



CAI.10 14/15
Challenge and Improvement Committee
9 September 2014

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Subject: Challenge and Improvement Committee Operating Methodology for 2014/15

Report by:	Ian Knowles
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Purpose / Summary:	To: 1) Outline the role of the committee with regards to undertaking reviews 2) Outline important considerations with regards to scrutiny and conduct 3) Provide criteria for reviews and draft related processes
RECOMMENDATION(S): 1. That members approve the proposed Methodology as outlined at section 3 2. That members approve the proposed processes outlined at appendix 1	

IMPLICATIONS

Legal: None

Financial : None

Staffing : None

Equality and Diversity including Human Rights : Not applicable

Risk Assessment : Not applicable

Climate Related Risks and Opportunities : Not applicable

Title and Location of any Background Papers used in the preparation of this report:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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Key Decision:

A matter which affects two or more wards, or has significant financial implications	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
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1. Background

1.1. At the last meeting of the Challenge and Improvement Committee, the operating methodology for developing the work programme for 2014/15 was discussed. It was agreed that a further paper would be brought back to the committee to outline proposed methodology and processes.

2. Current Committee Functions

2.1. With regards to the current functions, the committee has the following functions listed clearly in the constitution:

Work Area	Timing	Purpose	Source
1. Performance Management	1.1 After Policy Committees have considered performance and rectifications proposed	Scrutinise performance including any rectifications agreed by policy committees	Function 10. To maintain under review the arrangements for the performance monitoring of Council services;
2. Policy or Performance Reviews	2.1 Before a policy decision is made	Support the research and stakeholder analysis for proposed decisions.	By Request of another committee
2. Policy or Performance Reviews	2.2 After a policy decision is made (within five days of minutes publication) - Call In (see appendix 2 for the process)	To inform the relevant policy committee that, in the view of the Challenge and Improvement Committee, the evidence suggests that the policy committee(s) did not take the decision in accordance with the principles set out in Article 12.	Function 7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;
3. Service and Budget Plans	3.1 Prior to Policy Committee Approval	To provide pre scrutiny to service and budget plans	Function 8. To comment on the proposed annual service and budget plans for all council services before final

Work Area	Timing	Purpose	Source
			approval by the Policy and Resources Committee and Council;
4. Work of other public bodies operating within its area	4.1 Before decisions are taken	To understand the priorities and plans of public bodies operating within the district.	Function 9. To take an overview of the policies, forward plans and related authorities of all public bodies and agencies as they affect the council's area or its inhabitants;
5. Police and Justice Act 2006	5.1		Function 11. To discharge the statutory functions arising under section 19 of the Police and Justice Act 2006 relating to issues of crime and disorder and to develop and implement such procedures, protocols and criteria as deemed by the committee to be appropriate.

3. Proposed Operating Methodology for 2014/15

3.1. The following table sets out how the Committee intends to fulfil the above functions.

Work Area	Timing	Purpose
1. Performance Management	1.2 After at least two consecutive periods of missed targets and appropriate time for committee action to have been implemented	Scrutinise performance including any rectifications agreed by policy committees
2. Policy or Performance Reviews	2.3 Part way through project delivery and there are concerns the relevant committee are not taking appropriate action	To review delivery to ensure that the project is delivering the desired objectives. Please Note: Project delivery would not stop during the review.

2. Policy or Performance Reviews	2.4 After delivery	To review a project post-delivery to identify the benefits delivered against the original business case.
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3.2. Proposed processes are outlined at appendix 1.

4. External Bodies

4.1. A separate report on this agenda provides details of bodies external to the Council that deliver activities/services within the district boundaries. A number of these have representation from the elected caucus and/or officers with varying degrees of influence.

4.2. To fulfil the function of area 4 shown above, the Committee has suggested inviting these bodies to make presentations and enter into dialogue with the Council through the C & I Committee. This will provide an opportunity for committee members to gain greater understanding of the policies, strategies and activities of those bodies providing services and support to West Lindsey Residents.

4.3. It is important that in undertaking this role appropriate cognisance is taken of existing relationships, the role of other members and officers as representatives and the Councils own work in the relevant areas. It should also be noted that there is no compulsion on other bodies to attend these meetings and therefor it is likely there attendance will be in order to seek a better working relationship with the Council.

4.4. With this in mind it is proposed that the C & I Committee apply the following approach to inviting external bodies to C & I:

4.4.1. Selection of appropriate bodies is made by the Committee on the basis of current issues of concern or new developments within service areas.

4.4.2. That prior to an organisation attending, the committee receives a briefing paper from the appropriate officer/officers within the Council on current activity, collaboration and partnerships within that area of activity.

4.4.3. The invite to attend is sent with a clear articulation of the reason for the invite and the questions members are seeking to answer. (it is proposed that there should be no more than five questions set out in each invite)

4.4.4. Each session with an external body should be timetabled for no more than one hour of any meeting. If it is considered that a longer session is required then arrangement should be made outside the normal meeting arrangements.

4.4.5. To manage the time commitment of the Committee no more than four bodies should be invited in any one year.

4.5. In discussion with officers it has become clear that there is no recognised mechanism for responding to consultations from such external bodies and members may wish to consider whether this should become part of the C & I role under work area 4 above.

5. Membership and interests

5.1. For clarity, with regards to membership and interests, the constitution states:

5.1.1. All councillors with the exception of the Chairman, Leader of the Council, Deputy Leader of the Council, Leader of the Opposition and a policy committee chairman or vice-chairman may be members of the Challenge and Improvement Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

5.1.2. A member must if he/she is involved in the consideration of a matter at a meeting of the Challenge and Improvement Committee of the Authority or a sub-committee of that Committee, regard himself/herself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the Council's –

- committees or sub-committees; or
- joint committees or joint sub-committees.

of which he/she may also be a member and took part in that decision making.

6. Conduct

6.1. The constitution also states with regards to conduct:

6.1.1. The guiding principle for the work of scrutiny is that it should be consensual and positive. The emphasis of the work should be on making an active and positive contribution to the development of policy and the discharge of the Council's functions and roles. This is best achieved by an inclusive process covering members, partners, service users and employees.

6.1.2. The Challenge and Improvement Committee may invite people to address it, discuss issues of local concern and/or answer questions on issues within the remit of the committee. The committee may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

6.1.3. Where the Challenge and Improvement Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

(a) that the investigation be conducted fairly and all members of the Committee given the opportunity to ask questions of attendees, to contribute and speak;

(b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and

(c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Appendix 1 – Proposed Criteria and Processes for new methodology

Work Area	1. Performance Management
Timing	1.2 After two consecutive periods of missed targets
Purpose	To scrutinise the reasons for off track performance and the adequacy of rectifications (Service Performance Review)
Criteria	<ol style="list-style-type: none"> 1. The performance must have been off track for at least two consecutive reporting periods, 2. The actions of the appropriate committee have been implemented and given time to adjust performance 3. Four members on the Challenge and Improvement Committee wish to request a Service Performance Review with a view to identifying the reasons for off track performance and the rectifications proposed 4. No More than four Service Performance Reviews may be called with in a municipal year.
Process	<p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Service Performance Review with a view to identifying the reasons for off track performance and the rectifications proposed</p> <ol style="list-style-type: none"> a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee. b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered. c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations. d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Service Performance Review Report is considered. e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Service Performance Review, the decision shall be referred to Council.

Work Area	2. Policy or Performance Reviews
Timing	2.3 Part way through project delivery (Gateway Review) and there are concerns the relevant committee is not taking appropriate action. Please Note: Project delivery would not stop during the review.
Purpose	To review delivery to ensure that a project is delivering the desired objectives
Criteria	<ol style="list-style-type: none"> 1. Four members on the Challenge and Improvement Committee wish to request a Gateway Review with a view to confirming that delivery is achieving the desired objectives and outcomes: 2. Only one Gateway Review per project may be called by the Challenge and Improvement Committee although additional reviews may be undertaken if requested by the relevant policy committee. 3. No More than four Gateway Reviews may be called with in a municipal year.
Process	<p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Gateway Review with a view to confirming that delivery is achieving the desired objectives and outcomes:</p> <ol style="list-style-type: none"> a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee. b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered. c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations. d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Gateway Review Report is considered. e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Gateway Review, the decision shall be referred to Council.

Work Area	2. Policy or Performance Reviews
Timing	2.4 After delivery (Benefits Realisation Review)
Purpose	To review a project post-delivery to identify the benefits delivered against the original business case.
Criteria	<p>1. Four members on the Challenge and Improvement Committee wish to request a Benefits Realisation Review with a view to confirming that delivery has achieved the desired objectives and outcomes</p> <p>2. Only one Benefits Realisation Review per project may be called by the Challenge and Improvement Committee.</p> <p>3. No More than four Benefits Realisation Reviews may be called with in a municipal year.</p>
Process	<p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Benefits Realisation Review with a view to confirming that delivery has achieved the desired objectives and outcomes:</p> <p>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</p> <p>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</p> <p>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations.</p> <p>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Benefits Realisation Review Report is considered.</p> <p>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Benefits Realisation Review, the decision shall be referred to Council.</p>

Appendix 2 – Call in Process

Work Area	2. Policy or Performance Reviews
Timing	2.2 After a policy decision is made (within five days of minutes publication) - Call In
Purpose	To inform the relevant policy committee that, in the view of the Challenge and Improvement Committee, the evidence suggests that the policy committee(s) did not take the decision in accordance with the principles set out in Article 12.
Source	Function 7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;
Criteria	<ol style="list-style-type: none"> 1. Four members on the Challenge and Improvement Committee wish to call in a decision with a view to requesting that the relevant policy committee reconsiders the decision, 2. This must be done within five working days of publication of the decision, provided the issue in question has not been recorded as urgent. 3. Where a matter is to be referred to another committee, call-in only applies after the matter has been considered by that other committee. 4. Call-in does not apply to recommendations to Council nor to Council decisions themselves. 5. The call-in procedure shall not apply where the decision being taken by the policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. 6. Urgency in this context goes further than the urgency provisions contained in the Local Government (Access to Information) Act 1985 relating to late reports. A report may well have been submitted to the relevant committee in good time but the implementation of the decision is nevertheless considered urgent.
Process	<p>Within five working days of the publication of the minutes:</p> <ol style="list-style-type: none"> 1. Identify four members on the Challenge and Improvement Committee who support the proposal to call-in the decision 2. Draft the request to call in a decision in writing setting out: <ol style="list-style-type: none"> a. the resolution to be considered, b. the reason(s) why the decision should be reconsidered 3. Get all four members to sign 4. Send the notice to the Chief Executive no later than 5pm on the fifth working day following publication of the decision. 5. The Call-in will be considered at the next meeting of the Challenge and Improvement Committee (unless the agenda for that meeting has already been published).

6. After considering the decision the Challenge and Improvement Committee may:

- (i) refer back to the relevant policy committee for further consideration, setting out in writing its recommendations; or
- (ii) not refer back to the relevant policy committee and the decision shall take effect on the date of the overview and scrutiny meeting.

7. The Chairman of the committee whose decision has been called in shall be invited to the Challenge and Improvement Committee meeting when the item is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the called-in item goes back for consideration.

8. Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee on a called-in decision, the decision shall be referred to Council.