

## **ANNEX 10 – GUIDELINES FOR SCRUTINY**

### **1 Introduction**

These guidelines are designed to help Councillors and officers operate Scrutiny effectively. They supplement the provisions of the Constitution covering the membership and remit of Scrutiny Committees (Annex 8), Standing Orders for Scrutiny Committees (Annex 9) and Guidelines for Panels and Topic Groups (Annex 11).

### **2 Role of Scrutiny**

- 2.1 The focus of the Scrutiny process is the effectiveness of existing policies and practices. Development of new policy is a matter for the Cabinet and its panels.
- 2.2 The Overview and Scrutiny Committee (“the OSC”) may establish sub-committees and shall establish Topic Groups to scrutinise particular aspects of the Council’s business; or to scrutinise any issue which affects the County or its residents
- 2.3 The Health Scrutiny Committee (“the HSC”) has a specific role in relation to the National Health Service and may establish sub-committees or Topic Groups to scrutinise health issues and Public Health.

### **3 Role of Chairmen and Vice-Chairman**

- 3.1 The OSC has a Chairman appointed from the majority Political Group and two Vice-Chairmen appointed from each of the next two largest Political Groups.
- 3.2 The HSC has a Chairman appointed from the Majority Political Group and a Vice-Chairman appointed from the next largest Political Group.
- 3.3 The Chairman and Vice-Chairmen have important roles outside meetings:
  - To discuss and agree an outline work programme to submit to the Committee
  - To agree the size of Topic Groups (if not agreed by the Committee) and identify members to be appointed to them and their Chairman
  - To agree the scoping documents for Topic Groups;
  - To monitor progress against the work programme and recommend any necessary action to the Committee
  - To resolve issues by agreement; (where they cannot reach agreement on any issue it will need to be resolved by the Committee).

#### **4 Developing the work programme**

- 4.1 Both the OSC and the HSC will adopt an annual work programme to be delivered by Topic Groups. The OSC may itself carry out a scrutiny where the issue is urgent (as agreed by Chairman and Vice-Chairmen); where it is required by law to do so; or where it is considered appropriate for scrutiny by the whole Committee. In addition, the OSC will scrutinise the proposed budget before it is put to the full Council at the February meeting.
- 4.2 The HSC may include in its work programme one-off scrutinies to be carried out by the Committee itself.
- 4.3 Both Committees must ensure that their work programmes are manageable given the resources available. Subject to this, there is a presumption in favour of scrutinising items put forward.

#### **5 Adding items to the Work Programme**

- 5.1 A request to add an item to the work programme of either the OSC or the HSC should be made to the Head of Scrutiny who will consult with the Chairman and Vice-Chairmen. It will then be included as a work programme item for the relevant Committee to consider.
- 5.2 A member of the Committee has a legal right to require an item to appear on the agenda of a meeting of that Committee. The meeting will consider the item and decide whether any further scrutiny is required.
- 5.3 A Councillor has a legal right to put an item on a Committee agenda if it concerns a local government matter in their electoral division.
- 5.4 A Councillor wishing to exercise their rights under 5.2 or 5.3 should refer the item to the Head of Scrutiny.
- 5.5 If 3 or more Councillors serving on the Committee believe that an item requires urgent consideration before the next scheduled meeting of the Committee they have power under Standing Orders to requisition a special meeting.

#### **6 Officer Support**

- 6.1 The OSC and the HSC are supported by the Head of Scrutiny/ Scrutiny Officer and a Democratic Services Officer (“DSO”).
- 6.2 Each piece of Scrutiny work has allocated to it a senior officer from a relevant service department, together with the Head of Scrutiny or a Scrutiny Officer, a DSO and, in the case of scrutiny of the health service by the HSC, a relevant NHS officer.

## **7 Reports**

- 7.1 Reports to the Committees and Topic Groups are prepared by officers and discussed with the Chairman and Vice-Chairmen at briefing meetings.
- 7.2 A final report for a Topic Group will be drafted by the Head of Scrutiny or Scrutiny Officer, checked for accuracy by the Service Department Officer (or lead officer from a health body in the case of scrutiny of a health body by the HSC) allocated to the work, then sent in draft to all members of the Topic Group and to the Chairman and Vice-Chairmen of the OSC for comment. The report, with recommendations, will then go to the relevant Chief Officer and the relevant Executive Member or to Cabinet. For HSC the report, with recommendations, will go to the lead officer, appropriate Chief Officer, the Chairman and Vice-Chairman of the HSC and NHS Chief Executive.
- 7.3 Each meeting of the relevant Committee will receive a copy of the recommendations of any of its Topic Groups whose work has concluded since the last Committee meeting.
- 7.4 In the case of Topic Groups commissioned by the OSC, the Chief Officer/relevant Executive Member is required to respond to a report and recommendations within 28 days. The response will be sent to the Head of Scrutiny, or Scrutiny Officer, who will copy it to Topic Group members and to the Chairman and Vice-Chairmen of the OSC. For the HSC Topic Groups, it has been agreed that the relevant NHS body Chief Executive will respond to a report and recommendations within 28 days.
- 7.5 The Democratic Services Manager (“the DSM”) will ensure that Scrutiny final reports with recommendations and the responses are logged in a public register and are published on the website.

## **8 Involving the Public**

The Scrutiny process needs to involve the public, services users and stakeholders if it is to be effective. The Chairman and Vice-Chairmen of Committees, any sub-committees and Topic Groups will ensure that such involvement is properly planned in advance of meetings. The Chairman of a meeting retains responsibility for deciding who to call to speak at the meeting and when.

## **9 Outcomes**

The outcome of the Scrutiny process should be improved services to the public. Both Committees will adopt processes to ensure that the implementation of recommendations is monitored, and that lessons are learnt from Scrutiny exercises to improve the process for the future.

**10. Call In**

- 10.1 Once notice of a call-in has been received which the Chief Legal Officer (“the CLO”) considers has been validly given in accordance with SCO 8(1), it will be acknowledged by the CLO who will then notify the Leader of the Council, the Chairman of the OSC, the relevant Executive Member/s, the Chief Executive, the Relevant Chief and Service Officer/s, the Head of Scrutiny and the DSM.
- 10.2 If the CLO considers that the call in notice has not been validly given the CLO will inform the Councillors who signed the call in notice that that is the CLO’s opinion and the reasons why.
- 10.3 The DSM will liaise with the DSO for OSC, the Head of Scrutiny, relevant Chief/Service Officer/s, the relevant Executive Member/s, the Chairman, Vice-Chairmen and members of the Committee, to identify a date for the OSC to meet to consider the decision called-in. The Committee meeting must be held within 10 working days of the date that the call in notice was received.
- 10.4 Once identified, all members of the Committee and of the Council shall be notified of the date, time and venue for the meeting. Chief Officers, the DSO, Scrutiny Officers, and Members’ Support should be copied in.
- 10.5 The Head of Scrutiny/DSM/DSO will liaise with the Chairman and Vice-Chairmen of the OSC to determine how the Committee should consider the called –in decision.
- 10.6 The DSO will contact the relevant Chief/Service Officers on the preparation of a report for the Committee to consider in respect of the called in decision. The DSO will advise the report author/s of the deadline for their report/papers.
- 10.7 The Councillors who signed the call in notice will appoint one of their number to explain to the Committee why they called in the decision.
- 10.8 The DSO/Head of Scrutiny will communicate the decision/s reached by the Committee to the Leader of the Council, relevant Executive Member/s, relevant Chief/Service Officers, the CLO, Head of Scrutiny, the DSM, all Members of the Committee and of the Council immediately after the meeting.
- 10.9 The DSM will liaise with the CLO to ensure immediate action is taken in respect of any decision of the Committee to refer a matter back to Cabinet or an officer for re-consideration or on to full Council for consideration.