



# Overview & Scrutiny Committee Handbook

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## Introduction to Scrutiny at West Lindsey District Council

Legislative journey of all O&S Committees in brief

- Created by the Local Government Act 2000
- Required for the three main governance options – mainly designed for Executive models
- An O&S Committee was originally also required for fourth option authorities (Committees)
- Councils free to design their own O&S framework
- Localism Act 2011 extended the Committee option to all
- **Localism Act does not require an O&S Committee in a Committee model**

Under the Localism Act, the role of an O&S Committee includes:

- Influencing policies and decisions of the council and others
- Reviewing or scrutinising decisions
- Make reports or recommendations to the authority relating to its functions
- Make reports or recommendations to the authority which affect the area/inhabitants

What does this mean for West Lindsey?

- WLDC is a 4<sup>th</sup> option council – ie, operates a Committee system
- We are not required to have a specified scrutiny committee
- It is for the Council to design, and therefore follow, the scrutiny framework
- The roles, responsibilities and function of the WLDC Overview and Scrutiny Committee are laid out within the Constitution and the Operating Methodology, both of which are reviewed annually.

And in practical terms?

- The Overview & Scrutiny Committee is governed by the same regulations as any other committee – seats are appointed to by Council, meetings are set out in the Committee Timetable, and agendas are published in advance of the meeting (legal requirement = 5 clear working days, this equates to papers being published on a Monday for a meeting the following Tuesday).
- There are 8 scheduled meetings of the O&S Committee per Civic Year.
- There is a work plan of standing items, as well as clear provision for building the work plan throughout the year.
- There are certain statutory functions which are discharged through the O&S Committee, most notably the attendance of the Police (see page 7).

**The purpose of the O&S Committee is to be the ‘critical friend’.**

Consider questions like:

- Is that really the best option?
- Have you considered this alternative?
- Is there a better way of doing things?
- Is there proper evidence to support that decision?
- Are we being blinkered? ....
- **Be the critical friend!**

## Work Planning

Each meeting will have a set of 'standing items' on the agenda. These are:

- **Matters Arising Schedule** – this is a record of actions which have been identified through the course of discussions in Committee meetings and are usually allocated to an Officer to complete. The schedule is presented as a 'for noting' item, meaning there is no vote required, however Members may ask for relevant updates or remedial actions should they wish.
- **Full Forward Plan** – this is also a 'for noting' item, however, it provides a summary of all items of business due at all upcoming meetings and is the basis from where requests for pre-decision scrutiny can be made (see page 10 of this guide)
- **Committee Work Plan** – also a 'for noting' item and details the items of business expected at upcoming meeting of the O&S Committee. Should be viewed alongside the Full Forward Plan as it will inform what scope there is regarding agenda management.

Certain items in the O&S calendar are factored into the work plan from the outset.

These are:

- Approval of the Operating Methodology (first meeting of each Civic Year)
- Approval of initial Committee Work Plan (first meeting of each Civic Year)
- Review of the Draft Annual Report and Operating Methodology (penultimate meeting of each Civic Year)
- Scrutiny of Progress and Delivery reporting to the Policy Committees (usually June and January)

There have been additional reports approved in the previous Civic Year that are now factored into the work plan:

- Management of Flood Risk in West Lindsey (twice a year, March and September)

There also needs to be an allocated meeting for the Police to attend in order to "discharge the statutory functions arising under section 19 of the Police and Justice Act 2006 relating to issues of crime and disorder...".

When outside agencies are invited to attend, the meeting prior to their attendance will have an item on the agenda specifically to prepare for the following meeting.

Work planning is easiest after the first Civic Year of a new term of Office. The most difficult time is the first meeting after an all-out election. Using the standing items as detailed above means there can be structure to the O&S meetings even as the work plan remains in development.

Both policy committees can refer work streams to the O&S Committee. The O&S Committee themselves can identify 'pre-decision' scrutiny items. However, there are clear processes by which these need to take place, namely, those within the Operating Methodology.

The Committee Work Plan is a 'live' document. It is reported to each meeting of the committee and can be amended, added to, or items removed from, as the Committee chooses. Any amendments must adhere to the processes set out within the Operating Methodology and be subject to a proposer, a seconder, and be carried by a majority vote.

## Operating Methodology

The Operating Methodology for the Overview and Scrutiny Committee sets out the criteria for fulfilling the main functions of the Committee.

The methodology was introduced in 2014, with an updated version reviewed and agreed by the Committee in 2019. It is reviewed annually with amendments considered in line with each annual review of the Constitution.

There are three main areas:

- Performance Management (see page 6)
- Pre-decision Scrutiny (see page 10)
- Project Work (see page 10)

All items of business for the Committee should adhere to the processes as set out in the Operating Methodology. It is the one document that should be kept to hand (alongside this guide!) You can find it attached at Appendix 1.

## Call-In

Call-in is a tool to be used should Members of the O & S Committee have evidence which suggests that the policy committee(s) did not take a decision in accordance with the principles set out in Article 12 of the Constitution. The procedure for calling in a decision is attached to this guide as Appendix 2 (and can also be found in the Constitution Part V, page 29).

In recent years, the O&S Committee has been primarily focused on pre-decision scrutiny rather than call-in. This is for two reasons. Firstly, decisions made at the policy committees have followed due process, meaning they cannot be called-in. And secondly, the involvement of the O&S Committee in pre-decision scrutiny enables wider influence on the recommendations to the policy committee for that final decision. The policy committees are not obliged to accept the O&S recommendations however, collaborative working as the '**critical friend**' has proven to be a stronger approach for O&S than using call-in. It is worth noting that where there has been pre-decision scrutiny, that decision then cannot be called-in.

To summarise:

- Call-in = scrutinise whether the decision has followed due process **AFTER** the decision has been made
- Pre-decision Scrutiny = scrutinise the 'intended decision' (recommendations) **BEFORE** they are made.

## Performance Management

There are two elements to the O&S functions in relation to Performance Management:

- Scrutiny of Progress and Delivery reporting, as presented to the Policy Committees
- Service Performance Reviews, as detailed in the Operating Methodology

Progress and Delivery reporting (P&D) is undertaken by quarter. The two policy committees receive the Quarter 2, Quarter 4 and Year End reports. Quarters 1 and 3 are shared with all Members via the Member Newsletter.

It is the role of the policy committees to examine the details of the reports. It is expected that there will be challenge regarding service underperformance; it is expected that there will be direction for remedial action; and it is expected that further details will be sought when necessary. It is also expected that recognition be given where services have either improved as required, or exceeded performance requirements.

The policy committees can request the O&S Committee to undertake Service Performance Reviews (see Operating Methodology).

The P&D reports are also presented to the O&S Committee. However. The role of the O&S Committee is to scrutinise the work undertaken by both policy committees in relation to P&D. For example, if a service is not performing, has this been recognised and have remedial actions been requested? Have the policy committees recognised whether a service has underperformed for at least two consecutive reporting periods? If yes, have they requested a Service Performance Review?

It is not the role of the O&S Committee to scrutinise the details of the reports themselves. Rather, the Committee needs to focus on the 'overview' element of their function.

The O&S Committee will be provided with the full minutes of the policy meetings where P&D reports are considered.

Should Members of the O&S Committee wish to have first hand experience of the P&D discussions at the policy meetings, they can attend as Visiting Members or watch the webcast.

## Measures Setting Working Group

In years 1 and 3 of each term of office, there is a 'deep dive' conducted into the P&D measures. There is a Member Working Group set up through the O&S Committee to work with Officers to present the reviewed and amended measure sets to the policy committee(s). Those amended measures are then implemented in the subsequent year.

## Outside Agencies

The O&S Committee has a significant role to play in terms of ensuring residents, businesses and visitors in West Lindsey are well looked after, for want of a better phrase. To this end, the Committee can extend invitations to outside agencies in order to improve, support, collaborate, in ways that will support the district.

Examples of this in the past include:

- East Midlands Ambulance Service (O&S seeking improved service across WL)
- Citizens Advice Lindsey (O&S showing public support for the services provided across the district, and demonstrating best value as they are part funded by WLDC)
- Environment Agency (O&S seeking collaborative working following instances of flooding in the district – this then led to the Flood Risk Management working group and the twice-yearly reports that you will see on the work plan)

These can be stand-alone items or return visits can be requested, there can also be a continued theme between an outside agency and the Committee, which can be programmed into the Work Plan. For example:

- An invitation was extended to Everyone Active as there had been concerns amongst Members regarding service provision in the district;
- Their attendance at the O&S Committee was considered to be:
  - scrutiny, of their service provision;
  - a review of their performance (as detailed in P&D reporting);
  - an invitation to consider ways to improve and work collaboratively;
  - and an offer of support from Members to help facilitate improvements.

Prior to each attendance of an outside agency, the Committee will consider what is being requested of the guest attending. Questions will be presented to the guests in advance of their attendance to ensure they have the necessary information to hand on the night.

The purpose of inviting outside agencies is not to be critical and accusatory, even where there may be perceived cause. The O&S Committee can be challenging, and conversations can be robust, but there must be a clear purpose and direction of debate.

\*What is your 'exam question'?

\*What do you most want to understand out of this visit?

\*How is that best going to be achieved?

### Attendance by Lincolnshire Police

Whilst technically an Outside Agency, the Police are required to attend in order to meet a statutory requirement. The same principles are engaged – the committee will consider the focus of the questions in advance of the guest attending. Previous discussions have focused on funding, increasing numbers of Police Officers, engagement between Police and Councillors as well as the main challenges across the district. The focus tends to be on collaborative working and how that can be improved.



## Further Reading

Centre for Governance and Scrutiny main website: <https://www.cfgs.org.uk/>

Link to an interesting read article regarding 'Scrutiny in Committee System Authorities:

<https://www.cfgs.org.uk/long-read-scrutiny-in-committee-system-authorities/>

LGA's 'A Councillor's Workbook on Scrutiny':

[https://www.local.gov.uk/sites/default/files/documents/11%2064\\_Scrutiny%20for%20councillors\\_03\\_1.pdf](https://www.local.gov.uk/sites/default/files/documents/11%2064_Scrutiny%20for%20councillors_03_1.pdf)

## **APPENDIX 1: Overview and Scrutiny Operating Methodology**

### **Functions covered within this document:**

1. Performance management (for service areas presenting performance figures below target)
2. Pre-decision scrutiny (also known as pre-scrutiny and identified from the Forward Plan)
3. Ongoing project work (for example as requested or identified by a policy committee or Council)

### **1. Performance Management**

The Committee can request a Service Performance Review (to identify reasons for off-track performance and ways to improve) when:

- The performance has been off track for at least two consecutive reporting periods
- Recommendations from the relevant committee have been implemented and allowed time to have an impact
- At least four committee Members wish to request the review

The following restrictions apply:

- A maximum of four such reviews can be requested in any municipal year
- Any service area subject to such a review is excluded from re-examination under any process for the subsequent six month period (ie, further two reporting periods)

Process for a Service Performance Review:

- The request is to be made in writing, signed by at least four committee Members, set out the reasons for the request and be submitted to the O&S Clerk at least 21 days prior to the next committee meeting.
- The request will be considered at the next meeting and, if agreed, terms of reference for the review group should be set.
- Alternatively, where a request for a Service Performance Review is identified during a Committee meeting, and is supported by at least four Members of Committee, this will replace the request in writing.
- The Chairman (or representative) of the relevant policy committee is to be invited to the meeting where the scope of the review is considered.
- The findings of the review will be heard by the O&S Committee and presented to the relevant policy committee, where the Chairman (or representative) of O&S shall also attend.
- If the policy committee does not wish to accept the recommendations of the review group, the decision shall be referred to Council.

## **2. Pre-Decision Scrutiny**

The Committee can identify items for pre-decision scrutiny (also known as pre-scrutiny) from those detailed on the Forward Plan. These could be items which are politically sensitive or of high public interest and where the Committee considers it would be of benefit to scrutinise the proposed decisions in advance.

These items can be selected from the Forward Plan during meetings of the Committee by a proposer, seconder and majority vote.

The following restrictions apply:

- A maximum of four 'pre-scrutiny' items can be identified per municipal year.
- The Committee cannot dictate the timeline or prevent the decision being submitted to the relevant policy committee within the pre-agreed timescales.
- Any decision considered under pre-scrutiny cannot then be called-in under the traditional process.
- Any item considered under pre-scrutiny is excluded from re-examination under any process for the subsequent six month period.
- NB: The policy committee is not strictly bound by recommendations from O&S however it is expected that they should be given due consideration.

Process for Pre-Decision Scrutiny:

- The O&S Committee will receive the exact report due to be presented at the policy committee, at least 1 cycle prior to the policy meeting.
- The O&S Committee will make recommendations to the policy committee where it feels there are areas to be further addressed in order to support the proposed decision.
- The Officer responsible for the report will work with the Chairman / representatives of O&S to revise the report accordingly (when necessary).
- The amended report, along with the minute from the O&S meeting and the original report, will be submitted to the policy committee within the original timescale.

## **3. Ongoing Project Work**

The O&S Committee can be requested by either of the policy committees, or Council, to conduct reviews of policy, services or any aspect of a service as identified by the relevant committee.

Any such request will be made to the Chairman of the O&S Committee from the Chairman (or representative) of the requesting committee / Council. The purpose, scope and terms of reference for the review will be agreed by the requesting committee and shared with the Chairman of O&S at the time of the request.

Such reviews will form part of the work plan for the O&S Committee, report timescales will be set out in the Forward Plan and recommendations will be agreed and shared with the referring committee.

Where the Committee chooses to conduct a review of policy or services that has not been referred by a policy committee, or does not fall under items 1 or 2 as detailed above, such reviews are limited to one review per civic year.

**Updated Versions / Amendments to Operating Methodology\*:**

June 2019

May 2022

June 2023

\*the Operating Methodology is reviewed annually by the Committee, however the above dates refer to amendments made.

## **APPENDIX 2: Excerpt of Constitution – Part V Rules of Procedure pages 29 – 31**

### **14. Call-In**

14.1 Call-in should occur where members of the Overview and Scrutiny Committee have evidence which suggests that the policy committee(s) for which it is responsible did not take the decision in accordance with the principles set out in Article 12.

14.2 Five working days are to be allowed for the call-in of decisions. The procedure is as follows –

(a) If four members on the Overview and Scrutiny Committee wish to call in a decision with a view to requesting that the relevant policy committee reconsiders the decision, this must be done within five working days of publication of the decision, provided the issue in question has not been recorded as urgent.

(b) Any request to call in a decision must be in writing, be signed by the four members and set out the resolution to be considered. The call-in notice should also set out the reason(s) why the decision should be reconsidered. The notice should be sent to the Head of Paid Service no later than 5pm on the fifth working day following publication of the decision.

(c) Decisions can only be called in once and must be considered at the next meeting of the Overview and Scrutiny Committee unless the agenda for that meeting has already been published. If the agenda has been published, the issue will be considered at the subsequent Overview and Scrutiny Committee meeting unless the matter is considered urgent by the Chairman of the Overview and Scrutiny Committee, taking into account any views of the Chairman of the Committee whose decision has been called in.

(d) The date of publication of the decision will be deemed to be the day on which the minutes were published on the Council's website.

(e) If having considered the decision the Overview and Scrutiny 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.

14.3 Where a matter is to be referred to another committee, call-in only applies after the matter has been considered by that other committee.

14.4 Call-in does not apply to recommendations to Council nor to Council decisions themselves.

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

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

14.7 The call-in procedure set out above 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. The record of the decision shall state whether, in the opinion of the decision-making committee, the decision is an urgent one and, therefore, not subject to call-in. The committee taking the decision must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The Chairman of the Overview and Scrutiny Committee shall be consulted before any matter is dealt with under this urgency procedure.

14.8 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.

14.9 The operation of the provisions relating to call-in and urgency shall be monitored annually.