



Corporate Scrutiny Committee 29 June 2023

Report Title	Background to the new Scrutiny Arrangements and Terms of Reference for the Committee
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Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

Appendix A – Corporate Scrutiny Committee Terms of Reference

1. Purpose of Report

- 1.1. To set out the changes to the Council's scrutiny arrangements following the decision of full Council on 30th March 2023, particularly in regard to the Corporate Scrutiny Committee.

2. Executive Summary

- 2.1. Scrutiny has an important role in ensuring that the Executive is 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.

2.3. It was proposed by the Democracy and Standards Committee and approved by full Council on 30th March 2023 that a Corporate Scrutiny Committee be created, effective from the annual meeting of the Council held on 25th May 2023. This new committee sits alongside three other scrutiny bodies within the new scrutiny structure.

3. Recommendations

3.1. It is recommended that the Corporate Scrutiny Committee:-

- (a) notes the new scrutiny arrangements for the Council which came into effect in May 2023; and
- (b) notes its new terms of reference.

3.2. *Reason for Recommendations – To allow members of the new Committee to be briefed on its new arrangements and terms of reference.*

3.3. *Alternative Options Considered – Not applicable to this report.*

4. Report Background

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

4.2. The purpose of the scrutiny function is to influence policies and decisions made by the Executive and other organisations delivering services to the public.

4.3. Four bodies make up the new scrutiny arrangements in the Council's Constitution and governance. These are:-

4.4. Scrutiny Management Board

4.4.1. The Board comprise the Chairs and Vice-Chairs of the three Scrutiny Committees (see below for details) and will strategically drive forward the scrutiny function. The Board will manage the workload of the scrutiny committees, agree agenda items and the Workplan, complete the Annual Scrutiny Report and lead on the member development programme for scrutiny members. It will also determine call-in requests.

4.5. Health Scrutiny

4.5.1. The Council has a statutory duty to scrutinise health. The formation of a standalone health scrutiny committee provides for the Council to be able to strategically review 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.

4.6. Place and Environment Scrutiny Committee

4.6.1. 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 contact.

4.7. Corporate Scrutiny Committee

4.7.1. The Corporate Scrutiny Committee will mirror the work of the old 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. Previously the Children's Trust was scrutinised across Committees which did not allow members to collate a rounded view of it.

4.7.2. In addition to the above, full Council also agreed the following key areas as the basis of scrutiny for this Committee:-

- i) Corporate performance data;
- ii) Council Owned Buildings and Resources;
- iii) Enabling Services e.g., IT (Information Technology);
- iv) Outside Bodies;
- v) Customer Services;
- vi) Complaints.

4.7.3. The full terms of reference for this Committee are attached as Appendix A to this report.

5. Issues and Choices

5.1. The decision made to create an overarching Scrutiny Management Board together with the clear and focussed terms of reference for each of the three scrutiny committees, including the Corporate Scrutiny Committee, is designed to ensure greater effectiveness and transparency in relation to the workload of the scrutiny function within the council.

6. Next Steps

6.1. The Scrutiny Management Board is due to hold a workshop over the summer, 2023, at which it will consider presentations on the challenges, pressures and opportunities within each of the scrutiny areas of the Council, and review the work programme from the previous year to consider topics for inclusion in the Annual Workplan based upon criteria.

- 6.2. The outcome of the Workshop will be communicated to this Committee's next meeting, together with topics included in the Committee's annual workplan.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. There are no discernible resource or financial implications arising from this report.

7.2. Legal and Governance

- 7.2.1. The Council is required to establish at least one scrutiny committee. The proposal approved by full Council on 30th March 2023 enhances the role of scrutiny within the Council and provides additional support in meeting the Council's responsibilities detailed under statute and within statutory guidance.

7.3. Relevant Policies and Plans

- 7.3.1. The adoption of the proposals by full Council has assisted in meeting the good practise highlighted in the Government's statutory guidance on overview and scrutiny within local government and assists in ensuring that there is appropriate scrutiny of the Council's objectives set out in the approved Corporate Plan.

7.4. Risk

- 7.4.1. None identified in this report. The new scrutiny arrangements build on the foundations of scrutiny within the Council established since May 2021 and has ensured an expansion of capacity.

7.5. Consultation

- 7.5.1. Prior to the full Council making its decision on new scrutiny arrangements for the Council, initial proposals were considered by the Constitutional Working Group (CWG) at its meetings on 24th October 2022 and on 6th March 2023. The Democracy and Standards Committee then endorsed the proposals for wider internal and external consultation at its meeting on 7th November 2022 and considered responses at its meeting on 13th March 2023.
- 7.5.2. All members were given the opportunity to comment upon the proposals and provide feedback.

7.6. Consideration by Executive Advisory Panel

- 7.6.1. Not applicable.

7.7. Consideration by Scrutiny

7.7.1. Scrutiny members were consulted as part of the review process now completed.

7.8. Equality Implications

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

7.9. Climate Impact

7.9.1. Not applicable to this report.

7.10. Community Impact

7.10.1. Not applicable to this report.

7.11. Crime and Disorder Impact

7.11.1. Not applicable to this report.

8. Background Papers

8.1. [Council's Constitution](#)

8.2. [Report to full Council – 30th March 2023 \(Minute 215 refers\)](#)

Appendix A

The following is an extract from the [Council's Scrutiny Procedure Rules, Part 7.1 of the Constitution](#). It sets out, in an abbreviated form, the terms of reference considered particularly relevant to the work of the Place and Environment Scrutiny Committee.

General 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. Corporate Scrutiny - Terms of Reference

- 2.1. To review and scrutinise the Revenue Budget, Capital Programme and Housing Revenue Account.

2.2. To undertake the budget review process and ensure that budget proposals are subject to rigorous challenge.

2.3. To review and scrutinise the following areas;

- i) Corporate performance data;
- ii) Council Owned Buildings and Resources;
- iii) Enabling Services e.g., IT (Information Technology)
- iv) Outside Bodies;
- v) Customer Services;
- vi) Complaints;
- vii) Northamptonshire Children's Trust;
- viii) Partnerships.

3. Members

3.1. There shall be 9 elected members of each Scrutiny Committee.

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

6. Substitutions

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

7. Chairmanship

7.1. The Chair and Vice Chair of each Committee shall be appointed at the annual meeting of Council. If a vacancy for Chair or Vice Chair of a committee occurs in year, the committee at its next ordinary meeting shall elect/appoint to the vacant post for the remainder of the Municipal Year.

8. Quorum

8.1. The quorum for each committee shall be a quarter of voting members, but no less than 4 members unless otherwise specified.

9. Meetings

11.1 Scrutiny Committee meetings will be held bi-monthly.

11.2 Extraordinary (Special) meetings of a Scrutiny Committee may be called by the Proper Officer, in consultation with the Chair of the relevant committee, subject to the normal provisions under the Local Government Act 1972 (as amended) and the Council's Constitution.

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.

15 Councillor Call for Action

- 15.1 Any member of the Council may submit a Councillor Call for Action using the

appropriate form.

- 15.2 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.
- 15.3 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.

16 The Party Whip

- 16.1 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.