

OVERVIEW AND SCRUTINY REVIEW – DRAFT RECOMMENDATIONS

Section marked thus * involve constitutional changes.

Overview and Scrutiny Committee – Chairman*

(1) That Overview and Scrutiny Procedure Rule 8 be amended by the addition of a new sub-paragraph (3) as follows:

“3. The Chairman of the Committee must have experience and understanding of the Overview and scrutiny system.”

(2) That the Chairman and Vice Chairman of the Overview and Scrutiny Committee shall be invited to attend agenda planning sessions conducted by officers.

Cabinet/Overview and Scrutiny Committee Liaison*

(3) That in order to improve liaison arrangements between the Cabinet and Leader of the Council with the Overview and Scrutiny Committee the following proposals be agreed and incorporated in the Overview and Scrutiny rules:

(a) that the Leader of Council attend the first Overview and Scrutiny Committee of any Council year so as to present the Cabinet’s Forward Plan and to attend after six months to update the Overview and Scrutiny Committee on progress with that plan;

(b) that at the first meeting of the Overview and Scrutiny Committee each year, the Leader should indicate, where appropriate, any work which could be undertaken by Overview and Scrutiny on behalf of the Cabinet and likewise the Committee will indicate to the Leader work which will be undertaken by the Committee in the following year;

(c) that at the initial meeting of the Overview and Scrutiny Committee each year, members should have the opportunity to ask the Leader of Council and Portfolio Holders questions on matters of concern regarding Cabinet business;

(d) individual Portfolio Holders should attend appropriate Overview and Scrutiny Standing Panel meetings which deal with matters relating to their portfolios and should answer questions on their portfolio from Panel members;

(e) that relevant Portfolio Holders should attend any of the appropriate Standing Panel meetings dealing with matters related to their portfolio;

(f) that all Councillors be encouraged to attend discussions with the Leader of Council and Portfolio Holders at OSC or Panels, where they have an interest in the subject matter concerned;

(g) that the Standing Item on the Overview and Scrutiny Committee Agenda relating to the review of Cabinet business at its next meeting be placed earlier on the Committee’s agenda to allow more opportunity for discussion; and

(h) that the Council calendar of meetings be reviewed so as to allow more time between meetings of the Cabinet and the Overview and Scrutiny Committee so as to ease the process for call-ins and also the review of Cabinet agenda business.

Overview and Scrutiny - Work Programme*

(4) That the first meeting of the Overview and Scrutiny Committee each year should include consideration of the work programme both for the Committee and Panels and that the compilation of the work programme should take account of the following:

- (a) significant decisions, whether or not they are key decisions, which are included in the Council's Forward Plan;
- (b) monitoring of the Cabinet Forward Plan as to progress and content of proposed decisions;
- (c) items arising from the Forward Plan to be raised as part of the Cabinet review item on Overview and Scrutiny Committee agenda;
- (d) requests by the public or Councillors;
- (e) a review of topics raised by way of formal complaints to the Council during the preceding year;
- (f) topics which have arisen in Freedom of Information Act requests during the previous year;
- (g) agreed Cabinet priorities for the year;
- (h) any outstanding work by Scrutiny Panels not completed during the previous Council year;
- (i) digests of information arising from petitions received during the previous year;

(5) That the submission of items by members of the Council or the public for consideration by Overview and Scrutiny Committee continue to be based on the "pick" work request form, use of which should be enforced and that in cases where the pick form is unclear or incomplete in relation to the nature of the work to be undertaken by Overview and Scrutiny, this be returned to the proposer with a request for greater clarity;

(6) That items or questions requested by the public be dealt with by officers so that these can be presented in the "Pick" form format;

(7) That where Overview and Scrutiny Committee or a Panel undertakes a review of Council services affecting the Cabinet, more follow-up work be undertaken as follows:

- (a) **after 3 months** – the relevant portfolio holder should give a verbal report on whether the OS recommendations have been agreed or any reasons why they have not been agreed or have been amended; and
- (b) **after six months** – the relevant portfolio holder should report back on the implementation of those recommendations.

(8) That the Overview and Scrutiny Agenda Planning Group of officers in consultation with the Chairman of the Overview and Scrutiny Committee be given prime responsibility for managing the Overview and Scrutiny work programme including reviews of requests from the public and members via the “pick” form procedure so as to establish the relevance and suitability of reviews requested;

(9) That the preparation of the Overview and Scrutiny Work Programme should commence in February each year but with account taken of the election period April/May each year if District Council elections are taking place;

(10) That, in terms of Council budgets scrutiny, provision be made in the Council’s annual training programme for Overview and Scrutiny members to be trained in budget processes before the commencement of the budget round each year and that the Director of Finance and ICT being asked to determine the most appropriate timing and content for such training sessions.

Overview and Scrutiny Panels*

(11) That Overview and Scrutiny Procedure Rules 12 and 13 be amended so as to require all Chairmen of Standing and Task and Finish Panels to attend each Overview and Scrutiny Committee to give oral or written progress reports on the work of their Panels.

(12) That the term “Standing” be discontinued in respect of the titles of Scrutiny Panels with Scrutiny Panels and Task and Finish Scrutiny Panels being used in future.

Call-in Procedure*

(13) That the following changes be made to the call-in procedure set out in the Overview and Scrutiny Procedure Rules and Protocol:

- (a) that the Chairman of the Overview and Scrutiny Committee, if requested either by the lead Councillor for a call-in or the relevant Cabinet member, should convene a meeting to discuss the call-in before this is considered formally by the Overview and Scrutiny Committee with a view to establishing whether there could be agreement between the Cabinet member and the call-in sponsor on proposals to modify the decision or the terms of the “Call in” so as to progress the matter;
- (b) that the present deadline for calling in decisions by the Cabinet or Portfolio Holders remain at five days and that a more flexible approach of allowing signing by separate e-mails from the members who support the call-in concerned be noted;
- (c) that further work be undertaken as to the possibility of instituting full electronic call-ins so as to speed up the process for dealing with these requests;
- (d) that a new provision be introduced so as to allow “call-in” sponsors to withdraw any objections they may have notified if having met with the Portfolio Holder and the Chairman of the Overview and Scrutiny Committee their concerns are met;

- (e) that situations where the procedure outlined in (d) above has been followed, an agreement has been reached on the withdrawal of call-in objections, an information report be submitted to the next meeting of the Overview and Scrutiny Committee on that withdrawal and the circumstances which led to changes in the original Cabinet decision being agreed by the Portfolio Holder or the Cabinet;
- (f) that the procedure for dealing with call-ins at the Overview and Scrutiny Committee meetings be amended to take place in the following order:
 - (i) lead call-in sponsor to speak first;
 - (ii) the four other signatories to the call-in to be given the opportunity to speak next;
 - (iii) Portfolio Holder then responds;
 - (iv) debate;
 - (v) final response by Portfolio Holder; and
 - (vi) voting.
- (g) that in cases where the number of signatories to a call-in exceeds five, the first five signatories on the call-in notification be dealt with under the previous sub-paragraph with any other signatories being able to speak only during the ensuing debate on the call-in.

Scrutiny of External Organisations

- (14) That arrangements for scrutinising the work of external organisations be amended as follows:
 - (a) that for the purposes of presentations by representatives of outside organisations, they should be seated in the well of the Chamber for a trial period of 9 months from the commencement of the 2014/15 Council year and reviewed subsequently by the Constitution and Member Services Scrutiny Panel.
 - (b) that this layout also be used on a trial basis for call-ins with the relevant Portfolio Holder and Director sitting together in the well of the Chamber in order to answer questions from the Overview and Scrutiny Committee on call-in business.
 - (c) that members take a more critical approach to the selection of outside organisations to be scrutinised, ensuring that invitations are only issued to the organisations where there are public concerns.
 - (d) that a flexible approach be taken on whether or not scrutiny of an external organisation would be better conducted by a Standing or Task and Finish Panel rather than the Overview & Scrutiny Committee.
 - (e) that priority be given to preparing for external scrutiny sessions by extending existing arrangements by the addition of preliminary consideration at the meeting preceding the visit of the organisation concerned on the topics to be covered with Service Directors being encouraged to assist with background information which might assist follow-up questions to be formulated.

(f) that the Overview and Scrutiny Chairman determine the appropriate time allocation for presentations by external organisations but no time limit be set for questions from members of the Council.

(g) that more emphasis be given to monitoring undertakings given and proposals made by external organisations through follow up reviews after six months and reporting back to the Overview and Scrutiny Committee or the relevant Panel.

Scrutiny of Council Finance and Budgets

(15) That a new timetable for review of the budget by Overview and Scrutiny be introduced as follows:

September – Financial Issues paper from Director of Finance submitted to the Finance and Performance Management Scrutiny Panel (“the Panel”).

November – Draft growth lists/savings and DDF programme and information on fees and charges submitted to the Panel.

January – Update of medium term financial strategy for the next financial year to be considered by the Panel.

February – Final form of draft budget to be submitted to the Panel for comment.

(16) That the timetable for the budget review be publicised in the Council Bulletin so that members who are interested in particular budget issues are aware of the meetings at which the Standing Panel will be examining proposals.

(17) That in future the Panel should concentrate on policy issues and emerging trends, problems and themes rather than individual budget details which are a matter for the Cabinet.

(18) That the Panel be asked to review their terms of reference so as to avoid duplication with the work of the Finance and Performance Management Cabinet Committee.

(19) That, in line with this new approach for the Standing Panel, the present practice of holding joint meetings with the Cabinet Finance Committee be discontinued so as to separate the roles of the two bodies.

(20) That, in reviewing budgets, the Panel should take account of budget issues from previous years if relevant to the current budget.

Key Performance Indicators – Role of Overview and Scrutiny

(21) That the following changes be made to arrangements for the quarterly review of key performance indicators by Overview and Scrutiny:

(a) that the Finance & Performance Management Standing Scrutiny Panel (“Standing Panel”) should continue to be responsible for the review of KPI performance on behalf of the Overview & Scrutiny Committee;

- (b) that the Standing Panel should continue each quarter to take an overview of all KPI performance but any “red” (below target) or “amber”(within target tolerance) designated KPIs be referred for further review to the appropriate Scrutiny Panel (where one exists) if more detailed analysis is considered necessary;
- (c) the Standing Panel should deal with “red” or “amber” designated KPIs for which there no other Panel exists;
- (d) that the Standing Panel be asked to review their terms of reference with these changes in mind.

Overview and Scrutiny – Public Profile

(22) That the following steps be taken so as to improve the public profile of the Council’s Overview and Scrutiny function:

- (a) that a more proactive stance be adopted with regard to engagement with the public;
- (b) that the Overview and Scrutiny rules be amended so as to allow an opportunity for the public to ask questions at Overview and Scrutiny Committee meetings and Scrutiny Panels and also to address those bodies on issues of concern subject to the following:
 - (i) that the questions concerned or the matters on which the Committee or Panel is to be addressed are relevant to the powers and responsibilities of the Council or relevant to the District;
 - (ii) that questions or matters of concern only be raised once in any Council year either at a Panel or the OS Committee but not at both;
 - (iii) that matters on which questions or issues are raised should be items which are on the relevant agenda;
 - (iv) that any questions or issues raised for the Overview and Scrutiny Committee or a Panel which are not set out in the agenda for the following meeting be deferred and subjected to the pick process and brought back for further discussion at the next available meeting;
- (c) that a flexible approach be adopted to facilitating the submission of business from the public for Overview and Scrutiny including the use of correspondence, email through the website and the pick form process as appropriate;
- (d) that the Forester and local press releases and the website be used to heighten the profile of Overview and Scrutiny including:
 - (i) the annual work programme for Overview and Scrutiny;
 - (ii) specific items due to be considered by the Overview and Scrutiny Committee or its Panels so as to encourage the public to submit evidence or comments, particularly where scrutiny of external bodies is planned; and

- (iii) that the Chairman of the OS Committee be allowed maximum discretion within the Overview and Scrutiny rules to allow the public to contribute fully to the work of Overview and Scrutiny

Scrutiny of Community Safety

- (23) That the current arrangements for scrutiny of Community Safety issues including the activities of the Police and Crime Commissioner for Essex be continued.
- (24) That the Police and Crime Commissioner's office be asked to give longer notice of local community meetings and to take up the Council's offer of using the Council's resources to advertise these events.

Scrutiny of National Health Service

- (25) That, notwithstanding that the health scrutiny was a County Council function, that an approach be made to Essex County Council for local health scrutiny to be undertaken under the auspices of the Overview and Scrutiny Committee and conducted by the Safer Cleaner Greener Standing Panel.
- (26) That if members of the public or Councillors wish to raise specific health issues for review by the Panel, the pick form procedure be used and authority sought from Essex County Council to undertake local scrutiny.
- (27) That liaison arrangements be put in place between the Safer Cleaner Greener Standing Panel and the Council's representative on the County Council's Health Scrutiny Committee to ensure that there is proper liaison with the County Council.

Training

- (28) That the following arrangements be put in place regarding training of Councillors in Overview and Scrutiny techniques:
 - (a) that each year an Introductory Course on Overview and Scrutiny be held in June during years when there are District Council Elections;
 - (b) that Budget Scrutiny Training be given by the end of September as indicated earlier in these recommendations;
 - (c) that further specialist training in Overview and Scrutiny techniques be arranged as and when thought necessary and dependent on available funding; and
 - (d) that the Tenant's Federation which has established its own Overview and Scrutiny Committee be invited to attend future training courses on Overview and Scrutiny and that the possibility of a financial contribution towards the cost of such training from the Housing Revenue Account be researched.