objection and Alternative Decision/Proposal

Continue on a separate sheet if necessary (500 words maximum)

The Objection is:

The alternative decision/proposal is:

The case for the alternative is:

Name: (please print)	Signature:	Date:
Address:	Daytime Tel No:	
	Mobile No:	
	E-Mail:	

Please complete and return this form to the Head of Democratic Services, Town Hall, Chorley, PR7 1DP. Alternatively you may fax the form on 01257 515150. Should you have any queries About completing the form please telephone 01257 515118.

Call-in Request: Accepted Rejected

Reason for Rejection: _____

Signed: _____ Date: _____
 (Chair of Overview and Scrutiny Committee)

Guidance Notes

1. Requests can be made by members of the local community and Borough Councillors under the Council's 'call-in' procedure for executive decisions that have not been implemented to be reconsidered by the person or body who made them. The Council's Overview and Scrutiny Toolkit and Constitution provide more information on what constitutes an executive decision. Both are available on the Council's Website www.chorley.gov.uk. Alternatively further guidance can be sought from the contacts given above.
 Decisions which relate to individual applications for licences or planning permission cannot be called in as they are not executive decisions.
2. Call-in requests must be made in writing received by the Head of Democratic Services at the address given overleaf within 10 working days of the relevant decision being published. All requests must state the decision reference number, title, and the reasons for the objection to the decision and present an alternative decision of proposal for consideration.
3. All requests for call-in are considered initially by the Chair of the Overview and Scrutiny Committee (OSC) who will reject any considered to be frivolous, defamatory, incomplete or otherwise outside the scope of the call-in procedure or inappropriate for consideration. Call-in requests accepted by the OSC Chair will, where practicable (having regard to when the decision is likely to be implemented), be submitted to the next meeting of the OSC (provided they are received before the meeting agenda has closed). If it is not practicable for consideration of a call-in request to wait until the next OSC meeting, the Chair with the agreement of 3 other Members of the OSC may decide to call-in the decision.
4. Where a decision is referred back to the original decision-maker no steps shall then be taken to implement the decision until it has been reconsidered by the body or person who made it. If a decision is referred to Council, the Council will decide at its next meeting whether to review or scrutinise the decision and if so, when and how. But there is no obligation in that event to postpone any implementation of the decision. 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.
5. The OSC may itself decide within 2 months of a decision being made to review and scrutinise it and formulate views or recommendations for consideration by the Cabinet and or the body or person who made the decision. Those views or recommendations must then be considered within three months.
6. Where the OSC refers a decision back, the decision-maker is under an obligation to reconsider the original decision in the light of the representations made. There is no requirement however, to change the decision. Following such reconsideration, the decision, with or without modification, may be implemented and it cannot be call-in again.
7. Call-in requests will be acknowledged within 5 working days of receipt. Decisions regarding the request will be notified to the originator of the call-in request by the Head of Democratic Services within 5 working days of the decision being taken.

Request by Member of the Public for a Scrutiny Inquiry

REQUEST BY MEMBER OF THE PUBLIC FOR A SCRUTINY INQUIRY

I would like Councillors to scrutinise the following matter:

Topic: _____

Please say why and give any supporting information (continue on a separate sheet if necessary)

I am (please tick appropriate box)

- Chorley Councillor the Chair or Secretary of a voluntary group with an interest in the Borough a proprietor or director of a local business situated in the Borough
- this request relates to an equality and diversity issue

Name: <small>(please print)</small>	Signature:	Date:
Address:	Daytime Tel No:	
	Mobile No:	
	E-Mail:	

Please complete and return this form to the Head of Democratic Services, Town Hall, Chorley PR7 1DP. Alternatively you may fax the form on 01257 515150. Should you have any queries about completing the form please telephone 01257 515118.

FOR OFFICE USE ONLY

Date Received: _____ Date Acknowledged: _____

Target OSC: _____ Decision Date: _____

Decision: Select Reject Reserve

Date Decision Notified: _____ By: _____

Scrutiny Inquiry Project Outline Template

OVERVIEW AND SCRUTINY INQUIRY PROJECT OUTLINE

Review Topic:

Objectives:

Desired Outcomes:

Terms of Reference:

Equality and diversity implications:

Risks:

Venue(s):

Timescale:
Start:
Finish:

Guidance Notes

1. Please complete the form overleaf if there is a topic or service you think should be scrutinised. It need not relate purely to services provided by Chorley Council and could cover any matter affecting local residents or businesses.
2. The Overview and Scrutiny Committee regularly reviews its work programme and takes account of matters raised by local people.
3. The Council focuses its scrutiny activities on the things that matter most and on outcomes that can make a real difference for local people. It simply has not got the resources to look at everything and has to prioritise. This means not all requests will be selected for inquiry. The Council has published its topic selection criteria and process within its Overview and Scrutiny Toolkit. This can be obtained from the contacts above or viewed on the Council's website www.chorley.gov.uk/scrutiny. The toolkit includes other useful information about how Overview and Scrutiny works in Chorley and a summary of the Council's vision, key aims and priorities. These will be useful to refer to when filling in your reasons and supporting information for a scrutiny inquiry on this form.
4. 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, Ward Councillors or Executive Member responsible. Nor does scrutiny deal with individual complaints, which are dealt with through the Council's complaints procedure. Other topics not appropriate for scrutiny include matters that are subject to legal proceedings and processes eg. individual licensing and planning applications.
5. Requests for Scrutiny inquiries will be acknowledged within 5 working days of receipt. They will normally be considered at the next available meeting of the Overview and Scrutiny Committee and decisions notified within 5 working days. This Committee has pre-scheduled meetings but may meet more frequently, to deal with matters of urgency. Details of meeting dates and agendas can be found on the Council's website or from Democratic Services whose contact details are given above.



Scrutiny Work Programme Template (Subject To Revision)

	May	June	July	August	September	October	November	December	January	February	March	April
Performance Monitoring												
Policy and Performance												
Neighbourhoods												
Resources												
Business												
People												
Forward Plan												
Executive Cabinet agenda												
Budget Scrutiny												
Policy Development and Review of Council Services												
An Other Inquiry												
An Other Inquiry												
Neighbourhood Working												
Efficiency Gains												
Streetscene Issues												
External Scrutiny												
Chorley Community Housing												
Affordable Housing (South Ribble and Preston)												
Chorley Partnership												
Other												
Work Programme												
Annual Report												

Information Requirements and Sources:

Documents/evidence: (what/why?)

Witnesses: (who, why?)

Consultation/Research: (what, why, who?)

Site Visits: (where, why, when?)

Officer Support:

Lead Officer:

Democratic & Member Services Officer:

Likely Budget Requirements:

Purpose £

Total _____

Target Body¹ for Findings/Recommendations

(Eg Executive Cabinet, Council, partner)

¹ All project outcomes require the approval of Overview and Scrutiny Committee before progressing

Final Report Template Draft Report of the Overview and Scrutiny Task Group - *** **

CONTENTS PAGE NO

1. EXECUTIVE SUMMARY

Background

Objectives

Desired Outcomes

Group Membership

Officer Support

Meetings

The meeting papers of the Group can be found on the Council's website: <http://www.chorley.gov.uk/scrutiny>. This includes the inquiry project outline and other relevant information on policy and procedures.

Contribution of Evidence

The Group would like to thank all those who have provided evidence and contributed to the Inquiry.

Recommendations

The Executive Cabinet is asked to consider the following recommendations:
Financial Implications: ** **

2. METHOD OF INVESTIGATION

Evidence

The Group received and considered several reports and documents, these included:

Witnesses

3. FINDINGS AND RECOMMENDATIONS

Objective 1:

Recommendations:

**

Objective 2:

**

Recommendation:

**

Constitutional Framework including Terms of Reference of the Overview and Scrutiny Committee

The Overview and Scrutiny Framework (pages 16-18 of the Articles of the Constitution)

Form and Composition

The Executive is a Leader and Cabinet Executive as authorised by the Local Government Act 2000. It consists of the Executive Leader together with a number of other Councillors appointed as members of the Executive by the Council. The number of those other Executive Members is to be such as the Council may from time to time determine, but must be not less than two and not more than nine. The Mayor and the Deputy Mayor may not be appointed as Executive Members.

Executive Leader

The Executive Leader is a Councillor who is elected to the position by the Council each year at its Annual Meeting. The Executive Leader holds office until he or she:

- resigns from office;
- is suspended from being a Councillor under Part III of the Local Government Act 2000; or
- ceases to be a Councillor;
- is removed from the office by resolution of the Council, whichever first occurs.

An Executive Leader who ceases to hold the office as a result of being suspended from being a Councillor may, if the Council thinks fit, be re-appointed by the Council and resume office as Executive Leader at the end of the period of the suspension.

In the event of a casual vacancy in the office of Executive Leader, the Council shall fill the vacancy as soon as reasonably practicable and the person elected shall hold office in accordance with the provisions of Article 7.03 above.

Other Executive Members

The other Executive Members are appointed by the Council each year at its Annual Meeting. Every Executive Member holds office until he or she:

- resigns from office;
- is suspended from being a Councillor under Part III of the Local Government Act 2000;
- ceases to be a Councillor;
- is removed from the office by resolution of the Council, whichever first occurs.

In the event of a casual vacancy in the office of an Executive Member (other than the Executive Leader), the Council may fill the vacancy at the next or any subsequent Council Meeting, as it may think fit. The person appointed then holds office in accordance with the provisions of Article 7.03 above.

It may be that as a result of one or more casual vacancies the number of other Executive Members in office becomes falls below two. In that event, the Council must as soon as reasonably practicable fill any vacancy or vacancies so that the number of other Executive Members becomes not less than two.

Proceedings of the Executive

The Executive may make Executive Procedure Rules for the regulation of its proceedings and the exercise of functions by itself or any other body or person on its behalf. Any such Rules adopted by the Executive will be set out in Appendix 5 to this Constitution. All decisions, proceedings and other actions or activities governed

by those Rules shall be made or take place in accordance with them. Any Executive Procedure Rules made by the Executive may subsequently be amended or revoked by the Executive or replaced by new Rules.

Responsibility for Functions

The functions of the Executive do not all have to be discharged by the full Executive, meeting as a body:

- (1) The Council can, through the Executive Arrangements it formally makes under the Local Government Act 2000, allocate any of the functions among:
 - i) the Executive itself;
 - ii) particular Executive Members;
 - iii) Committees of the Executive;
 - iv) Council Officers.
- (2) In the case of functions that have not been allocated by the Council, the Executive Leader may:
 - (a) exercise them himself or herself; or
 - (b) arrange for them to be discharged by:
 - i) the Executive;
 - ii) one or more other Executive Members;
 - iii) Committees of the Executive;
 - iv) Council Officers.
- (3) Functions which are dischargeable by the Executive may then be delegated by it to Committees of the Executive or to Council Officers.
- (4) Functions which are dischargeable by Committees of the Executive or by individual Executive Members may then be delegated by those Committees or Executive Members to Council Officers.

The Executive Leader can, however, remove or restrict the powers of the Executive, Executive Members or Committees of the Executive to sub-delegate.

Under the powers described above, various arrangements have been made with regard to the discharge of functions of the Executive. These are set out in Parts [D](#) and [E](#) of Appendix 2 to this Constitution, which specify which body or person currently has delegated powers and responsibilities in respect of the various Executive functions indicated.

Normally, those bodies or persons will discharge those functions, exercising the delegated powers. However the arrangements do not prevent the persons or bodies (other than the Council) that have made the delegation arrangements from still exercising any of the functions themselves if they so wish. Also, exceptionally, an Officer or Executive Member may decide to refer a particular case or matter to the full Executive for determination.

Lead Members

The Council may each year at its Annual Meeting also appoint such number of other Councillors as it may think fit to assist the Council and the Executive Members. These Councillors, known as Lead Members, are, however, not members of the Executive and may be members of the Overview and Scrutiny Committee.

Each Lead Member holds office until he or she:

- (a) resigns from office;
- (b) is suspended from being a Councillor under Part III of the Local Government Act 2000;
- (c) ceases to be a Councillor; or

(d) is removed from the office by resolution of the Council, whichever first occurs.

The specific functions to be discharged by Lead Members are set out in Part F of [Appendix 2](#) to this Constitution.

Regulatory and Other Committees

The Council has appointed the Committees set out in the left hand column of [Part B](#) of Appendix 2 to this Constitution to discharge the functions described opposite them in the right hand column.

In addition to the exercise of the functions specified in [Part B](#) of Appendix 2, the functions of the Development Control Committee also include making recommendations to the Council with regard to any applications or other matters that are excepted from the Committee's delegated powers under paragraph 1 of that Part.

In addition to the exercise of the functions specified in [Part B](#) of Appendix 2, the functions of the General Purposes Committee also include:

- (a) making recommendations to the Council with regard to the exercise of any function of the Council not specifically within the terms of reference of any other Council committee; and
- (b) discharging on behalf of the Council such other functions as the Council may determine to delegate to it.

Overview and Scrutiny Procedure Rules (pages 20-24 of Appendix 5 of the Constitution)

1. THE OVERVIEW AND SCRUTINY COMMITTEE

- 1.1 The Council has established the Overview and Scrutiny Committee in accordance with [Article 6](#), with functions as stated. The Committee may appoint such Task and Finish 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 accordance with the framework and guidance set out in the Council's [Overview and Scrutiny Toolkit](#).

2. MEMBERSHIP OF THE COMMITTEE

Membership is open to all members of the Council except members of the Executive. But no member may take part in the scrutiny of a decision in which he or she has been directly involved.

The members of the Committee are appointed annually by the Council. The Committee may appoint one or more additional ad hoc task and finish groups to undertake specific assignments. Any member of the Council other than an Executive Member is eligible to be a member of a task and finish 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 members onto its own Committee or any task and finish group. The lay members are appointed for a specific project or for a whole 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 members of the Committee and delivered to the Chief Executive. The task and finish 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 Overview and Scrutiny Toolkit adopted by the Council. Every member of the Overview and Scrutiny Committee 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 its 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 the member 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 5 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 ten working days of the decision being made and in accordance with the call-in procedure set out in Annexe Form 1 of the Overview and Scrutiny

Toolkit 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.