

# SCRUTINY COMMISSION – 3RD JUNE 2019

## Report of the Head of Strategic Support

### Part A

#### ITEM 5 NEW SCRUTINY COMMITTEE STRUCTURE – TERMS OF REFERENCE

##### Purpose of Report

To provide the Commission with information regarding its remit and terms of reference.

##### Recommendation

That the information regarding the remit and terms and reference of the Commission set out in Part B of, and the appendix to, this report be noted.

##### Reason

To assist the effective working of the Commission as part of the Council's new scrutiny committee structure.

##### Policy Justification and Previous Decisions

The Council commissioned the Centre for Public Scrutiny to undertake a review of its scrutiny arrangements that was completed in 2018. One of the recommendations of that review was that the scrutiny committee structure should be changed to one that was more outcome focussed, for example by following the Council's directorate structure. Following consideration by the then Scrutiny Management Board, a new scrutiny committee structure was agreed by full Council on 25th February 2019 for implementation from the start of the 2019/20 Council year.

##### Implementation Timetable including Future Decisions and Scrutiny

The new scrutiny committee structure will operate from the start of the 2019/20 Council year and scrutiny committees will operate within that structure and the remit and terms of reference set out in the Council's Constitution. A summary of those arrangements is set out in Part B of this report to assist the effective working of the Commission.

##### Report Implications

The following implications have been identified for this report.

##### *Financial Implications*

There are no financial implications.

## *Risk Management*

There are no specific risks associated with this decision.

Background Papers: [Centre for Public Scrutiny Report, February 2018](#)  
[Council 25th September 2019, item 6.5 and minute 77.5](#)

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## Part B

### Scrutiny Principles

1. Scrutiny is an integral part of local authority governance. Rather than making decisions, the role of scrutiny is to improve decision-making by others through reviewing decisions and actions that have been taken and suggesting improvements that could be made. It ensures that the Cabinet can be held to account and that a broad range of councillors can be involved in policy development. Scrutiny can also provide an opportunity for the views of the public, businesses, community groups and others to be considered when reviewing the Council's activities.
2. One of the key jobs that scrutiny does is to hold decision-makers (especially the Council's Cabinet) to account for their decisions. Scrutiny bodies have the power to require Cabinet members to attend their meetings and explain the decisions they have taken, and progress with delivering the Council's policies and performance targets. Having heard from decision-makers and gathered other evidence, for example from good practice elsewhere, scrutiny bodies are able to make recommendations on how things could be improved.
3. A useful guide to undertaking scrutiny can be to consider the four principles of good scrutiny identified by the Centre for Public Scrutiny. These are that scrutiny:
  - (i) provides a 'critical friend' challenge to the Cabinet
  - (ii) enables the voice and concerns of the public to be heard
  - (iii) is independent and owned by scrutiny councillors
  - (iv) drives improvement in local services.
4. The Council's Constitution sets out the rules governing how scrutiny committees operate, including the powers that are available to them and their roles and responsibilities. These are set out below and in the attached appendix.

### General Functions

5. The general principles regarding how scrutiny should operate have been incorporated into the rules set out in the Council's Constitution. These set out that the key functions of the Council's scrutiny committees are to:
  - hold the executive to account by reviewing decisions of the Cabinet and the Council's progress in achieving its policy aims and performance targets.
  - develop and review policy by studying policy issues in detail, carrying out its own research and consultation on policy and involving the public in developing policy.
  - hold other public service providers to account where appropriate.
6. The Constitution also sets out the methods available to scrutiny committee in performing those functions. These are based on the understanding that scrutiny works best when it makes recommendations (principle (i) and

principle (iv)) that are based on robust and wide-ranging evidence (principle (ii) and principle (iii)). Those methods are to:

- require Cabinet members and senior officers to attend their meetings and answer questions
- invite other people to their meetings and gather evidence from them
- send reports and recommendations to the Cabinet or full Council on matters that have been scrutinised
- Hold longer inquiries into more complex matters.

### Functions Specific to Each Committee

7. The Constitution also sets out the specific functions of each committee based on these principles and methods. These are set out in full in the appendix to this report. In the case of the three directorate-based committees the same ten core functions are identified for each committee.
8. The Neighbourhoods and Community Wellbeing has an additional function of acting as the Council's crime and disorder committee by scrutinising the discharge of crime and disorder functions by the Council and other agencies through the Community Safety Partnership. This is a statutory function and has been allocated to the Neighbourhoods and Community Wellbeing Scrutiny Committee as the majority of the Council's functions in relation to community safety sit within the Neighbourhoods and Community Wellbeing directorate.
9. The Scrutiny Commission has different functions to reflect its role in co-ordinating the work of scrutiny and undertaking pre-decision scrutiny. Its functions relating to setting the overall scrutiny work programme are discussed in paragraphs 10 and 11 below. The other functions of the Scrutiny Commission are:
  - Pre-decision scrutiny – this provides the opportunity for reports to be scrutinised before they are submitted to the Cabinet. The Commission can use this process to examine the reasoning behind the recommendations that are being made to the Cabinet and suggest possible alternative recommendations.
  - Monitoring the effectiveness of scrutiny through reviewing the implementation of recommendations – in order to ensure that scrutiny is making a difference the Commission will receive information on the number of recommendations being made by scrutiny committees and panels, the actions agreed by the Cabinet (or other body) in response to those recommendations and the implementation of those actions.
  - Responding to Councillor Calls for Action – Councillor Calls for Action provide a means for councillors to raise issues that affect their ward when other attempts to resolve that issues have been unsuccessful. The role of the Commission is to decide whether the issue should be added to the scrutiny work programme.
  - Considering petitions holding officers to account in accordance with the Council's Petition Scheme – if a petition on an issue has at least 2,000 signatures the relevant officer will give evidence about the issue to a meeting of the Commission.

## Work Programming

10. The Scrutiny Commission has overall responsibility for the scrutiny work programme. As a result it can amend the work programmes of the other scrutiny committees and establish standing and ad hoc panels to undertake more detailed scrutiny inquiries. This enables the Commission to keep an overview of the whole of the work of the scrutiny function to ensure that the resources of councillors and officers are used effectively by avoiding duplication and enabling cross-directorate corporate issues to be scrutinised.
11. Each of the directorate-based scrutiny committees can identify and schedule items for its own work programme as long as they fall within its area of responsibility without needing the approval of the Commission. If a directorate-based committee identifies a topic for scrutiny that is outside its remit it can make a recommendation to the Scrutiny Commission that it is added to the work programme of the committee whose remit it falls within.

## Appendix

Functions of Scrutiny Committees – Extract from the Council's Constitution

## Functions of Scrutiny Committees

Body	Areas of work
Scrutiny Commission	<ul style="list-style-type: none"> <li>(i) Setting, managing and controlling the scrutiny work programme and coordinating scrutiny generally</li> <li>(ii) Establishing scrutiny panels and determining their scope, terms of reference and timing</li> <li>(iii) Considering recommendations from scrutiny panels before they are referred by the Commission to Cabinet, Council or a committee</li> <li>(iv) Reviewing proposed decisions on the Forward Plan and the agenda for forthcoming Cabinet meetings and making recommendations to Cabinet in respect of those proposed decisions</li> <li>(v) Responding to Councillor Calls for Action</li> <li>(vi) Monitoring the effectiveness of scrutiny through reviewing the implementation of recommendations</li> <li>(vii) Considering petitions holding officers to account in accordance with the Council's Petition Scheme</li> </ul>
Corporate Services Scrutiny Committee	<p>For the services falling within the Corporate Services Directorate:</p> <ul style="list-style-type: none"> <li>(i) Scrutiny of external public service providers and partners</li> <li>(ii) Scrutiny of outside bodies, especially those which the Council gives grants to and/or has service level agreements with</li> <li>(iii) Scrutiny of services which are shared with other local authorities including joint scrutiny of those services</li> <li>(iv) Receiving regular performance and financial monitoring reports</li> <li>(v) Identifying areas of underperformance or where performance could be improved which requires further scrutiny</li> <li>(vi) Investigating how improvements in performance can be made through examining best practice and performance at other councils</li> <li>(vii) Engaging at the earliest possible stage when the Council reviews existing policies or identifies the need for new policies to</li> </ul>

Body	Areas of work
	<p>provide scrutiny input into the process for developing those policies</p> <p>(viii) Identifying where new or existing services may need a policy document to describe how they will be delivered</p> <p>(ix) Reviewing the processes used to develop policy, including how consultation and stakeholder engagement are undertaken, the format of policy documents and how the successful implementation of policies is measured</p> <p>(x) Looking at other ways in which scrutiny can assist in policy formulation</p>
<p>Housing, Planning, Regeneration &amp; Regulatory Services Scrutiny Committee</p>	<p>For the services falling within the Housing, Planning, Regeneration &amp; Regulatory Services Directorate:</p> <p>(i) Scrutiny of external public service providers and partners</p> <p>(ii) Scrutiny of outside bodies, especially those which the Council gives grants to and/or has service level agreements with</p> <p>(iii) Scrutiny of services which are shared with other local authorities including joint scrutiny of those services</p> <p>(iv) Receiving regular performance and financial monitoring reports</p> <p>(v) Identifying areas of underperformance or where performance could be improved which requires further scrutiny</p> <p>(vi) Investigating how improvements in performance can be made through examining best practice and performance at other councils</p> <p>(vii) Engaging at the earliest possible stage when the Council reviews existing policies or identifies the need for new policies to provide scrutiny input into the process for developing those policies</p> <p>(viii) Identifying where new or existing services may need a policy document to describe how they will be delivered</p> <p>(ix) Reviewing the processes used to develop policy, including how consultation and stakeholder engagement are undertaken, the format of policy documents and how the successful implementation of policies is measured</p> <p>(x) Looking at other ways in which scrutiny can assist in policy formulation</p>

Body	Areas of work
Neighbourhoods & Community Wellbeing Scrutiny Committee	<p>For the services falling within the Neighbourhoods &amp; Community Wellbeing Directorate:</p> <ul style="list-style-type: none"> <li>(i) Acting as the Council's crime and disorder committee by scrutinising the discharge of crime and disorder functions by the Council and other agencies through the Community Safety Partnership</li> <li>(ii) Scrutiny of external public service providers and partners</li> <li>(iii) Scrutiny of outside bodies, especially those which the Council gives grants to and/or has service level agreements with</li> <li>(iv) Scrutiny of services which are shared with other local authorities including joint scrutiny of those services</li> <li>(v) Receiving regular performance and financial monitoring reports</li> <li>(vi) Identifying areas of underperformance or where performance could be improved which requires further scrutiny</li> <li>(vii) Investigating how improvements in performance can be made through examining best practice and performance at other councils</li> <li>(viii) Engaging at the earliest possible stage when the Council reviews existing policies or identifies the need for new policies to provide scrutiny input into the process for developing those policies</li> <li>(ix) Identifying where new or existing services may need a policy document to describe how they will be delivered</li> <li>(x) Reviewing the processes used to develop policy, including how consultation and stakeholder engagement are undertaken, the format of policy documents and how the successful implementation of policies is measured</li> <li>(xi) Looking at other ways in which scrutiny can assist in policy formulation</li> </ul>