

Guidelines for Scrutiny

1 Introduction

These guidelines are designed to help Members 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 Topic Groups (Annex 10).

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 may establish Topic Groups to scrutinise any aspect of the Council's business; or to scrutinise any issue which affects the County or its residents
- 2.3 The Health Scrutiny Committee has a specific role in relation to the National Health Service and may establish Topic Groups to scrutinise health issues.

3 Role of Chairmen and Vice-Chairman

- 3.1 The Overview and Scrutiny Committee has a Chairman appointed from the majority group and two Vice-Chairmen appointed from each of the next two largest Groups.
- 3.2 The Health Scrutiny Committee has a Chairman appointed from the Majority Group and a Vice-Chairman appointed from the next largest 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
 - Agree the size of Topic Groups (if not agreed by the Committee) and identify members to be appointed to them and their Chairman/Vice Chairman for appointment at the first meeting.
 - Monitor progress against the work programme and recommend any necessary action to the Committee
 - 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 Overview and Scrutiny Committee and the Health Scrutiny Committee will adopt an annual work programme to be delivered by Topic Groups. Overview and Scrutiny Committee 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, Overview and Scrutiny Committee will scrutinise the proposed budget before it is put to the full Council at the February meeting.

- 4.2 The Health Scrutiny Committee 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 Overview and Scrutiny Committee or the Health Scrutiny Committee 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 each Committee has a legal right to require an item to appear on the agenda of a meeting. The meeting will consider the item and decide whether any further scrutiny is required.
- 5.3 A member of the Council 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 member 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 members of 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 Overview and Scrutiny Committee and the Health Scrutiny Committee are supported by the Head of Scrutiny/ Scrutiny Officer and a Democratic Services Officer.
- 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, and a Democratic Services Officer.

7 Reports

- 7.1 Reports to 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 allocated to the work, then sent in draft to all members of the Topic Group and to the Chairman and Vice-Chairmen of Overview and Scrutiny Committee for comment. The report, with recommendations, will then go to the relevant Chief Officer and Executive Member or to Cabinet. For Health Scrutiny Committee the report, with recommendations, will go to the lead officer and appropriate Chief Officer.
- 7.3 Each meeting of Overview and Scrutiny Committee will receive a copy of the recommendations of any of its Topic Groups whose work has concluded since the last Committee meeting. Each meeting of Health Scrutiny 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 Overview and Scrutiny Committee, the Chief Officer/Executive Member is required to respond to a report and recommendations within 2 months. The response will be sent to the Head of Scrutiny who will copy it to Topic Group members and Chairman and Vice-Chairmen of Overview and Scrutiny. For Health Scrutiny Committee Topic Groups, it has been agreed that the Trust Chief Executive will respond to a report and recommendations within 2 months.
- 7.5 The Head of Member Services 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 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 (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 Overview and Scrutiny Committee, the relevant Executive Member/s, the Chief Executive, the Relevant Chief and Service Officer/s, the Head of Scrutiny and the Democratic Services Manager (DSM).

- 10.2 If the CLO considers that the call in notice has not been validly given the CLO will inform the members 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 Democratic Services Officer (DSO) for OSC, the Head of Scrutiny/Scrutiny Officer, relevant Chief/Service Officer/s, the 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.
- 10.3 Once identified, all Members of the Committee and of the County Council shall be notified of the date, time and venue for the meeting. SMB, DSOs, Scrutiny Officers, and Members' Support should be copied in.
- 10.4 The Head of Scrutiny/DSO will liaise with the Chairman and Vice-Chairmen of OSC to determine how the Committee should consider the called –in decision.
- 10.5 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.
- 10.6 The members who signed the call in notice will appoint one of their number to explain to the Committee why they called in the decision.
- 10.7 The DSO/Head of Scrutiny should 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, DSM, all Members of the Committee and Council immediately after the meeting.

[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-determination or on to Council for consideration and decision].