

**OVERVIEW AND SCRUTINY  
AT WEST BERKSHIRE COUNCIL**

**A GUIDE**

**MAY 2004**

Welcome to West Berkshire's Council's Overview and Scrutiny Guide.

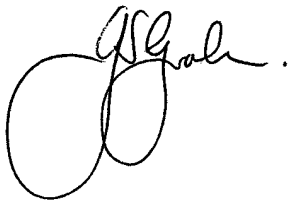
The Local Government Act 2000 changed fundamentally the way the Council, and individual Members, operates. This Guide describes the Council's arrangements for overview and scrutiny in implementing the act.

We have learned a great deal about the operation of overview and scrutiny over the last few months and we are still learning. This Guide draws on many of the lessons we have learned. It also provides further advice and guidance to help us move forward.

Overview and scrutiny must add value, and be seen to do so - if it doesn't, there is little point in carrying it out. We hope that this Guide will help us to achieve more effective scrutiny. If we succeed in this aim, we will be able to show clearly in the future that overview and scrutiny has contributed to:

- taking forward the Council's priorities;
- better performing services;
- improvements to the Council's policies;
- changes resulting from the reviews and investigations carried out;
- more effective engagement with the public and our partners;
- the development of Members' roles;
- more positive and productive working relationships with the Executive, with the need to use Call-in a rarity.

We will continue to develop and update the Guide to reflect our developing experience here in West Berkshire and best practice elsewhere.

A handwritten signature in black ink, appearing to read 'J. Graham', with a large, stylized initial 'J' and 'G'.

**Jim Graham**  
**Chief Executive**

## WHAT THE GUIDE AIMS TO COVER

This Guide describes how the overview and scrutiny function at West Berkshire Council is to be conducted. It aims to provide:

- clarity about the arrangements for overview and scrutiny;
- guidance for Members on their roles as scrutineers;
- guidance for staff who support the scrutiny process and for those who may be involved in providing information or evidence to scrutiny reviews;
- practical advice on setting up and conducting scrutiny reviews and investigations.

It is hoped that Members of Select Committees and those undertaking overview and scrutiny functions will use this document as a reference guide to refer to on a regular basis.

We hope that it will also be of interest to our many partners and to members of the public.

The structure of the Guide is as follows:

- **Part 1 - Overview and scrutiny at West Berkshire Council**
- **Part 2 - Select Committees**
- **Part 3 - Reviews**
- **Part 4 - Templates**
- **Part 5 - Useful information**
- **Part 6 - Appendices**

This is the first Overview and Scrutiny Guide that we have produced in West Berkshire Council. We will try to ensure that it remains relevant and useful by updating it as we learn further lessons through experience of what works and what doesn't.

If you would like to discuss the contents of this Guide or to discuss anything else to do with overview and scrutiny, or if you have any ideas on how it can be improved, please contact Chris Emerson, Head of Scrutiny, by telephone (01635 519423) or by E-mail ([cemerson@westberks.gov.uk](mailto:cemerson@westberks.gov.uk)).

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## **PART 1: OVERVIEW AND SCRUTINY AT WEST BERKSHIRE COUNCIL**

### **1.1 Introduction**

1.1.1 The overview and scrutiny process provides a real opportunity for Members who are not part of the Executive to:

- examine the various functions of the Council;
- question how and why decisions have been made;
- make recommendations for improvements to services;
- participate in the development of new policies;
- champion issues of concern to West Berkshire residents.

1.1.2 The Centre for Public Scrutiny has identified four principles for good scrutiny. It says that effective public scrutineers:

- provide 'critical friend' challenge to executives as well as external authorities and agencies;
- reflect the voice and concerns of the public and its communities;
- should take the lead and own the scrutiny process on behalf of the public; and
- should make an impact on the delivery of public services.

These principles provide a checklist against which we can measure the effectiveness of overview and scrutiny in West Berkshire.

1.1.3 The Council's overview and scrutiny arrangements have been designed to provide an independent and objective process for reviewing decisions and policies. They are not intended to be confrontational or adversarial; this would not be an effective way of carrying out the Council's business, nor would it best serve the residents of West Berkshire or other stakeholders.

1.1.4 This part of the Guide describes how overview and scrutiny is carried out in West Berkshire. It covers the following areas:

- the powers available to overview and scrutiny;
- the purpose of overview and scrutiny in the Council;
- arrangements and structure;
- the roles and responsibilities of Select Committees;
- the roles and responsibilities of those involved in overview and scrutiny;
- the arrangements for scrutiny support.

### **1.2 Powers**

1.2.1 The Local Government Act 2000 empowers overview and scrutiny committees and their members to review or scrutinise:

- decisions made by the Executive, Executive Members and officers in relation to key decisions;
- actions carried out within the remit of the Council;
- the performance of the Council in relation to targets and policy objectives.

It also gives them the right to call in, and examine, decisions made by the Executive, before the decision is implemented. In discharging their responsibilities, overview and scrutiny committees can require the attendance of Members and officers at their meetings.

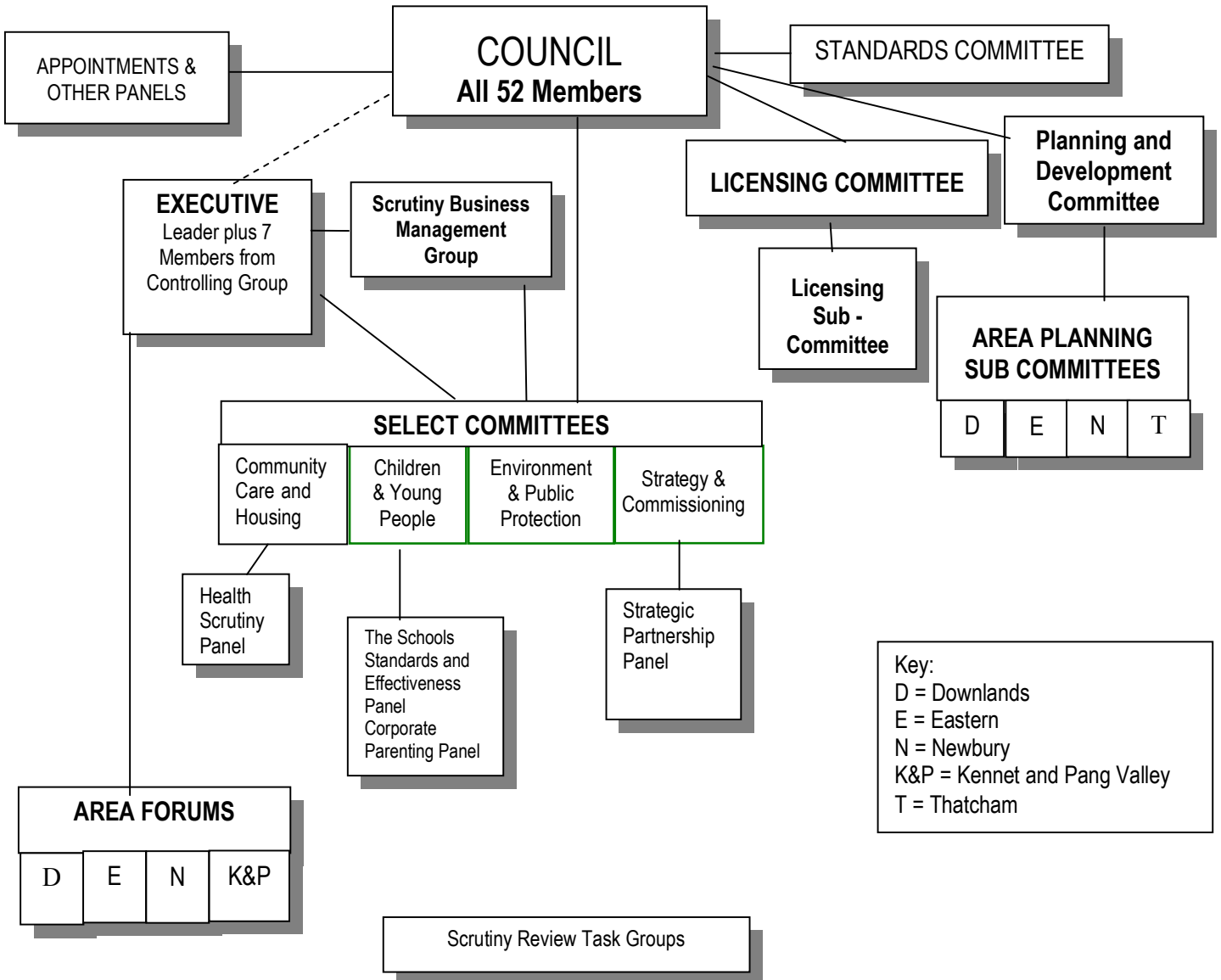
1.2.2 The Act also gives Councils the power to carry out external scrutiny. Under Part 1 of the Act, Councils can do "anything they consider likely to promote or improve the economic social or environmental well-being of the area". This allows scrutiny to consider the actions of other organisations and to examine their activities.

1.2.3 From January 2003, the Health and Social Care Act 2001 provided specific powers in relation to health scrutiny. The Act, and its associated regulations, grant local authorities formal powers in relation to scrutinising local NHS bodies, including strategic health authorities, primary care trusts and NHS trusts of all kinds. The new power of health scrutiny enables Councils to review and scrutinise any matters relating to the planning, provision and operation of health services within the local authority area. The Health Scrutiny Panel carries out this function on behalf of the Council.

1.2.4 Overview and scrutiny committees do not have the power to make decisions on behalf of the Executive or Council; they can only make recommendations.

1.2.5 Diagram 1 outlines the political management arrangements and responsibilities of the Council, the Executive and its committees.

Diagram 1: Committee Structure - West Berkshire



### **1.3 Purpose**

1.3.1 The Council's overview and scrutiny arrangements have been established to complement and add value to the work of the Executive by:

- helping to deliver continuous improvement;
- assisting in policy formulation;
- reviewing and proposing amendments to Executive decisions;
- monitoring performance.

### **1.4 Arrangements and structure**

1.4.1 The Local Government Act 2000 required Local Authorities to introduce new decision making structures. In May 2001, West Berkshire Council introduced its Executive and Select Committee system. This replaced the committee-based system which most local authorities had used for over 100 years. The Select Committees are based on the four service groupings; Children and Young People, Community Care and Housing, Environment and Public Protection, and Strategy and Commissioning.

1.4.2 The Strategic Partnership Panel, which reports to the Strategy and Commissioning Select Committee, scrutinises the work of some of the Council's external partners. The panel enables the Council to ensure that West Berkshire residents get added value from the Amey West Berkshire Partnership, the West Berkshire Partnership (Local Strategic Partnership) and the Children and Young People Partnership.

1.4.3 The Corporate Parenting Panel, which reports to the Children and Young People Select Committee, scrutinises the discharge of the Council's responsibilities as corporate parent.

1.4.4 The Schools Standards and Effectiveness Panel, which also reports to the Children and Young People Select Committee, scrutinises the performance of schools and the effectiveness of the Council's strategies for improving performance and tackling underachievement.

1.4.5 The Council's responsibilities in relation to the scrutiny of health functions are carried out by the Health Scrutiny Panel, which reports to the Community Care and Housing Select Committee.

1.4.6 To ensure the effective planning and coordination of the work programmes of the Select Committees, the Council has established a Scrutiny Business Management Group. The Council's Constitution makes the following statement about this group: "In order to plan effectively the work programmes of Select Committees and to avoid overlaps between Committees, the Chairmen of the Committees will meet informally to agree how business should be managed to ensure efficient use of Council time and resources. The Political Group Leaders shall be invited to attend such meetings as appropriate."



1.4.7 The Scrutiny Business Management Group meets once each month and has the following terms of reference:

**Key roles:**

- set out a programme/priorities for scrutiny;
- agree how cross-cutting issues should be scrutinised.

**Functions:**

- manage and coordinate the scrutiny programme, by:
  - ◆ agreeing priorities for scrutiny (taking on board the views of the Executive, Select Committees and the public) and establishing key themes to provide a framework for consideration of proposals for scrutiny reviews;
  - ◆ discussing potential overlaps between reviews agreed by the Select Committees and agreeing how these should be handled;
  - ◆ considering the resource implications of reviews, by considering the implications for Member and officer time and other resources;
  - ◆ agreeing the overall programme of scrutiny reviews, while recognising Select Committees' role in identifying the areas that they wish to review.
  
- act as an interface with the Executive, by:
  - ◆ taking part in an annual conference with the Executive and Corporate Board to discuss the Council's work for the year and to consider the scrutiny reviews related to this;
  - ◆ holding regular meetings (currently, once every two months) with the Executive to discuss key priority areas for review and other issues concerned with overview and scrutiny;
  - ◆ liaising informally with Members of the Executive on the progress of scrutiny reviews;
  - ◆ reviewing Executive decisions to consider whether there is a case for calling them in (recognising the role of Select Committees in this respect).
  
- review the forward plan and identify issues for scrutiny in advance of Executive decisions
  
- identify cross-cutting areas for review and how these will be carried out
  
- be responsible for monitoring of performance management, by:
  - ◆ receiving reports on how performance management is being dealt with by each Select Committee;
  - ◆ liaising with Performance Champions, where they have been introduced;

- ◆ identifying areas of performance that do not fit neatly within the remit of individual Select Committees and deciding how performance in these areas should be addressed.
- monitor the quality of scrutiny reviews and other overview and scrutiny activity, by:
  - ◆ ensuring that scrutiny reviews are carried out in line with best practice;
  - ◆ monitoring the effectiveness of Select Committees;
  - ◆ producing an annual report to Council, partners and the public on the work of the overview and scrutiny function.

## 1.5 Roles and responsibilities of Select Committees

- 1.5.1 The Council has appointed four Overview and Scrutiny Committees (known as Select Committees) to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations under Section 32 of the Act.
- 1.5.2 Diagram 1 shows how the Select Committees fit into the Council's political arrangements. It also shows the relationship that the panels reporting to the Select Committees have within the decision making structure.
- 1.5.3 Each Select Committee consists entirely of Members, reflecting the political composition of the Council, with the exception of the Children and Young People Select Committee, which also contains four voting co-opted members.
- 1.5.4 Within their terms of reference, Select Committees:
- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
  - make reports and/or recommendations to the full Council, Executive or Committees in connection with the discharge of any functions;
  - consider any matter affecting the District or its inhabitants;
  - review decisions made but not yet implemented by the Executive and Area Forums, where they have been called in by any five Members of the Council; and
  - meet in public unless the issues being discussed are of a private or confidential nature.
- 1.5.5 The roles and responsibilities of the Select Committees and the panels that report to them are shown in the following table:

Name	Roles and Responsibilities
<b>Children and Young People Select Committee</b>	To develop policy, provide an overview and scrutinise decisions in respect of the following areas: <ul style="list-style-type: none"> <li>• the provision of services in relation to Children and Young</li> </ul>

Name	Roles and Responsibilities
	<p>People and the development of life-long learning across the District;</p> <ul style="list-style-type: none"> <li>• the provision, planning, management and performance of schools and education services and learning, child protection, welfare, arts, youth, recreation and culture.</li> </ul> <p>To oversee Best Value Reviews that relate to the remit as outlined above.</p>
<p><b>Community Care and Housing Select Committee</b></p>	<p>To develop policy, provide an overview and scrutinise decisions in respect of the following areas:</p> <ul style="list-style-type: none"> <li>• the provision of welfare services across West Berkshire;</li> <li>• the provision, planning, management and performance of social, health care and housing services; including services for elderly persons and those with mental health problems and learning difficulties in West Berkshire; and the holding to account of the NHS affecting the residents of West Berkshire.</li> </ul> <p>To oversee Best Value Reviews that relate to the remit as outlined above.</p>
<p><b>Environment and Public Protection Select Committee</b></p>	<p>To develop policy, provide an overview and scrutinise decisions in respect of the following areas:</p> <ul style="list-style-type: none"> <li>• the provision, planning, management and performance of planning, highways, transport, public protection and countryside services and the overview of joint environmental initiatives at a County and regional level;</li> <li>• the Committee will oversee issues affecting the environment of West Berkshire, including those at a regional and national level which are of direct relevance to the District. The Committee will also oversee the provision of services that are geared towards the protection of the local community.</li> </ul> <p>To oversee Best Value Reviews that relate to the remit as outlined above.</p>
<p><b>Strategy and Commissioning Select Committee</b></p>	<p>To develop policy, provide an overview and scrutinise decisions in respect of the following areas:</p> <ul style="list-style-type: none"> <li>• the overall economic, social and environmental well being of West Berkshire including overseeing the preparation of community strategies and area-based initiatives;</li> <li>• the Council's budget, the management of its budget, capital, revenue borrowing and assets and its audit arrangements;</li> </ul>

Name	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• the provision, planning, management and performance of Council services, including policy and performance, legal and electoral services, information and communication and any Council function not otherwise addressed by another Committee, the performance of those services to be provided by the Council's partner, Amey;</li> <li>• local democracy and the achievement of effective, transparent and accountable decision-making by the Council.</li> </ul> <p>To oversee Best Value Reviews that relate to the remit as outlined above.</p>
<b>Strategic Partnership Panel</b>	<p>To:</p> <ul style="list-style-type: none"> <li>• monitor the work and the performance of the Council's Strategic Partnerships;</li> <li>• monitor the effectiveness of the Council's strategic partnerships in delivering change;</li> <li>• assess the opportunities taken to enhance community participation.</li> <li>• review the Annual Reports of the Strategic Partnerships.</li> </ul>
<b>Health Scrutiny Panel</b>	<p>To:</p> <ul style="list-style-type: none"> <li>• consider the way in which the commissioning and delivery of healthcare services locally <ul style="list-style-type: none"> <li>□ facilitates the health and well-being of the community of West Berkshire</li> <li>□ contributes to health improvement</li> <li>□ reduces health inequalities;</li> </ul> </li> <li>• ensure that the needs and wishes of all the population (including socially excluded groups) for health and health-related services have been identified;</li> <li>• ensure that all services that have an impact on the health of local people are accessible to, and can be accessed by, all parts of the local community;</li> <li>• determine whether the outcomes of intervention are equally good for all groups and sections of the local population;</li> <li>• scrutinise any proposed significant changes to local health service provision and assess the impact of these on local people.</li> </ul>
<b>Corporate Parenting Panel</b>	<p>To scrutinise the discharge of the Council's Corporate Parenting responsibilities, through:</p> <ul style="list-style-type: none"> <li>• examination of key statutory performance measures and of officers' explanations of performance;</li> </ul>

Name	Roles and Responsibilities
	<ul style="list-style-type: none"> <li>• analysis of the key trend data related to looked after children;</li> <li>• discussion with, and examination of, key stakeholders and partners in corporate parenting, including: managers and practitioners of the Children and Young People service grouping; carers; looked after young people; representatives from health, schools, youth offending team etc;</li> <li>• engaging young people who are looked after by the Council to act as permanent or specific advisers to the panel, ensuring their participation and ability to influence the services provided to them;</li> <li>• receiving presentations from officers, based on anonymised case studies, chosen to highlight key national or local policy and practice issues.</li> </ul> <p>To report its activity and findings to the Children and Young People Select Committee, including recommending action to be taken by the Select Committee, Executive or lead Members under delegated powers.</p>
<p><b>The Schools Standards and Effectiveness Panel</b></p>	<p>To provide an overview about and to scrutinise:</p> <ul style="list-style-type: none"> <li>• the outcomes from school inspections by Ofsted and the progress made in individual school action plans;</li> <li>• the overall performance of schools as measured by the achievement of children &amp; young people in national tests and examinations;</li> <li>• the impact of the Council's Education Development Plan and the effectiveness of support and challenge provided to schools by the Children &amp; Young People's service grouping;</li> <li>• the effectiveness of the Council's strategies for improving performance and tackling underachievement;</li> <li>• the progress made by schools judged to be a cause for concern, underachieving, having serious weaknesses or requiring special measures;</li> <li>• the impact of local and national strategies on standards of education including the deployment of external funding and the recruitment and retention of staff.</li> </ul>

## 1.6 Roles and responsibilities of those involved in scrutiny

1.6.1 Overview and scrutiny will only work as it is intended to if Members, rather than officers, take the lead. Members should lead in shaping work programmes, processes and outputs

and in providing clear leadership to officers supporting scrutiny. This leadership will enable the scrutiny process to break the traditional feel of the old committee system. To ensure success, Members must: provide leadership and direction; make recommendations based on their deliberations; and be responsible for the outcomes of scrutiny.

1.6.2 The overview and scrutiny process involves a large number of people. The following table highlights their main responsibilities:

<b>Role</b>	<b>Responsibilities</b>
<b>Chairman and Vice-Chairman of Select Committee</b>	<ul style="list-style-type: none"> <li>• provide leadership and direction, and ensure that the Committee stays focused on topics at hand;</li> <li>• develop a working knowledge of the scrutiny, policy development and improvement function;</li> <li>• ensure that scrutiny work is managed effectively and based on evidence;</li> <li>• establish positive links with officers and with the Executive Member(s) responsible for the services subject to scrutiny;</li> <li>• ensure the work programme is Member led and is managed effectively in accordance with the timetable agreed by the Select Committee;</li> <li>• liaise with scrutiny officers to set agendas;</li> <li>• engage all Members of the Select Committee and ensure they have an opportunity to contribute;</li> <li>• present clear resolutions;</li> <li>• accept responsibility for the recommendations of the Select Committee and advocate them where necessary;</li> <li>• maintain the highest standards of conduct and ethics.</li> </ul>
<b>Select Committee Members</b>	<ul style="list-style-type: none"> <li>• play an active part in the deliberations and work of the Select Committee;</li> <li>• develop a good working knowledge of the areas for which the Select Committee is responsible;</li> <li>• identify areas needing review or monitoring and help to develop the Committee's work programme;</li> <li>• participate in reviews and make recommendations based on the evidence gathered and with the best interests of the people of West Berkshire in mind;</li> <li>• maintain the highest standards of conduct and ethics.</li> </ul>
<b>Coopted Members</b>	<ul style="list-style-type: none"> <li>• bring residential or community perspectives to the scrutiny process;</li> <li>• provide outside knowledge and understanding to the scrutiny process;</li> <li>• help develop the work programme;</li> <li>• participate in reviews and make recommendations based on the evidence gathered and with the best interests of the people of West Berkshire in mind;</li> </ul>

<b>Role</b>	<b>Responsibilities</b>
	<ul style="list-style-type: none"> <li>• have equal access to the information at hand to allow participation in the topics under consideration;</li> <li>• maintain the highest standards of conduct and ethics.</li> </ul>
<b>Witnesses from within the Council</b>	<ul style="list-style-type: none"> <li>• explain policy and why it was introduced;</li> <li>• outline current performance;</li> <li>• explain alternative policies and why they were not implemented;</li> <li>• assist Members by providing evidence to conduct their reviews.</li> </ul>
<b>External Witnesses</b>	<ul style="list-style-type: none"> <li>• provide opinion and advice to Members.</li> </ul>

## **1.7 Scrutiny support**

1.7.1 The Scrutiny team currently consists of the Head of Scrutiny and two scrutiny support officers.

1.7.2 Each scrutiny support officer supports two Select Committees and their associated task groups, working actively with the Chairman, Vice-Chairman and Members to plan, prepare and carry out effective scrutiny on behalf of the Council.

1.7.3 Much of the Support Team's work is carried out away from meetings. This includes work on behalf of the Committees and task groups such as planning, research, assisting in the drafting of reports and ensuring the implementation of decisions and recommendations made by the Committees.

1.7.4 The table below sets out the main responsibilities of the members of the Scrutiny Team:

<b>Role</b>	<b>Responsibilities</b>
<b>Head of Scrutiny</b>	<ul style="list-style-type: none"> <li>• advise the authority on overview and scrutiny matters.</li> <li>• ensure the authority conducts a high quality of scrutiny work.</li> <li>• liaise with Corporate Board.</li> <li>• liaise with Executive Members.</li> <li>• liaise with Scrutiny Business Management Group.</li> <li>• coordinate Member development with regards to scrutiny.</li> </ul>
<b>Scrutiny Support Officers</b>	<ul style="list-style-type: none"> <li>• liaise with Chairmen to set agendas.</li> <li>• liaise with Chairmen to set work programmes.</li> <li>• act as a project manager to assist Members to undertake reviews.</li> <li>• provide constitutional and procedural advice.</li> <li>• assist Members to conduct research.</li> <li>• assist Members in drafting reports.</li> </ul>

## **1.8 Joint working between overview and scrutiny and the Executive**

- 1.8.1 The Local Government Act 2000 generated a twin arm approach to the governance of Councils: the Executive is the decision making arm, while overview and scrutiny provide “checks and balances” accountability. The intention for the real separation of the two arms is clear from the fact that Executive Members are not permitted to be on overview and scrutiny committees.
- 1.8.2 However, for the Council as a whole to work effectively, there is a need for robust relationships and joint working at a range of levels between the two arms. These include both informal and formal links. Informal meetings between the Chairmen of Select Committees and appropriate Executive Members are of great value, as are similar meetings between Chairmen of Select Committees and the appropriate Corporate Directors. More formal arrangements for joint working are described below.
- 1.8.3 It is planned to hold an annual conference involving Corporate Board, the Executive and the Select Committee Chairmen. The purposes of the conference will be to:
- identify items in the Council’s Forward Plan for the year that it might be helpful to review;
  - indicate when such reviews might usefully take place;
  - avoid duplication of work and effort, where, for example, another Member or officer group is already looking at the issue.
- 1.8.4 While the Executive and Corporate Board can only make suggestions for subjects for reviews, it is hoped that, at the end of the conference, there will be an outline programme of scrutiny reviews for the forthcoming year.
- 1.8.5 To provide further opportunities for joint working between the decision making and overview and scrutiny arms of the Council, members of the Executive are invited to join alternative meetings of the Scrutiny Business Management Group. This provides an opportunity, every two months, for Executive Members and the Select Committee Chairmen to explore emerging issues in the overview and scrutiny process.



## **PART 2: SELECT COMMITTEES**

### **2.1 Introduction**

2.1.1 The process of overview and scrutiny must be led by Members and its approach should be quite different from the work carried out under the previous committee system. While there will still be a limited need for papers produced by officers, it is essential that agendas are based on issues that Members wish to review or challenge.

2.1.2 The arrangements for Select Committee meetings may differ from those for other Council committees. For example, Select Committees:

- may wish to meet in a more informal atmosphere and at venues outside the Council's premises;
- may invite those whom it believes can help with their work to give evidence;
- may invite members of the public to attend meetings to participate, for instance by asking questions.

2.1.3 Party politics should have a much smaller part to play in the operation of overview and scrutiny than in the previous system. It is crucial for successful scrutiny that each Member is able to approach the subject under discussion or review with an open mind and to use his or her own judgement to weigh the evidence and to come to conclusions. To this end, Members should not be subject to party whips when undertaking overview and scrutiny functions.

2.1.4 Select Committees should recognise that it is the Executive, rather than officers, who are responsible for policy and its implementation. Consequently, where Members wish to seek information about policies and/or their implementation, they should first of all seek to secure that information from the relevant Executive Member(s). It should be common practice to invite the relevant Member(s) of the Executive to attend meetings where such information is sought.

### **2.2 Meetings**

2.2.1 Meetings of each Select Committee are timetabled in advance, on a two monthly cycle. The main reason for this is to get meetings into Members' diaries as early as possible. Select Committees should not, however, feel that they are required to keep to this timetable. There may be a need for more meetings, or less. Equally, where a Select Committee is carrying out a review into a particular area of focus, over say a six month period, it may wish to arrange its meetings over this period to coincide with key milestones in the review.

2.2.2 Select Committees meetings are held currently in the Council Chamber at the Market Street Offices. Members may find it helpful to hold their meetings in other locations, particularly where the subject under review has a particular relevance to a specific

geographical area or to a defined group of people. For example, a review into developments in Hungerford would probably increase public interest and involvement if it were held in that part of West Berkshire. Similarly, a meeting looking at school budgets might be best located in a school hall.

- 2.2.3 Although Select Committees meet in public and do, of course, need to be chaired well so that the business of the meeting makes effective progress, there is no need for a high level of formality. Members may find it helpful to try different seating layouts, to break the meeting in to smaller groups, reconvening the full meeting later to consider the conclusions from each group. The key to a successful outcome should be fitness for purpose. The aim of the meeting, the required outcome and the likely preferences of participants – particularly those from outside the Council – should be considered when determining the arrangements for a particular meeting.
- 2.2.4 As far as possible, the broad agenda for each meeting should be agreed at the previous meeting by the whole Select Committee. More detailed agenda setting is the responsibility of the Chairman and Vice-Chairman of each Select Committee. They may find it helpful to meet informally with the Director of the relevant service grouping to discuss issues that are planned for the agenda. This provides an opportunity to agree which senior officers (if any) should attend part or the entire meeting, and to seek the Director's perspective on the agenda items. The Chairman and Vice-Chairman may also meet with the scrutiny support officer to plan the meeting and to ensure that relevant documentation is available and witnesses are invited. If required, the Head of Scrutiny will also attend these briefing meetings.
- 2.2.5 All Members are free to attend Select Committee meetings, on an observer basis; this applies equally to Members of the Executive. Other than those who are part of the Committee, Members should only contribute to the meeting when invited by the Chairman to do so. Relevant Executive Member(s) may be invited to meetings to answer questions, to provide information or to discuss policy issues or proposals. This is for the Select Committee to decide.
- 2.2.6 Select Committee meetings are supported by members of the Scrutiny Team. Other officers should only attend meetings to take part when invited to do so. This will often be for part of the meeting and will usually be to provide information for, or answer questions from, the Committee.
- 2.2.7 Select Committee meetings are open to the public and press. Members may find it helpful to consider whether, for some topics, the views of those attending the meeting might be of value and, if so, to invite them to participate in the meeting. While the Committee as a whole should discuss this at the start of work on a particular subject, it will be for the Chairman to decide whether to invite public participation at individual meetings.
- 2.2.8 Members of the public or representatives of other organisations may also be invited to attend meetings of Select Committees as "witnesses", to provide Members with their views and opinions on the subject under review. It is important that witnesses, whether external or Council officers, have a clear understanding of the purpose of their attendance at the

meeting and the areas that are likely to be covered. A suggested letter to invite witnesses to a meeting can be found at 4.5.

## **2.3 Establishing an annual work programme**

2.3.1 It is the responsibility of each Select Committee to develop an annual work programme to help manage its work efficiently. In drawing up its work programme, Members will want to ensure that:

- a range of scrutiny activities is included;
- topics for consideration draw as far as possible on the Council's priorities;
- the workload is manageable, both for the Committee and the Council.

2.3.2 The main types of scrutiny activity include:

- scrutiny reviews;
- policy review and development;
- public concern issues;
- monitoring activities;
- holding the Executive to account.

2.3.3 Possible subjects for scrutiny can be suggested by:

- Members (of the Select Committee, Scrutiny Business Management Group, and other non-Executive Members);
- the Executive or individual Executive Members;
- coopted members of Select Committees or task groups;
- officers;
- local organisations; or
- residents (the Council's website has the facility for residents both to give their views on existing reviews and to propose subjects for future reviews).

2.3.4 A form on which Members and others can request a review can be found at 4.1.

2.3.5 In developing a work programme, the following should be undertaken:

1. review the Council's forward plan
2. identify potential topics/issues
3. select topics/issues for review
4. identify the rationale for selected topics
5. agree work programme
6. allocate work

- 2.3.6 At the starting point of developing a Select Committee's work programme, it is important that Members review the Council's forward plan, which is required to list all key decisions that the Executive will be taking over a four month period. This will allow Members to identify key areas of policy that they may wish to review prior to adoption. This, in turn, will enable Members to input into policy development prior to agreement by the Executive and thus cut down on the need for Call-in.
- 2.3.7 There are a number of sources for potential topics/issues for review. These may include: proposals from the Executive or other Members; suggestions from officers, local organisations, partners or members of the public, priorities from the Corporate Plan or Community Plan, high level of user/general public interest; or a high priority area for the Council or the Government. It is important to focus on important issues and not get distracted by minor matters that should be pursued through the appropriate Service Unit or by individual complaints that are dealt with via the Council's complaints procedure. Members should be clear about their reasons for selecting a particular issue for review and what outcomes are desired.
- 2.3.8 Once potential topics/issues for review have been identified, the next step is to prioritise them into a realistic work programme.
- 2.3.9 There is a need to focus the limited time and resources available on areas that can make a real difference; we must resist the temptation to try to look at everything.
- 2.3.10 It is important to identify the rationale for a potential review. Knowing why a review is being undertaken will help when deciding the terms of reference. To help identify areas for inclusion in the work programme, Members may find it helpful to test them against the following criteria:
- will the review result in improvements for local people?
  - is it an important issue for West Berkshire residents?
  - is there a high level of dissatisfaction with the particular issue?
  - does it fall within the Council's Corporate or Community priorities?
  - is it a poorly performing service?
  - was it highlighted as needing improvement in an external inspection or evaluation?
  - is it a proposed change to a key area of the Council's responsibilities?
- 2.3.11 Once the Select Committee has agreed which topics to include, the next step is to build an effective work programme. Consideration should be given to the Committee's capacity to carry out reviews. Holding too many reviews at one time risks overburdening both Members and officers, with a potential impact on service delivery and other Council priorities. It is unlikely that any one Select Committee will have the capacity to carry out more than 2 or 3 in-depth reviews in any one year. If Members are in doubt about having sufficient capacity to carry out a particular review, then it is recommended that the existing

workload is reexamined to ensure that key issues can be resolved on schedule. Alternatively, Members may decide to put the particular review on hold.

- 2.3.12 The work programme should be sufficiently flexible to allow ad hoc reviews that may be required throughout the year. When unexpected problems and important issues are brought to the attention of the Select Committee, having the capacity to undertake an urgent review is important.
- 2.3.13 Once a programme of work has been agreed, the final step is to allocate the work. While this can be discussed as a whole, it is important that consideration is given to the best way of carrying out each review. This is dealt with in the next part of the Guide.

## **2.4 Monitoring performance**

2.4.1 Currently, the only involvement of Select Members in “performance” relates to quarterly monitoring of performance indicators (PIs). These are dealt with at the meetings of the Select Committees. This is unsatisfactory for a number of reasons: the meetings often take place too late to affect performance; the discussions are often insufficiently focused on areas of poor performance; and concentrating solely on PIs is a very narrow approach to influencing and improving performance. The planned introduction of high level (Level 1) performance indicators to replace the current information provided to Select Committees will allow them to focus their monitoring activity appropriately.

2.4.2 However, there is a range of other activities that Members can become involved in and which have a real potential to improve performance, rather than just monitor it. These include:

- monitoring of PIs – with a much greater focus on improving poorly performing areas;
- Best Value activities;
- outside evaluations/inspections;
- service plans;
- Public Service Agreement (PSA) stretch targets;
- the work of the Improvement Planning Group (IPG), particularly in relation to corporate priorities and organisational development themes.

2.4.3 Dealing with all of these issues in meetings of the Select Committees has not proved to be effective. While consideration of service plans, Best Value activities and external evaluation/inspection reports may be best dealt with in Committee meetings, scrutiny of performance data may be handled more effectively through different arrangements. Members may wish to consider the creation of Performance Champions in each Select Committee (probably two in each). These would have a particular focus on performance, would receive performance data as soon as it becomes available and would follow up areas of poor performance with relevant managers. They would then report to their respective Select Committees, which could make recommendations to Executive. In some circumstances, where immediate action would be beneficial, an informal discussion between the Chairman of the Select Committee (after briefing from the Performance

Champions) and the appropriate Executive Member may be the most effective and speedy way forward.

- 2.4.4 While many performance strands have a natural “home” in one of the Select Committees, and these are where they should be dealt with, this will not work well for cross-cutting strands, for example the Council’s four organisational development themes. These will be considered by the Scrutiny Business Management Group, which may decide to allocate responsibility to one or more of the Select Committees.

## **2.5 Monitoring the budget**

- 2.5.1 Monitoring the progress of the Council’s revenue and capital budgets is an important part of the scrutiny process, which will help provide clear and effective financial planning for the authority.

- 2.5.2 Regular budget monitoring is carried out across all service units on a monthly basis and a summary reported to Corporate Board. Budget monitoring information is also provided for members of the Executive. There is also a role for scrutiny Members to play in the budget monitoring process and monthly information is available on request to Members.

- 2.5.3 Apart from information being made available to Members on request, the Select Committees also receive budget monitoring reports on a quarterly basis. A summary of the budget is sent out which highlights where there are overspends or underspends and any management action proposed. Heads of Service and Corporate Directors are routinely invited to attend Select Committee meetings to provide clarification for Members.

- 2.5.4 It is important that the monitoring of budgets at meetings of Select Committees focuses on areas of concerns and does not become too bogged down in detail. Each Select Committee may consider nominating one or two “Budget Champions” who can carry out more detailed scrutiny and report back at the next meeting.

## **2.6 Budget scrutiny**

- 2.6.1 The Council’s Constitution requires that the budget, which forms part of the Council’s Policy Framework, is subject to scrutiny. A Budget Scrutiny Group, comprising the Chairmen and Vice-Chairmen of the four Select Committees, carries out this work. Its terms of reference are as follows:

- scrutinise the Council’s Revenue Budget.
- scrutinise the Council’s Capital Budget.
- review other areas within the capital and revenue spend of the Council as the Budget Scrutiny Group sees fit.
- formally report comments to the Executive as part of the budget setting process.
- be aware of the context within which the budget is set – this included briefing on financial strategy, proposed changes to the Local Government finance scheme and the annual government finance settlement.

2.6.2 Drawing on the lessons learned during the scrutiny of the 2004/05 budget proposals, the following improvements have been agreed:

- the process to start much earlier in the year, with the first meeting of the Budget Scrutiny Group taking place in April;
- each year, the Budget Scrutiny Group to identify a small number of areas of the revenue budget for detailed scrutiny;
- each Select Committee to have an early opportunity, in June or July, to hear from the relevant Executive Member(s) and Director their initial thoughts on budget pressures for the following financial year and to express Members' own views on spending priorities;
- proposals for budget pressures to be based on a business case model and made available to the Budget Scrutiny Group at the earliest opportunity. In particular, "spend to save" proposals to be accompanied by quantification of the associated savings and when these would come into effect;
- improvements to the consistency and quality of financial information made available to the Budget Scrutiny Group.

***In relation to the Capital Programme:***

- each Select Committee to have an early opportunity, in June or July, to hear from the relevant Executive Member(s) and Director their initial thoughts on capital projects for the following financial year and to express Members' own views on capital priorities;
- a clear process for individual Members to propose capital projects in relation to their own Wards. Proposals to include justification for the project, with particular regard to the Council's Corporate priorities.
- greater and clearer involvement of Members in the development of the Capital Programme, including liaison of members of the Budget Scrutiny Group with the Director leading the officer Capital Group, with a particular focus on examining the processes through which individual projects are included in the programme.

**2.7 Call-in**

2.7.1 Holding the Executive to account is a key role of scrutiny. The 'Call In' procedure allows non-Executive Members to request that key decisions made by the Executive or officers be referred back to the appropriate Select Committee for review, prior to implementation.

- 2.7.2 The Head of Policy and Performance publishes all “Executive decisions” (decisions of the Executive, Committees of the Executive, Area Forums and individual Members of the Executive and ‘key decisions’ taken under delegated powers by officers) to all Members of Council. Decisions will generally be published each week at 5pm on Wednesday and Friday, assuming that there are any decisions to publish. Where a decision has been taken for reasons of expediency, and that decision will not be subject to the Call-in procedures, the reasons for that decision must be stated clearly in the notice of decision.
- 2.7.3 The Call-in procedure is designed to strike a balance between enabling its ease of use and preventing abuse. Call-in requires five Members of Council (excluding Members of the Executive) to give notification to the Head of Policy and Performance requesting that the decision be reviewed by the relevant Select Committee. The request must be made in writing, by fax or by e-mail by 5pm on the fifth clear day following the publication of the decision. The notice is required to give reasons for the request ('Call-in request').
- 2.7.4 When a Call-in request is made, the Head of Policy and Performance will inform the Executive Leader and the Chairman of the relevant Select Committee of the request. A special meeting of the relevant Select Committee will be convened as soon as reasonably feasible to review the decision, unless the matter can conveniently be reviewed at the next scheduled meeting of that Committee. Where a Call-in request relates to a decision which is within the terms of reference of more than one Select Committee, the Scrutiny Business Management Group will decide which Select Committee will review the decision.
- 2.7.5 Any Member who has signed a Call-in request may attend the meeting of the Select Committee when the decision is reviewed and may speak to that item of business. The Select Committee cannot overturn the decision that it is reviewing, but may either concur with the decision or refer it back to the Executive for further consideration. If the Select Committee is of the opinion that a decision is outside the Budget and Policy Framework approved by the Council, the Select Committee may refer the decision to the Council. The Council may concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration.
- 2.7.6 Having finalised its view, the Select Committee will produce a report for the next meeting of the Executive either confirming the original decision or proposing amendments. The report will explain the Committee’s reasoning for either acceptance of the original decision or for its proposed amendments. If the Select Committee upholds the Executive decision, that decision shall take immediate effect. Any matter that has been the subject of a Call-in request may not be the subject of a further Call-in request.



## **PART 3: SCRUTINY REVIEWS**

### **3.1 Introduction**

3.1.1 This part of the Guide focuses on planning, carrying out and reporting scrutiny reviews and the actions that are needed once the report has been considered by the Executive or Council. It also provides practical advice on how to carry out a successful scrutiny review, drawn partly from our own experience in West Berkshire and partly from good practice identified in other authorities or through national research.

3.1.2 A scrutiny review may best be defined as an investigation into an area of activity, carried out by a Select Committee or a task group set up for the purpose, with a view to making recommendations to the Executive in the light of the evidence gathered.

3.1.3 There are a number of key principles that should underpin every review:

- the whole review needs to be carefully planned at the outset;
- Members should begin the review with an open mind;
- party politics should have no part to play;
- the review should be firmly based on evidence;
- the mechanisms for gathering evidence should be tailored to meet the needs of the individual review;
- the conclusions of the review, and any recommendations it makes, should draw directly from the evidence gathered;
- recommendations have the best chance of being accepted if key players such as the relevant Executive Member(s) and Director(s) are briefed throughout the review and especially at the beginning and end;
- witnesses should be treated with respect and courtesy and should be briefed thoroughly in advance about the purpose of the review, areas for questioning, who will be at the meeting, and so on.

3.1.4 Carrying out a successful review requires a range of skills and focused support. The skills and characteristics listed below are drawn from the work of the Centre for Public Scrutiny:

- objectivity;
- inclusive, focused chairing;
- active listening and sympathetic questioning;
- deliberative skills and consensus building;
- reflective, learning from experience and innovation;
- analytical skills;
- report writing.

3.1.5 The support needed may include:

- access to information and expert advice;

- adequate resourcing to allow consultation with and involvement of the public, other organisations and our partners;
- officer support;
- professional communications advice and support;
- appropriate training and development.

3.1.6 The remainder of this part of the Guide covers the following areas:

- establishing a review at Select Committee;
- selecting a task group;
- who can attend meetings and who can take part;
- detailed scoping;
- carrying out the review;
- involvement of Members of the Executive;
- interviewing witnesses;
- other evidence gathering;
- ensuring follow up;
- involving the media;
- producing the report;
- presenting the report to Executive/Council;
- monitoring implementation of recommendations.

## **3.2 Establishing a review at Select Committee**

3.2.1 It is important that, when establishing a review, the whole Committee is fully involved in discussions about how it should be carried out – “outline scoping”. Members will need to agree on:

- the rationale for carrying out the review (why?);
- the outline terms of reference (what will we focus on?);
- the documents to be considered, the witnesses to be called, the research to be carried out and the sites to be visited (what evidence will we need?);
- the timescale (when will it start and how long will it take?);
- the desired outcome (what do we see as the end product of the review?).

3.2.2 At this stage, Members will also need to decide who will be involved in the review. Will it be the whole Committee or will it be delegated to a task group? Or, will it be a combination, with part of the review activity taking place at Select Committee meetings with a task group set up to carry out other parts of the scrutiny work between meetings? If a task group is to be used, for all or part of the review, it is important to establish, as far as is possible at this stage, at what time of day the work of the task group will need to be carried out. This will assist Members in deciding whether or not they will be able to give sufficient commitment to the review to volunteer to be one of the task group members.

- 3.2.3 A template to guide outline scoping can be found at 4.2. Once completed, this will be included in the Members' Bulletin. Updates on progress of the review will also be included in the Members' Bulletin at appropriate stages of the review.

### **3.3 Selecting a task group**

- 3.3.1 There are no hard and fast rules about the membership of task groups. Experience so far indicates that it is easier to coordinate the diaries of a relatively small number of Members than for a larger number. Task groups of between four and six Members seem to work well, although for smaller pieces of work two Member task groups have proved effective. The key determinants are the ability and willingness of Members to commit to taking part in all the task group activities and the skills and experience that they bring. To enable as many Members as possible to take part in scrutiny reviews, meetings should preferably be arranged at times that are convenient for Members.

- 3.3.2 There is no need to restrict membership of the task group to Members of the Select Committee. Members from other Select Committees may bring different perspectives. Inclusion of the relevant Executive Member may also have advantages in terms of understanding the issue under review. Coopted members, for example users of services or people with particular expertise, may also be considered. In some cases, Select Committees may wish to include an expert adviser. Where this is the case, this should be referred to the Head of Scrutiny, as there may be implications for the budget available.

### **3.4 Who can attend meetings and who can take part?**

- 3.4.1 Unlike the proceedings of Select Committees, task group meetings will usually not be open to the public. However, it is for the task group to decide for a particular review, or for parts of it, whether opening the meeting to the public is appropriate or beneficial and whether members of the public who do attend should be allowed to participate in the meeting. This should be discussed and agreed at the detailed scoping stage.
- 3.4.2 Members may attend task group meetings as observers. They may not take part unless the task group agrees that they should. Officers should only attend if invited to do so. If there is an ad hoc request from a member of the public to attend a meeting, the Chairman of the task group should discuss this request with the Chairman and Vice-Chairman of the relevant Select Committee.

### **3.5 Detailed scoping**

- 3.5.1 The outline scoping agreed by the Select Committee should be developed to produce a workable scrutiny review plan. This applies whether the review is to be undertaken in its entirety by the Select Committee, by a task group or by a combination of these approaches.

3.5.2 Detailed terms of reference should be discussed and agreed before any work is started. While working approaches are likely to evolve as the review proceeds, the following factors should be considered at the beginning of the review:

- detailed terms of reference;
- the information needed;
- the information sources;
- how the information will be gathered;
- written information;
- witnesses;
- site visits;
- other information;
- ways of working (short meetings, one-day conferences, visits to other organisations etc);
- schedule of meetings and other activities (frequency, venues, times etc);
- report writing (drafting should usually be by the Chairman of the task group, but the Scrutiny Team can assist if required);
- timings for consideration of the report by Select Committee, Corporate Board (if appropriate) and Executive or Council;
- who will present the report to Executive or Council (this will usually be the Chairman of the Select Committee).

3.5.3 A template to guide Members through this detailed scoping exercise can be found at 4.3. Once completed, copies will be sent to the Select Committee, the Scrutiny Business Management Group and the relevant Executive Member(s) and Director(s). Although detailed scoping is a task for the whole Committee or task group, the Chairman may find it helpful to provide a draft for consideration at the meeting. The Scrutiny Team can provide assistance in this task.

3.5.4 The terms of reference for the review will also be included on the Council's website and members of the public will be invited to submit their views.

### **3.6 Carrying out the review**

3.6.1 The role of the Chairman will be central in ensuring that the review keeps to timetable and that the task group remains objective in its approach. While the Constitution allows minority reports, these should be avoided if at all possible. It is important, therefore, that the Chairman ensures that the Members of the task group are in agreement throughout the progress of the review.

3.6.2 It is crucial that the review is evidence based and that any recommendations are supported fully by the evidence. To this end, it is recommended that, after each session, time is given to considering the evidence that has been heard and to identify the strands and conclusions that can be drawn. The scrutiny officer supporting the review will assist the Chairman and the task group in this.

- 3.6.3 At the end of the review, it is recommended that there is a separate meeting to discuss all the evidence that has been obtained during the review and to formulate recommendations.
- 3.6.4 The person responsible for producing the report (usually the Chairman of the task group) will produce a draft report and circulate it to the other Members of the task group. It is helpful if the relevant Director(s) and Executive Member(s) are sent copies of the draft to invite their comments.
- 3.6.5 The Chairman of the task group will present the report to the Select Committee. The final report to be considered by the Executive must be agreed by the Select Committee.

### **3.7 Involvement of Members of the Executive**

- 3.7.1 It should be recognised that recommendations are more likely to be accepted by the Executive or Council if they, and the review that has produced them, have the support of the Executive. It is suggested, therefore, that there should be informal meetings between the Chairman of the task group and the appropriate Member(s) of the Executive at various stages of the review:
- ***At the start of the review***, the meeting should focus on the outline terms of reference established by the Select Committee. This should afford the Executive Member(s) the opportunity of commenting on the terms of reference before these are fined down by the task group;
  - ***At the mid point of the review (particularly for longer reviews)***, the meeting should provide an opportunity for discussing the review's progress and emerging themes or strands.
  - ***Towards the end of the review***, the meeting should provide an opportunity to discuss the outcomes of the review and the recommendations that are likely to be made to the Executive or Council.

### **3.8 Interviewing witnesses**

- 3.8.1 Select Committees have the power to require the attendance of Executive Members and senior officers (third tier and above) to attend meetings to provide oral evidence. A senior officer will usually accompany more junior officers if they are invited to attend. Select Committees can also invite (but not require) other people to attend. These may include representations of partners or other organisations, experts in the field, service users or members of the public.
- 3.8.2 The cooperation of outside witnesses is a crucial element in making reviews successful and the Council wishes to put on record its gratitude to those people who are prepared to give up their time to attend meetings to provide evidence.

- 3.8.3 Witnesses, whether internal to the Council, from other organisations or service users, can provide invaluable evidence to Members in carrying out a scrutiny review. Sufficient time should be allowed for questioning. Experience has shown that, to get the very best from witnesses, it is important that they are fully briefed in advance. Witnesses need to be clear about the purpose of the review, the sorts of questions they are likely to be asked and how the information they provide will be used. A proforma of a letter to witnesses is included at 4.5.
- 3.8.4 The questioning of witnesses is a new area for many Members; it certainly requires particular skills. It is helpful to decide on the questions, and who will ask them, in advance of the session. Questioning should aim to try to understand and explore issues, rather than trying to catch the witness out. Members should try to avoid making statements. Equally, asking multi-part questions is unlikely to be helpful.
- 3.8.5 Witnesses will be sent a thank you letter after the session. This will include a copy of the minutes of the meeting so that they can check for accuracy. A summary of the main findings of the final report will also be sent to witnesses.

### **3.9 Other evidence gathering**

- 3.9.1 In addition to oral evidence from witnesses, there is a range of potential sources of evidence. Written evidence may be obtained by carrying out a consultation with particular groups or writing to specific individuals asking for their comments. Sufficient time should be allowed for a full and informed response to be made. Other written evidence that may be of value includes Council policies and reports, Best Value reviews and external inspection reports. The scrutiny officer will be able to help in advising on the range and usefulness of available documentation.
- 3.9.2 The task group may also wish research to be carried out to secure additional information. This might involve a trawl of the websites of other Councils or a search for relevant publications. The scrutiny officer will undertake this research on behalf of the task group.
- 3.9.3 Visits by members of the task group to speak to individual witnesses or groups can be a very valuable part of the review. They are a good way of hearing local views informally and, while difficult to use as evidence, may be helpful in framing questions for subsequent witnesses. Visits may also be used to explain the purpose of the review to stakeholder groups and to encourage them to participate in the review.

### **3.10 Ensuring follow up**

- 3.10.1 An important element in keeping a scrutiny review on track is ensuring that there is appropriate action in relation to issues identified at various stages. The Scrutiny Team will coordinate the follow up actions from each meeting. An action sheet will be circulated to all those who are required to take action within two days of the meeting. This will outline the information requested and give a deadline for when it is required.

3.10.2 The responsibility for carrying out the actions within the required timescale will fall to those to whom the action sheet has been sent. When the action has been completed, he or she should send a note to the appropriate scrutiny officer.

### **3.11 Involving the media**

3.11.1 Generating public interest in the overview and scrutiny function has not been an easy task. One way to generate interest is through effective use of the media to publish the progress and conclusions of reviews, particularly those that members of the public feel to have a direct impact on them.

3.11.2 Press releases can be issued at various stages of the review:

- at the outset, to let the public know what is to happen, to stimulate interest and, if appropriate, to invite contributions to the review;
- during the review, if there is important progress to report;
- when the Executive has considered the final report.

3.11.3 The Council's Public Relations Manager will provide advice on the timing and content of press releases. Where Member quotes are to be made, the Council's Communications Protocol indicates that these should be ascribed to the Chairman of the relevant Select Committee.

### **3.12 Presenting the report to Executive/Council**

3.12.1 Once the report has been completed, it will normally be considered by the Executive, particularly where it contains recommendations for actions. In some situations, for example where wider Member discussion is seen as helpful, it may be discussed at Council before it is considered by the Executive.

3.12.2 Because reports arising from the overview and scrutiny function are Member, rather than officer, reports, they will need to be distinguishable as such. A suggested front page for such reports can be found at 4.4. Consideration may also be given to producing the report in a different colour from officer produced reports.

3.12.3 The report should be introduced briefly at the Executive meeting, normally by the Chairman of the Select Committee. The Chairman may, if he or she so wishes, to involve the Chairman of the task group in presenting the report.

### **3.13 Monitoring implementation of recommendations**

3.13.1 Where the Executive or Council has approved recommendations, there will be a need to ensure that these are implemented. Responsibility for this lies with the Executive and with the relevant Director and Head(s) of Service. The role of overview and scrutiny will be to monitor the implementation.

3.13.2 Some time after the approval of the recommendations, there will be a report to the appropriate Select Committee to check on progress. Usually this will be six months after consideration of the report by the Executive or Council, but may be sooner if it is judged that the recommendations need more urgent implementation. The appropriate Member(s) of the Executive should be invited to the meeting to discuss the progress that has been made. The update report will be built into the work programme for the Select Committee. Where it is clear that little or no progress has been made in implementing the recommendations, the Select Committee may decide to submit a further report to the Executive or Council.



## PART 4: TEMPLATES

### 4.1 Planning a work programme

#### REQUEST FOR A SCRUTINY REVIEW

**1. Topic For Review:**

**2. Rationale:** *Please explain why a review is required.*

**3. Supporting Information:** *Please list information that supports the rationale.*

**4. Desired Outcome:**  
*What would you like to see happen as a result of the review?*

**5. Name:** .....  
*(Please print)*  
Signed:

Date:

Please return the completed form to the Scrutiny Team, Market Street, Newbury.

## 4.2 Outline scoping

### **Overview and Scrutiny Review Matrix**

**Review Topic:**

**Timescale:**

**Start:**

**Finish:**

**Review Rationale:**

**Terms of Reference:**

**Review Membership:**

**Chairman:**

**Vice-Chairman:**

**Scrutiny Officer:**

**Information Required:**

**Documents/Evidence:** *(What/Why?)*

**Witnesses:** *(Who/Why?)*

**Research:** *(What/Why?)*

**Site Visits:** *(Where/Why?)*

**Desired Outcome:**

## Overview and Scrutiny Review Matrix – Guidance Notes

1. **Review topic:** This box is simply used to identify the area under review.
2. **Timescale:** Enter the date of the first meeting of the Task Group and the date that, if appropriate, the final findings will be presented to the Executive/Council.
3. **Review rationale:** Why should the topic be subject to a review? How does it link to the Council's priorities and what are the possible benefits? Knowing why a review is being undertaken is important when deciding the terms of reference and can bring clarity to the review.
4. **Terms of reference:** This section should clearly identify the aims of the review; the more specific the terms of reference, the greater the likelihood of a successful review.
5. **Review membership:** The appropriate Select Committee will decide the number of Members on a task group. The Select Committee may task one Member to undertake a specific task or the Committee as a whole may undertake a review; often, the number will be lie in between.
6. **Chairman:** The Chairman will be voted into position at the first meeting of the task group. The Chairman should be able show commitment to achieving the objectives of the review and be prepared to present its findings to appropriate bodies.
7. **Vice-Chairman:** Although every task group requires a Chairman, this is not the case with a Vice-Chairman. It is recommended that when a permanent standing task group is established that a Vice-Chairman is appointed.
8. **Scrutiny Officer:** A scrutiny officer will be appointed to assist task groups undertake their reviews.
9. **Information required:** Part of the scoping process is to determine what information is required for the task group to undertake an effective review. Early stages of a review should concentrate on gathering information and evidence; this can come in a number of forms.
10. **Documents/evidence:** There is a wide variety of evidence that may be available to the task group that can come in a number of forms. When undertaking a review, the task group should consider what evidence could be made available to them. This may come in the form of Government guidance or legislation, relevant service plans, budget data, Best Value reviews, performance indicators or independent research.
11. **Witnesses:** There may be a number of witnesses who can be called upon to aid the review. The scoping exercise should identify whom the task group wishes to interview. Executive Members, senior officers, stakeholders or professional experts may all be called upon.
12. **Research:** Additional research should also be identified; for example, this may take the form of acquiring examples of best practice, user satisfaction surveys, current practice, break down of budgets or national standards.
13. **Site visits:** Site visits are a useful tool in gathering additional information that cannot be provided by witnesses alone. Members may wish to use site visits to make observations, act as 'mystery shoppers' or to clarify views already obtained.
14. **Desired outcome:** Indicate what the outcomes the task group would like to obtain.

### 4.3 Reviews – detailed scoping

Milestones	Target Dates	Purpose	Outcome	Responsibility
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<b>Scope Review</b>				
Define Rationale		To define why a review is required.	Select Committee to agree/disagree review.	Select Committee
Agree Terms of Reference				Select Committee
Agree Membership				Group Officers

<b>Work Plan</b>				
TG Meeting		Election of Chairman & agree Work Plan		Task Group
Research				
TG Meeting				
Select Committee Update		To update the Select Committee on the progress of the review.		Chairman
Site Visit				
TG Meeting				

<b>Produce Findings</b>				
Analyse Evidence		To review the evidence collected by the Task Group.		Task Group
Produce Draft Findings				Task Group
Presented to Select Committee				Chairman
Presented to Executive				Chairman

<b>* Task Group</b>								
Activity	Resp.							
		Nov-03	Dec-03	Jan-04	Feb-04	Mar-04	Apr-04	May-04
<b>Review Timeline</b>								
<b>Scope Review</b>								
Define rationale	Select							
Agree Terms of Reference	Select							
Agree Chairman	TG							



4.4 Report to Executive

Title of Report:	*	Item *
Report to be considered by:	Executive	
Forward Plan Ref:	EX*	

**Scrutiny Report To Executive**

**\*ADD NAME\* Task Group Report**

**Commissioned by  
\*ADD NAME\* Select Committee**

<b>Select Committee Chairman</b>	
Name:	Councillor
Tel. No.:	
E-mail Address:	*@westberks.gov.uk

#### 4.5 Letter to witnesses

Date

**Scrutiny**

Council Offices  
Market Street Newbury  
Berkshire RG14 5LD

**Please ask for:**

**Direct Line:**

**Fax:**

**e-mail:**

Dear Name of Witness

**Task Group name, date and venue.**

Invitation to Participants to help with the review of review name.

The Council's select name Select Committee has established a task group to review add topic under review. The terms of reference of the review are:

Add Terms of Reference

I am writing to ask for your co-operation in attending (or sending a representative) to participate in the review meeting scheduled for time and date.

The meeting will take place at Venue. At the meeting you will meet Membership names. Add Officers' names and roles and Name, Scrutiny Officer, will also be in attendance.

A guidance note has been included with this letter. Please do not hesitate in contacting me if you have any questions.

Yours sincerely

Name

Scrutiny

## PART 5: USEFUL INFORMATION

### 5.1 Training

5.1.1 Currently, the Council arranges a number of training sessions for Members relating to scrutiny:

- General training and briefing;
- Specific training for each Select Committee and the Health Scrutiny Task Group.

5.1.2 As discussed in 3.1, the overview and scrutiny function emphasises the specific skills needed to carry out the role effectively:

- objectivity;
- inclusive, focused chairing;
- active listening and sympathetic questioning;
- deliberative skills and consensus building;
- reflective, learning from experience and innovation;
- analytical skills;
- report writing.

5.1.3 The Council has recognised that individual Members have needs for training to develop or reinforce these skills. A programme is under way to identify individual Member training and development needs (including for overview and scrutiny but also extending to other Member roles). Once this exercise has been completed, we will be seeking to find the most effective ways of meeting each Member's needs.

### 5.2 Websites and publications

The following table highlights some useful websites and publications that Members may find of help.

<a href="http://www.westberks.gov.uk">www.westberks.gov.uk</a>	West Berkshire Council's website with details of Councillors, Select Committees, local election information, publications and much more.
<a href="http://www.idea.gov.uk">www.idea.gov.uk</a>	A specialist site developed by the Improvement and Development Agency that contains information on best value, best practice etc.
<a href="http://www.audit-commission.gov.uk">www.audit-commission.gov.uk</a>	The Audit Commission is an independent body responsible for ensuring that public money is used economically, efficiently and effectively.
<a href="http://www.cfps.org.uk">www.cfps.org.uk</a>	The Centre for Public Scrutiny has been created to promote the value of scrutiny in modern and effective government - not only to hold executives to account but also to create a constructive dialogue between the public and its elected representatives - to improve the



quality of public services.

[www.cfps.org.uk/health](http://www.cfps.org.uk/health) A new section has been added to the cfps site, bringing together existing guidance, research and information on local government health scrutiny.

[www.legislation.hmso.gov.uk/legislation/uk.htm](http://www.legislation.hmso.gov.uk/legislation/uk.htm) This website is managed by Her Majesty's Stationery Office on behalf of the Queen's Printer. The site contains the full text of all Public and Local Acts of the UK Parliament, the Explanatory Notes to Public Acts, Statutory Instruments and Draft Statutory Instruments, and Measures of the General Synod of the Church of England.

[www.wired-gov.net](http://www.wired-gov.net) A Government sponsored site that provides up to the minute notification of UK Government announcements direct to your desktop.

West Berkshire Community Plan The Plan provides a long-term vision for West Berkshire that has been developed by the West Berkshire Partnership. West Berkshire's Community Plan delivers clear priorities to promote the economic, social and environmental well-being of the district.

Corporate Plan This Plan creates a clear vision and set of priorities for West Berkshire Council over the next five years.

Those involved in scrutiny may also wish to read the following:

- The Development of Overview and Scrutiny in Local Government: Office of the Deputy Prime Minister.
- A hard nut to crack? – Making Overview and Scrutiny Work. IDEA
- Councillors and Overview and Scrutiny: Improvement and Development Agency (IDEA)

## PART 6: APPENDICES

### 6.1 Council Constitution – sections relevant to overview and scrutiny

## Article 7 – Overview and Scrutiny (Select) Committees

(Part 6 also refers)

### Form and Composition

The Council will appoint four Overview and Scrutiny Committees (known as Select Committees) as shown in the Table overleaf to discharge the functions conferred by Section 21 of the Local Government Act 2000, and regulations under Section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Each Select Committee will consist of fourteen Councillors, reflecting the political composition of the Authority, with the exception of the Children and Young People Select Committee, which will consist of sixteen Councillors and four voting co-opted members. Members of the Executive cannot be members of Select Committees. The Chairmen will be selected by each of the Select Committees.

### Terms of Reference

Within their terms of reference, Select Committees will:

review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

make reports and/or recommendations to the full Council, Executive or Committees in connection with the discharge of any functions;

consider any matter affecting the District or its inhabitants; and

review decisions made but not yet implemented by the Executive and Area Forums, where they have been called in by any five Members of the Council.

meet in public unless the issues being discussed are of a private or confidential nature. They will meet at least four times per year.

### Co-optees

The Council wishes to promote the involvement of the local community in its decision-making. Co-optees will therefore be invited to sit on the Council's Select Committees.

### Task Groups

Select Committees may choose to create Task Groups to investigate or review a particular topic. Task Groups will also reflect the political composition of the Authority. Members of the Executive may also be Members of a Task Group.

## **Business Management Group**

In addition to the four Select Committees there will also be a Business Management Group. It will comprise the four Chairmen of the Select Committees and the Political Group Leaders (by invitation). The purpose of this Management Group will be to co-ordinate the work of the Executive and the four Select Committees and ensure there is effective forward planning and communication. The Business Management Group will meet as appropriate.

### West Berkshire Council's Select (Overview and Scrutiny) Committees

Select Committee	To develop policy, provide an overview and scrutinise decisions in respect of the following areas:
Children and Young People	<p>The provision of services in relation to Children and Young People and the development of life-long learning across the District.</p> <p>The provision, planning, management and performance of schools and education services and learning, child protection, welfare, arts, youth, recreation and culture.</p> <p>To oversee Best Value Reviews that relate to the remit as outlined above.</p>
Community Care and Housing	<p>The provision of welfare services across West Berkshire.</p> <p>The provision, planning, management and performance of social, health care and housing services; including services for elderly persons and those with mental health problems and learning difficulties in West Berkshire; and the holding to account of the NHS affecting the residents of West Berkshire.</p> <p>To oversee Best Value Reviews that relate to the remit as outlined above.</p>
Environment and Public Protection	<p>The provision, planning, management and performance of planning, highways, transport, public protection and countryside services and the overview of joint environmental initiatives at a County and regional level.</p> <p>The Committee will oversee issues affecting the environment of West Berkshire, including those at a regional and national level which are of direct relevance to the District. The Committee will also oversee the provision of services that are geared towards the protection of the local community.</p> <p>To oversee Best Value Reviews that relate to the remit as outlined above.</p>
Strategy and Commissioning	<p>The overall economic, social and environmental well being of West Berkshire including overseeing the preparation of community strategies and area-based initiatives.</p> <p>The Council's budget, the management of its budget, capital, revenue borrowing and assets and its audit arrangements.</p> <p>The provision, planning, management and performance of Council services, including policy and performance, legal and electoral services, information and communication and any Council function not otherwise addressed by another Committee, the performance of those services to be provided by the Council's partner, Amey plc.</p> <p>Local democracy and the achievement of effective, transparent and accountable decision-making by the Council.</p> <p>To oversee Best Value Reviews that relate to the remit as outlined above.</p>

#### Policy Development and Overview

Select Committees will:

- assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question Members of the Executive, Area Forums and senior Officers about their views on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

## Scrutiny

Select Committees will:

- review and scrutinise the decisions made by the Executive Portfolio Members, Committees, Sub-Committees, Area Forums and Council Officers;

**(Note: The powers of the Select Committees do not extend to reviewing individual planning and licensing applications.)**

- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- question Members of the Executive, Committees, Sub-Committees and Area Forums and senior Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make recommendations to the Executive, appropriate Committee or Area Forum and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Select Committee and local people about their activities and performance;
- seek the views of Area Forums on issues that are of particular concern in their locality;
- question and gather evidence from any person (with their consent).

## Call-in

Decisions taken by the Executive, the Council's Area Forums or Officers can be 'called in' by any five Members of the Council within five clear working days of the decision being taken. The relevant Select Committee will review the decision and decide whether or not to refer this back to the Executive or to pass the matter to the Council for review.

## Finance

Select Committees will exercise overall responsibility for any finances made available to them.

## **Forward Plan**

West Berkshire Council's Forward Plan will include items to be considered by the Select Committees so that citizens and the wider community are able to see what issues are to be dealt with and whether they wish to be involved.

## **Reports**

Select Committees will report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

Select Committees will also produce a summary of their work for the Council setting out the key issues discussed at meetings.

## **Proceedings of Select Committees**

Select Committees will conduct their proceedings in accordance with the Overview and Scrutiny (Select) Committee Rules of Procedure set out in Part 6 of the Constitution.

## **Conflict of Interest**

If a Select Committee is scrutinising specific decisions or proposals in relation to the business of an Area Forum of which the Councillor concerned is a Member, then the Councillor may not speak or vote at the Select Committee meeting unless a dispensation to do so is given by the Standards Committee.

## **General Policy Reviews**

Where the Select Committee is reviewing policy generally the Member on the Area Forum must declare his/her interest before the relevant agenda item is reached, but need not withdraw.

## 6.2 Procedures for Select Committees and task groups

6.2.1 This appendix is to give an outline of the rules governing reports going to Select Committee Members.

### 6.2.2 *Who can request agenda items of Select committees?*

Any Member of a Select Committee can request that an item relevant to the functions of that Committee be placed on the agenda for the next available meeting.

### 6.2.3 *What access does the Select Committee have to documents?*

Select Committees (including its Sub-Committees/Task Groups) are entitled to copies of any documents that are in the possession or control of the Executive and which contain materials relating to:

- any business transacted at a meeting of the Executive or its Committees.
- any decision taken by an individual Member of the Executive.

Access to this information can be denied if the document is in its draft form or if it contains confidential or exempt information that is not relevant to the review being undertaken.

### 6.2.4 *What is exempt information?*

'Exempt information' means information for the time being defined in Section 1001 of the Local Government Act 1972 and specified in Part 1 of Schedule 12A of the Local Government Act 1972 subject to any qualifications contained in Part 2 of the Schedule. The categories of exempt information are set out in the table below:

	<b>Category</b>	<b>Condition (if any) Comment</b>
1	Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under the Authority.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated.
2	Information relating to a particular employee, former employee or applicant to become an employee of, or a particular Officer, former Officer or applicant to become an Officer appointed by a magistrates' court Committee, or a	as above

	<b>Category</b>	<b>Condition (if any) Comment</b>
	probation Committee [within the meaning of the Probation Service Act 1993).	
3	Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the Authority.	as above
4	Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Authority.	as above
5	Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.	as above
6	Information relating to the adoption, care, fostering or education of any particular child.	Child means a person under 18 years of age and anyone who is 18 years of age and is registered as a school pupil, or is the subject of a care order, within the meaning of Section 31 of the Children Act 1989.
7	Information relating to the financial or business affairs of any particular person (other than the authority).	Information within Rule 7 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt, the information must relate to a particular third person (which includes a group or company) who must be identifiable.
8	The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.	Information within Rule 8 is not exempt if, and for so long as, disclosure of the amount involved would be likely to give an advantage to a person entering into or seeking to enter into, a contract with the Authority, whether the advantage would arise as against the Authority or as against other such persons.
9	Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the	Information within Rule 9 is only exempt if, and for so long as, disclosure to the public of the



	<b>Category</b>	<b>Condition (if any) Comment</b>
	acquisition or disposal of property or the supply of goods or services.	terms would prejudice the Authority in those or any other negotiations concerning that property or those goods or services. (The disposal of property includes granting an interest in or right over it).
10	The identity of the authority (as well as of any other person, by virtue of Rule 7 above) as the person offering any particular tender for a contract for the supply of goods or services.	
11	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.	Information within Rule 11 is only exempt if, and for so long as, its disclosure to the public would prejudice the Authority in those or any other consultations or negotiations in connection with a labour relations matter. Labour relations matters are as specified in Rules (a) to (g) of the Labour Relations Act 1974, i.e. matters that may be the subject of a trade dispute.
12	Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with any legal proceedings by or against the Authority, or the determination of any matter, affecting the Authority, (whether in either case, proceedings have been commenced or are in contemplation).	
13	Information which, if disclosed to the public, would reveal that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.	Information within Rule 13 is only exempt if, and so long as, disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be

	<b>Category</b>	<b>Condition (if any) Comment</b>
		given or made.
14	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
15	The identity of a protected informant.	<p>A 'protected informant' means a person giving the Authority information which tends to show that:</p> <ul style="list-style-type: none"> <li>a) a criminal offence;</li> <li>b) a breach of statutory duty;</li> <li>c) a nuisance</li> </ul> <p>has been, or is being, or is about to be committed.</p>

The public may be excluded from meetings when exempt information is due to be disclosed. Such information will appear as Part 2 items on agendas and the circulation of reports are restricted.

#### **6.2.5 Who are entitled to reports?**

Excluding exempt information, the Council will make copies of agendas and reports (unless the report is "To Follow") open to the public for inspection at least five working days before a meeting. Copies of the agenda can be requested by contacting Policy and Performance or the Scrutiny team, who retain the right to levee a charge. This information is also contained on the West Berkshire website.

Members of the Council, coopted members and relevant officers can request to have their names added or removed from distribution lists as they see fit. Agendas are also routinely made available to local press.

#### **6.2.6 Informal information**

As a matter of routine, scrutiny officers will keep relevant Executive Members and officers abreast of issues arising from Select Committees and progress reports on current reviews.