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**CONSTITUTION AND STANDARDS
COMMITTEE**

Wednesday 8 January 2020

1.00 pm Taunton Library Meeting Room



To: The members of the Constitution and Standards Committee

Cllr W Wallace (Chair), Cllr H Davies, Cllr M Dimery, Cllr D Loveridge, Cllr T Munt, Robin Horton, Janice Middleton, Tim Ward and Wesley Wooding

All Somerset County Council Members are invited to attend.

Issued By Scott Wooldridge, Strategic Manager - Governance and Democratic Services - 31 December 2019

For further information about the meeting, please contact Scott Wooldridge, Monitoring Officer or 01823 357628 or swooldridge@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda and is available at [\(LINK\)](#)

This meeting will be open to the public and press, subject to the passing of any resolution under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers

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AGENDA

Item Constitution and Standards Committee - 1.00 pm Wednesday 8 January 2020

*** Public Guidance notes contained in agenda annexe ***

1 **Apologies for absence**

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils will be displayed in the meeting room. The Statutory Register of Member's Interests can be inspected via the Community Governance team.

3 **Minutes from the previous meeting held on 26 June 2020.**

The Committee is asked to confirm the minutes are accurate.

4 **Public Question Time**

The Chairman will allow members of the public to present a petition on any matter within the Committee's remit. Questions or statements about any matter on the agenda for this meeting will be taken at the time when each matter is considered.

5 **Scrutiny Review** (Pages 5 - 56)

To consider the report and recommendations.

6 **Health and Wellbeing Board Revised Constitution** (Pages 57 - 70)

To consider the report and recommendations.

7 **Officer Code of Conduct** (Pages 71 - 82)

To consider the report and recommendations.

8 **Any other urgent items of business**

The Chairman may raise any items of urgent business.

Guidance notes for the meeting

1. Inspection of Papers

Any person wishing to inspect Minutes, reports, or the background papers for any item on the Agenda should contact the Committee Administrator for the meeting on 01823 359045 or email: democraticservices@somerset.gov.uk
They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting.

4. Public Question Time

If you wish to speak, please tell the Committee's Administrator by 5.00pm on the Monday before the meeting.

At the Chair of the Committee's invitation you may ask questions and/or make statements or comments about any matter on the Committee's agenda – providing you have given the required notice. You may also present a petition on any matter within the Committee's remit. The length of public question time will be no more than 30 minutes in total.

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed. However, questions or statements about any matter on the Agenda for this meeting may be taken at the time when each matter is considered.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish.

If there are many people present at the meeting for one particular item, the Chair may adjourn the meeting to allow views to be expressed more freely. If an item on the Agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

An issue will not be deferred just because you cannot be present for the meeting. Remember that the amount of time you speak will be restricted, normally to two minutes only.

5. Exclusion of Press & Public

If when considering an item on the Agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

6. Committee Rooms & Council Chamber and hearing aid users

To assist hearing aid users the meeting rooms, have infra-red audio transmission systems. To use this facility, you need a hearing aid set to the T position.

7. Recording of meetings

The Council supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public - providing this is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone wishing to film part or all of the proceedings.

No filming or recording may take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the Committee Administrator so that the relevant Chair can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings in County Hall as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance.

Review of the Council's Scrutiny Function

Lead Officer: Scott Wooldridge - Monitoring Officer

Contact Details: swooldridge@somerset.gov.uk 01823 357628

1. Summary / Background

- 1.1.** The Peer Challenge in 2018 identified, as one of the key recommendations, that 'Somerset County Council should review its scrutiny arrangements as part of making it more effective'. In support of the Council's organisational transformation, the Council commissioned the nationally renowned Centre for Public Scrutiny to carry out an independent review of the scrutiny function at SCC between March and May 2019. Their findings and recommendations can be seen in Appendix A. The report recognises that we have a good platform from which scrutiny can successfully develop.
- 1.2.** It is important to recognise that Somerset is not alone on its journey to improve its scrutiny function. The Government published new Statutory Guidance on Overview and Scrutiny in May 2019 in order to support councils. It should be highlighted that the Centre for Public Scrutiny assisted the Government with the new guidance.
- 1.3.** A key question throughout the review has been "what makes good scrutiny". The following are seen as a guide for good scrutiny :
1. Provides critical friend challenge to executive policy and decision makers
 - Constructive, robust and purposeful challenge
 - Non-aggressive to create optimum conditions for investigative evidence based approach.
 2. Enables the voice and concerns of the public
 - Meetings conducted in public
 - Good communication, consultation and feedback.
 3. Carried out by independent minded councillors
 - Councillors actively engage in the scrutiny function to drive improvement
 - Areas are reviewed in an a-political atmosphere.
 4. Drives improvement and better outcomes
 - Promotes community well-being and improves the quality of life
 - Strategic review of corporate policies, plans, performance and budgets.
- The three Scrutiny Committees and the Cabinet have endorsed the proposed recommendations in this report to go forward to the County Council meeting on 22 January for consideration and approval.

Constitution and Standards Committee is also being consulted since there will be some technical amendments required to the Council's Constitution as part

of implementing the proposed improvements.

2. Recommendations

2.1. The Constitution and Standards Committee is asked to consider the proposals in this report and make any further recommendations it considers appropriate to include as part of the Scrutiny Review with reference to the Government's new statutory guidance, best practice from other councils and the members workshop held in September 2019. Subject to any additional recommendations being identified, the Committee is asked to recommend to Full Council:

- 1. that the Council agrees to implement a programme of cultural transformation and improvements to its scrutiny arrangements by March 2021, including the provision of additional resources in the Democratic Services Team and members training budgets to deliver the enhanced scrutiny arrangements;**
- 2. that the Monitoring Officer is authorised to undertake any necessary technical amendments to the Council's Constitution to support the implementation of the proposed improvements to the Council's scrutiny arrangements; and**
- 3. that the Monitoring Officer undertakes further work regarding the proposals for co-opted members (with non-voting rights) to be potentially included within the membership of the Scrutiny Committee Policies and Place and the Scrutiny Committee for Adults and Health with a view towards reporting these proposals to the Council's Annual General Meeting.**

3. Reasons for recommendations

- 3.1** Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the Council and, if done well, amongst other public service providers too. Whilst the scrutiny function has matured in Somerset over the years, it still faces challenges and opportunities to improve.
- 3.2** As part of organisational transformation and taking forward peer challenge recommendations, the Council has undertaken a thorough review of its scrutiny function. This review has considered best practice from other councils (including Devon County Council) and the latest Government statutory guidance published in May 2019 which has informed our recommendations for the council to endorse a programme of cultural transformation and improvements for its scrutiny function over the next 14 months. Our review has also involved working with the Centre for Public Scrutiny (CfPS). Their final review report (attached as Appendix A) provides the Council with an opportunity to consider a series of recommendations and suggest any further developments they consider appropriate.
- 3.3** The recommendations in this report therefore combine both the recommendations that can be taken forward in the short term from the CfPS report along with recognising that the necessary cultural improvements for elected members and officers to develop and embed better scrutiny form part of a longer term programme of work up to be taken forward during 2020/21.
- 3.4** The proposed amendment to one of the 11 recommendations from CfPS was unanimously endorsed by all three Scrutiny Committees in November as this more accurately reflects the current position of the Authority and the size of the workload. It should be highlighted that the proposed maximum of four agenda items would include Scrutiny's ongoing review and assurance of the council's improved financial position.

4. Other options considered

- 4.1.** There were no other options considered. The recommendations are being brought forward as a part of the Council's annual review of its democratic arrangements and following consideration of the new statutory Scrutiny Guidance and the Centre for Public Scrutiny review.

5. Links to County Vision, Business Plan and Medium-Term Financial Strategy

- 5.1.** Effective scrutiny plays a key role in the efficient delivery of public services and drives improvements within the Council, this underpins the Council headline vision ensuring 'improving lives' is prioritised. The work of the Council's Scrutiny Committees covers the breadth and depth of the Council's business plan, encompassing the four key aims – better infrastructure, safer communities, fairer opportunities and healthier lives, therefore improvements in the Council's scrutiny function will directly impact on the delivery of the plan.

6. Consultations and co-production

- 6.1.** Page 11 of the Centre for Public Scrutiny's final report details the Members and officers who were met with on an individual basis.
- 6.2.** All Members were invited to take part in an online Scrutiny survey. Over 40% of Members completed the survey, the results of which form part of the Centre for Public Scrutiny's final report.
- 6.3.** 20 County Councillors attended the Scrutiny review Member workshop in September.

7. Financial and Risk Implications

- 7.1.** While there are no direct budget implications within the CfPS recommendations, the review of other councils and the new statutory guidance identifies the need for more scrutiny training and development for members and officers, the possibility of conducting scrutiny in different ways, including increased use of visits and travel around the County. These recommendations will result in a moderate increase of expenditure relating to Member expenses and training budget requirements compared to 2019/20 levels. However this should be considered alongside a reduction in officer demand, especially at a senior level, to prepare reports, briefings and member and officer attendance as a result of a reduced number of formal Committee meetings from 2020.
- 7.2.** The cultural transformation required, improved work planning and policy advice support will require dedicated officer resources in addition to what the council provides currently through the Democratic Services Team. The Strategic Manager-Governance and Democratic Services has reviewed other comparable councils and together with the CfPS recommendations has identified, as a minimum, the need for an additional scrutiny support officer within the Democratic Services team. This additional officer support together with additional training resources for members and officers are an integral part of the recommendations as they will be essential to support successful implementation by March 2021.

8. Legal and HR Implications

- 8.1.** There are no legal implications. The Council undertakes an annual review of its democratic arrangements and its Constitution to ensure they remain fit for purpose for the organisation and meet its legal duties.
- 8.2.** Implementation of the Centre for Public Scrutiny recommendations would require additional dedicated scrutiny support officer and member training support capacity in the Democratic Services Team.

9. Other Implications

9.1. Equalities Implications

There are no equalities implications.

9.2. Community Safety Implications

There are no community safety implications.

9.3. Sustainability Implications

There are no sustainability implications.

9.4. Health and Safety Implications

There are no health and safety implications.

9.5. Health and Wellbeing Implications

There are no health and wellbeing implications.

9.6. Social Value

Not applicable.

10. Scrutiny comments / recommendations:

10.1. During November, all three Scrutiny Committees have been consulted on the proposals and have endorsed the recommendations. No additional recommendations have been suggested by these Committees. As part of the debates the following points and topics were discussed:

- There is clear agreement that the Committees are keen to be involved early in policy development and wholly support the proposal to move away from the current solely meeting based structure of scrutiny and make relevant visits to frontline services and staff. However there was discussion regarding the scaling back of formal Committees to a 5/5 ratio of formal and informal and perhaps a ratio of 7 formal and 3 informal during a year would work better initially.
- The Committees expressed an interest in securing co-opted Members with relevant expertise, including those with health, carers and environmental backgrounds.
- All 3 Committees strongly endorsed the 'no information' items rule for agenda items and for these to be circulated and considered electronically.
- There was also strong support for Committee meetings to have a slightly later start time in order that the Committee can receive a briefing for an hour prior to the meeting from relevant officers on the areas to be

discussed or for the time to be used as a training session, similar to the Select Committee style format.

11. Background

- 11.1.** The Council's scrutiny structure currently comprises three committees. The Council is also the host authority for the Police and Crime Panel, a joint scrutiny committee comprising Councillors representing the various councils in the Avon & Somerset police area and several Independent Members. The Council also hosts further partnership scrutiny panels in relation to the Joint Waste Scrutiny Panel and the Somerset Rivers Authority Joint Scrutiny Panel.
- 11.2.** While Scrutiny has matured in Somerset over the last decade and there is lots of activity, it still faces challenges and opportunities to improve. Areas to improve include officer driven agendas, Scrutiny Committees being used as a 'tick box' for agreeing new policy and not adequately providing the Committees the early opportunity to add value, improved partnership scrutiny, limited wider member engagement in scrutiny work, overcrowded agendas, the need to improve opportunities for joined up scrutiny activity across the committees, better forward work planning and an increased focus on commissioning activity.
- 11.3.** As noted above, The Peer Challenge in 2018 identified, as one of the key recommendations, that 'Somerset County Council should review its scrutiny arrangements as part of making it more effective, ensuring all councillors are equipped to play an active role and contribute to the policy making and key decisions affecting the future of Somerset's residents and the council, and that its governance arrangements are reflective of this.'
- 11.4.** The Communities and Local Government Select Committee undertook an inquiry into the effectiveness of scrutiny in local government in 2017. The select committee's report identified a number of areas for improvement. This work has led to the development of the new statutory Scrutiny Guidance which was published in May 2019. That guidance recognises that authorities have democratic mandates and are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.
- 11.5.** As part of the organisational transformation work it was recognised there was a need to improve the Council's scrutiny arrangements. The Council commissioned the nationally renowned Centre for Public Scrutiny to carry out an independent review of the scrutiny function at SCC between March and May 2019. This involved attending all 3 Scrutiny Committees (Place, Adults and Health and Children and Families) during April and conducting a Member survey, before producing an initial draft report in late May. This was subsequently reviewed with the Leader, Deputy Leader and Scrutiny Chairs and Vice Chairs in June.

11.6. Following receipt of the draft Scrutiny Review report the Leader and the 3 Scrutiny Chairs agreed that the next step should involve an all member workshop to discuss the report, the recommendations within and consider these alongside the recent issued national guidance and the council's transformation work. The workshop was held in September, where members received an introductory briefing on the recently published statutory Scrutiny guidance for councils (Appendix B), an appraisal of the scrutiny arrangements and scrutiny resources at Devon County Council, provide a valuable opportunity for members to discuss the ideas and opportunities to make scrutiny more effective. The workshop also provided the opportunity for members to discuss the Centre for Public Scrutiny's report and other ideas that members had for improving scrutiny prior to the report formally considered at all 3 Scrutiny Committees in November, as well as Cabinet, ahead of the recommendations being presented to Full Council in January 2020. The workshop was facilitated by Ian Parry, from the Centre for Public Scrutiny who wrote the CFPS's report.

11.7. The report of the Centre for Public Scrutiny, attached as Appendix A, gives a comprehensive analysis of the current arrangements and contains 11 specific recommendations for how scrutiny might be improved at the Council. Several of these recommendations can be defined as logistical or practical changes and therefore are relatively easy and straightforward to implement. Other recommendations are more cultural and these will take longer to embed and will require a change of approach throughout the Council and new ways of working by Members and officers.

The easier to implement changes include reducing the number of formal committee meetings in order to provide each scrutiny committee with the opportunity to focus its available resources on areas such as the development of commissioning plans, undertaking more partnership scrutiny, review opportunities for services improvements and doing more scrutiny outside of formal committee meetings e.g carrying out visits to frontline services and greater use of task and finish groups. Improvements to work planning (including quarterly joint work planning meetings across the committees), more focused agenda setting, improved meeting layouts, as well as a strict adherence to no 'for information' report as part of any formal agenda, would be relatively straightforward to implement during the course of 2020.

11.8. The cultural work as part of organisational transformation that has been identified will require a more gradual introduction, as members assume more ownership with the work programme and actively suggest and pursue items they wish to be considered, as well as Cabinet and officers making greater use of utilising Scrutiny as a sounding board early in policy and commissioning development and consider their recommendations when shaping decisions and focusing on outcomes. This gradual introduction will take time and the intention is to have embedded all of the recommendations in time for the new council from May 2021. A project plan for implementing the CfPS recommendations and cultural improvements is being developed and will be

agreed in consultation with the Chairs of the Scrutiny Committees ahead of the 2020 financial year. That plan will be shared with all elected members.

- 11.9.** An overarching aim has to be that our Scrutiny committees should be non-political and feel able to constructively challenge the 'issues' and outcomes. There is an important role for the chair, vice-chair and support officers in ensuring that there is an outcome for items considered at scrutiny committees. The question should always be 'Why is this coming to scrutiny and what is its purpose?'. Topics that do not require scrutiny can be covered by member information sheets, briefings or incorporated within the Member Development Programme.
- 11.10.** Key to driving the cultural change and improvements will be the improved support, additional resources and training for members and officers. This is not restricted to just the committee members as the scrutiny function is open to all members to engage and participate. One of the foundations for these improvements will be ensuring that members have a good understanding and awareness of both the statutory guidance for councils which helps set out what makes effective scrutiny together with the CfPS findings and recommendations. Training and development for members is essential for the improvements to be sustained. This needs to include taking further opportunities over the next 14 months to look at best practice from other councils, together with keeping under review and learning from the changes that are recommended to our scrutiny function.

12. Background Papers

- 12.1.** Appendix A - Supporting governance, scrutiny and member support in Somerset County Council – Centre for Public Scrutiny - May 2019.
- 12.2.** Appendix B - Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – Ministry of Housing, Communities and Local Government – May 2019.



Supporting governance, scrutiny and member support in Somerset County Council

Final Report

May 2019

Contents:

Executive Summary:

- **Introduction**
- **Scope and methodology**
- **Summary of findings**
- **Recommendations**

Appendix A – Member survey summary

Appendix B – Evidence gathering summary

Supporting scrutiny, governance and member guidance

Introduction

Scrutiny plays an essential role in policy shaping, holding the executive to account and reviewing issues of importance to local communities. For it to do this effectively the scrutiny function and members need to develop a shared understanding on the role, purpose and objectives of overview and scrutiny. Scrutiny has to be a whole council responsibility and not left to a few members in scheduled meetings. It needs to be strong on prioritisation, develop strategic work programming and engage in evidence-based objective enquiry. It must have measurable impact on policy shaping, decision making, value and the quality of council services.

Somerset County Council is keen to drive the council's ambitious plans for its local economy, healthy communities and infrastructure projects. It also wishes to ensure that scrutiny arrangements are effective and support the council's goals, through constructive challenge and visible accountability.

Following a recommendation in SCC's external corporate peer review the Council engaged the Centre for Public Scrutiny to provide a comprehensive review of scrutiny and member support arrangements and to provide proposals and recommendations on where it could improve and develop the effectiveness of scrutiny.

The review also takes into account the recently published government [MHCLG] guidance on Overview and Scrutiny in Local Authorities [May 2019]. CfPS were closely involved in this guidance and were therefore able to include it in the review prior to its official publication.

CfPS is the leading national body promoting and supporting excellence in governance and scrutiny. Its work has a strong track record of influencing policy and practice nationally and locally. CfPS is respected and trusted across the public sector to provide independent and impartial advice.

CfPS is an independent national charity founded by the Local Government Association [LGA], Local Government Information Unit [LGIU] and Chartered Institute of Public Finance Accountants [CIPFA]. Its governance board is chaired by Lord Bob Kerslake.

Review process

This review considered the following:

Review of the arrangements to support members, governance and scrutiny.

1. Scope

1. Members, meetings and agendas:

Are there barriers to member engagement, is there a shared understanding of scrutiny's mission? How are meetings structured, chaired, supported and attended? What is achieved? Are agendas focused? Are they balanced or cluttered, indulgent or objective?

2. Structure and work programming:

Are the scrutiny committees able to offer effective scrutiny across the council? Are committee work plans aligned or are there gaps, overlaps and is the workload spread as evenly as possible? Are work plans strategic and focused on achieving positive outcomes? Are they affiliated to the corporate plan and its delivery? Are they prioritised and able to show a value contribution?

3. Support and resources:

How effectively are members supported in their community roles and how does this provide adequate insight into public concerns and issues that supports the work of scrutiny. How well do officers (not just scrutiny officers) support the work of scrutiny? How embedded is scrutiny in policy development, budget and MTFS planning?

4. Relationships, behaviours and culture:

Are relationships between executive and scrutiny mature and based on trust? Is there good, robust challenge. Are there points of unnecessary conflict or tension? Can executive and scrutiny openly share. What are officer and scrutiny relationships like? Is scrutiny getting the best out of both executive members and officers?

5. Member skills and development opportunities

Is there a reasonable spread of interest, experience and ability across committees? What are the specific gaps in skills, knowledge and experience? How can members support themselves and each other?

6. Contribution, performance and value-adding:

What difference is scrutiny making, how does it contribute to council improvement, council performance, service delivery and improved outcomes for Somerset.

7. Improvement programme:

How can scrutiny achieve more? What needs to change culturally and structurally to make it happen. What part can stakeholders, scrutiny members, chairs, cabinet members, Leader and CEO team play in effecting and supporting change and improvement?

8. Working with and scrutiny of partners:

This review did not include within its scope scrutiny of partner organisations. However, this is an increasingly crucial area for scrutiny activity. Partnerships are wide and varied including health and care strategic integration arrangements, health providers, public protection services and many other public and private sector providers. This review reinforces the importance for effective scrutiny in these areas.

2. Methodology

Desk study of meetings, agendas, constitution and other relevant reports and documents

Desk study of documentation and material produced by other councils (to be selected to allow for comparison of different elements of Somerset's business and governance model)

On-site meetings with officers and members to gather evidence and information on the strengths and weaknesses of the current arrangements

Short interviews (in person or by phone) with scrutiny chairs and vice chairs, Leader and DL, Cabinet Members, and opposition spokespeople, previous chairs, and committee members.

Member on-line survey to capture the views of all council members.

Observations of the scrutiny process including meeting management, involvement and conduct. The review observed meetings of the three main scrutiny committees.

3. Workshop

CfPS will present its findings and recommendations to a workshop for members and officers.

Summary of findings

1. Overall assessment:

1.1 Overall the council has demonstrated an ongoing commitment to scrutiny in terms of the creation and focus of committees, the level of activity undertaken, and time and resource dedicated across the organisation.

1.2 There is a clear realisation and commitment from members and officers that scrutiny could be more effective and productive. The majority of those interviewed welcomed the opportunity to make changes and improvements.

1.3 There is good support from the democratic services team which is recognised by scrutiny members and from the council's political and officer leadership to support change to enable improvement to happen.

1.4 From its current base there is a good platform from which scrutiny can successfully develop.

1.5 There have been 24 responses to the on-line member survey on scrutiny (41%). A full analysis of responses will be included in the draft report.

2. Findings assessments:

2.1 We found a consistent view that scrutiny is not adding value in the way it currently operates. This is negatively impacting on the 'return' the organisation gets from its investment in scrutiny. Officer support and engagement is effective and the commitment from chairs and vice-chairs overall is good.

2.2 A consistent clear understanding of the purpose, role and responsibilities of scrutiny is lacking across the organisation. There is also a weak appreciation of how scrutiny adds value as part of a whole council function.

2.3 The principle of democratic accountability is not being adequately applied. Political decision-makers are not sufficiently held to account and are frequently absent from scrutiny meetings when items on their portfolio are discussed. A key function of scrutiny is holding to account. However, scrutiny meetings do not appear to be organised to allow transparent challenge and accountability to take place. Officers instead are often providing a briefing and Q&A sessions for scrutiny.

2.4 More pre-scrutiny of forward plans and decisions would engage scrutiny in real shaping and value-based activity. There is scope for more of this to be included.

2.5 We acknowledge that there appears to be a lot of scrutiny activity happening – 3 committees, each meeting 10 times a year, usually with full agendas. These need significant financial investment of resource from the council both in officer and member time. But it is difficult to quantify its positive contribution to the council's decision-making, strategic goals and priorities. We also recognised that the scrutiny function continued with significant activity in 2018/19 - a time when the Council faced financial challenges and essential transformational work.

2.6 The scrutiny work programme is fairly static and often repetitive, wide-ranging and can lack focus or alignment with the council's strategic plans or key high impact or high value issues. Few people were able to evidence examples where scrutiny had led to a specific beneficial outcome, influenced or improved council outputs.

2.7 Scrutiny itself is predominantly committee-based, there was talk of positive engagement in task and finish groups, but the vast majority of scrutiny takes place in meetings. Here there are too many examples of officer information sharing and members clarifying rather than specific issues being explored and recommendations made.

2.8 Scrutiny could benefit from additional officer capacity to advise and support. This should not be used to allow more activity, but to support and advise scrutiny on objective setting, work programming, increasing productivity, supporting task and finish work, policy support and improving outcomes. There is some member concern that there is a lack of capacity in the Democratic Services Team. New government guidelines draw attention generally within councils to resourcing weaknesses.

2.9 Overall there is a lack of basic scrutiny standards applied in relation to the structure and layout of meetings; who asks questions, how officers and members are questioned, and actions/ recommendations are agreed. From a visitor or public perspective, it is also difficult to work out who is sitting round the table. As an alternative there could be set seating positions for scrutiny members, cabinet members and their support officers, scrutiny and governance officers and identification made clearer.

3.0 For some, there is a view that scrutiny has lost of its independence and become too politically influenced in the way that it operates.

3.1 An acceptance of officer presentations, an inability to dig deeper and investigate led to descriptions of the scrutiny experience as being 'an easy ride', and frustrations that obvious areas of concerns are not picked up or reacted to or followed up.

3.2 It is suggested that scrutiny is lagging behind, as Somerset continues at pace to transform how it operates. There is a risk that a significant gap in the organisation's governance/oversight framework expands and becomes a significant organisational weakness

3.3 Scrutiny of partner organisations has begun to develop in recent years and although we were unable to observe this, there is a growing appetite across the 3 committees to engage key partner organisations such as health, public safety, transportation providers and others. It is clearly in the interests of the council to improve outcomes for Somerset's communities to develop and extend this external scrutiny further.

3.4 There is a challenge that member substitutes at meetings make it more difficult to create a team environment and approach to agreeing lines of inquiry etc. Potentially it may help to remove this rule and expect consistent attendance.

3.5 Query the value of public questions at the scrutiny committee, both from a public perspective and contribution to scrutiny. As a principle this approach is good practice but in practice it was difficult to see how this approach resulted in a positive experience for the public (compared to other ways to engage) and contributed to effective scrutiny of specific topics.

3.6 There is currently a limited used of independent co-opted members by scrutiny. By using co-opted members scrutiny could gain significant additional skills, insight and capacity particularly in specialised areas. The latest Statutory Guidance on Overview and Scrutiny indicates the potential to increase representation beyond Children & Families to improve the skills and experience available to the committee. The use of independent technical advisers as co-opted members on specific areas of scrutiny and partnership scrutiny work could be an exciting and bold way to add more capacity.

Member survey highlights

There were 24 responses to the on-line survey making the sample large enough to be reasonably representative.

A majority of councillors (65%) agreed that scrutiny was either effective or very effective, which was not supported in the interviews and evidence gathered by the CfPS review

Appendix A . Report on the survey results

Recommendations

1. Scrutiny members, Cabinet and SLT conduct an exercise to clarify the role and purpose for scrutiny. We would recommend that the MHCLG Guidance on Culture is used as a set of principles to consider in this exercise. The guidance covers:
 - Recognising scrutiny's legal and democratic legitimacy
 - Identifying a clear role and focus
 - Regular engagement between scrutiny and executive [cabinet]
 - Managing potential disagreements
 - Providing necessary support
 - Ensuring impartial advice from officers
 - Communicating scrutiny's role within the council
 - Embedding scrutiny with the whole council
 - Ensuring that scrutiny has an independent mindset
 - Consider the use of independent co-opted members to add independent expertise and insight
2. Move towards a more agile and potentially productive scrutiny structure. This could be achieved by reducing the number of meetings. Additional capacity and scope could be achieved through task and finish groups. These T&F working groups, however, should be tightly managed to ensure their scope timescale and value contributions are clear. They should be limited in number to ensure that their demand upon resources and officer support capacity is measured and commensurate with the return on the investment of time and resource involved.
3. Cabinet members need to be more visibly accountable to scrutiny. All scrutiny meetings should include the relevant Cabinet Member or Leader as the main focus/witness of scrutiny. Cabinet members are accountable for their portfolios and should be prepared to attend, present and answer policy-related questions. Officers should be present as technical advisors. This will provide transparent, clear visible accountability of political decision-makers.
4. Political group influence through pre-meetings or advice to chairs can cause scrutiny to lose its impartial role and independent mindset which is crucial for effective and objective scrutiny. We recommend that scrutiny operates totally in public and any political pre-meetings avoided.

-
5. Review approach to work planning, agenda setting, meeting preparation. Scrutiny work programmes should avoid repetitive reporting, 'for-information' items or general presentations and reports to which scrutiny can add only minimal value.
 6. Scrutiny meetings should try to aim for a maximum of two agenda items per meeting and design meetings to have clear lines of enquiry and objectives. This would provide scrutiny to engage more thoroughly and productively.
 7. Scrutiny should develop a clear methodology in the creation of work programmes to ensure that it segments and prioritises and aligns with the council's plans and goals. This should be member-led and in consultation with cabinet.
 8. The layout of the meeting room should make it clear through allocated seating and name plates the roles of participants and attendees. It is particularly important to be able to differentiate who is being scrutinised and who is scrutinising. And to make a clear distinction between politicians and officers or witnesses.
 9. The involvement of the public should be reviewed. This could include a public question-time at each meeting, seeking public and wider community input into work programmes and consideration of broadcasting meetings through visual or audio means. There are a number of councils that have developed broadcasting techniques to make public access available.
 10. Many members expressed a gap in their knowledge and skills relating to scrutiny and would value training and development. Our assessment suggests that general training of the essential principles and practice of scrutiny, questioning techniques and work programme planning were of particular value.
 11. To lead change and improvement some tailored coaching/mentoring for individual chairs would be beneficial.

Acknowledgments and thank you

1. The Centre for Public Scrutiny (CfPS) was commissioned by Somerset County Council to advise and support an internal review on the effectiveness and impact of their current approach to overview and scrutiny.
2. The review was conducted on-site on in April 2019, with subsequent further desk research.
3. We would like to thank those elected scrutiny Members, Executive Members, and Officers who took part in interviews, survey and observations for their time, insights and honesty.

Appendix A – Survey Results

See attachment

Appendix B – Evidence gathering

Somerset County Council – Scrutiny Review – April 2019

Appendix B

Engagement schedule

Interviews Schedule
Jamie Jackson Deputy Strategic Manager Democratic Services
Sheila Collins, Director of Finance and 151 Officer
Scott Wooldridge – Monitoring Officer
Cllr Jane Lock, Leader of the Opposition and Children and Families Scrutiny Committee Member
Cllr Frances Nicholson, Cabinet Member for Children and Families
Pat Flaherty, Chief Executive
Stephen Chandler, Director of Adult Social Services, Lead Commissioner Adults and Health
Cllr Liz Leyshon, Deputy Leader of the Opposition and Place Scrutiny Committee Member
Cllr Hazel Prior-Sankey, Chair of Adults and Health Scrutiny Committee
Leigh Redman, Leader of the Labour Group and Chair of Children and Families Scrutiny
Cllr John Hunt, Independent Group Leader and Member of Place Scrutiny Committee
Paula Hewitt, Lead Director for Economic and Community Infrastructure & Director of Commissioning
Michele Cusack, Operations Director for Economic and Community Infrastructure
Julian Wooster, Director of Adult Social Services, Lead Commissioner Adults and Health

Scrutiny Committee Observations
Scrutiny for Policies and Place Committee
Scrutiny for Policies Adults and Health Committee
Scrutiny for Policies Children and Wellbeing Committee

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Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



A handwritten signature in blue ink, appearing to read 'Rishi Sunak'.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
- ii. the development of those findings, which will set out some areas on which recommendations might be made; and
- iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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Update of the Health and Wellbeing Board Constitution

Lead Member: Cllr Christine Lawrence, Cabinet Member for Health and Wellbeing

Lead Officer: Julia Jones, Democratic Services Team Leader

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1. Summary

- 1.1.** The Somerset Health and Wellbeing Board was formally constituted in July 2013. It is now in its sixth year of operation and since this time there have been a number of developments both nationally and locally in regarding the role and expectations of Health and Wellbeing Boards.
- 1.2.** At its meetings in June and July, the Health and Wellbeing Board reviewed and discussed changes to its role and also its constitution and terms of reference so that it can fulfil its responsibilities. An updated constitution was agreed and is shown at Appendix A.

2. Recommendations

- 2.1** **That the Committee considers and approves the amended Health & Wellbeing Board Constitution set out in Appendix A for inclusion within the Council's Constitution and publication on the council's website.**

3. Background

- 3.1.** Nationally, there has been increasing expectation that Health and Wellbeing Boards will adopt additional responsibilities such as sign off and oversight of joint commissioning and service delivery local plans. One of the most significant and substantial changes has been the responsibility placed on Health and Wellbeing Boards to have oversight and sign off of the Better Care Fund Submission.
- 3.2.** At a local level, the Board has needed to gain a greater understanding of its role and how it fits and adds value to the existing structures and partnerships that are in place in the county. The Board has been keen not to duplicate the work being taken forward in other forums but rather to add value and additional drive to positively address substantial, often complicated issues that impact on health and wellbeing.
- 3.3.** The constitution has been updated to include statutory requirements regarding the Better Care Fund and overseeing the care and support for children and young people with special educational needs and disabilities (SEND) detailed in the constitution shown at 2.1 (f) and (g) in Appendix A.
- 3.4.** Other proposed changes to the constitution designed to promote better practice and improve effectiveness of the Board have also been added and are shown as track changes in red in Appendix A.

4.0 Consultation

These issues have been discussed by the Health and Wellbeing Executive ahead of

going to the Health and Wellbeing Board meetings in June and July.

5.0 Implications

Financial: There are no costs associated with the proposals in this report.

Legal: As detailed in the report.

Impact Assessment: The Council's duty under Section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions on the provision of services. There are no direct impacts of the report's recommendations on the provision of services. There are no direct impacts on sustainability, health and safety, community safety or privacy aspects as a result of these proposals.

5. Background papers

- 5.1.** Somerset Joint Strategic Needs Assessment, the Somerset Health and Wellbeing Strategy, the Health and Wellbeing Board Constitution and Terms of Reference.

Note: For sight of individual background papers please contact the report author

Agreed Constitution for Somerset's Health and Wellbeing Board July 2014

Introduction

Under the Health and Social Care Act 2012 the County Council must establish a Health and Wellbeing Board.

This constitution will cover the operation of the Somerset Health and Wellbeing Board from July 2014. It will be revised if necessary in accordance with the legislative requirements.

1. Aim

1.1 The Somerset Health and Wellbeing Board (SHWBB) will provide strategic leadership to improve the health and wellbeing of the residents of Somerset through the development of improved and integrated health, public health and adults and children's social care services

2. Functions

2.1 The Board, on behalf of the County Council and the Somerset Clinical Commissioning Group (SCCG), shall identify and agree health and wellbeing needs and priorities across Somerset through:

a) providing a structure for strategic local planning and challenge to the provision of health and wellbeing related services across a range of sectors and providers

(b) assessing the needs of the local population and lead the statutory Joint Strategic Needs Assessment ('JSNA') with an annual (a) — The regular refresh and publication of the Joint Strategic Needs Assessment (JSNA) to support evidence-based prioritisation, commissioning and policy decisions;

(c) ensuring that the JSNA drives the development of the Health and Wellbeing Strategy (Improving Lives) and influences other key plans and strategies across the County

(d) To undertake the Pharmaceutical Needs Assessment every 5 years or sooner if required

(e)(b) The preparation, agreement and publication of the Somerset Health and Wellbeing Strategy (SHWBS). The SHWBS will set a high level joint strategic vision for health and wellbeing, taking into account the JSNA and the Annual Public Health Report, as well as national policy developments and legislation. Organisations represented on the Board have a duty to take heed

of the strategy and will be held to account for their contribution to delivery of outcomes.

(f) actively engaging with the other key partnerships to ensure achievement of outcomes in all agreed areas and to extend the reach of the Improving Lives Strategy by ensuring alignment with other strategies and plans

(g) discharging all functions relating to the Better Care Fund that are required or permitted by law to be exercised by the Board including: Agreeing the Better Care Fund; and overseeing the delivery of the Better Care Fund and Improved Better Care Fund. This includes providing a regular written progress report on each of the schemes under the fund to the Board.

(h) responsible for overseeing the implementation of the statutory requirement within the Children and Families Act 2014 , for local services to work together providing care and support for children and young people with special educational needs and disabilities (SEND), ensuring that local services are fulfilling their role and that children are getting the care they need

(i) ensuring that the Local Integrated Care Partnerships, Local Authorities, Clinical Commissioning Groups and NHS England, Police demonstrate how the JSNA has driven decision making

(j) In order to undertake the system leadership role the Board will receive reports in conjunction with the delivery of the Improving Lives Strategy and outcomes from:

- STP
- Somerset Growth Board
- Safer Somerset Partnership
- Somerset Childrens Trust
- Somerset Strategic Housing Group
- Neighbourhoods Group
- Children's and Adults Safeguarding Boards
- Information Governance Panel

(k) providing challenge and encouragement to put prevention central to everything we do in Somerset; with a relentless focus on issues that drive inequalities

(l) providing a forum for cross-system learning and support through the Health and Wellbeing Board development sessions and workshops

2.2 The Board shall:

(a) Oversee, where appropriate, the use of resources across a wide spectrum of services and interventions, to ensure that the SHWBS and priority

outcomes are achieved and, to drive a genuinely collaborative approach to commissioning, including the co-ordination of agreed joint strategies.

(b) Support the inclusion of the public, patients and communities in the setting of strategic priorities, including (but not solely) through the involvement of local Healthwatch.

(c) Communicate and engage with local people in how they can achieve the best possible quality of life and be supported to exercise choice and control over their own health and wellbeing and that of the people living around them.

(d) Each board member has a responsibility to report and act upon the group or organisation they represent in order to maximise the impact they can make in terms of improving lives (promoting and delivering the health and wellbeing strategy).

In line with the Health & Social Care act 2012 the work of the Board will be scrutinised through appropriate SCC Scrutiny Committees.

3. Membership

3.1 Membership of the Board shall reflect the principle that at least 50% of its voting membership shall comprise elected local councillors. Representation on the Board reflects the statutory membership as required by the Health and Social Care Act.

3.2 The full members of the Board (i.e. with voting rights) shall comprise the following:

- Up to 5 County Councillors including the relevant Cabinet Members for Health and Wellbeing, Adult Social Care and Children and Families, 1 member of the Opposition and 1 other Council member – all to be chosen by the Leader of the Council
- ~~2~~ x Somerset Clinical Commissioning Group (SCCG) 1 x GP representatives and 1 x Health and Care Integration lead officer GP representatives
- SCCG Accountable Officer Managing Director
- ~~5~~ 4 x District Councillors (1 from each District)
- Director of Public Health
- ~~Lead Commissioner for~~ Director for Adult Social Services and Health
- ~~Lead Commissioner~~ Director for Children's Services
- NHS England representative
- Healthwatch Somerset nominated volunteer representative
- Avon and Somerset Police representative

Total: 18

3.3 In accordance with paragraph 3.2 above, the nominated membership is as follows:

Somerset County Council

Cllr Christine Lawrence - Chair
Cllr Frances Nicholson - Vice Chair
Cllr David Huxtable
Cllr Linda Vijeh
Cllr Amanda Broom

SCCG representatives

Dr Ed Ford (Somerset Clinical Commissioning Group) – Vice Chair
[Maria Heard \(Somerset Clinical Commissioning Group\)](#)

~~SCCG Managing Director~~Accountable Officer
[David Freeman](#)

~~5-4~~ x District Councillors (1 from each District)

[Cllr Chris Booth \(Somerset West and Taunton Council\)](#)
[Cllr Ros Wyke \(Mendip District Council\)](#)
[Cllr Jeny Snell \(South Somerset District Council\)](#)
[Cllr Janet Keen \(Sedgemoor District Council\)](#)

Director of Public Health

Trudi Grant

~~Lead Commissioner~~Director of Adult Social Services and Health

Stephen Chandler

~~Lead Commissioner for~~Director of Children's Services

Julian Wooster

NHS England representative

Mark Cooke

Healthwatch Somerset

Judith Goodchild

[Avon and Somerset Police](#)

[Superintendent Mike Prior](#)

3.4 Other members may be co-opted by the Board as required but will not have full voting membership.

4. Chairing arrangements

4.1 The Leader of the Council shall appoint the Chairman of the Board annually from within the County Council's representation on the Board. The Leader shall appoint up to 2 Vice-Chairmen on an annual basis at least one of which shall come from within the health service representation on the Board.

4.2 In the event that the Chairman is not present but the meeting is quorate the voting members present at the meeting shall choose which Vice-Chairman is to chair that meeting.

5. Quorum

5.1 To ensure that sufficient members are present at all meetings for the effective conduct of business the quorum for the Board will comprise nine members (over 50%), and must include at least two voting Members from the County Council and one voting member of the SCCG. If a quorum is not present, matters may be discussed and recommendations made but no decisions taken.

6. Substitutes

6.1 No substitutes shall be allowed for members of the Board.

7. Appointments

7.1 If the Council wishes to change the voting membership of the Board, then the Council must consult the Board on the proposal. Council nominations must be in accordance with the legislation.

8. Governance and Accountability

8.1 In accordance with section 194 of the Health and Social Care Act, the Board shall be a committee of the Council and is to be treated as if it were a committee appointed by the Council under section 102 of the Local Government Act 1972

8.2 The regulations relating to the Board are published as Statutory Instrument 2013 No. 218 entitled, The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

8.3 The Regulations modify and disapply certain legislative requirements as they apply to the Board. The provisions which are modified or disappplied are in the Local Government Act 1972 and the Local Government Housing Act 1989.

8.4 The Board shall produce an annual report, which will be presented to meetings of both Somerset County Council and the SCCG. It shall also

report as necessary to the Council's Cabinet, Full Council and the SCCG as the business dictates.

9. Decisions

9.1 The Board shall be accountable for its actions to its individual member organisations for decisions in respect of the JSNA and the SHWBS.

9.2 It is expected that Members of the Board will have delegated authority from their organisations to take a full part in the business of the Board.

9.3 It is expected that decisions or recommendations shall be reached by consensus. In exceptional circumstances where consensus cannot be achieved and a formal vote is required, the matter shall be decided by a simple majority of those members voting and present in the room at the time the proposal is considered. The vote shall be by a show of hands. If there are equal votes for and against, the Chair~~man~~ will have a second or casting vote. There will be no restriction on how the Chair~~man~~ chooses to exercise a casting vote.

9.4 Decisions within the terms of reference will be taken at Board meetings and are not subject to ratification or a formal decision process by partner organisations. However, where decisions are not within the delegated authority of the Board, these will be subject to ratification by constituent bodies.

10. Procedural Rules to apply to Board Meetings

10.1 Detailed procedural rules for Board meetings are attached as an appendix.

11. Establishment of Sub-Committees

11.1 The Board shall be responsible for the appointment of any sub-committees or working groups to assist with the fulfilment of its functions in accordance with any legislative requirements in relation to their establishment.

11.2 The Board shall also be responsible for accepting reports as necessary from partnerships whose business relates to the functions of the Board.

12. Board Members' Conduct

12.1 All voting members of the Board must comply with the County Council's Code of Conduct including the registration of disclosable pecuniary interests and personal interests.

12.2 The Monitoring Officer for Somerset County Council will maintain and publish a register of interests of Board members.

12.3 The principles of these requirements are consistent with the requirement on SCCG's in relation to conflicts of interest.

13 Work Programme for the Board

13.1 The Board shall be responsible for establishing and maintaining its work programme.

14. Review of the Constitution

14.1 This constitution will be reviewed as and when required but at least annually by the Council in consultation with other constituent bodies and the Board.

15. Administration of Meetings

15.1 Meetings of the Board will be convened by the County Council, who will also arrange the clerking and recording of meetings (a member of the Council's Democratic Services Team will act as Clerk).

PROCEDURAL RULES FOR BOARD MEETINGS

1. Introduction

1.1 These rules also detail the rights of the public to be notified of meetings of the Board, to attend and participate in those meetings, and access agendas and papers before and after meetings of the Board.

1.2 The term 'clear days' in these rules excludes any Saturday, Sunday, Bank Holiday, Christmas Day or Good Friday, the day that an agenda is sent to the Members of the Board and the day of the meeting.

2. Rights of the public to attend Board meetings

2.1 Members of the public may attend Board meetings subject only to the exceptions in these rules.

3. Notice of Board Meetings

3.1 The Council shall give at least five clear days notice of any public meeting of the Board via it's website, the public notice board at County Hall, Taunton and at the venue for the meeting if held elsewhere.

4 Access to agendas and reports before Board meetings

4.1 Copies of agendas and reports are made available for public inspection at County Hall (contact Community Governance - 01823 355032 or email jajaeksonjones@somerset.gov.uk for further details) at least five clear days before a meeting of Board. If an item is added to the agenda later, the revised agenda and any additional report (s) will be made available for public inspection as soon as they have been sent to members.

4.2 Board agendas and papers will also be available to access on the Council's website.

5. Exclusion of access by the public to Board meetings

5.1 Confidential information - requirement to exclude public

5.1.1 The Board **must** by resolution, exclude press and public from meetings whenever it is likely that **confidential** information would be disclosed.

5.1.2 Confidential information means information given to the Council by a Government Department on terms forbidding its public disclosure or information which is prevented from being publicly disclosed by Court Order.

5.2 Exempt information - discretion to exclude public

5.2.1 The Board **may** by resolution exclude press and public from meetings whenever it is likely that exempt information would be disclosed.

5.2.1 Exempt information means information falling within the following categories

Category	Qualifications
<p>1. Information relating to any individual.</p> <p>2. Information which is likely to reveal the identity of an individual</p> <p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.</p> <p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p> <p>6. Information which reveals that the Authority proposes –</p> <p>(a) to give under any enactment notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make order or direction under any enactment.</p> <p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>1. Information is not exempt information if it is required to be registered under the Companies Act, Charities Act etc.</p> <p>2. Information is not exempt information if it relates to proposed development for which the Council may grant itself planning permission.</p> <p>3. Subject to paragraphs 1 and 2 above, information which falls within paragraphs 1 to 7 opposite is exempt information if and so long as the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

6. **Exclusion of Access by the Public to Reports and Any Other Relevant Documents**

6.1 Reports containing confidential information will not be made available to the public in any circumstances. Such reports will be marked “Not for publication – Confidential Information”.

6.2 Reports and documents containing exempt information will not normally be made available to the public. They will be marked “Not for

publication” and will include the description of the category of exempt information applicable.

6.3 The Board has the option, when the report or documents described at paragraph 6.2 above come to a meeting of the Board, to make them available to the press and public and/or consider the report with the public present, in which case the report can at that stage be made available to the public present and for public inspection beyond the meeting.

7. Public Question Time

7.1 The following rules relate to public question time at public meetings of the Board.

(a) “Public question” is defined as the asking of any question, or making of a statement in relation to any item on an agenda.

(b) Petitions may be presented on any matter within the overall remit of the Board whether or not there is a relevant item on the agenda.

(c) Each Board agenda shall include an item to allow public questions to be taken early in the meeting. However, the Chair~~man~~ has discretion to take public questions when the relevant item is reached on the agenda.

(d) A person wishing to raise a matter under public question time is asked to inform the meeting administrator by ~~12 noon the day~~5pm 3 clear working days before the meeting.

(e) The Chair~~man~~ will invite those who have given prior notice to introduce their question / or make their statement. The individual may speak for up to ~~two-three~~ minutes or longer with the Chair~~man~~'s discretion.

(f) There will be no debate on any question or statement made. They will be answered at the time or noted for consideration when the relevant agenda item is reached. The Chair~~man~~ has discretion to allow a supplementary question.

(g) The time allowed for public question time will not normally exceed twenty minutes unless the Chair~~man~~ directs otherwise.

(h) Where there are a large number of questioners on the same subject, the Chair~~man~~ may ask those concerned to nominate one or more of their number to pose the appropriate question(s).

(i) In exceptional circumstances the Chair~~man~~ may adjourn the meeting temporarily to allow views to be expressed more freely.

8. Media Attendance and Reporting at Public Meetings

8.1 Media are welcome to attend public meetings of the Board and report on proceedings. In addition social media journalists are welcome to record and transmit business at these meetings. This permission is subject to the activity not disrupting the business of the meeting. In the event that the meeting considers confidential or exempt business then all members of the public and press must leave the room as requested for the consideration of such business.

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Officer Code of Conduct

Lead Member: Cllr William Wallace, Chair of the Committee

Lead Officer: Scott Wooldridge, Monitoring Officer

Contact Details: tel (01823) 357628 or e-mail: swooldridge@somerset.gov.uk

1. Summary

- 1.1.** The purpose of this Code is to help employees support the County Council's aim to provide high quality services fairly and efficiently in line with its values of listening, responsibility, trust and respect. It also provides the public and our partners with assurance on the standards of personal conduct that is expected of officers.

The Council already publishes as part of its Constitution a Members Code of Conduct for its elected members. Whilst the Council has a standards of conduct policy for employees there is no Officer Code of Conduct currently as part of the Council's Constitution, unlike other councils.

Good practice and comparison with other county councils shows that there is a case for an Officer Code of Conduct to be developed and published as part of the Constitution.

- 1.2.** The Council needs to ensure its decisions and operations are open, accountable and in line with recognised ethical standards. The Council expects all employees to promote and maintain high standards of personal conduct to sustain the good reputation of the Council and its services. Officers of the Council are therefore required to be aware of and act in accordance with The Seven Standards of Public Life.

The Code would apply to all Council employees (except school staff who are subject to their own requirements) undertaking their duties on behalf of the Council and when representing the Council on external boards, committees, etc.

2. Recommendations

- 2.1 That the Committee considers and approves the proposed Officer Code of Conduct set out in Appendix 1 for inclusion within the Council's Constitution and publication on the council's website.**

3. Background

- 3.1.** In January 2019, the Parliamentary Committee on Standards in Public Life published their report and this was reported to the Constitution and Standards Committee meeting in February 2019. The report includes a series of recommendations to the Government for improvements to local authority standards arrangements including strengthening the ability for a council to take actions where a serious breach of the Code of Conduct is proven. The Committee welcomed the report and recommendations and the Government's response to the report is awaited.
- 3.2.** The Council is committed to its officers and its elected members maintaining the highest standards of conduct in undertaking their duties on behalf of the council.

This expectation is supported by the functions and responsibilities of the Constitution & Standards Committee, the Constitution, the Chair of Council, Members' Code of Conduct, legislation, the Monitoring Officer, standards of conduct for officers, council policies and procedures.

3.3. Many councils publish their Officer Code of Conduct as part of their Constitution and on their websites to provide assurance and transparency on what the public, elected members and partners can expect in terms of standards of personal conduct.

3.4. The Monitoring Officer has reviewed the council's existing policy and procedures for staff regarding standards of conduct, together with best practice and codes of conduct of other county councils. This has resulted in a draft Officer Code of Conduct being developed for consideration for approval. Subject to consideration and approval, the proposed Officer Code of Conduct would then be published as part of the Council's Constitution and on its website.

3.5. Training and promoting awareness

The Committee on Standards in Public Life's view is that ethical standards training on standards of behaviour even where offered, may not always be taken up. The proposed Code of Conduct will be promoted through Core Brief and other internal communications in order to improve awareness and assist staff.

4.0 Consultation

The draft Officer Code of Conduct has been developed with Human Resources and Legal Services. It has also been consulted with Trade Union representatives.

5.0 Implications

Financial: There are no costs associated with the proposals in this report beyond officer time required to publish the proposed Code and promote awareness amongst staff.

Legal: As detailed in the report.

Impact Assessment: The Council's duty under Section 149 of the Equality Act 2010 is to have "due regard" to the matters set out in relation to equalities when considering and making decisions on the provision of services. There are no direct impacts of the report's recommendations on the provision of services. There are no direct impacts on sustainability, health and safety, community safety or privacy aspects as a result of these proposals.

5. Background papers

5.1. Council's Constitution

Standards of Conduct for officers

Note: For sight of individual background papers please contact the report author

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Appendix 1
SOMERSET COUNTY COUNCIL
OFFICERS' CODE OF CONDUCT

1. Introduction and Interpretation

- 1.1 This Code of Conduct applies to all employees (except school staff who are subject to their own requirements) with a contract of employment with Somerset County Council, and includes permanent, temporary, part-time, casual and agency staff. It explains in practical terms the standards of behaviour required under the law and by the Council.
- 1.2 This Code gives employees guidance on how the County Council expects them to behave. By complying with the requirements of the Code staff will avoid finding themselves in a situation where their conduct could create an impression of conflict of interest or corruption in the minds of the public. If staff are unsure of the standards expected of them guidance should be sought from their Director or, in the case of Directors, the Chief Executive.
- 1.2 As an officer of the Council you must comply with this Code when undertaking the responsibilities of your post. Failure to abide by the requirements of the Code will be a disciplinary offence.
- 1.3 This Code is based upon the *seven principles of public life* set out and explained in the Appendix. They are listed in brief below. These principles underpin this Code, apply to all aspects of public life and therefore to you as a Council employee.
- 1.4 You must display the following behaviours through the course of their work:
- Selflessness;
 - Integrity;
 - Objectivity;
 - Accountability;
 - Openness; and
 - Honesty.
- 1.5 The areas covered by this Code are:
- Status of the Code
 - The Council's Constitution
 - Standards and Accountability
 - Confidentiality and Openness
 - Proper Use of Council Resources
 - Political Neutrality
 - Relationships

- Appointments
- Other Employments
- Intellectual Property
- Equal Opportunities and Human Rights
- Health and Safety
- Leaving the Council
- Personal Interests
- Procurement and Partnering Arrangements
- Gifts and Hospitality
- Investigations by the Council's Monitoring Officer
- Review of the Code

2. Status of the Code

- 2.1 The Code sets out the main standards that apply to officers' conduct. It is Council policy (most recently agreed by the Council on [date to be inserted]) and is a public document contained within Part 2 of the Constitution. More detail on the requirements is contained within the 'Standards of Conduct' documentation on the Council's Intranet site.
- 2.2 The rules often set a higher standard than might be set in the private sector. All up to date policies and protocols which provide more detail are indicated in *italics* after each section and can be found on the Council's intranet. The contents of the Code may be supplemented and clarified by service guidance.
- 2.3 This Code supplements, and does not replace, any code or recognised standards of conduct of any professional body of which you might be a member.

3. The Council's Constitution

- 3.1 The [Constitution](#) is a formal document that contains the Council's powers and duties. The Council must act within the confines of the Constitution and the law; otherwise it will be acting ultra vires, that is, beyond the scope of its legal power or authority. It is a useful reference document for all matters relating to the composition of the Council, rules about members, committee meetings and treatment of information, financial and procurement procedures and other issues of relevance to officers.

4. Standards and accountability

- 4.1 You must undertake your Council duties with honesty, integrity, impartiality and objectivity.

- 4.2 You are accountable to the Council for your actions when undertaking Council business and must abide by the requirements of Council policies, protocols and procedures.
- 4.3 You have a duty to optimise the performance and operation of the Council. You must report to your manager or senior officer any impropriety, breach of procedure, or deficiency in the provision of Council services.
- 4.4 You must not act in ways that will bring the Council into disrepute or harm its reputation.

5. Confidentiality and openness

- 5.1 You should act on the presumption that open government in terms of the provision of information is the Council's policy.
- 5.2 You must not prevent another person from gaining access to information to which that person is entitled by law.
- 5.3 However, you must not use any confidential information to which you have access at work for personal gain or benefit or pass it on to others who might use it in this way.

6. Proper Use of Council Resources

- 6.1 You must only use County Council funds, resources and facilities where you are authorised to do so. Such resources must be used to the best advantage of the County Council and the community they serve, always trying to ensure value for money for the local taxpayer.

7. Political Neutrality

- 7.1 You must act in a politically neutral manner when undertaking Council business. You serve the whole Council and all Council Members.
- 7.2 Certain posts are politically restricted and if your post falls into the relevant categories you must not participate in any formal political activity. Such posts fall into two categories: specified posts (mostly at Chief Officer level) and sensitive posts (eg, posts which involve giving advice on a regular basis to committees or elected members) – for further details including the full list of specified posts see the 'Standards of Conduct' on the Intranet site.

8. Relationships

- 8.1 You must conduct yourself in an exemplary manner in all aspects of your work and relationships with members, officers, the public and representatives of other organisations.

9. Appointments

- 9.1 If you are involved in staff appointments you must ensure that appointments are made on merit and in accordance with the County Council's policies and procedures.

10. Other employments

- 10.1 You should not engage in outside employment which conflicts with your County Council work or would be detrimental to it.

11. Intellectual Property

- 11.1 All creative designs, writings, drawings and inventions ("intellectual property") you produce or have access to as part of your employment is the property of the Council. Therefore, you must not use this material for any other purpose than for work unless otherwise agreed in writing by the Council even after you leave the employment of the Council.

12. Equal Opportunities and Human Rights

- 12.1 You must comply with the Equality Act 2010 and the Council's equal opportunities policy and treat all members of the public, elected members and fellow employees with respect and fairness.
- 12.2 You must also comply with the requirements of the Human Rights Act 1998 and ensure that service decisions and Council actions take account of a person's basic human rights such as the right to privacy and family life, the right to a fair hearing and the right not to suffer degrading treatment.

13. Health and safety

- 13.1 You must be aware of, and fulfil, your legal responsibility to protect your own and others health and safety at work. This includes being aware of and complying with corporate policy requirements and departmental or sectional health and safety guidance.

14. Leaving the Council

- 14.1 After you leave the Council, you have an on-going duty not to disclose the Council's 'trade secrets', personal data relating to others or exempt/confidential information that you have acquired in your work at the Council.

15. Personal interests

- 15.1 You must declare to your line manager and SLT Director as soon as they become aware of any personal interest which you (or your *family members* or *close associates* [for definitions see 'Standards of Conduct' on the Intranet]) have which may conflict or may reasonably be perceived to conflict with the business and/or interests of the Council. You must register interests via the [personal interests](#) form on the Intranet site.
- 15.2 Personal interests may, but not exclusively, relate to financial, or property matters.

16. Procurement & Partnering Arrangements

- 16.1 If you procure or manage Council contracts, you must comply with the Council's policies and procedures and display honesty, fairness, integrity and impartiality at all stages of the process. Above all, you must ensure that contracts are awarded on merit.
- 16.2 If you are participating in a partnership arrangement between the Council and another organisation it is your responsibility to act within the authority given to you by the Council.

17. Gifts and Hospitality

- 17.1 You must declare to the Council and register any offer of a gift (including bequests and legacies), hospitality or sponsorship that you receive where the value is £25 or more (actual or estimated) and irrespective of whether you accept or decline it.
- 17.2 It is your personal responsibility to declare and register an offer and this must be done as soon as reasonably practicable and within 28 days of receipt. You must register offers on the on-line form available at [Register of Gifts and Hospitality](#).
- 17.3 It is also your personal responsibility to notify HM Revenues and Customs (HMRC) of a gift or hospitality provided by a 3rd party **and of any value**, if it is in recognition, or anticipation, of services performed.
- 17.4 if you have been offered a legacy in a will from services provided under your employment you must get the formal approval of your Senior Leadership Team Manager and the Monitoring Officer before accepting it.

18. Investigations by the Council's Monitoring Officer

- 18.1 You must assist and co-operate fully with the Council's Monitoring Officer where the Monitoring Officer is either carrying out an:
- enquiry or investigation about the lawfulness of the Council's actions under Section 5 of the Local Government and Housing Act 1989; or
 - investigation into a complaint against a member that has been referred to the Monitoring Officer under Section 28 of the Localism Act 2011

19. Review of the Code

- 19.1 The Monitoring Officer will regularly review this Code to ensure that it continues to be effective and up to date. Any amendments to the Code are the responsibility of the Constitution and Standards Committee on the advice and recommendation of the Monitoring Officer.

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APPENDIX A

THE SEVEN PRINCIPLES OF PUBLIC LIFE

Preamble: The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public services. The principles also have application to all those in other sectors delivering public services.

SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must admit themselves to the scrutiny necessary to ensure this.

OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY

Holders of public office should be truthful.

LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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