

Part G – Overview and Scrutiny arrangements (Scrutiny Committees)

SCRUTINY FOR POLICIES, CORPORATE AND RESOURCES COMMITTEE, SCRUTINY FOR POLICIES, CLIMATE AND PLACE COMMITTEE, SCRUTINY FOR POLICIES, CHILDREN AND FAMILIES COMMITTEE, SCRUTINY FOR POLICIES, ADULTS AND HEALTH COMMITTEE AND SCRUTINY FOR POLICIES AND COMMUNITIES COMMITTEE

Every council with an executive management structure has to have an overview and scrutiny function. Somerset Council has appointed several scrutiny committees to perform this function. The Committees will operate in accordance with the Committee procedure rules in Part D.

The scrutiny committees each fulfil a check and challenge function for decisions and policies made by the Executive.

This section gives more details about these committees and the rules which govern how they work.

These rules are written in formal language. If you have specific questions our Democratic Services Team will be happy to help you.

Functions and terms of reference

- 1.1 The Council has appointed several Scrutiny Committees to fulfil the statutory “overview and scrutiny” functions of the

Council, to influence the decision makers and drive improvement in public services in Somerset.

- 1.2 The Committees have no decision-making powers but have responsibilities delegated by Council.
- 1.3 At the annual meeting of the full Council, the Monitoring Officer in consultation with the Chief Executive will propose for the agreement of the Council, the number of Scrutiny Committees, the Terms of Reference and the number of scrutiny seats required to perform the scrutiny function for the forthcoming year.

Corporate and Resources

Functional areas that are the responsibility of the Committee are as follows:

- Finance and Procurement
- Strategic Asset Management
- ICT
- Partnerships and Localities
- Strategy and Performance
- Budget Monitoring and Financial Scrutiny

Climate and Place

Functional areas that are the responsibility of the Committee are as follows:

- Climate Change & Carbon Reduction
- Environment services (and appointment of members to the Joint Waste Scrutiny Panel with the district councils)
- Planning Policy
- Property & Asset Strategy
- Flooding & Water Management
- Energy and Sustainability
- Scientific services
- Countryside and Areas of National Beauty

Children and Families

Functional areas that are the responsibility of the Committee are as follows:

- Investing in and improving school facilities
- Improving the health of children & young people
- Supporting educational achievement and improved outcomes for children & young people
- Improving young people's prospects and skills
- Delivery of Personalisation Agenda and Personal Budgets
- Protect and care for the most vulnerable
- Support and recruit more adopters and fosterers of children
- Improve prospects of disadvantaged children and young people and their families, and those at risk of being disadvantaged
- Specialist services for children with disabilities
- Special Educational Needs
- Safeguarding children
- School admissions
- Academy conversions.
- Youth offending and targeted youth work
- Early years and children's centres
- Appointment of school governors

Scrutiny for Policies, Adults and Health Committee

Functional areas that are the responsibility of the Committee cover personal services to individuals as follows:

- Health & Wellbeing (including Public Health Services)
- Education, Training & Skills
- Learning and Physical Disabilities
- Adult Care & Support Services
- Community Safety
- Somerset Armed Forces Community Covenant
- In addition the Committee considers any referrals made by Healthwatch.

Scrutiny for Policies and Communities

Functional areas that are the responsibility of the Committee cover personal services to individuals as follows:

- Economic Development and Growth
- Hinkley C development
- Transport and Connectivity
- Highways
- Traffic Management
- Trading Standards
- Infrastructure and infrastructure projects
- Cultural Services (eg, Libraries, Heritage)
- Corporate services (eg, ICT, Customers and Communities, Change Programme and Commissioning Development)

1.4 The Scrutiny Committees are committed to the developing of a respectful relationship between themselves, the Executive and external partners. The work of the Select Committees is underpinned by the following six principles:-

- a. To contribute to sound decision-making in a timely way by holding councillors and key partners to account as a 'critical friend'.
- b. Contribute to and reflect the vision and priorities of the Council.
- c. Enable the voice and concerns of the public to be heard and reflected in the Council's decision-making process.
- d. Engage in policy development at an appropriate time to be able to influence the development of policy.
- e. To be agile and able to respond to changing and emerging priorities at the right time with flexible working methods.
- f. For scrutiny to be a councillor led and owned function which seeks to continuously improve through self-reflection and development.

1.5 In addition to the principles set out at 1.2 above, in conducting its proceedings a Scrutiny Committee will have regard to the following principles:-

- a. At all times, while conducting its business in a tenacious matter, to do so with respect, equity, fairness, dignity and with regard to the principles of natural justice.
- b. To ensure that all Members are given the opportunity to contribute to and speak at Scrutiny Committee meetings and to ask questions of those attending.
- c. To conduct its business in a consensual, open, responsible and transparent manner across political divides and to avoid expressing views based purely on political considerations.
- d. To conduct its business so as to maximise its efficiency.
- e. Not to seek to hold Officers and non-Lead Members to account for decisions taken by the Leader, Executive or Lead Members.
- f. To recognise that any question of officer discipline which may arise is to be dealt with through the appropriate employment procedures.

1.6 In respect of their functions, each committee will:

- (i) Advise the Executive, on the formative stages of key service developments and reviews;
- (ii) Influence planned key decisions before they are taken and make recommendations to the decision maker;
- (iii) Hold Executive decision-makers (including Officers) to account for Key decisions;
- (iv) Question members of the Executive and/or committees and senior officers about their decisions and performance standards;
- (v) Ensure that all the Council's performance management and assessment systems continually improve the Council's service delivery;
- (vi) Assist the Executive / Council in budget and policy development;
- (vii) Review delivery of key action plans (including external inspection action plans) and Council objectives through the achievement of outcomes;

- (viii) Consider any matter affecting the County of Somerset or its inhabitants (specifically children in the case of Scrutiny Children and Families);
- (ix) Ensure active engagement of Members, the public, media, stakeholders, partners and Officers in the work of the Council and the Committee and to enable the voice of the wider community to be heard within the Council;
- (x) Make reports and/or recommendations to the Full Council and/or the Executive, Council, other Committees and/or partner bodies;
- (xi) Scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to discuss their activities and performance.

1.7 **FORM AND COMPOSITION:** Each Committee comprises 13 elected Members reflecting the political composition of the Council. In addition, the membership of the Scrutiny for Policies, Children and Families Committee includes 2 co-opted church representatives, 2 co-opted parent governor representatives, 2 school governor representatives and 1 representative from the Schools Forum, all with voting rights (which are full voting rights) on educational matters only. Members of the Executive cannot be members of these committees.

1.8 **JOINT HEALTH SCRUTINY:** For significant proposals, eg, regional matters and ambulance NHS Trust matters or County wide Broadband, a Joint Overview and Scrutiny Committee of the relevant councils is appointed to provide a collective response. The Chief Executive approves the terms of reference, constitution and arrangements for such a Joint Committee on behalf of the Council.

1.9 **QUORUM:** A minimum of 5 elected members are required to be present for a valid meeting to take place.

1.10 **CHAIR:** The appointment of a Chair for each of the 5 Scrutiny Committees will be a member of an opposition party.

1.10 **COMMITTEE BUSINESS:** The following can include items on scrutiny agendas:

- (a) The Committee itself;
- (b) Full Council;

- (c) The Leader;
- (d) The Executive collectively;
- (e) Any Member of the Committee. The non-elected Members of the Scrutiny for Policies, Children and Families Committee may include items on the Committee's agendas in relation to education;
- (f) Any other Member, for an issue affecting their division and where all other methods of resolution have been exhausted;
- (g) The Monitoring Officer;
- (h) Any Officer from the Senior Leadership Team;
- (j) The Scrutiny Officer.

In conducting its business a Scrutiny Committee may:

- a. Undertake in depth analysis of a policy issue;
- b. Receive briefings and presentations on issues under consideration;
- c. Undertake research, community and other public engagement, particularly in the analysis of policy issues and possible options;
- d. Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- e. Hold inquiries, workshops, public meetings and conduct public surveys;
- f. Invite advisors and assessors to assist them;
- g. Question Lead Members, Associate Lead Members and seek their views on issues and proposals affecting the Council's area;
- h. Question senior officers, and where appropriate suppliers and seek their professional views on issues, and / or their decisions and performance either in relation to service plans or in relation to particular decisions, initiatives or project;
- i. Liaise with national, regional or local external organisations operating in the Council's area so as to ensure that the interests of local people are enhanced by collaborative working;
- j. As part of any investigation, review and scrutinise the decisions made by, and performance of, the Executive, Lead Members and senior officers as regards both individual decisions and

over time;

- k. Question and collect evidence from any other person (with their consent) and invite witnesses to attend Scrutiny Committee meetings, proceedings or events.

CALL-IN OF KEY DECISIONS

1.11 "Call-in" is a facility which Members can use to challenge Key Decisions where a scrutiny committee has not been involved prior to the decision being taken or where a Member believes a decision has been taken without the proper process having been followed.

1.12 Call-in of Key Decisions is subject to the following rules:

- (a) General provisions:
 - (i) Call-in should be used on an exception basis and not to unnecessarily delay Council business;
 - (ii) An individual Key Decision should normally only be subject to scrutiny once, whether pre or post decision;
 - (iii) Key Decisions cannot be called in where the decision requires urgent implementation. Urgent implementation requires the approval of the Leader of the Council and the Chair of the relevant Scrutiny Committee;
 - (iv) Call-in only applies to decisions. Recommendations (for example, made by the Executive to Council) cannot be called-in.
- (b) Scrutiny of Key Decisions before they are taken: This should focus on ensuring that the decision-maker has all the necessary information, to take a fully informed decision and that any procedures have been properly followed. Any scrutiny review at this stage should not pre-empt the decision. The decision-maker must take the views of the relevant Scrutiny Committee into account before taking the decision.
- (c) Scrutiny of Key Decisions after they are taken but before they are implemented:
 - (i) Key Decisions are published to all Members and the public (via the website) within 2 working days of the decision date;

- (ii) Key Decisions (unless urgency is agreed) must be called-in within 5 working days of publication or the decision will be implemented automatically.
 - (iii) Any Member may request a call-in but the call-in must be supported by a Member of the relevant Scrutiny Committee and agreed by the Chair (or Vice Chair in their absence) of that Committee in order to be formally considered. The call-in must be submitted in writing or by email to the Chair of the relevant Committee;
 - (iv) The Chair of the relevant Scrutiny Committee will consider call-in requests against the principles of good decision-making and will either agree the request or detail their reasons for rejecting the request for report to the next available meeting of the relevant Committee;
 - (v) A call-in must specify the subject matter, the reason(s) for it, information required to enable full consideration and the preferred outcome;
 - (vi) Each call-in will be considered at the next meeting of the relevant Scrutiny Committee unless an alternative is agreed with the decision-maker;
 - (vii) The Scrutiny Committee having considered a call-in will report to the decision-maker. The Committee also has the option of reporting direct to the Council as well as or instead of the decision-maker;
 - (viii) Where an item has been subject to pre-decision scrutiny of the process, post decision call-in should normally only relate to the decision itself;
 - (ix) If there is no pre-decision scrutiny of an item then the process and/or the decision may be the subject of call-in.
- (d) Scrutiny of Key Decisions after implementation: This should only occur where the decision-maker was required to make a decision that was time critical or at a later stage to gauge the effect of the decision. Scrutiny in these circumstances is not part of the call-in process.

1.13 **REFERRAL OF NON-KEY MEMBER DECISIONS:** Non-key member decisions can be referred back to the decision-maker by Members prior to implementation as follows:

- (a) Non-Key Member Decisions are published to all Members and the public on the Council's website within 2 working days of the date of decision;
- (b) Any Member with the support of their Group Leader (or in their absence, the Deputy Group Leader) and the agreement of the Chair of the relevant Scrutiny Committee may refer a proposed decision back to the decision-maker within 3 working days of it having been published. The decision-maker will consider the referral prior to confirming the decision and its implementation.
- (c) If there is no referral the decision will be implemented automatically at the expiry of the 3 day notification period.
- (d) The only exception to this rule shall be 'urgent' decisions requiring immediate implementation. A decision will be urgent if any delay would, or would be likely to, significantly prejudice the Council's or the public interests. Urgent implementation requires the approval of the Leader of the Council and the Chair of the relevant Scrutiny Committee.

1.14 **MEMBERS AND OFFICERS ATTENDING SCRUTINY COMMITTEES:** A Scrutiny Committee can **require** a Member of the Executive, the Chief Executive and/or an appropriate Senior Officer or Officers (as agreed the Chief Executive) to attend a meeting in order to explain matters within their remit including any particular decision or series of decisions. Officers identified must attend.

1.15 **ATTENDANCE BY OTHERS AT SCRUTINY MEETINGS:** A Scrutiny Committee can **invite** others to address their meetings, discuss issues of local concern and/or answer questions. Attendance is optional.

1.16 **REPORTING:** A Scrutiny Committee can report and make recommendations to the Leader, the Executive or the Council, as appropriate, and to partner public bodies involved with Community Safety or the NHS. Each Committee presents a summary of its work to each Full Council meeting and reports annually to Full Council on its work, its future work programme

and recommendations for improving the way it carries out its functions, if appropriate.

1.17 **FORWARD WORK PLANS OF BUSINESS:** The chairs and vice-chairs of each committee meet as and when required to organise and co-ordinate the forward work programmes of business.

1.18 **Call for Action**

1.19. Any councillor shall be entitled to ask the Proper Officer for Scrutiny in writing to include any issue of concern to that councillor on the agenda of the next meeting of the appropriate Scrutiny Committee. In normal circumstances such a request must be made at least 10 clear working days before the meeting of the appropriate Scrutiny Committee.

1.20. At the meeting the councillor who has put the matter on the agenda may address the Committee on the matter. Members of the Committee should consider whether the issue raised is best addressed under the Councillor Call for Action (CCfA) procedure or another procedure (for example Call-In). In normal circumstances, the same issue will only be considered under one of these procedures. The Proper Officer for Scrutiny can advise Members of the Committee on this matter if requested.

1.21. Once determined as a CCfA matter, the following, in the order they appear on this list, (and if present) shall then respond:

- a. The relevant Lead Member and/or the Associate Lead Members;
- b. Another Lead Member;
- c. A senior officer with functional responsibility for the matter.

All speakers may address the Committee for up to five minutes as determined by the Chair unless otherwise agreed by the Chair. The Chair shall then invite Members of the Committee to discuss the matter to question and to consider any recommendation which has been submitted by the councillor as part of the agenda item.

1.22. The Committee may then:

- a. Resolve not to consider the matter further;
- b. Resolve to take no further action as the issue is one where an individual or body has a statutory right to a review or appeal (including matters relating to a planning decision);
- c. Resolve to take no further action but at the meeting advise the councillor raising the matter what further action, if any, the councillor should take to resolve the matter;
- d. Refer the matter to the Lead Member or officer with responsibility for the matter to ask what can be done to resolve the matter;
- e. Place the item on its agenda for consideration by the Committee at a later meeting;
- f. Consider whether to commission a scrutiny task & finish group to consider the matter further;
- g. Make a report or recommendation to the Executive or Full Council, or to the appropriate executive body of any partner organisation.

Referrals from the Council or the Executive

1.23. The Scrutiny Committees will consider any matter referred to them by the Council or the Executive and recommend any appropriate action. The Executive may request a Scrutiny Committee to look at topics to assist and inform Executive decision-making.

1.24. In reviewing draft policies, plans strategies and the draft budget, a Scrutiny Committee will in particular consider:-

- a. Whether any appropriate criteria has been used;
- b. Whether consultation (if any) responses and engagement conclusions have been taken into account;
- c. Whether the decision is in accordance with the Council's policy framework;
- d. Whether the decision is within the powers of the Council;

- e. Whether the decision is lawful;
- f. Whether the decision contributes to the efficient, effective and economic performance of the function in question.