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Democratic Services  
The Corby Cube,  
George Street,  
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Northants,  
NN17 1QG



**Meeting:** Democracy and Standards Committee  
**Date:** Monday 13th March, 2023  
**Time:** 7.00 pm  
**Venue:** The Council Chamber, Corby Cube, George Street, Corby, Northants, NN17 1QG

## To members of the Democracy and Standards Committee:

Councillors Lora Lawman (Chair), Macaulay Nichol (Vice-Chair), Jean Addison, Lyn Buckingham, Robin Carter, Emily Fedorowycz, Kirk Harrison, Paul Marks, Dorothy Maxwell, Andy Mercer, Gill Mercer, Michael Tye and Kevin Watt.

(Substitutes: Councillors Paul Bell, Leanne Buckingham, Dez Del, Jonathan Ekins, Philip Irwin and Anne Lee).

## Agenda Supplement

The following report has now been published.

Item	Subject	Page no.
05.	Review of Scrutiny	5 - 34

Adele Wylie, Monitoring Officer  
North Northamptonshire Council

A handwritten signature in black ink, appearing to read 'Adele Wylie'.

**Proper Officer**  
**Friday 10 March 2023**

This supplementary agenda has been published by Democratic Services.  
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## Democracy & Standards Committee 13<sup>th</sup> March 2023

<b>Report Title</b>	<b>Scrutiny Review</b>
<b>Report Author</b>	<b>Adele Wylie Executive Director of Customer and Governance /Monitoring Officer Adele.wylie@northnorthants.gov.uk</b>

<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	

### List of Appendices

- Appendix A – Proposed scrutiny structure**
- Appendix B – Centre for Governance and Scrutiny feedback**
- Appendix C – Member Feedback**
- Appendix D – Draft Scrutiny Procedure Rules**

### 1. Purpose of Report

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- 1.1. To update the Committee on the proposals for changes to scrutiny arrangements.
- 1.2. For members to comment on the draft Scrutiny Procedure Rules which if agreed would be recommended to Council.
- 1.3. For members to consider the feedback received during the consultation period.

### 2. Executive Summary

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- 2.1. The Council has a general requirement to review its governance arrangements to ensure compliance with legislation and ensure its decision-making structures allow for efficient and effective decision making. The role of scrutiny has an important role in ensuring that the Executive are held to

account and that key decisions are made in an appropriate manner, taking all relevant factors into account.

2.2. It is important that scrutiny is focused and effective, helping to ensure that policy making is improved and efficiency of delivery of services to the public maximised.

### **3. Recommendations**

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3.1. It is recommended that the Committee –

- (i) Consider the Scrutiny structure at Appendix A and agree whether it should be recommended to Council for approval.
- (ii) Consider and note the Centre for Governance and Scrutiny feedback at Appendix B;
- (iii) Consider and note the member feedback at Appendix C;
- (iv) Comment upon the draft Scrutiny Procedure Rules at Appendix D and agree whether to recommend them (subject to any changes agreed in the Committee) to Council.

3.2. *Reason for Recommendations – To consider a revised structure for scrutiny that will promote better governance arrangements. To ensure that the Procedure Rules are considered prior to Council.*

3.3. *Alternative Options Considered – To leave the scrutiny structure as it is currently.*

### **Report Background**

3.4. North Northamptonshire Council operates an executive model of governance and is required under statute to operate at least one scrutiny committee.

3.5. The purpose of the scrutiny function is to influence policies and decisions made by the Executive and other organisations delivering services to the public. This is achieved by reviewing key decisions made by the Executive, investigating important service delivery and strategic policy issues (i.e. through task & finish groups) and where appropriate through the call-in procedure challenging key decisions made.

3.6. Since May 2021, the Council has operated with two scrutiny committees. The Scrutiny Commission is an overarching body which is able to establish topic-specific task & finish groups undertaking work on the approved Scrutiny Workplan. The Finance & Resources Scrutiny Committee specifically scrutinises and monitors the finances of the Council, with particular attention

to in-year monitoring of spend and input into consultation on the draft budget for future years (as part of the budget-setting process and consultation).

- 3.7. As the Annual Scrutiny Report 2021/22 recently presented to Council demonstrated, the scrutiny function of the Council has developed well since May 2021 with some important work undertaken. It is recognised however that the quantity of work required to be undertaken exceeds existing capacity and that there is a need to review scrutiny arrangements at both member and officer level. In particular, it is recognised that scrutiny's role in relation to other public service providers requires enhancement and that a more outward focussed scrutiny is needed.
- 3.8. A report was considered by this Committee in December 2022 which commenced a consultation on proposals to change the structure of scrutiny. All Members were given the opportunity to attend a presentation on the proposals. They were able to feedback verbally and in writing. Senior Officers were also consulted on the proposals.
- 3.9. The Centre for Governance and Scrutiny was asked to provide its comments on the proposals and respond to verbal feedback. Its response is included at Appendix B.

#### **4. Issues and Choices**

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- 4.1. There is a need to ensure greater effectiveness and transparency in relation to the workload of the scrutiny function within the council. Current arrangements can lead to potential delays in undertaking work and duplication. Arising from member feedback and discussion at the Constitutional Working Group, the following feedback and amendments to the initial proposals received by this Committee are outlined below.

##### **Scrutiny Management Board**

- 4.2. It is recommended that a Scrutiny Management Board is established to avoid unnecessary delays, ensure strategic ownership of scrutiny remains with members and stops duplication. It is expected that the Board will comprise the Chairs and Vice-Chairs of the Scrutiny Committees and will strategically drive forward the scrutiny function.
- 4.3. It was proposed that the Board would manage the workload of the scrutiny function, agree agenda items and the Workplan, complete the Annual Scrutiny Report and lead on the member development programme for scrutiny members.
- 4.4. There was positive feedback from members on this role and the Centre for Governance and Scrutiny were also supportive of an overarching Board.
- 4.5. Transparency is important to the Council, and it is therefore proposed that the Board is a formally constituted body which is open to the public.

- 4.6. The functions of the Board which were consulted upon have not significantly changed, with the exception that the Constitutional Review Working Group has proposed that the Scrutiny Management Board determine call-in requests. The Scrutiny Procedure Rules have therefore been drafted on this basis.
- 4.7. The benefits of this are that there would be a streamlined process and the members of the Board would build expertise in dealing with such requests. The Centre for Governance and Scrutiny felt that having a single space for call-ins is likely to prove most productive. The alternative is that the individual Committees determine call-in requests.

### **Scrutiny Committee - Health**

- 4.8. The Council has a statutory duty to scrutinise health. There is a strategic role in reviewing how the integration of health, public health and social care is working to ensure maximum outcomes can be achieved for the benefit of the public. This is a statutory role and there have been no negative responses that this needs to be enhanced in any future scrutiny structure.
- 4.9. The original proposal suggested that crime and disorder and scrutiny of the Community Safety Partnership should be undertaken within this Committee due to the link between crime and disorder and health outcomes. The Centre for Governance and Scrutiny felt that this had a better fit in the Place and Environment Scrutiny Committee. The Constitutional Review Working Group had mixed views on this, but it has been moved from this Committee to Place and Environment in the draft Scrutiny Procedure Rules.
- 4.10. It is recognised that scrutiny needs to be outward facing as well as considering the Council's own service delivery. The relationship with key partners is important particularly with partners such as the NHS, the Police etc. The Scrutiny Management Board will have a key role in ensuring partner engagement is enhanced in any new structure and that the agendas are outward facing as well as inward. This was also raised in member feedback as a priority.

### **Scrutiny Committee - Place and Environment**

- 4.11. In relation to the Council's corporate objectives around Place and Economy it is recognised that there are a number of significant projects ongoing and some key elements of service delivery requiring regular review of performance e.g. the highways contract. It was therefore proposed that a Place and Economy Scrutiny Committee be created. This has been received well and no amendments have been made other than the movement of crime and disorder to this Committee.

## **Scrutiny Committee - Corporate**

- 4.12. Corporate scrutiny is currently being undertaken by both the Scrutiny Commission and the Finance & Resources Scrutiny Committee. It was widely accepted that this can cause duplication of effort.
- 4.13. There was a number of comments during the consultation period around whether this Committee would have the capacity to ensure strong financial scrutiny and whether instead there should be a specific Committee to focus entirely on the budget.
- 4.14. The Centre for Governance and Scrutiny commented that it has not proved necessary in other councils to have a dedicated Budget Scrutiny however good financial management is key to any organisation.
- 4.15. Scrutiny of the annual budget has been undertaken in an intensive and structured way since the new authority was established. The Council is keen that this continues so that it can evidence good control of its budgets. This work would not be diluted in the new structure and the meetings for this piece of work is built into the Calendar of Meetings on an annual basis. This work would be considered to be a long standing Panel under the Procedure Rules.
- 4.16. The Corporate Scrutiny Committee will mirror the work of the current Finance and Resources Committee, in that it will scrutinise finance and performance which are integral to each other. It will also scrutinise external partnerships and companies such as the Children's Trust. Currently the Children's Trust is scrutinised across Committees which does not allow members to collate a rounded view of it.

## **Panels**

- 4.17. Panels are defined within the draft Procedure Rules as being either long standing groups or task and finish. Long standing panels such as scrutiny of the annual budget and annual review of Outside Bodies will not be included in any maximum amount of Panels that can be established. This therefore leaves a maximum amount of 4 that can be established throughout the year to undertake more detailed work, unless there are exceptional circumstances. The recommendation previously from the Centre for Governance and Scrutiny was that a maximum of 3 was recommended and therefore this is a formal increase to current arrangements.
- 4.18. Whilst it is proposed that the Scrutiny Management Board agrees the establishment of Panels, it will direct the formal establishment of it to be undertaken by one of the three Committees, which will formally establish it and set out the name of the Panel, and the terms of reference including relevant dates for completion. This gives ownership of the Panel to the relevant Committee.

## **General**

- 4.19. Feedback from members is included at Appendix C. There was feedback in relation to the political chairmanship of the Committees which is a decision for Council and is not therefore dealt with in this report.
- 4.20. There was also useful feedback on how scrutiny should operate at the Council and whilst this is outside of this review, it will be useful for the Board to consider so that scrutiny continues to add value to North Northamptonshire. A learning and development programme will be created and delivered to all scrutiny members in the new municipal year to ensure that they are supported to have the skills and knowledge for excellent scrutiny.
- 4.21. Some comments were received about the effectiveness of the Executive Advisory Panels which have been subject to a recent review. As these are created at the Leaders discretion, these are not in scope for this review.
- 4.22. The Constitutional Review Working Group considered the frequency of meetings and agreed to include bi-monthly meetings for the Committees and monthly meetings for the Scrutiny Management Board. Whilst the current Scrutiny Commission has struggled with capacity, the Finance and Resources Committee has managed its budget workload through a Task and Finish Group which has worked well. The removal of duplication of performance scrutiny will have an immediate impact on capacity. Consideration of the workplan in meetings, agreement to items for the Workplan and the collation of the Scrutiny Annual Plan which will move the Board will also free up capacity for the Committees. More meetings could be added if the Board felt that this was necessary.
- 4.23. This would amount to 30 meetings per annum in the Calendar of Meetings (excluding Panel work which is extensive), compared to 19 meetings (excluding Panel work) in the current arrangements.
- 4.24. The number of members on each Committee was considered by the Constitutional Review Working Group following feedback from the Centre for Governance and Scrutiny. A figure of 9 has been included for all Committees (except for Health which has 11 due to the statutory consultees) within the draft Scrutiny Procedure Rules however the Committee will want to consider this.

## **5. Next Steps**

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- 5.1. Subject to the Committee's approval, the Scrutiny Procedure Rules would be recommended to Council.

## **6. Implications (including financial implications)**

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### **6.1. Resources and Financial**



- 6.1.1. If there is an increase in the number of scrutiny committees to three then an additional Chair of Scrutiny Committee's Special Responsibility Allowance would be applicable, in accordance with the Council's Members' Allowances Scheme at part 8.6 of the Constitution. This can be met from the allowance allocation.
- 6.1.2. Contained within the current Democratic Services restructure are three posts dedicated to supporting the scrutiny function of the Council. Other officers would supplement this resource as required. One of these is a statutory Scrutiny Officer.

## **6.2. Legal and Governance**

- 6.2.1. The Council is required to establish at least one scrutiny committee. The proposal submitted for consultation will assist in enhancing the role of scrutiny within the Council and provide additional support in meeting the Council's responsibilities detailed under statute and within statutory guidance. If Council eventually approves the proposal, there would be the need for consequential amendments to be made to the Constitution.

## **6.3. Relevant Policies and Plans**

- 6.3.1. It is suggested that adoption of the proposals within the report would assist in meeting the good practise highlighted in the Government's statutory guidance on overview and scrutiny within local government and assist in ensuring that there is appropriate scrutiny of the Council's objectives set out in the approved Corporate Plan.

## **6.4. Risk**

- 6.4.1. Whilst the current scrutiny system operated within the Council has been effective the current arrangements have limitations and there have been concerns raised regarding its limitations. In addition there is a need to ensure that duplication of effort is minimised and that important areas requiring scrutiny are properly resources and considered.
- 6.4.2. It is suggested that the proposals would build on the foundations established since May 2021 and would ensure an expanded capacity. The proposal also clarifies the role of scrutiny within the governance structure of the Council and its relationship with EAPs.
- 6.4.3. Failure to address the issues raised in the report and presentation would limit the potential for the Council's scrutiny function to expand and enhance its effectiveness.

## **6.5. Consultation**

- 6.5.1. Initial proposals were considered by the Constitutional Working Group (CWG) at its meeting on 24<sup>th</sup> October 2022. This Committee endorsed the proposals for wider internal and external consultation.

6.5.2. All members were given the opportunity to comment upon the proposals and provide feedback.

6.5.3. The Constitutional Review Working Group considered the draft Scrutiny Procedure Rules on Monday 6<sup>th</sup> March 2023 and its feedback and comments are incorporated into this report.

#### **6.6. Consideration by Executive Advisory Panel**

6.6.1. Not applicable.

#### **6.7. Consideration by Scrutiny**

6.7.1. Current scrutiny members have been consulted as part of this review process.

#### **6.8. Equality Implications**

6.8.1. None impacting on the nine protected characteristics defined in the Equality Act 2010.

#### **6.9. Climate Impact**

6.9.1. Not applicable to this report.

#### **6.10. Community Impact**

6.10.1. Not applicable to this report.

#### **6.11. Crime and Disorder Impact**

6.11.1. Not applicable to this report.

### **7. Background Papers**

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7.1. [Council's Constitution](#)

7.2. [Report to Democracy and Standards Committee – 7<sup>th</sup> November 2022](#)  
(minute 44 refers)

7.3. [Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities \(May 2019\)](#)

# Scrutiny Management Board

## Key Areas

- Overall responsibility for the direction and management of the Scrutiny function
- Receive and consider requests for reports and allocate to the appropriate Committee
- Manage any self assessment of the Scrutiny function
- Oversee Workplan and Agenda Planning
- Approve the Annual Report
- Initiate and co-ordinate training and development for Scrutiny members
- Determine Call In Requests

# Health Scrutiny

The Council has a statutory duty to scrutinise health.

Strengthen the voice of local people, ensuring that their needs and experiences are considered as an integral part of the commissioning and delivery of health services and that those services are effective and safe.

Taking an overview of how well integration of health, public health and social care is working.

Proactively seeking information about the performance of local health services and institutions.

Outcome focussed, looking at cross cutting issues, including general health improvement, wellbeing and how well health inequalities are being addressed.

## Key Areas

- Protection and safeguarding of adults
- Mental Health and Wellbeing
- Experiences and outcomes for patients
- Public Health and healthy lives
- Health Services
- Education
- Domestic Violence
- Anti-Social Behaviour



## Key Areas

- Regeneration
- Neighbourhoods
- Housing
- Highways
- Climate
- Flood Risk (statutory only)
- Leisure
- Tourism
- Highways
- Social Housing
- Enviro-crime
- Waste
- Crime and Disorder (including scrutinising the Community Safety Partnership)



## Key Areas

- Budget Monitoring
- Annual Budget Scrutiny (dealt with through long standing Panel)
- Corporate Performance
- Corporate Matters such as ICT, Customer Services, Complaints, Council Buildings and Resources
- Outside Bodies (dealt with through long standing Panel)
- Partnerships/companies including Northamptonshire Children's Trust



## Centre for Governance and Scrutiny

### OPINION ON PROPOSALS FOR CHANGES TO SCRUTINY AT NORTH NORTHAMPTONSHIRE COUNCIL

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#### Introduction

This paper has been prepared at the request of North Northamptonshire Council officers to provide assurance and advice to councillors on proposed changes to the operation of the Council's scrutiny function.

Absent a detailed review of the Council's current arrangements, CfGS can only provide general advice on these points.

#### Comments

##### In general

- Committee structure  
Reviewing the structure of committees is an important way to enable improvement in scrutiny – but it is not the whole story. Other systems and processes (such as work programming) need to be addressed in order to make changes “stick”. We cover this in more detail below.
- Duplication around performance and finance information  
Clarifying who will lead in reviewing this information regularly is important; we agree that otherwise duplication will be an issue.
- Opposition chairing  
In our experience there is a case for ensuring that opposition parties hold chairing positions, and we have encouraged councils to experiment with this approach. It is important that chairs demonstrate independent of character and a commitment to the function, whatever party they are from. Scrutiny of course should not be a place for purely political opposition, but opposition chairing can demonstrate clearly that the function is independent from the executive.

Research is inconclusive when it comes to the point of whether opposition chairing leads to better scrutiny overall.

- Call-in  
We think that having a single space for call-ins is likely to prove most productive – we have not looked in detail at the Council's call-in arrangements but convening special meetings of Corporate Services to consider call-ins would ensure a degree of control over the system.
- Meeting frequency

If responsible for financial and corporate services issues, the Corporate Services committee might usefully meet monthly. Other committees would probably only require quarterly meetings, but this assumes that the Council will make use of task and finish working as part of their usual operations.

- Committee size

The Council committee responsible for children's services / education scrutiny will need to be larger than the others to account for the presence of the statutory education co-optees.

That aside we would suggest an optimum committee size of between 9 and 12. Larger committees can work, but there is not always the opportunity for all members to contribute. More opportunities can arise through the careful use of task and finish working.

### The committee structure

- Role of scrutiny management board

The establishment of an informal grouping of members, solely to oversee the scrutiny function rather than to conduct any substantive work, has the potential to make the scrutiny work programme more coherent. It is important both that the work of this Board does not become bureaucratically intensive, and that the products of its work are reported to formal committees (as appropriate) in the interests of transparency.

- Health scrutiny

Proposed arrangements for health scrutiny are sensible and will provide a focus for a function which is not currently thought to be working well. Although some crime and disorder functions do engage with the health and care agenda, in a strategic sense this is an awkward fit, and we think it is possible that if C&D issues are located alongside health they will be crowded out. It may be better for these responsibilities to sit elsewhere.

- Place and Environment

These are subject areas that combine well.

- Corporate scrutiny

We agree with the principle of bringing together corporate activity with finance and resources, especially given the creation of a separate scrutiny management board. We think that this will provide the space for discussion of important corporate issues. It will be important to consider exactly how this committee will review financial information, with particular reference to the intersection between its role and the role of the Audit Committee.

We are aware that some members feel strongly that there should be a scrutiny committee focused entirely on the budget. In our view that would be unnecessary (having a standing committee devoted to such matters has not proved necessary in other councils) but we do recognise that, especially at the moment, financial issues are critically important. Financial scrutiny (in-year, and budget-focused) should be a continuing workstream with the Corporate Scrutiny work programme.

A reason \*not\* to establish a separate Finance Scrutiny Committee is that doing so potentially creates barriers between financial scrutiny and scrutiny of "other" matters. As far as possible, an awareness of financial issues should be integral to scrutiny's wider work.



## Member Feedback during Consultation Period

<p><b>Amount/ Structure of Committees</b></p>	<p>I like the proposed change to three Scrutiny Committees, Corporate, Health, Place and Environment and their remits.</p> <p>A Scrutiny Management Committee would enable the workplan and requests for scrutiny to be looked at outside of Scrutiny meetings, giving more time for actual Scrutiny, too much time at some Scrutiny Commission meetings has been taken up with looking at the work plan.</p> <p>Building relationships with partners will be vitally important, especially as part of Health Scrutiny. I am not sure I agree with CfGS that Crime and Disorder may be better suited sat outside Health Scrutiny, as it links in with Integrated Care</p> <p>We should have more Scrutiny Committees and less EAPs</p> <p>Concerns about there not being a separate Budget Scrutiny Committee but upon clarification confirmed “As long as the Corporate Committee have enough time to cover all the areas you identified then that is fine. If there are enough members, they could sub divide into task and finish groups to look at for example budget setting”.</p>	<p>Cllr Wendy Brackenbury</p> <p>Cllr Valerie Anslow</p> <p>Cllr Jean Addison</p>
<p><b>Frequency of meetings</b></p>	<p>CFGS are suggesting that 2 of the scrutiny committees meet quarterly. The thinking behind this seems to be that the majority of the work will be done in Task and Finish groups.</p> <p>I think that the original proposal for monthly meetings of each of the 3 scrutiny committees is the correct approach. All the committees have a wide remit and I am sure that they would be kept busy with monthly meetings.</p> <ul style="list-style-type: none"> <li>a) The bulk of scrutiny is done out of the public domain which is not good for democracy.</li> <li>b) Only a subset of the scrutiny committee members would get to see the detailed data.</li> <li>c) We have limited the number of Task and Finish groups, so that means only a few topics could be scrutinised at any one time.</li> <li>d) Not all topics need such in depth scrutiny as is done at a Task and Finish Group.</li> <li>d) It is downgrading the main scrutiny committee to just be a rubber stamping body for the task and finish reports.</li> </ul> <p>We currently have a long list of topics on the work programme that we would like to scrutinise. We are not getting to look at most of these due to lack of capacity. As well as the topics we have on our list to scrutinise, we still need to have some reports that come to us regularly. So quarterly meetings would mean that there would be inadequate scrutiny of the topics that we wish to cover.</p>	<p>Cllr Gill Mercer</p>

## Member Feedback during Consultation Period

	I don't know if the suggestion by CfGS that meetings should be quarterly allows for adequate scrutiny, at NNC we went from bi- monthly to monthly meetings. I think either monthly or bi- monthly with Task and Finish groups taking place as well would work better. The frequency of meetings can be reviewed at a later date once any changes have been made.	Cllr Wendy Brackenbury
<b>Call-in</b>	I do not think that it is appropriate for call-ins to be dealt with by a single committee. The call-ins should, like other items, be allocated by the Scrutiny Management Board to the most appropriate committee.	Cllr Gill Mercer
<b>Committee size</b>		
<b>Chair of Committees</b> Page 18	I agree Chairs of committees should be independently minded, this does not mean they should be chaired by members of the opposition. As Chair of the Scrutiny Commission I believe I am independently minded, it is part of my make up and who I am both in and outside of politics. CfGS opinion 'Research is inconclusive when it comes to the point of whether opposition chairing leads to better scrutiny overall'.	Cllr Wendy Brackenbury
	All scrutiny should be chaired by opposition to achieve the best. Having a chair with a relationship to an executive member is wrong and does not give the proper independence as shown on past votes. Public health scrutiny is essential and should be chaired by opposition.	Cllr John McGhee
	Opposition should chair Scrutiny Committees.	Cllr Valerie Anslow
	Scrutiny Committees should have an Opposition Chair	Cllr Jean Addison
	There are far too many informal connections between the scrutiny Chair role and Members of the Executive which I feel causes a degree of advocacy towards protecting the Executive (and Administration Conservative Group) from free and uninhibited scrutiny. All scrutiny should be chaired by non-administration Councillors. This was an outcome from the County Council's system and was lost in the transition to NNC.	Cllr Jim Hakewill

## Member Feedback during Consultation Period

Page 19	<p><b>General on how Scrutiny operates</b></p>	<p>Adequate resourcing is a must to support the Scrutiny function and allow for effective Task and Finish Groups. Further training for Members would be helpful. Scrutiny should not be a vehicle for political point scoring but Members should be confident in holding the Executive to account and adding value to the organisation.</p>	<p>Cllr Wendy Brackenbury</p>
	<p>Scrutiny of course can request executive members and officers to attend for questions and clarification on agenda items. Scrutiny should also scrutinise outside areas where there is a public interest.</p>	<p>Cllr John McGhee</p>	
	<p>Where recommendations are accepted by the Executive, we need to ensure that Scrutiny follow outcomes achieved otherwise we can't measure the success of Scrutiny.</p>	<p>Cllr Valerie Anslow</p>	
	<p>I am very much in favour of a new structure for Scrutiny that takes into full consideration the statutory guidance issued by the government on effective scrutiny, and a refocus on the remit and policy development of the EAPs, but I am also a big advocate of the need monitor, evaluate, review, and improve.</p> <p>Whilst it is understood that we are democratically elected members, its important that our scrutiny structure has the best fit to meet our needs, its also important that there is an open and honest process to get the outcomes that will enhance the work of the Council and build trust for our residents.</p> <p>There needs to be an executive-scrutiny protocol developed so that there is a clear division between the two functions, with firm emphasis on the Executive forward planning, and how call in will be handled.</p> <p>That there is officer support and resources for scrutiny, including impartial advice from officers and a good level of training to improve the effectiveness knowledge of members and officers so that scrutiny can be used as a source of good practice and improvement. The council should have a dedicated scrutiny officer to meet the needs of our scrutiny structure.</p> <p>Consideration must be given to the make up of our new committees and its relationship to the executive members as has been raised in the past year, the guidance makes clear that a great deal of thought should be given on structures that can give confidence to the public.</p> <p>Partnerships and how they are used is also important to scrutiny, and how you identify which partners are best placed in the community for each area to be scrutinised, how witnesses can feed into this work and evidence gathered.</p>	<p>Cllr Lynn Buckingham</p>	

## Member Feedback during Consultation Period

	<p>Scrutiny should be open and transparent and should be effective and not just a talking shop (make an actual difference to services, communities and the decisions that we make)            We should co-opt independent members onto Scrutiny Committees</p>	Cllr Jean Addison
Page 20	<p>The only Cabinet/Executive systems in the legacy councils were the County Council and Kettering Borough Council. Many members have not had experience of a formal scrutiny process and it has been a steep learning curve for them, which is on-going based on the level and quality of questioning in meetings.</p> <p>The review of scrutiny should be much more widespread in information gathering from other Councils who are recognised as doing it well along with an externally managed Peer Review to look at the last two years and create a more effective way of scrutiny management and delivery for the future. It is ironic that the current proposals have themselves not formally come before either of the existing scrutiny Committees for comment and suggestions.</p> <p>One factor that caused difficulties for the County Council and now with NNC is that there is too little outward looking analysis of how other Councils achieve results in areas where we struggle. Equally too little recognition of good practice at NNC being evangelised outside our borders.</p> <p>Classic scrutiny should, I feel have a main function with one forward looking scrutiny committee and one backward looking monitoring and effective task and finish groups picking up on key issues in both areas. This would negate the need for EAPs.</p> <p>NNC does not have a full complement of human resources as evidenced by the number of vacancies. Scrutiny needs dedicated support and a budget that enables visiting other places and member training.</p>	Cllr Jim Hakewill
<b>Location</b>	Scrutiny should also be seen to have meetings round North Northamptonshire and suitably to the agendas.	Cllr John McGhee

## NNC Constitution – Part 7 Scrutiny

### DRAFT Scrutiny Procedure Rules

As the Council operates an executive model of governance, it is required under Section 9F of the Local Government Act 2000 to have at least one Scrutiny Committee.

The purpose of the Scrutiny Committees are to influence the policies and decisions made by the Council and other organisations involved in delivering public services. They do this through meeting regularly and having input into some policies and decisions before they are made, investigating important public issues through Task and Finish Groups and where appropriate challenging or reviewing decisions once they are made through the Call In Procedure Rules.

Scrutiny Committees are not decision-making bodies, but their influence and challenge are vital to effective decision making. The Scrutiny Committees can scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions, and scrutinise external bodies as detailed by statute.

The Centre for Governance and Scrutiny “Good Scrutiny Guide” states that “Scrutiny’s structures are often a reflection of the culture in which scrutiny operates and the role that has been agreed for it.”

The Council has three Scrutiny Committees and a Scrutiny Management Board which collectively will perform the scrutiny functions on behalf of the Council.

#### 1. Terms of Reference for Scrutiny Committees

Within their remits as set out below;

- 1.1. Review decisions made by the Council, Executive, Committees and Officers (except for regulatory decisions)
- 1.2. Review the performance of the Council in relation to policy objectives, performance targets and/or particular service areas
- 1.3. Question Executive Members about decisions and performance within their portfolio whether in comparison with corporate objectives over a period of time, or in relation to decisions (except for regulatory decisions).
- 1.4. Review the performance of other public bodies in the area and invite reports from them by asking them to address the relevant Scrutiny Committee about

their activities and performance.

- 1.5. Question and gather evidence from any person with their consent.
- 1.6. Make recommendations to Council or the Executive arising from work undertaken by a Scrutiny Committee
- 1.7. Recommend that a decision made but not yet implemented, be reconsidered by the Executive through the Call In Procedure administered by the Scrutiny Management Board.
- 1.8. Provide responses to Councillors Call for Action.
- 1.9. Collaborate with other Scrutiny Committees and other bodies undertaking similar functions outside the Council.
- 1.10. Agree the terms of reference and details of Panels once they have been added to the Annual Workplan by the Scrutiny Management Board.

## **2. Scrutiny Management Board- Terms of Reference**

The Scrutiny Management Board has strategic responsibility for the Scrutiny function.

The Board has overall responsibility for the direction and management of Scrutiny to ensure that non-executive members make an effective contribution to the improvement and development of the Council, its services, and other external public services for the benefit of North Northamptonshire.

The Board is made up of six members. It is expected that these will be the Chairs and Vice Chairs of the three Scrutiny Committees. The quorum is 4 members and there shall be no substitutions.

The Chair and the Vice Chair of the Board shall be appointed at the annual meeting of Council.

The Board has the following specific responsibilities:

- (a) To work with the statutory Scrutiny Officer to oversee and manage the Council's scrutiny process;
- (b) Develop and approve an Annual Scrutiny Workplan;
- (c) Monitor progress of Panel work;
- (d) Monitor the Council's Forward Plan of Key Decisions;

- (e) Have overall responsibility for the commissioning of Panel work and consider resource implications. In adding items for review to the Work Plan, the Board shall consider: -
- Which Corporate Priority the item links to?
  - If the item is of significant community concern?
  - If the issue is significant to Partners and/or Stakeholders?
  - What the added value is of doing the work?
  - What evidence there is to support the work?
  - If the Scrutiny work can be completed within a proportionate time to the task identified?
  - If the work is being done somewhere else?
  - What will be achieved?
  - If the Council has the resources to carry out the work effectively?
- (f) To undertake regular dialogue with Executive Directors and Executive Members in line with the Executive/Scrutiny Protocol.
- (g) To consider scrutiny agenda requests and allocate to the relevant Committee if they are approved.
- (h) To undertake an annual assessment of Scrutiny (including undertaking quality control of scrutiny procedures including outputs and added value).
- (i) To oversee the co-ordination of scrutiny members learning and development
- (j) To develop and approve the Annual Scrutiny Report for consideration by Council.
- (k) To determine which Committee a matter should be considered at where it is not clear.
- (l) To determine call in requests.

### **3. Corporate Scrutiny- Terms of Reference**

- 3.1 To review and scrutinise the Revenue Budget, Capital Programme and Housing Revenue Account
- 3.2 To undertake the budget review process and ensure that budget proposals are subject to rigorous challenge.
- 3.3 To review and scrutinise the following areas;
- Corporate performance data
  - Council Owned Buildings and Resources
  - Enabling Services e.g., IT (Information Technology)

- Outside Bodies
- Customer Services
- Complaints
- Northamptonshire Children's Trust
- Partnerships

#### **4. Health Scrutiny- Terms of Reference**

- To exercise the Council's statutory role in scrutinising health services for North Northamptonshire in accordance with the National Health Service Act 2006 as amended and associated regulations and guidance.
- To engage with and respond to formal and informal consultations from local health service commissioners and providers where it wishes to do so. This shall be on behalf of Scrutiny and not on behalf of Council.
- To scrutinise the commissioning and delivery of local health and social care services to ensure reduced health inequalities, access to services and the best outcomes for citizens.
- To hold the Health and Wellbeing Board to account for its work to improve the health and wellbeing of the population of North Northamptonshire and to reduce health inequalities;
- To respond to referrals from, and make referrals to, Healthwatch North Northamptonshire as appropriate;
- To appoint a lead health scrutiny councillor for the purposes of liaising with stakeholders on behalf of the Health Scrutiny function, including the Health and Wellbeing Board, Healthwatch North Northamptonshire, and the Executive Member with responsibility for health and social care issues;
- To have responsibility for scrutinising the Council's role as an Education Authority

#### **5. Place and Environment Scrutiny- Terms of Reference**

- 5.1 To fulfil all functions of the Council in relation to flood risk under the Flood and Water Management Act 2010
- 5.2 To fulfil all functions of the Council's designated Crime and Disorder Committee under the Police and Justice Act 2006.
- 5.3 To review and scrutinise the following areas;
  - Transport
  - Regeneration



- Neighbourhoods
- Housing
- Highways
- Climate
- Community Safety
- Leisure
- Tourism
- Social Housing
- Enviro-crime
- Waste

## **6. Members**

There shall be 9 elected members of each Scrutiny Committee.

Relevant training shall be undertaken by members as determined by the Scrutiny Management Board.

## **7. Co-optees**

The Scrutiny Committees shall be entitled to appoint non-councillors as voting or non-voting co-optees as required or permitted by relevant legislation.

The Health Scrutiny Committee may make provision for the appointment of voting co-optees to assist in fulfilling its responsibilities under the National Health Service Act 2006.

The Health Scrutiny Committee shall appoint voting representatives in accordance with the Education Act 1996. These representatives have the right to vote on any question which relates to any education functions which are the responsibility of the Executive.

Parent Governor Representatives will be appointed to the Health Scrutiny in accordance with the guidance published by the relevant government department.

## **8. Substitutions**

8.1. Named substitutes are allowed and must undertake relevant training as determined by the Scrutiny Management Board.

## **9. Chairmanship**

9.1. The Chair and Vice Chair of each Committee shall be appointed at the annual meeting of Council. If the Chair or Vice Chair resigns from the role prior to the next annual meeting, then a vote may be taken by the Committee to replace them in year.

## **10. Quorum**

10.1. The quorum shall be a quarter of voting members, but no less than 4 members.

## **11. Meetings**

11.1 Scrutiny Committee meetings will be held bi-monthly.

11.2 Extraordinary (Special) meetings of a Scrutiny Committee or the Scrutiny Management Board may be called, subject to the normal provisions under the Local Government Act 1972 (as amended) and the Council's Constitution.

11.3 Scrutiny Management Board shall be held monthly and shall be open to the public.

## **12. Agenda for meetings of the Scrutiny Committees**

12.1 Matters to be considered will be set out in an agenda, together with appropriate and relevant supporting papers.

12.2 Any member of the Committee shall be entitled to request, in writing, that an item be included on the agenda. Any such item shall be considered by the Scrutiny Management Board, and they will determine whether it can be included.

12.3 Similarly, the Leader or an individual member of the Executive may give notice in writing requesting an item to appear on an agenda of a Scrutiny Committee, relating to their area of responsibilities. The Scrutiny Management Board will decide how the item should be considered and whether it can be included.

12.4 Any other Councillor may write to the Statutory Scrutiny Officer to request an item to appear on an agenda of a Scrutiny Committee. The Scrutiny Management Board will decide whether it can be included.

## **13 Reports from the Relevant Scrutiny Committee**

13.1 Once recommendations have been formed, the relevant Scrutiny Committee may submit a formal report for consideration by the Executive (if the proposals relate to an executive function and are consistent with the existing budgetary and policy framework), or to the Council as appropriate (if the recommendation would require a departure from or a change to the agreed budget and policy framework).

13.2 The Council or the Executive shall consider the report of the Scrutiny Committee at the next available meeting. The Council or the Executive shall respond to the Scrutiny Committee within two months (or following the next available meeting in the case of the Council) of it being submitted.

## **14. Panels**

- 14.1 The Scrutiny Management Board may add Panels to the Annual Workplan and determine which Committee shall be responsible for the Panels work. Panels should be used to ensure that the relevant Committee is having an impact and meeting its statutory duties.
- 14.1.1 There shall be a maximum of 4 Panels established at any one time across all Committees unless the Scrutiny Management Board agrees that there are exceptional circumstances (taking into consideration resource implications and advice from the statutory Scrutiny Officer). This will exclude long standing Panels.
- 14.2 Whilst Panels will be on a task and finish basis and in most cases and time-limited, the Scrutiny Management Board is not precluded from agreeing long standing Panels subject to regular review and oversight by the appropriate Committee and progress being reported to the Scrutiny Management Board.
- 14.3 Panel membership may be opened up to other members of the Council, not just those sitting on the Scrutiny Committees. They may not be drawn from the Executive. The Board may also co-opt other persons on to the group from relevant partners, organisations, or community groups.
- 14.4 Where the Scrutiny Management Board agrees a Panel, it will direct the formal establishment of it to be undertaken by one of the three Committees, which will formally establish it and set out the name of the Panel, and the terms of reference including relevant dates for completion.
- 14.5 Panels are not required to be politically balanced, but they shall be cross party.
- 14.6 Panels can question and gather evidence from any person with their consent. Executive Members and Officers shall be required to attend if requested by the Panel.
- 14.7 Any report prepared by a Panel shall be agreed by the Scrutiny Committee which established it prior to being submitted for consideration by Council or the Executive.
- 14.8 Reports shall be made to the Council for Council functions and the Executive for Executive functions.
- 14.9 Panels are informal meetings without decision making powers and will not be open to the public or live streamed.

### Minority Reports

- 14.10 When a Committee agrees a report to include the Committee's conclusions and recommendations, the Scrutiny Committee may be unable to reach a consensus. Members in the minority may wish to express a view different from

that of the majority. In these circumstances, a minimum of 2 Members with a minority view may choose to submit a minority report.

- 14.11 The intention to submit a minority report must be declared within the Scrutiny Committee meeting at the time the majority report is agreed. Such an intention must be recorded in the minutes of the meeting and referred to in the final report as part of the Committee's resolutions.
- 14.12 Where a Committee has agreed its final report and there has been no declared intention to produce a minority report, a minority report cannot then be subsequently submitted.
- 14.13 Where the intention to produce a minority report has been recorded in the minutes, Democratic Services will contact the appropriate Member or Members to confirm submission dates. The minority report should be delivered to the Democratic Services within 5 clear working days after the Scrutiny Committee meeting.
- 14.14 In order that a minority report is given the opportunity to be considered in context by the Executive/Council, where it has been produced within the agreed timescale it will be attached as an appendix to the majority report.
- 14.15 The Monitoring Officer will determine if a minority report should be exempt from publication, in which case the usual procedures for the publication of exempt reports apply.
- 14.16 The drafting and submission of the minority report remains the responsibility of the Councillors who have proposed it and not Democratic Services or other officers. The report will include details of the Councillors who have submitted the minority report, as well as its issues and any alternative recommendations.
- 14.17 It is expected that a Scrutiny Committee will have considered all the relevant information available and as such a minority report will be based on the same evidence as a majority report.

## **15 Call-in**

- 15.1 Call-in is the exercise of the Scrutiny Committees' statutory power in section 21(3) of the Local Government Act 2000 to review an Executive decision that has been made but not yet implemented.
- 15.2 Where a decision is called in and the Board decides to refer it back to the Executive for reconsideration, it cannot be implemented until the call-in procedure is complete.
- 15.3 Any Key Decision is subject to call-in, whether determined by the Leader, an Executive Member, the Executive or a delegated officer. A decision may be called in only once. A recommendation by the Council may not be called in.
- 15.4 Call-in of decisions which may be contrary to the budget and policy framework

shall be governed by the provisions of the Budget and Policy Framework Procedure Rules set out elsewhere within this Constitution.

## **16 The Call-In Procedure**

- 16.1 Once made, a Key Decision shall be published, in the form of a decision note, within two clear working days at the Council's main offices and on its public website. The decision record will be sent to all members of the Council within the same timescale.
- 16.2 The decision record will bear the date on which it is published and will specify that the decision will be effective on the expiry of 5 clear working days after the publication of the decision and may then be implemented, unless called in under this provision within that 5 clear working day period. The deadline for a call-in request will be specified in the decision record.
- 16.3 A call-in request must be in the form of a written notice submitted to the Monitoring Officer and received before 5pm on the published deadline shown on the Decision Notice.
- 16.4 A request shall only be valid if it is signed by at least 8 members of the Council who are not members of the Executive. Eight separate e-mails (as appropriate) will be acceptable if the form has not been signed.
- 16.5 One of the requestors must identify themselves as the lead signatory and the request must set out the reasons for call-in request.
- 16.6 The notice must set out -
- The resolution or resolutions that the member(s) wish to call in.
  - Clear reasoning as to how the principles of decision making as set out within this Constitution have not been met.
  - The recommendations that they want to make to the Executive or Executive Member who has exercised delegated authority.
- 16.7 The call-in request will be deemed valid unless either:
- (a) The procedures set out in Procedure Rules 16.1 – 16.6 above have not been properly followed; or
  - (b) A similar decision has been called in by a Scrutiny Committee in the past two years; or
  - (c) The Executive decision has been recorded as urgent in accordance with urgency provisions; or
  - (d) The Monitoring Officer, in consultation with the Scrutiny Management Board, considers the call-in to be frivolous, vexatious, or clearly outside the call-in provisions;

- in which case the Monitoring Officer may reject the call-in request.
- 16.8 Before deciding on its validity, the Monitoring Officer may seek clarification of the call-in request from the member(s) concerned.
- 16.9 Upon deciding on its validity, the Monitoring Officer shall notify the member(s) concerned, the Leader of the Council and relevant Executive Member, the Chair and Vice-Chair of the relevant Scrutiny Committee and the Head of Paid Service.

### **Consideration by the Scrutiny Management Board**

- 16.10 The Scrutiny Management Board is responsible for considering matters which have been called in.
- 16.11 The Monitoring Officer will ensure that any valid call-in is reported to the next available meeting of the Scrutiny Management Board or will convene a special meeting if agreed by the Chair of the Scrutiny Management Board.
- 16.12 The lead requester will be expected to attend the meeting of the Scrutiny Management Board to explain their reasons for the call-in and the recommendations they would like to make.
- 16.13 The Scrutiny Management Board will consider the reasons set out in the call-in request and will conduct the meeting in accordance with the Call In Protocol.
- 16.14 Having considered the call-in and the reasons given, the Scrutiny Management Board may either: -
- a) Refer it back to the Executive or Executive Member who made the decision for reconsideration, normally in time for its next scheduled meeting, setting out in writing the nature of its concerns and any recommendations; or
  - b) If it considers that the decision is outside the Council's budget and policy framework, refer the matter to Council after seeking the advice of the Monitoring Officer and/or Chief Finance Officer (Section 151 Officer) in accordance with the Budget and Policy Framework Procedure Rules; or
  - c) Decide to take no further action, in which case the original Executive decision will be effective immediately.

### **Decisions Referred Back to the Decision-Maker**

- 16.15 If a decision is referred back to the original decision maker, that person or body shall then reconsider the matter, taking into account any concerns and recommendations of the Scrutiny Management Board, and make a final decision, amending the decision or not, and give reasons for the decision.
- 16.16 If a decision relates to an Executive function only the Executive can decide the

matter if it is in accordance with the Council's budget and policy framework.

## **17 Call-In and Urgency**

- 17.1 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision is urgent if:
- a) A call-in would prevent the Council reaching a decision that is required by statute within a specified timescale; or
  - b) Any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests and the reasons for urgency are reported to the decision-making body or person before the decision is taken.
- 17.2 Once made, an Executive decision shall be published, in the form of a decision record, within two clear working days at the Council's main offices and on its public website. The decisions digest will be sent to all members of the Council within the same timescale.
- 17.3 The decision note shall state whether the decision is an urgent one, and therefore not subject to call-in.
- 17.4 The Chair of the Scrutiny Management Board must agree to the decision being treated as a matter of urgency. In the absence of the Chair, the Vice-Chair of the Scrutiny Management Board's consent shall be required. In the absence of that person, the Chair of the Council's consent shall be required. In the absence of the Chair of the Council, the Vice-Chair of the Council's consent shall be required.
- 17.5 Where the Executive has recorded a decision as urgent, the Scrutiny Management Board may retrospectively review actions arising from that decision but cannot delay its implementation.

## **18 Councillor Call for Action**

- 18.1 Any member of the Council may submit a Councillor Call for Action using the appropriate form.
- 18.2 The Councillor Call for Action is intended to be a process of last resort and therefore a member must demonstrate that reasonable steps have been taken to resolve the matter including a response from the relevant Executive Member and the Head of Paid Service or his/her nominee.
- 18.3 Only if reasonable steps have been evidenced will the Councillor Call for Action be placed on the agenda of the relevant Scrutiny Committee **by the Scrutiny Management Board**. It is for the **Scrutiny Committee** to determine how it wishes to respond to the Councillor Call for Action and in the case of refusal to undertake a review then reasons must be provided.

## **19 The Party Whip**

- 19.1 It is generally accepted that the Party Whip should be suspended in respect of Scrutiny matters. However, when considering any matter in respect of which a member of the Scrutiny Committee is subject to a formal party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.