

Overview and Scrutiny Guide

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Introduction

As part of the modernisation of local government, councils have had to change the way in which they make decisions.

Bradford Council has chosen a more streamlined approach to making decisions, which is to have an Executive Committee and a Corporate Improvement Commission with a further six Improvement Committees that will carry out the function of overview and scrutiny.

What is Overview and Scrutiny and how does it work?

While the Executive makes all the Council's decisions within the budget and policy framework set by full council, it is the overview and scrutiny function of the Improvement Committees/Commission that provide the checks and balances in the new political structure.

What does 'overview' mean?

Each committee has the responsibility to examine the council policy falling within their particular remit. They can decide to take an 'overview' of one area of policy, for example rubbish collection, and conduct an examination of how the council provides that service. The Committee will look at what the Council is doing and how it can improve its service, taking into account the views of expert witnesses, members of the public and examples of best practice elsewhere in local government. To obtain the input of external groups and individuals, the committee will use a number of methods. They might put a press release in the local paper asking for written submissions from interested people, or carry out a survey of local opinion. They might also invite groups and individuals concerned with or interested in the committees' current investigation to speak at a committee meeting.

What does 'scrutiny' mean?

The Committees also have a more inward looking role. They have a duty to examine or 'scrutinise' documents such as the budget and corporate plan before they become council policy and they also have the responsibility to monitor the decisions taken by Executive Members. The Committees have the power to 'call-in' those decisions about which they require more information. A special call-in meeting will be held to discuss these issues with both Executive members and council officers, and the Committee can then pass on their conclusions and recommendations to the relevant cabinet member based on the information they gather at the meeting. The Executive members can choose whether to amend their decision in light of these comments, or stick with their original decision.

So, what is Scrutiny?

Scrutiny involves Councillors working with local people, community organisations, agencies that work in partnership with the council, customers and competitors to improve policies and provide effective and responsive services.

How does an Improvement Committee/Commission Work?

Improvement Committees/Commission carrying out the overview and scrutiny function are the Council's 'watchdogs', examining its decisions and recommendations as well as monitoring the performance of local services. They are also 'think tanks' openly exploring issues and examining services or policies.

Scrutiny's role is to take steps to ensure that the Executive Councillors who make decisions about these services are held to account for their actions, and that the decision making processes are robust and transparent.

As well as Councillors on each Improvement Committee/Commission, there are representatives of community groups or outside bodies that are co-opted for their special knowledge. The meetings are open to the press and public.

What does scrutiny do?

The Improvement Committee/Commission carries out its activities in the context of the overview and scrutiny work programme (as listed for each individual Committee). The work programme for the Improvement Committee/Commission includes details of up and coming investigations, policy development and monitoring. The Improvement Committee/Commission in June/July will consider the draft work programme each year.

What is the role of Overview and Scrutiny?

The role of the overview and scrutiny within Improvement Committees/Commission are to:

- Contribute to better decision making by the Council, the Executive, committees and sub committees including the development of policy, strategies and plans and the budget and policy framework
- Implement a programme of Best Value reviews in accordance with the Local Government Act 1999
- Secure continuous improvement in service delivery within the agreed policy framework through monitoring the effectiveness of implementation
- Examine the way in which external organisations contribute to the benefit of the District and recommend ways in which these bodies may improve their contribution
- Review the development of community participation in the activity of the Council

including policy formulation

- Assist the development of local public service agreements and monitoring of them
- Hold the Executive to account

Who can be scrutinised?

Improvement Committees/Commission also look at how other organisations in the district are providing important services to the people of the district. This can include other public organisations, such as health service, or private or voluntary organisations. Through this, they help the Council as a community leader.

What is a detailed Scrutiny?

Improvement Committees/Commission can undertake investigations or 'detailed scrutinies' as they are called.

Detailed Scrutinies:

- Are undertaken by Improvement Committees/Commission with the support of officers of the Council
- Can look at any issue covered by the remit of any particular Improvement Committee/Commission
- Have a 'Terms of Reference' agreed by the Improvement Committee/Commission at the start of the scrutiny that details exactly what the scrutiny will look at and how it will be carried out
- Collect evidence from relevant people and organisations ('interested parties') so that the members of the committee/commission can produce a public report that covers their findings, conclusions and recommendations
- Receive this evidence in a variety of ways i.e.
 - From written submitted evidence (**hyperlink**)

What is a Call-in?

Within the function of overview and scrutiny, the Improvement Committee/Commission has the power to recommend that a decision made by the Executive or an Area Committee, but not yet implemented, be 'called-in' for consideration. After the Committee/Commission has considered the decision it deals with the matter in one of the following ways:

- Release the decision for implementation
- Refer all or part of the decision back to the Executive or Area Committee, to reconsider

in light of the Improvement Committees/Commission comments

- Refer the decision to full Council for consideration

Can members of the public become involved?

Yes, the function of overview and scrutiny encourages greater involvement of residents of the district, in how Council services are run and provided.

Its Committees/Commission meet regularly to discuss important issues, and members of the public can attend by just turning up. It provides an opportunity for your views and opinions to be considered.

If you think that one of the Improvement Committees/Commission should be considering a particular issue, you should contact the Co-ordinator of that Committee/Commission.

Hyperlink

Minutes and Agendas

Agendas are published 7 days before a meeting, and public inspection copies of the papers are available at the Central Library in Bradford, Ilkley Area Office, Keighley Information Centre, Keighley Town Hall and the Committee Secretariat Office in City Hall.

All papers can also be accessed from the minutes and agenda database on the Overview and Scrutiny website. **web link to go to the Minutes and Agendas database.**

Scrutinies

If you think you have something to say on what the Council does or if you think there's something that the Improvement Committees/Commission should be looking at, then there's a number of ways you can get involved....

Attending Meetings

By attending overview and scrutiny meetings you can follow the progress of inquiries in person. Meetings usually take place in City Hall and are held in public session. There are seating areas in each room, where you can sit and listen to proceedings. Check the individual Committee/Commission pages on our website for the agendas for meetings and to confirm the venue.

Becoming a Witness

Sometimes, when carrying out in-depth investigations of Council services, an Improvement Committee/Commission decides that they would like to invite a particular organisation or individual along to talk to the Committee/Commission at one of their meetings.

This means that Councillors have the opportunity to discuss issues first hand with the experts and it gives the public and external organisations the opportunity to potentially influence Council policy. The discussion will contribute to the production of a final report at the end of the enquiry.

Of course, if you feel that you've got something important to say, or you're an expert in a

particular issue a Committee/Commission is investigating, then you can contact one of us at the Scrutiny and Performance Management Section to arrange to speak to that Committee/Commission. **contact e-mail**

Suggesting a topic for a ‘scrutiny’

Scrutiny Suggestion Form – Click here

Email us – Scrutiny@bradford.gov.uk

The Improvement Committees/Commission welcome suggestions for topics of scrutinies and will consider issues put forward by any members of the public, interested groups or businesses. If you know of an issue you think would warrant review, please refer to the points below to ensure that it is a suitable subject for overview and scrutiny and then fill out the **online form**.

Suggestion for reviews must meet the following:

- Affect a group of people living within the Bradford District Council area
- Relate to a service, event or issue in which the Council has a significant stake or over which the Council has an influence
- Not be an issue which Overview and Scrutiny has considered during the last 12 months
- Not relate to an individual service complaint

Submitting Evidence

When a ‘Scrutiny’ on a particular matter is being undertaken by an Improvement Committee/Commission, a key part of the evidence gathering is to invite ‘interested parties’ to submit their views and suggestions.

This gathering of evidence is critical to the effectiveness of the scrutiny and is vital that it represents a wide range of views. Hence the Committee/Commission undertaking any particular scrutiny is very grateful for individuals or organisations that submit written evidence and hence contribute to the rigour and depth of the scrutiny.

The term ‘evidence’ is used to cover any comments, facts or views about the matter of the scrutiny that the interested party may have and a copy of the Terms of Reference that were agreed by the committee at the start of the scrutiny can be supplied on request. It is very helpful for any such evidence to cover any recommendations for action by the Council or others that the interested parties would like the Committee/Commission to consider for inclusion in its final report.

In detail the process is as follows:

- Through a press release or targeted letters, interested parties are invited to submit evidence on the subject of the scrutiny.
- All submitted evidence (i.e. any written documents/statements etc) is regarded as being

in the public domain unless agreed otherwise with the committee.

- The Committee/Commission considers all evidence in the preparation of the scrutiny report. Upon examination of the written submitted evidence, the Committee/Commission may choose to invite certain interested parties to attend as witnesses at a public hearing to further discuss the subject of the scrutiny. A separate briefing note is available for people invited to appear as witnesses.

The outcome of a 'Scrutiny' is a report from the Committee/Commission that is made public. This report will contain the findings and the recommendations of the Committee/Commission. These recommendations may be directed to the Executive of the Council or to other external bodies/agencies.

Submitting written evidence to a scrutiny may well be a new experience for you. Any required support will be given and you can contact the officers who are supporting the scrutiny.

Providing Information

Local NHS bodies must provide information about the planning, provision and operation of health services to the committee responsible for the scrutiny of its service.

Officers from local authorities are encouraged to maintain close-working relationships with organisations to ensure clarity exists on the information required and timescales involved. To that end the Health Improvement Committee in partnership with Health organisations have developed a protocol, which seeks to establish the roles each organisation plays in carrying out the health overview and scrutiny function. **(Link to page)**

Attendance at meetings and providing information

Providing sufficient notice is given, organisations have a duty to represent themselves at Improvement Committees/Commission and answer questions. The aim of attendance is to enable members of the Committee/Commission to fulfil their functions – for example to understand why action has taken place and the options that have been considered.

What happens if I am asked to be a Witness?

A key part of any 'scrutiny' is the running of public hearings to which key 'interested parties' are invited to attend as witnesses.

Gathering evidence is critical to the effectiveness of the scrutiny and is vital that it represents a wide range of views. Hence the Committee/Commission is very grateful to individuals or organisations that agree to be witnesses and hence contribute to the rigour and depth of the scrutiny.

The term 'evidence' is used to cover any comments, facts or views about the matter of the scrutiny that the witness may have. A copy of the Terms of Reference for the scrutiny, which has previously been approved by the Committee/Commission, will be supplied to each person or organisation invited to be a witness. It is very helpful for any evidence to include any recommendations for action by the Council or others, which the witnesses would like the

Committee/Commission to consider for inclusion in its Report.

The hearings normally comprise of a number of members of the Improvement Committee/Commission listening to the views of the invited witnesses, followed by questions from the members. Invited witnesses will be informed if there are any different arrangements to this.

All witnesses will be treated with courtesy and respect and all questions to witnesses will be made in an orderly manner as directed by the Chair of the meeting. The Council's protocol on Elected Member – Officer Relations will apply to all internal witnesses. **Link to constitution**

In detail the process is as follows:

- Interested parties are invited to attend hearings as witnesses to provide their view on the subject of the scrutiny. These hearings are held in public and are published through the press but the public are not allowed to participate, except in hearings that are being held specifically to take evidence from the general public and any interested parties who have not been specifically invited to attend as witnesses.
- As the hearings are in public, the press may be in attendance. The hearing is recorded and a full transcript is produced which witnesses have the opportunity to check for accuracy. All evidence (i.e. any written submitted documents/statements and transcripts of hearings) is regarded as being in the public domain unless agreed otherwise with the Committee/Commission.
- It would be of significant benefit to the Committee/Commission concerned if invited witnesses submit their evidence (or a summary of their evidence) in writing in advance if they are able to. The recommended timescale is one week before the hearing, which enables the evidence to be circulated to the Committee/Commission members. Please send to the Performance Co-ordinator for the relevant Improvement Committee/Commission.
- Witnesses attend the hearing at a specific agreed time and can be accompanied by colleagues if wished. Alternatively, witnesses can attend the entire hearing if they so wish.
- The witness will first be invited by the Chair of the Committee/Commission to briefly orally present their evidence in no more than 15 minutes.
- Next, the Committee/Commission members will ask the witnesses questions about the evidence they have submitted on the matter of the scrutiny.
- The whole session for each witness will usually last no longer than an hour.
- The Committee/Commission may decide to ask a witness to attend for another session at a later date.

The outcome of a 'scrutiny' is a report from the Committee/Commission that is made public. This report will contain the findings and the recommendations of the Committee/Commission. These recommendations may be directed to the Executive of the Council or to other external bodies/agencies.

Attending as a witness at a hearing may well be a new experience for you. Any required

support will be given and you can contact the officers who are supporting the scrutiny.

Meetings can take place in various public venues; at various times; though City Hall is likely to remain the most common location at present. For City Hall meetings, parking is available in the town centre and we are more than happy to pay your travelling costs if you can provide us with receipts for your journey.

Report Writing – guidance for Council Officers

Content of Reports

Reports to Improvement Committees/Commission can be for a variety of different purposes and no single framework is likely to meet all needs. Officers therefore have flexibility in drafting reports in order to best meet the needs of the Committee/Commission. The following headings may assist in providing a framework for reports.

Summary

This should indicate the purpose of the report and explain briefly its contents.

Background

This should indicate any chronology relevant to the report for it to be considered in the context of the role the Committee/Commission is performing. For example, the dates the issues were previously before the Committee/Commission (or other body) and the decisions made.

Report Issues

Officers will need to set their own layout and headings as the issues of the report dictate.

Options (where appropriate)

Identify any relevant options reflecting the purpose of the report and its contents.

Contribution to Corporate Priorities

- Identify the corporate priorities and respective plans and strategy to which the contents of the report relate
- Explain how the issues in the report contribute to the corporate priorities
- Community Cohesion and cross cutting strategies should be specifically addressed
- Identify other plans and strategies that the issues within the report relate to, contribute towards, or implement

Recommendations (where appropriate)

Recommendations should reflect the role of scrutiny and the process the Committee/Commission is undertaking. Recommendations will generally therefore be guiding the Committee/Commission towards the next stage in the process.

Background Documents

List the Background documents which have been relied on in preparing the report.

Not for Publication (where appropriate)

Identify any documents (or parts of the report), which are not for publication.

Code of Conduct

Members

All Members and co-opted Members have a duty to comply with the Member's Code of Conduct and need to ensure that they are aware of the conditions in part 4a of the constitution. In brief, the Code of Conduct relates to the following issues:

- Promote equality
- Treat others with respect
- Not compromise the impartiality of Council Officers
- Confidentiality of information
- Declare personal, prejudicial and financial interest
- Registration of gifts and hospitalities
- Protocol on Member-Officer Relations

Officers

Officers need to also make themselves aware of the Code of Conduct, part 4a, of the constitution. There is a protocol on Member-Officer relations that provides rules (in bold) and guidance on what is expected to promote effective working relations.

(Link to constitution)