

**OVERVIEW AND SCRUTINY COMMITTEE OPERATING PRINCIPLES AND PROCEDURES**

**To: County Council**

**Date: 18th October 2011**

**From: Scrutiny Officer and Monitoring Officer**

**Electoral Division(s) All**

**Forward Plan Ref: N/A Key Decision: No**

**Purpose: To set out the recommendations from a review, led by the Overview and Scrutiny Management Group, of the Council's Overview and Scrutiny Committee operating principles and procedures.**

**To highlight the proposed amendments to the Council's Constitution arising from the recommendations.**

**Recommendation: It is recommended that Full Council:**

- i) Approve the proposed changes and the associated amendments to the Council Constitution as set out in Appendix 1.**
- ii) Authorise the Monitoring Officer to implement the changes at the earliest opportunity.**

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## 1. BACKGROUND

- 1.1 On 17th May 2011, the Council agreed to broaden the remit of Scrutiny Committees to encompass an 'Overview' role with immediate effect. However, it was recognised that further work was required to identify how the new Overview and Scrutiny (O&S) Committees would operate in practice. The Council therefore commissioned the Overview and Scrutiny Management Group (O&SMG) to undertake a review, to focus on:
  - The operating principles to govern O&S arrangements
  - The O&S procedure rules
  - The Constitutional changes associated with the above.
- 1.2 O&SMG formed a group to undertake the review, and invited members from all the political parties and independents to participate. All members were also invited to contribute by email.
- 1.3 The O&SMG review group met three times and considered submissions from members, reports from Scrutiny and Improvement Officers and the findings from a visit to a Huntingdonshire District Council (HDC) Overview and Scrutiny Panel (which had been highlighted by some members due to HDC's practical experience of undertaking the Overview role).
- 1.4 The O&SMG review group also took the opportunity to consider the other key drivers of change facing the Scrutiny and Improvement function, summarised below:
  - Efficiency/value for money – e.g. making recommendations about prioritisation/use of diminishing resources
  - Joint working – working effectively and efficiently with other scrutineers (e.g. District Councils)
  - Overview and scrutiny of partnerships/external issues – e.g. investigating issues of public interest outside of the specific remit of the County Council
  - Being responsive to local people – accessibility of meetings and local input into investigations
  - Self-regulation – e.g. the O&S role in investigating areas of under-performance and proposing solutions
  - Introduction of Police and Crime Panels
  - Introduction of Health and Wellbeing Boards.
- 1.5 The following sections of this report provide the O&SMG Review Group recommendations in relation to all of these key drivers, so that the Council's Overview and Scrutiny Committees are equipped to continue to undertake their role effectively. Many of the recommendations can be implemented simply by altering or enhancing existing working practices. However where appropriate, references have been added to **Appendix 1** to link recommendations to the Council's Constitution and show
  - Which are already possible under the existing Constitution
  - Where Council is being asked to agree amendments to the Constitution to enable the recommendations to be implemented. Words to be deleted are struck through and words to be inserted are underlined.

- 1.6 The opportunity is also being taken to refresh the terms of reference of the O&S Committees and other relevant parts of the Constitution to reflect the changing landscape of partnership working, particularly in relation to Cambridgeshire Together and the Local Area Agreement.

#### Defining the term 'Overview'

- 1.7 O&S Members recognised from the outset that there had been some confusion about the meaning of the 'overview' term. Members sought to clarify this by defining overview as follows:

*“Overview“ in the Cambridgeshire County Council context means the ability for Overview and Scrutiny Members to review and provide “critical friend” challenge to the executive (Cabinet and/or senior officers) in respect of policies, procedures or services that are in development but have yet to be formally agreed by Cabinet.*

*Cabinet may request that Overview and Scrutiny provide overview (or indeed scrutiny) of specific areas where they believe such overview (or scrutiny) would be likely to result in improvement. However, while the Overview and Scrutiny function is likely to consider such requests, the independence of the function means that it reserves the right to refuse any such request.*

*Overview and Scrutiny Members may also independently develop policy proposals.*

*This “overview” will be conducted in accordance with the Council’s Overview and Scrutiny Procedure Rules and will normally be conducted in public.*

## **2. OPERATING PRINCIPLES**

### The Implementation of the Overview Role

- 2.1 O&S Members should decide which topics should be on the work programme. [**Appendix 1 – Item No. 8**]
- 2.2 As a general principle, O&S should be informed at the earliest opportunity about any policy developments that may lead to a Cabinet decision. Informal arrangements developed on a Committee by Committee basis are likely to be important in achieving this.
- 2.3 O&SMG and Cabinet should also meet regularly to provide the strategic overview to Committee work programming.
- 2.4 It is considered good practice for each Committee to routinely consider the Cabinet agenda plan.
- 2.5 Minority party and independent members should have the opportunity to participate in O&S Committees. [**Appendix 1 – Item No. 6**]

- 2.6 A delegate from each O&S Committee should act as a spokesperson at Cabinet meetings, in relation to items that have been considered by the Committee. It should be possible to claim travel expenses for this role. [**Appendix 1 – Item No. 20**]
- 2.7 Committee time could be used more flexibly (e.g. the time could be used instead for a Select Committee-style hearing or a member-led review). This will be for each Committee to determine. [**Appendix 1 – Item No.7**]
- 2.8 It is important that there are clear and transparent methods for overview recommendations to be considered and responded to by decision makers (generally this will be the Cabinet).

The most effective of these would be to integrate overview recommendations within the policy report under consideration, with O&S contributions explicitly acknowledged.

However, this may not always be possible, in which case, either of the following options may be employed:

- The decision maker could produce a paper outlining how they intend to respond to the recommendations;
- The O&S Committee should ensure that recommendations in their overview reports are worded in such a way that they clearly ask the decision maker to consider them as part of their ongoing work - as distinct from asking the decision maker to agree them there and then.

#### Efficiency/Value for Money

- 2.9 Early O&S involvement in the Integrated Plan should be instituted to enable members to investigate possible service changes and make recommendations to Cabinet during the Star Chamber process. [**Appendix 1 – Item No. 5**]
- 2.10 O&S Committees should routinely review the implementation of the Integrated Plan and undertake detailed examinations, by exception of service changes.

#### Joint Working

- 2.11 We will explore with District Council colleagues whether to establish a countywide Member training and development programme.
- 2.12 We will explore with District Council colleagues whether to establish a joint member group to agree a work programme of joint member-led reviews to be conducted over the year.
- 2.13 O&S Committees will be encouraged to adopt a more flexible approach to undertaking investigations, perhaps by commissioning interested parties to undertake an investigation and examining the findings, or by joint working. [**Appendix 1 – Item No. 19**]

#### Being Responsive to Local People

- 2.14 A database of stakeholders should be maintained so that they can be invited to attend meetings that are likely to be of interest. [**Appendix item 1 – Item No. 19**]

- 2.15 O&S should decide to more actively encourage topics for investigation. Options include:
- Use of existing methods such as Councillor Call for Action and Petitions
  - Developing links with Neighbourhood Panels and Area Committees as a source of ideas
  - Use of social media
  - Developing links with the media, voluntary and community groups. [**Appendix 1 – Item No. 19**]
- 2.16 The location and timings of O&S Committees could vary. This will be for each Committee to determine. [**Appendix 1 – Item No.7**]

#### Self Regulation

- 2.17 O&S should examine the performance management framework to ensure that priorities and performance measures reflect public expectations by an annual review by a Committee and/or member-led review work to gauge stakeholder views.
- 2.18 O&S work programmes should be more closely aligned to Council/Service priorities. However, some capacity will be needed to respond to local and hot topic issues. An 80/20 split is recommended as a guide. [**Appendix 1 – Item No.8**]
- 2.19 Performance O&S should be embedded routinely in Committee reports so that members can associate specific measures with specific topics. O&S members could follow up on these initial analyses by testing whether performance results reflect actual experiences 'on the ground'. This will be for each Committee to determine.
- 2.20 Scrutiny should become an active part of the performance management process, activated when issues of under performance arise. Triggers include:
- Internal Audit reviews
  - External inspections (e.g. Ofsted report)
  - Performance reports to Cabinet
  - Staff feedback (e.g. 'efficiency bright ideas')
  - Peer reviews
- 2.21 O&SMG supports peer reviews of other local authorities and encourages peer reviews of the Council.
- 2.22 O&SMG should contribute to the Council's Annual Report, by providing comments on the strengths and weaknesses of the services that have been scrutinised over the year.

### **3. OPERATING PROCEDURES**

#### Implementation of the O&S Role

- 3.1 A procedure should be introduced to enable O&S to consider items for decision on the Cabinet agenda prior to the Cabinet meeting ('pre-decision call in'). It is accepted that urgent items cannot be called in in this way. Overview and Scrutiny Committee Chairmen and members should be notified of such items and may use post-decision call-in if they feel there has been insufficient Overview involvement. However, effective liaison between

Cabinet and Overview and Scrutiny should mean that such occasions are kept to a minimum. **[Appendix 1 – Item No.10]**

#### Partnership O&S

- 3.2 The Resources and Performance O&S Committee remit should be expanded to encompass overview and scrutiny of cross-cutting issues, e.g. partnership arrangements. **[Appendix 1 – Item No. 16]**
- 3.3 Task and Finish Groups commissioned by the Cambridgeshire Together Annual Stakeholder Forum should be open to overview and scrutiny by the relevant Committee and Overview and Scrutiny delegates should attend their meetings. **[Appendix 1 – Item No.13]**

#### Being Responsive to Local People

- 3.4 Full Council, with reference to Group Leaders, should work on the specifics of thresholds for petitions to be received by Council, Cabinet and O&S Committees. Clear guidance to members of the public would also need to be issued.
- 3.5 O&S Committees should include public speaking slots. **[Appendix 1 – Item No.9]**

#### Health and Wellbeing Boards

- 3.6 CYP and AWH O&S Committees should establish joint arrangements for scrutinising Health and Wellbeing Boards. **[Appendix 1 – Item No. 12]**

### **4. EVALUATION**

- 4.1 The O&SMG Review Group recommends that a further review should be conducted after 12-15 months to evaluate the success of the implementation of their proposals.

### **BIBLIOGRAPHY**

<b>Source Documents</b>	<b>Location</b>
Overview and Scrutiny Management Group Review reports	Room 221, Shire Hall, Cambridge

## SCHEDULE OF AMENDMENTS TO THE CONSTITUTION: OVERVIEW AND SCRUTINY

No.	Section	Amendment
1.	Index, p.2  <b>CHANGE</b>	5 Codes and Protocols  Expectations of <u>Overview and Scrutiny</u>
2.	Part 1, Summary and Explanation, p.3  <b>CHANGE</b>	<b>Overview and Scrutiny</b>  <del>... Overview and Scrutiny Committees also monitor the decisions of the Cabinet. Decisions which have been made by the Cabinet or by an individual member of the Cabinet but not yet implemented may be called in for review. The Cabinet or the individual member may be recommended to reconsider the decision. Scrutiny bodies may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.</del>  <u>... Overview and Scrutiny Committees may be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy. They may also themselves call in decisions for review, either before or after they are made.</u>
3.	Article 6 – Overview and Scrutiny Committees, p.1  <b>CHANGE</b>	<b>6.02 General Role</b>  Within their terms of reference, Overview and Scrutiny Committees will:  ii) Make reports and/or recommendations to any of the following in connection with the discharge of any functions:  <ul style="list-style-type: none"> <li>• The full Council</li> <li>• The Cabinet</li> <li>• Joint or area committees</li> <li>• Partner organisations <u>and partnership working.</u></li> <li>• <del>Thematic Strategic Partnerships underpinning Cambridgeshire Together (the Local Area Agreement Board).</del></li> </ul>

4.	<p>Article 6 – Overview and Scrutiny Committees, p.3</p> <p><b>CHANGE</b></p>	<p><b>6.04 Specific Functions</b></p> <p>(b) Scrutiny: Overview and Scrutiny Committees may:</p> <p>(v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance. <del>If the scrutiny is of Local Area Agreement targets, Sections 121 and 122 of the Local Government and Public Involvement in Health Act 2007 gives Overview and Scrutiny Committees the power to require information from partner organisations signed up to these targets, and to require such organisations to have regard to Overview and Scrutiny recommendations relating to these targets.</del></p>
5.	<p>Part 4, Budget and Policy Framework Procedure Rules, p.1</p> <p><b>NO CHANGE</b></p>	<p><b>2. Cabinet Leads Process; Overview and Scrutiny Involvement within Cabinet Consultation</b></p> <p>a) ... The Cabinet will ensure that the consultation process is adequate and allows for meaningful dialogue with those involved.</p> <p>b) ... If a relevant Overview and Scrutiny Committee wishes to respond to Cabinet in that consultation process then it may do so. As the Overview and Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period.</p>
6.	<p>Part 4, Overview and Scrutiny Procedure Rules, p. 1</p> <p><b>NO CHANGE</b></p>	<p><b>2. Membership of Overview and Scrutiny Committees</b></p> <p>Overview and Scrutiny Committee will comprise up to 12 County Councillors with seats allocated to the Political Groups in proportion to the number of seats held by each Group on the Council as a whole, unless Full Council agrees otherwise following receipt of a recommendation signed by all Group Leaders.</p>
7.	<p>Part 4, Overview and Scrutiny Procedure Rules, p. 2</p> <p><b>NO CHANGE</b></p>	<p><b>4. Meetings of the Overview and Scrutiny Committees</b></p> <p>... Any variation to the published dates and times for meetings shall be agreed by the Committee Chairman or by the Committee itself.</p>



8.	Part 4, Overview and Scrutiny Procedure Rules, p. 2  <b>NO CHANGE</b>	<b>7. Work Programme</b>  The Overview and Scrutiny Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee who are not members of the largest political group on the Council.
9.	Part 4, Overview and Scrutiny Procedure Rules, p. 5  <b>CHANGE</b>	<b>15. Attendance by Others</b>  An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.  <u>Members of the public will be allowed to speak on items included on the agenda for meetings of Overview and Scrutiny Committees in accordance with a public speaking scheme agreed by the Overview and Scrutiny Management Group.</u>

10.	<p>Part 4, Overview and Scrutiny Procedure Rules, p.5</p> <p><b>CHANGE</b></p>	<p><b>16. Call-in</b></p> <p><u>Pre-decision call in</u></p> <p>a) <u>Working in their Overview role, Overview and Scrutiny Committees are expected to review the Cabinet forward agenda plan on a regular basis. This will enable them to identify forthcoming Cabinet decisions that they wish to discuss and to programme them for consideration at their scheduled meetings.</u></p> <p>b) <u>However, in certain circumstances, for example if an item has been added to the Cabinet forward agenda plan at short notice, it may be necessary to arrange an additional meeting of an Overview and Scrutiny Committee to discuss an item prior to Cabinet decision. This will be known as pre-decision call-in.</u></p> <p>c) <u>A pre-decision call-in may be made by the Chairman or any three members of the relevant Overview and Scrutiny Committee or by any 15 members of Council. Those representatives co-opted to the Children and Young People Overview and Scrutiny Committee with voting rights are entitled to call in forthcoming decisions relating to the Council’s education functions. Pre-decision call-in requests must be made in writing to the Proper Officer and must specify the reason(s) why the forthcoming decision is being called in.</u></p> <p>d) <u>Once a pre-decision call-in has been received, the Proper Officer will arrange a meeting of the Committee to discuss the call-in and to make recommendations to Cabinet.</u></p> <p>e) <u>Pre-decision call-in will not be allowed if there are 14 or fewer calendar days until the Cabinet meeting at which the relevant item is due to be discussed. In such circumstances, the Chairman of the Overview and Scrutiny Committee or a Committee representative will be invited to address the Cabinet when the item is discussed. If members still have concerns following the Cabinet meeting, the option of post-decision call-in as set out below will remain open to them.</u></p> <p><u>Post-decision call-in</u></p> <p>[No change to existing text but renumber current paragraphs a) to i) as new paragraphs f) to n)]</p>
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11.	Part 4, Overview and Scrutiny Procedure Rules, p.7  <b>CHANGE</b>	<b>17. Procedure at Overview and Scrutiny Committee meetings</b>  (d) Overview and Scrutiny Committees will conduct their business and act in accordance with the Expectations of <u>Overview and Scrutiny</u> set out in Part 5 of the Constitution.
12.	Part 4, Overview and Scrutiny Procedure Rules, p.8  <b>CHANGE</b>	<b>18. Matters within the remit of more than one Overview and Scrutiny Committee</b>  <del>(a) Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committees, the decision as to which Overview and Scrutiny Committee will consider it will be resolved by the Overview and Scrutiny Management Group established in accordance with Article 6.03.</del>  (a) <u>Where an issue affecting more than one service is to be reviewed, the Overview and Scrutiny Management Group will decide which Overview and Scrutiny Committee will lead the review.</u>

13.	<p>Part 4, Overview and Scrutiny Procedure Rules, p.9</p> <p><b>CHANGE</b></p>	<p><b>Terms of Reference for Overview and Scrutiny Committees</b></p> <p><b>1. Introduction</b></p> <p><del>1.1 The role of Scrutiny is a powerful one: to scrutinise the Council and its partners to ensure that services are delivered as effectively as possible for the residents of Cambridgeshire. Increasingly the emphasis is on services delivered in partnership, with Cambridgeshire Together (the Local Area Agreement Board) and its underpinning Thematic Strategic Partnerships leading on this.</del></p> <p><del>1.2 The County Council's Overview and Scrutiny Committees are well placed to fulfil the Scrutiny role. The Overview and Scrutiny Committees set out below will hold to account not only the Council's Cabinet members and officers, but also a range of external partners and partnerships, and will make recommendations to all of these as appropriate.</del></p> <p><del>1.3 These terms of reference describe the Overview and Scrutiny Committees' primary relationships. However, depending on the nature of the issue under review, it may on occasion be appropriate for an Overview and Scrutiny Committee to scrutinise or make recommendations to people or partnerships other than those listed in its terms of reference. Any queries relating to this will be resolved in accordance with paragraph 18 (a) above.</del></p> <p>1.1 <u>The role of the Overview and Scrutiny Committees is a powerful one: to ensure that the Council and its partners deliver services as effectively as possible for the residents of Cambridgeshire. The Overview and Scrutiny Committees set out below will hold to account not only the Council's Cabinet members and officers, but also a range of external partners and partnerships, including Cambridgeshire Together and any other partnership boards and their associated task and finish groups. The Overview and Scrutiny Committees may make recommendations to any of these bodies, as appropriate.</u></p>
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14.	Part 4, Overview and Scrutiny Procedure Rules, p. 9  <b>CHANGE</b>	<b>Adults, Wellbeing and Health Overview and Scrutiny Committee</b>  Terms of reference  1) To exercise the powers conferred by Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001 by co-ordinating the effective scrutiny of adult social care, health services and other related services and making reports to relevant local NHS bodies and local authorities.  2) To perform the overview and scrutiny role in relation to:  <del>a) Functions that are the responsibility of the Community Wellbeing Partnership</del>  <u>a) b)</u> Functions that are the responsibility of the following officers: <ul style="list-style-type: none"> <li>• Executive Director: Community and Adult Services [as responsible for the two Directors listed below]</li> <li>• Service Director: Strategy and Commissioning (Adult Social Care)</li> <li>• Service Director: Operations (Adult Social Care)</li> <li>• Director of Public Health</li> </ul> <u>b) Partnerships and joint working directly linked to services that are the responsibility of the above officers.</u>
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15.	Part 4, Overview and Scrutiny Procedure Rules, p. 10  <b>CHANGE</b>	<b>Children and Young People Overview and Scrutiny Committee</b>  Terms of reference  1) To perform the overview and scrutiny role in relation to:  <del>a) Functions that are the responsibility of the Children's Trust</del>  <u>a) b)</u> Functions that are the responsibility of the following officers: <ul style="list-style-type: none"> <li>• Executive Director: Children and Young People's Services</li> <li>• Service Director: Children's Enhanced and Preventative Services</li> <li>• Service Director: Children's Social Care</li> <li>• Service Director: Learning</li> <li>• Service Director: Strategy and Commissioning</li> </ul> <u>b) <u>Partnerships and joint working directly linked to services that are the responsibility of the above officers.</u></u>
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16.	<p>Part 4, Overview and Scrutiny Procedure Rules, p. 11</p> <p><b>CHANGE</b></p>	<p><b>Resources and Performance Overview and Scrutiny Committee</b></p> <p>Terms of reference</p> <p>1) To perform the overview and scrutiny role in relation to:</p> <p>a) <u>f</u>Functions that are the responsibility of the following:</p> <ul style="list-style-type: none"> <li>• Corporate Director: Customer Service and Transformation</li> <li>• <u>LGSS: Director of Finance</u></li> <li>• <u>LGSS: Director of Legal</u></li> <li>• <u>LGSS: Director of Human Resources and Organisational Development</u></li> <li>• <u>LGSS: Director of Operations</u></li> <li>• <del>Services provided through Local Government Shared Services arrangements [see LGSS Joint Committee terms of reference and Shared Services Delegated Functions (part 3.1)].</del></li> </ul> <p>b) <u>Partnerships and joint working directly linked to services that are the responsibility of the above officers</u></p> <p>c) <u>Strategic issues affecting the Council as a whole that do not naturally fit in the remit of any single Committee.</u></p>
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17.	<p>Part 4, Overview and Scrutiny Procedure Rules, p. 11</p> <p><b>CHANGE</b></p>	<p><b>Enterprise, Growth and Community Infrastructure Overview and Scrutiny Committee</b></p> <p>Terms of reference</p> <p>1) To perform the overview and scrutiny role in relation to:</p> <p>a) <del>Functions that are the responsibility of the following Thematic Strategic Partnerships:</del></p> <ul style="list-style-type: none"> <li><del>• Cambridgeshire Horizons (leading on the Local Area Agreement 'Managing Growth' theme)</del></li> <li><del>• The Environmental Sustainability Partnership</del></li> <li><del>• The Greater Cambridge Partnership (leading on the Local Area Agreement 'Economic Prosperity' theme)</del></li> </ul> <p>a) <del>b)</del> Functions that are the responsibility of the following officers:</p> <ul style="list-style-type: none"> <li>• Executive Director: Environment Services</li> <li><del>• Service Director: Environment and Regulation</del></li> <li><del>• Service Director: Growth and Infrastructure</del></li> <li><del>• Service Director: Highways and Access</del></li> <li>• <u>Service Director: Infrastructure Management and Operations</u></li> <li>• <u>Service Director: Strategy and Development</u></li> </ul> <p>b) <u>Partnerships and joint working directly linked to services that are the responsibility of the above officers.</u></p>
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18.	<p>Part 4, Overview and Scrutiny Procedure Rules, p. 12</p> <p><b>CHANGE</b></p>	<p><b>Safer and Stronger Communities Overview and Scrutiny Committee</b></p> <p>Terms of reference</p> <p>1) To be the Council’s designated ‘crime and disorder committee’, as required by Sections 19 and 20 of the Police and Justice Act 2006, as amended by section 126 of the Local Government and Public Involvement in Health Act 2007. In accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, the Committee will consider crime and disorder issues at least once a year and when so doing, will be able to require information and attendance by the relevant responsible authority or co-operating authority. This Committee will also receive Councillor Calls for action relating to crime and disorder and community safety issues in accordance with the Police and Justice Act 2006.</p> <p>2) To perform the overview and scrutiny role in relation to</p> <p>a) <del>Functions that are the responsibility of the Safer and Stronger Strategic Board</del></p> <p>a) b) Functions that are the responsibility of the following officers:</p> <ul style="list-style-type: none"> <li>• Executive Director: Community and Adult Services [as responsible for the two Service Directors listed below]</li> <li>• Service Director: Community Engagement (Fenland)</li> <li>• Service Director: Learning, Libraries and Culture</li> </ul> <p>b) <u>Partnerships and joint working directly linked to services that are the responsibility of the above officers.</u></p>
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19.	<p>Part 5, Protocol on Member/Officer Relations, pp. 2, 4 and 5</p> <p><b>CHANGE</b></p>	<p>5.1 The Constitution includes provision for a single party Cabinet, delegation of decisions to individual portfolio holders and a clear division between the Cabinet and <u>overview and scrutiny</u> roles of members.</p> <p>5.2 However, officers are required at all times to serve the whole Council and will need to exercise judgement in fulfilling this obligation, whilst maintaining the distinction between Cabinet and <u>overview and scrutiny</u>. Members must recognise this obligation on officers.</p> <p>8.3 Individual members may request any Executive or Corporate Director (or another senior officer of the Service or Directorate concerned) to provide them with factual information. Such requests must be reasonable, and must recognise the need for officers to maintain the distinction between the executive and <u>overview and scrutiny</u> processes.</p> <p>10.2 Overview and Scrutiny Chairmen shall ensure that all media statements relating to the <u>overview and scrutiny</u> functions have the support of the relevant Overview and Scrutiny Committee. Any such statements must be consistent with the Council's intent that the <u>overview and scrutiny</u> functions shall help to achieve a culture of continuous improvement throughout the Council.</p>
20.	<p>Part 5, Expectations of Scrutiny</p> <p><b>CHANGE</b></p>	<p>Rename this section 'Expectations of <u>Overview and Scrutiny</u>' and replace entire section with the version attached as Appendix 1 a)</p>
21.	<p>Part 6, Members' Allowances Scheme, p. 8</p> <p><b>NO CHANGE</b></p>	<p><b>Schedule 2 – Members' Travel and Subsistence Allowances</b></p> <p>Travel and subsistence allowances will be payable in respect of the following:</p> <ul style="list-style-type: none"> <li>• ... Attendance by any Councillor by invitation at a meeting or discussion and/or visit to a site or establishment with a senior officer to which prior approval has been given by the relevant Cabinet member or Overview and Scrutiny Committee.</li> </ul>

## EXPECTATIONS OF OVERVIEW AND SCRUTINY

### 1. **The aims of Overview and Scrutiny**

The Centre for Public Scrutiny has established four core principles to describe the most important overview and scrutiny activities, namely to:

- Provide 'critical friend' challenge to executive policy-makers and decision-makers
- Enable the voice and concerns of the public and its communities to be heard
- Be carried out by 'independent minded governors' who lead and own the scrutiny process
- Drive improvement in public services.

Cambridgeshire County Council's Overview and Scrutiny Committees are committed to achieving these objectives.

### 2. **Working culture**

The Overview and Scrutiny function offers members a powerful opportunity to challenge and help shape decisions before they are made, as well as to hold the Cabinet and officers to account post-event.

For the function to work effectively, regular and open dialogue between Cabinet members, Overview and Scrutiny members and supporting officers is essential. This will enable the Committees to plan their workload to ensure that input is timely and effective.

Overview and Scrutiny members must also conduct their work responsibly. This includes being clear about when they are in overview and when they are in scrutiny mode; and timing their interventions constructively with the aim of improving outcomes and services for the County's residents.

Overview and scrutiny are member-led processes. Committees will seek to align their workloads with corporate objectives and priorities where appropriate, but retain the scope also to investigate specific issues of concern or interest. This flexibility can and does give members the scope to innovate, resulting in great benefit to the Council.

In addition, Overview and Scrutiny Committees will actively encourage others to suggest topics for investigation. They will do this by:

- Using existing methods such as the Councillor Call for Action and petitions
- Developing links with Neighbourhood Panels and Area Committees as a source of ideas
- Using social media
- Developing links with the media, voluntary and community groups.

## 2.3. Ways of working

~~The Overview and Scrutiny Committees will achieve the above objectives using a variety of approaches, including:~~ Overview and Scrutiny Committees offer members the opportunity to adopt a range of approaches to their work, as described below:

**Requests for information** – These may be simple requests for the Committee to receive information about a particular matter. The response could be a paper report or information sent by e-mail or through reference to information published on a website. Dealing with matters in this way can be an effective means of monitoring performance or progress with the implementation of an action plan without taking up time in Committee.

**Single reports to a Committee** – These may be appropriate if a Committee wishes to find out more about a particular service or issue but is unclear about whether there are aspects requiring more detailed scrutiny. Reports may be specially prepared or may draw on previously prepared information, for example on complaints or performance management or from external inspectorates.

**Consideration of an issue over a series of Committee meetings** – This may be appropriate where the Committee wishes to track progress of a particular issue during its development or to monitor progress over a period of time.

**Member-led review** – A small number of members could be appointed to a member-led review group to look into an issue in detail. This may involve the group in a series of meetings and visits over a period of months and can culminate in a report from the group setting out the conclusions and recommendations arising from the review.

**Commissioning an investigation** – An Overview and Scrutiny Committee could commission interested parties to undertake an investigation and examine their findings at one of its formal meetings.

**Allocating review tasks to Committee members** – This can be an effective way of breaking down review tasks, which are then undertaken by individual Committee members or groups of members. Working in this way can increase the coverage and depth of issues that can be addressed.

**Allocating monitoring tasks to Committee members** – Members with particular interests in an area of activity could be asked to monitor activity in that area and bring to the Committee's attention any particular issues or problems.

**A seminar** – This could be an information-gathering exercise held outside of the regular Committee meetings, if members feel the need for greater understanding of key issues on a particular topic. Officers would be invited to discuss a particular topic and answer questions to extend members' knowledge.

**A visit** – Visits may be made to relevant places to enable members to gain 'hands on' insight into services they are scrutinising, and to engage the public in the topic scrutinised. Visits can positively enhance the credibility of members in their community leadership role.

**Submission of evidence or views** – Cabinet members or other Councillors, Council officers, stakeholders, service users and clients may all be invited to meetings of the Committee to present views or evidence or to answer questions about matters under review. Committees may find it helpful to maintain a database of stakeholders, so that they can be invited to attend meetings that are likely to be of interest.

**Joint working** – Any of the activities described above could be carried out jointly with partners, such as members of another local authority or NHS Non-Executive Directors.

#### 3.4. **Officers' presentations and reports**

Comments from members about their expectations of officers' presentations and reports indicate that:

- Officers should prepare clear, accessible reports that summarise the major issues under explicit headings;
- Reports should provide demonstrable evidence for conclusions reached without concentrating on the process undergone in order to reach them;
- Reports should provide signposts to further information and should draw attention to problem areas. Essential background or supporting information will be put in appendices;
- Officers should assume that members have read reports thoroughly and do not require a detailed presentation to introduce the report;
- Presentations should be brief and concentrate on the issues that require scrutinising.

Members appreciate that officers might experience some conflict when working with an Overview and Scrutiny Committee that is examining their area of management responsibility. However the approach taken within the County Council to scrutiny requires officers to be open and constructive with the information and advice they give to the Overview and Scrutiny Committees.

#### 4.5. **Officers' expectations of members undertaking the Overview and Scrutiny role**

Officers will have the following expectations of Overview and Scrutiny members:

- Members will have read reports thoroughly and will subject the issues arising from them to close examination, using their local knowledge only to exemplify;
- Questions should come either from a need for further clarification or because there is a major point which needs close examination (examination of minor points is not a scrutiny function);
- Members will interrogate the information – not the officer;

- Questions will be directed to the appropriate source, for example Cabinet members when relevant, and officers will not be required to account for decisions taken by members;
- Members will always take account of the resource implications when requesting officers to undertake scrutiny work;
- Overview and Scrutiny Committees will avoid duplicating performance management undertaken by officers or Cabinet; the scrutiny function is to ensure performance management is in place and to use the existing processes to assess performance.

Overview and Scrutiny Committees and Panels may require attendance of any County Councillor or officer of the Council but should seek to take account of existing engagements and commitments as far as possible. A person so summoned to attend must always give honest, full and helpful answers to questions. The only questions he/she may decline to answer are ones which he or she would be entitled to refuse to answer in a court of law. However the Committees and Panels should avoid seeking to draw officers into discussion of the merits of alternative policies that are politically contentious other than to explain and justify any advice given to the Cabinet before a decision was taken.

In order to facilitate the work of Overview and Scrutiny Committees and Panels, the Scrutiny Officer will hold a small budget to pay for incidental expenses including any travel costs or expenses incurred when inviting expert witnesses to give evidence.

The Overview and Scrutiny functions will only be successful if there is a common understanding of ~~its~~ their purpose in achieving continuous improvement throughout the Council. This understanding needs to be shared between Cabinet members, Overview and Scrutiny Committees and officers and to be reflected in everyone's approach to the Overview and Scrutiny functions and their willingness to share information.

All members and officers must conduct themselves at Overview and Scrutiny meetings in a business-like and co-operative manner and so ensure they practise good time management and behave in a courteous and fair manner at all times.

## OVERVIEW AND SCRUTINY COMMITTEES – MEDIA RELATIONS

1. Overview and Scrutiny Chairmen will become the focus of media contacts about the work of the Committee and will wish to promote the work of the Committee. The Protocol on Member/Officer Relations makes clear that “*Overview and Scrutiny Chairmen should ensure that all media statements relating to the overview and scrutiny functions have the support of the relevant Committee. Any such statements must be consistent with the intent that the overview and scrutiny functions shall help to achieve a culture of continuous improvement throughout the Council*”.
2. There needs to be an acknowledgement by all concerned of the often conflicting viewpoints of how they would wish to see issues presented in the local media. There may be the potential for conflict between positions adopted by the Cabinet and those of an Overview and Scrutiny Committee on an issue and each may wish to promote its viewpoint in the media. The effectiveness of the overview and scrutiny functions relies to an extent on the ability to raise the profile of issues within the local media. Inevitably, there will be party political advantage to be gained by the manner in which items are reported in the media and the Administration would wish to see its decisions painted in a favourable light. However, the issue of separate and opposing press releases from Cabinet and an Overview and Scrutiny Committee will do little to enhance the reputation of the Council or to promote public understanding of the differing viewpoints.
3. In order to reflect but balance the sometimes opposing objectives, the following shall apply:
  - Any statements to the media concerning overview and scrutiny whether from Cabinet, Overview and Scrutiny Committees or individual members must be consistent with the intent that the overview and scrutiny functions furthers a culture of openness, co-operation and continuous improvement throughout the Council
  - The Chairman of each Overview and Scrutiny Committee may initiate the issue of statements to the media in furtherance of the work of the Committee and shall act as the main focus for media enquiries about the Committee’s work
  - Overview and Scrutiny Chairmen must discuss the issue and content of all press releases with the Head of Communications
  - All official press releases from the Council on overview and scrutiny issues will be issued by the press office
  - Where appropriate, press releases will be issued before a meeting of the Overview and Scrutiny Committee in order to attract media and public interest in the meeting; however, the content of any such press releases must be carefully balanced and the decisions or views of the Committee should not be anticipated

- With press releases issued after the meeting, other members of the Overview and Scrutiny Committee should be consulted if there is any doubt as to whether the views proposed for inclusion in the press release represent the views of the Committee
- The Chief Executive will adjudicate where agreement cannot be reached on the content of a press release with the intention of ensuring that the press release reflects the majority view expressed at the Committee meeting
- Where any member of a Committee is dissatisfied with the outcome of that adjudication, or wishes to express a minority view from that of the Committee, that member may issue **through their political group** a statement reflecting their viewpoint; the statement should not purport to be on the views of the Council; the press office will provide assistance on any technical issues if required
- The right to issue a non-official press release as set out above shall apply equally to the Chairman of a Committee as to any other member of the Committee.