



Overview & Scrutiny

a guide to Overview & Scrutiny Committee
at Ipswich Borough Council

introduction to the handbook

This handbook provides guidance for councillors and officers of Ipswich Borough Council, and members of the public. It is available on the Council website (www.ipswich.gov.uk). Every effort has been made to set out clearly the committee's purpose and structure and how the Strategic Overview & Scrutiny Committee works, it also includes information on research, guidance and good practice that is emerging further afield.

Traditionally the Audit Scrutiny Sub-Committee formed part of the Overview & Scrutiny Committee structure. The requirements for an Audit Committee increased significantly with the Use of Resources Assessment and in 2010 the Audit Committee was set up and is independent of Strategic Overview & Scrutiny Committee.

In 2005 the Centre for Public Scrutiny (CfPS) published its five year review, written by Prof. Steve Leach of De Montford University. He described the 'tremendous potential' scrutiny has to 'transform local democracy'. Across the country he identified an 'upward spiral of making it work'. He also described some of the ways in which scrutiny continued to struggle to be effective.

The Local Government Act 2007 provides for 'CCfA' (Councillor Call for Action), enabling councillors to ask for discussion at overview and scrutiny committee on areas/issues where local problems may have arisen and where other avenues of solution have failed.

Four principles underpin effective scrutiny:

- providing a 'critical friend' challenge to the council's Executive and/or other external authorities or agencies;
- reflect the voice and concerns of the public and its communities;
- take the lead and own the scrutiny process on behalf of the public; and
- make an impact on the delivery of public services.

The Ipswich Borough Council (IBC) Strategic Overview & Scrutiny Committee is committed to these principles. We aim to become increasingly confident in our ability to influence policy development and implementation, and by so doing, to improve community well-being across the town.

It is hoped the handbook is clear and informative. If you have suggestions about how it can be improved, please contact the Chairman: chairman.scrutiny@councillors.ipswich.gov.uk, or through Committee Services at Grafton House on 01473 432021.

purpose of the guide

The IBC Overview & Scrutiny arrangements have been established to complement and add value to the work of the Executive by:

- helping to achieve continuous improvement
- reviewing policy
- reviewing and proposing amendments to Executive decisions
- monitoring performance effectiveness.

This guide describes how the Scrutiny function at Ipswich Borough Council operates. The aim of the guide is to explain:

- The Strategic Overview & Scrutiny Committee
- Overview & Scrutiny arrangements
- Roles and responsibilities
- Overview & Scrutiny work programme
- Overview & Scrutiny support
- Useful information and contact details
- Call-in procedure

Appendix 1 is a copy of the Terms of Reference of the Committee, and its sub-committee, as set out in the Borough Council's Constitution.

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section 1 What is Overview & Scrutiny at IBC?

1. Introduction

- 1.1 The Strategic Overview & Scrutiny Committee supports the work of the Executive and the Council. The Committee allows members of the public and stakeholders to have a greater say in council business by consulting them on matters that concern them. These enquiries lead to reports and recommendations which advise the Executive and the Council on its policies, budget and services. The Strategic Overview & Scrutiny Committee monitors services and Executive decisions. If the Committee considers that a decision has been taken which could be contrary to the public interest it may recommend that the Executive reconsiders the decision. The Executive may also consult the Strategic Overview & Scrutiny Committee on forthcoming decisions.
- 1.2 Mostly, Overview & Scrutiny is an internal investigative function, examining policies, decisions and performance. However, there is scope to scrutinise other agencies, for example the health or education service in Ipswich. The overall function of Overview & Scrutiny is to hold the Executive to account, monitor services and seek to develop policy through review and final recommendations. The Overview & Scrutiny Committee, although political by its very nature, should not involve itself in party politics – this will avoid protracted confrontation over issues.
- 1.3 The Overview & Scrutiny function ensures:
 - that Executive decisions are publicly held to account;
 - that the policy process and decision making becomes more transparent and accountable;
 - that the corporate priorities and the budgetary framework are effective;
- 1.4 Overview & Scrutiny places non-Executive councillors in a pivotal position within the heart of Local Government. The Overview & Scrutiny role ensures that non-Executive councillors are better informed about the day to day business of the council.
- 1.5 Overview & Scrutiny when approached proactively, can identify areas of concern within the community and provide an excellent opportunity to shape policy. This includes questioning and testing the effectiveness of policies through review.
- 1.6 The Overview & Scrutiny mechanism encourages an open and transparent decision-making process; new decisions and policies are scrutinised in an open forum. Overview & Scrutiny provides an ideal investigative mechanism to tackle 'big picture' issues such as cross-cutting issues or a more focused and in-depth review on specific policy areas or problems.

How to kill Overview & Scrutiny Committee

Feed it an unremitting diet of best value reviews and performance management

An unmanageable work programme and long list of agenda items per meeting

Make sure it meets infrequently

Establish very large committees

Place weak/compliant councillors in the chair

Starve it of resources

Provide no direct officer support

Undertake no training

Source: I&DeA (2005)¹

¹ Improvement & Development Agency

1.7 A positive approach to delivering Overview & Scrutiny comes from the I&DeA (2007) :-

- step 1** Explicitly discuss and agree a definition for Overview & Scrutiny within the authority
- step 2** Select Scrutiny Chairs and Vice-Chairs who will provide effective leadership for their communities and have comprehensive role descriptions to guide their work
- step 3** Ensure that the councillors selected for scrutiny are aware of the time commitment involved, are committed to make it work and have comprehensive role descriptions to guide their involvement
- step 4** Design a structure for scrutiny which fits the purpose, relates well to the Executive and officer structures and suits the culture of the authority
- step 5** Develop a councillor-led, realistic and flexible work programme for each committee
- step 6** Move away from traditional service committee processes by developing a wider range of activities
- step 7** Prioritise a small number of items and produce member led reports which concisely summarise the evidence gathered and the recommendations of the committee
- step 8** Finish investigations on time
- step 9** Ensure there is adequate officer support
- step 10** Create a separate budget for Overview & Scrutiny to fund site visits and other non-meeting based activities, buy in external advice, pay for training and development and pay the expenses of external witnesses
- step 11** Develop cross-party working, ensuring that no one party group applies the whip to scrutiny
- step 12** Ensure that the opposition has a key role to play in overview and scrutiny, by at least allocating some chairs and vice-chairs
- step 13** Provide a training and development programme for scrutiny councillors, officers directly supporting scrutiny and any co-optees AND scrutiny awareness training for all other councillors and officers down to middle managers
- step 14** Develop and implement a system for continuously monitoring what is working well and what needs improving and undertake a more comprehensive evaluation at least every two to three years (more frequently in the early stages)

What powers does Overview & Scrutiny Committee have?

- 1.8 The Local Government Act 2000 empowers Overview & Scrutiny Committee and their members to review or scrutinise:
- decisions made by the Executive, Executive councillors and council officers in relation to key decisions
 - decisions or other actions taken with respect to non-executive functions
 - actions carried out within the remit of the council
 - the performance of the council in relation to targets and policy objectives, and
 - have the right to call in and examine decisions made by the Executive, before the decision is implemented.

CCfA (Councillor Call for Action)

- 1.9 CCfA is included in the Local Government Act 2007, pursuing the aim of giving more empowerment to the local community and ward councillors.
- 1.10 The CCfA process is aimed at helping councillors resolve issues in their local area.
- 1.11 CCfA is a means of “last resort” after all other avenues have been followed. It will open up areas which would benefit from scrutiny and also highlight areas that would be best dealt with through other means. It should be noted the process excludes individual complaints (eg: a complaint from an individual (regarding a particular council service) as complaints procedures are already in place for these issues.

The successful operation of CCfA will rely on several broad principles being recognised, and supported, in local authorities. These principles are:

- Transparency in decision-making and the involvement of scrutiny in the decision-making process at some level.
- A willingness to identify mistakes and shortcomings, and a recognition of the need to resolve problems through discussion.
- An understanding (among senior officers and executive members in particular) of the role that scrutiny can play to help a council to improve its services.
- An understanding, and a wish to bolster and support the role that ward councillors play as champions and leaders of their communities.

Source: [Councillor Call for Action best practice guidance, CfPS 2009](#)

- 1.12 The IBC Councillor Call for Action protocol and request form is shown in Appendix 2.

The Crime & Disorder (Overview & Scrutiny) Regulations 2009

- 1.13 The Regulations, in conjunction with the Police & Justice Act 2006 requires the Council to have in place provision to review or scrutinise decisions made by the Crime & Disorder Reduction Partnership (CDRP). The Strategic Overview & Scrutiny Sub-Committee is the designated crime and disorder overview and scrutiny committee of the Council and reports/recommendations are submitted with respect to the discharge of the CDRP crime and disorder functions.

Engaging the Community

- 1.14 Work in partnership with other agencies, eg: Local Strategic Partnership, Primary Care Trust, to help ensure the overall well-being of the local community. Operating within a framework that supports the local community, and through that framework giving local people more influence over services and decisions affecting their community. Overview & Scrutiny is able to challenge council leaders and officers on behalf of the local community. Under Councillor Call for Action local people can be involved in suggesting/selecting review topics.

Aims & Objectives

- 1.15 Overview & Scrutiny's aims and objectives comprise:
- Helping to deliver services which are meeting the needs of local people
 - Working in partnership with other agencies and with the local community in decision making, which should be clear, transparent and accountable
 - Helping to improve IBC's performance and deliver services that meet the local community needs
 - Maintaining clear corporate standards and good practice on Overview & Scrutiny activity
 - Ensuring the Overview & Scrutiny function is open to the local community and businesses, giving opportunity to influence decision making
 - Using review outcomes to inform IBC's decision making process in order to provide services that meet the needs of the Ipswich community.

'We want to strengthen the ability of local councillors to speak up for their communities and demand an answer when things go wrong'

(Strong & Prosperous Communities, White Paper)

The use of Call-ins

- 1.16 A key element of the Overview & Scrutiny process is to hold the Executive to account. One way this can be achieved is by the use of Call-in, which allows certain decisions to be scrutinised before they are carried out. A decision may be called-in if it is considered that:
- it was not made in accordance with the council's Constitution
 - it was made without consultation or advice
 - it is contrary to the Policy Framework.

Call-in procedure ♦

Any Key Decision or any decision by the Executive is subject to the Call-in Procedure set out below.

Every decision which is subject to call-in is subject to a restriction that it may not be implemented until 5pm on the fifth working day after the day that the call-in period starts.

The call-in period starts: (a) on the day on which the decision was taken, if the decision was taken by the Executive or a Committee of the Executive; or (b) on the day on which the decision is emailed to Councillors in any other case.

Stage 1

- a) An Executive decision which is subject to call-in may be implemented at the end of the call-in period unless a decision is validly called-in before the end of the call-in period which relates to that decision.
- b) A decision is validly called in when, before the end of the call-in period, the Monitoring Officer has received written notice from the minimum number of Councillors requiring the decision to be called-in. All Councillors must specify the decision being called in and at least one Councillor must give brief reasons as to why the decision is being called in. The call-in notice will identify the 'lead signatory'.

The minimum number of Councillors referred to above is:

any two members of the Strategic Overview and Scrutiny Committee; or any five members of the Council.

Stage 2

- a) When the Monitoring Officer receives a valid Call-in notice with respect to a decision then that decision may not be implemented until it has completed the Call-in procedure.
- b) The Monitoring Officer will call a meeting of the Strategic Overview & Scrutiny Committee within seven working days of the end of the Call-in period for that decision.
- c) A copy of the Call-in notice will immediately be given to the Chairman of the Strategic Overview & Scrutiny Committee who may *request* that particular councillors or officers attend the meeting.

♦ extracted from [Overview & Scrutiny Procedure Rules](#)

Stage 3

- a) The Strategic Overview and Scrutiny Committee will consider the called-in decision. The protocol before and during the Committee's meeting will be as follows:
- (i) The Chairman will speak with the lead signatory before the Committee convenes to determine if the scope for the call-in can be agreed. If so, the scope is signed by the Chairman and the lead signatory and legally cleared by the Monitoring Officer. If not, the Committee will be asked by the Chairman to determine the scope at the start of the call-in meeting. In either event the scope is put to the Committee on each occasion as a procedural motion at the start of the call-in meeting. It will be in writing, will be introduced by the Chairman and will act as a guide throughout the debate.
 - (ii) The Chairman will then ask the lead signatory to present the case for the call-in on and why the Committee should scrutinise the decision. The allotted time the lead signatory will have to present the case should not be greater than 10 minutes.
 - (iii) The Chairman will then ask the appropriate Portfolio Holder to present the reason(s) on why the decision was made by the Executive. The allotted time the Portfolio Holder will have to present this should not be greater than 10 minutes.
 - (iv) The Committee will then be given the opportunity to question the lead signatory and the Portfolio Holder or ask them to provide further information.
 - (v) The Committee will then be able to ask officers, other members of the Executive, Councillors and members of the public (if the public is allowed to be present) to provide further information and/or answer questions.
 - (vi) In light of new or additional information gathered during points iv) and v), further questions may be asked of the lead signatory or the Portfolio Holder(s).
 - (vii) The Portfolio Holder followed by the lead signatory will be asked to summarise their respective cases. The allotted time for each summary will not be greater than 5 minutes.
- b) The Strategic Overview and Scrutiny Committee will then decide to take one of the following courses of action (the Committee's decision should not be adjourned or delayed without an exceptional reason):
- to allow the decision to be implemented without further delay;
 - to refer the decision to a meeting of the Executive together with observations of the Strategic Overview and Scrutiny Committee. (The Executive will then take the final decision, and that decision may not be called in);
 - to refer the decision to the Council.
- c) To avoid doubt, the Committee may look at any aspect of the decision, but should remember that the decision is ultimately one which will have to be taken by or on behalf of the Executive. If no Councillor who signed the call-in notice attends the meeting to give further details about the call-in then the Committee may decide not to consider the matter further.
- d) Members of Executive will not participate in the debate on any call-in at the meeting of the Strategic Overview and Scrutiny Committee but they may be called to the table by the Chairman to answer questions or provide information.
- e) If Overview & Scrutiny Committee decides to refer the matter to the full Council then the Council may take any of the decisions which the Overview & Scrutiny Committee could have taken (apart from deciding to refer the question to the Full Council).

- f) If the Council decides that the decision is one which the Executive did not have power to take and is one which the Council does have power to take then the Council shall make the decision.

Stage 4

- a) Where the Strategic Overview and Scrutiny Committee or the Council decides to refer the decision back to a meeting of the Executive then the Executive must consider (or reconsider) the decision in the light of any observations of the Strategic Overview and Scrutiny Committee and/or the Council. The following procedure must be followed:
 - (i) the Chairman, or an Strategic Overview and Scrutiny Committee member appointed for this purpose at the call-in meeting, will present at the meeting of the next Executive the Committee's or the Council's observations on the called-in decision as agreed at the Strategic Overview and Scrutiny Committee or Council;
 - (ii) the Executive must consider (or reconsider) the decision in the light of any observations of the Strategic Overview and Scrutiny Committee or the Council;
 - (iii) the Executive's response to the observations of the Strategic Overview and Scrutiny Committee or Council should be recorded and reported to the Strategic Overview and Scrutiny Committee or Council at the next available meeting.

section 2 Overview & Scrutiny arrangements

Overview & Scrutiny Function

- 2.1 Ipswich Borough Council has one overall Strategic Overview & Scrutiny Committee.
- 2.2 The Committee has the prime responsibility for monitoring and reviewing the decisions taken by Executive (or Executive decisions taken under delegated powers). This may be initiated by the Committee or by 'call-in'.
- 2.3 The Strategic Overview & Scrutiny Committee may also be consulted by Executive or Council on decisions to be taken by Executive or Council on the development of policy.
- 2.4 In addition to the functions mentioned above, Strategic Overview & Scrutiny has responsibility for:
 - Setting the annual work programme
 - Receiving reports and recommendations from the Policy & Development Scrutiny Sub-Committee
 - Reviewing corporate strategies
 - Reviewing decisions of the Executive, Portfolio Holders and Officers
 - Scrutiny reviews.
 - Designated Crime & Disorder Committee – Reviewing & Scrutinising decisions made/action taken by the Crime & Disorder Reduction Partnership.
- 2.5 Membership of the Strategic Overview & Scrutiny Committee comprises 13 councillors.

section 3 Roles and responsibilities

- 3.1 One of the legislative principles on which Overview & Scrutiny Committee was established was the need to maintain a degree of separation of the roles of the Executive and Overview & Scrutiny Committee. In particular, the Committee needs to be able to set its own work programme and to carry out reviews independently of the Executive of the Council, although consultation will need to be undertaken with Heads of Service and Corporate Management Team (CMT) at all stages in the process.
- 3.2 It is a clear expectation of the committee that all councillors on the Strategic Overview & Scrutiny Committee and the sub-committee attend regularly.
- 3.3 The reports received and considered by Strategic Overview & Scrutiny Committee and sub-committee broadly fall into four categories.

Review of Policy

- 3.4 As the whole Council has responsibility for deciding the Council's Policy Framework, a major part of Strategic Overview & Scrutiny Committee's role is review of policy. This can be fed into the Council's decision-making process. One way of doing this is through issue-based reviews, investigating a particular service or local issue and making recommendations to the Executive and/or the Council.
- 3.5 The Strategic Overview & Scrutiny Committee is unable to make decisions, but its recommendation(s) will go forward to Executive for the final decision to be made. The views of the Strategic Overview & Scrutiny Committee need to be taken into account when Executive makes its decisions.

Overview & Scrutiny review reports

- 3.6 As part of its work programme, the Strategic Overview & Scrutiny Committee established Task & Finish Groups to undertake scrutiny reviews. The Steering Group develops the work programme given to it by the Strategic Overview & Scrutiny Committee and details the scope of a review. The relevant managers receive the work programme and scope of the review, which outlines the issue/s being scrutinised. This information is also forwarded to the Corporate Director/Chief Executive for the service under review.

Work Programme Development & Review

- 3.7 The development of the work programme for the Strategic Overview & Scrutiny Committee takes place annually and is subject to review by the Committee during the year.
- 3.8 The development of the work programme is for the Committee alone to consider. Once the Strategic Overview & Scrutiny Committee's work programme is agreed it is reported to Full Council for noting.
- 3.9 It is acknowledged that Executive and CMT need to be given the opportunity to comment on the work programme in advance of its approval by the committee. This will minimise any potential overlap in workload between the Executive and Strategic Overview & Scrutiny. The Committee will then be able to take into account the written concerns of CMT but the final decision on the content of the work programme remains with Strategic Overview & Scrutiny Committee.

The Role of O&S Steering Group

- Ensure work is councillor-led, ie: councillor lead on developing the work programme
- Ensure councillors have the necessary skills
- Endeavour to engage all councillors on the committee
- Ensure adequate resources (financial and officer support) are provided
- Act as a gate-keeper, prioritising (with committee) main work
- Work to minimise common pitfalls that befall scrutiny
- Develop a constructive 'critical friend' relationship with the Executive, especially with relevant portfolio holder(s) and with senior officers in the service area(s) that the committee scrutinises.

section 4 Overview & Scrutiny work programme

- 4.1 The Strategic Overview & Scrutiny Committee will have the responsibility for developing the work programme. This can be a mix of projects. The purpose of the work programme is to help the Strategic Overview & Scrutiny Committee plan and manage its work effectively and that of its sub-committees.
- 4.2 In developing its work programme, the committee is likely to want to cover a range of activity such as:
- Full Scrutiny reviews
 - Ad hoc scrutiny reviews
 - Monitoring activities
 - Policy review and development activities
 - Public concern issues.

Selecting issues for inclusion in the annual work programme

- 4.3 In developing its annual work programme, Strategic Overview & Scrutiny Committee should be clear about the reasons for selecting particular issues and what it is seeking to achieve.
- 4.4 A lack of proper caution can lead to a very long list of topics and issues for the work programme. Appendix 3 sets out in more detail how Strategic Overview & Scrutiny Committee can prioritise the types of topics/issues to choose.
- 4.5 The table overleaf provides a sample criteria checklist.
- 4.6 Once a topic has been decided upon, a Review Scope (Appendix 4) is completed and agreed by the Chairman of Strategic Overview & Scrutiny, after consultation with the Strategic Overview & Scrutiny Steering Group, and the Head of Service for the area to be reviewed. This enables the review to be developed and kept on track.
- 4.7 If an individual councillor would like to place an issue onto Strategic Overview & Scrutiny Committee's agenda then he/she would need to comply with paragraph 11.1 ([General Procedure Rules](#)), which states: "Any Councillor wishing to raise a matter at a Committee must notify the Head of Legal and Democratic Services giving sufficient details not less than ten working days before each meeting to enable the Head of Legal and Democratic Services to give adequate notice to the public and the press."

Criteria Checklist for selecting topics for review

Potential criteria for selecting items	
Issue identified by councillors as key issue for public (through councillor surgeries and other contact with constituents)	
Poor performing service (evidence from performance indicators/benchmarking)	
Service ranked as important by the local community (eg: through market surveys/citizens panels)	
High level of user/general public dissatisfaction with service (eg: through market surveys/citizens panels/complaints)	
Public interest issue covered in local media	
High level of budgetary commitment to the service/policy area (as percentage of total expenditure)	
Pattern of budgetary overspends	
Council Corporate Priority area	
Central Government Priority area	
Issues raised by External Audit Management letters/External Audit reports	
New Government guidance or legislation	
Key reports or new evidence provided by external organisations on key issues	

But can also develop criteria to 'filter out' items	
Potential criteria for rejecting items:	
Issue being examined by the Executive	
Issue being examined by an officer group: changes imminent	
Issue being examined by another internal body	
New legislation or guidance expected within the next year	

section 5 Overview & Scrutiny support

- 5.1 The purpose of this section is to outline the responsibility and role of the Committee Support Officer in ensuring the smooth running of the Strategic Overview & Scrutiny Committee and Sub-Committees.
- 5.2 The Committee Services Officer has the responsibility to ensure the smooth running of the Strategic Overview & Scrutiny Committee and its Task & Finish Groups to undertake their work programmes. The Committee Support Officer will continue to support each of the committees in much the same way as it has supported all other committees in the past and help maintain and implement each of the Committee's work programmes.
- 5.3 The list below outlines the division of responsibilities between each officer.

The role of the Committee Officer

- 5.4 The role of the Committee Officer is to:
- prepare draft Overview & Scrutiny programme in consultation with the Overview & Scrutiny Steering Group, Strategic Overview & Scrutiny Committee, the Executive and CMT;
 - liaise with Internal Audit and the Council's external auditors, PriceWaterhouseCooper, with regard to the work programme;
 - advise Committee Chairman on conduct of reviews;
 - preparing and keeping up to date guidance on the role of Strategic Overview & Scrutiny Committee and its members;
 - prepare initial brief and where necessary detailed scope for Scrutiny Reviews;
 - advising Strategic Overview & Scrutiny Committee on outcomes of scrutiny panel reviews;

The role of the Councillor Officer

- 5.5 The role of the Councillor Officer is to:
- prepare Strategic Overview & Scrutiny Committee agenda and minutes in a timely manner;
 - maintain action list of Strategic Overview & Scrutiny Committee outcomes;
 - post all minutes, agendas and papers on to the Council website.

Support from other areas

- 5.7 Strategic Overview & Scrutiny Committee also receives support from those officers/managers involved with Scrutiny Reviews.

Training

Councillor Induction Training

- 5.8 All new councillors are issued with a councillor induction folder and participate in an induction training programme. The programme provides an opportunity to meet other councillors and officers, receive key information and ask any questions the councillors may have. The programme consists of four modules:
- Introduction to the council and general orientation
 - The Constitution and the Law as it affects Councillors, Roles and Responsibilities of Councillors and an Overview of Committees
 - Ipswich's vision
 - Local Government Budgeting and Finance
- 5.9 Induction training for those new to licensing and planning committees is also provided.
- 5.10 Training sessions are held monthly on a range of issues identified at the monthly Development Rep meetings and all councillors are invited to attend.

Political Skills Framework – I&DeA (Improvement & Development Agency), 2007

- 5.11 One of the core competencies of the Political Skills Framework is Scrutiny & Challenge: seeking scrutiny opportunities and providing constructive feedback.
- 5.12 Positive and Negative indicators are shown as a guide to what is expected if scrutiny is to be effective (see Appendix 4 – scrutiny and challenge skill framework for councillors).

Suffolk Scrutiny Network

- 5.13 The Suffolk Scrutiny Network is a working group of scrutiny officers from the seven District and Borough Councils in Suffolk, plus the County Council.
- 5.14 It aims to meet 4 times a year, depending on the number of scrutiny issues needing to be discussed and could be anything from new legislation to arrangements for joint training. The network shares structures and good practice, investigates areas for joint scrutiny, and, when necessary arranges joint training sessions for all councillors across the Suffolk authorities.

- 5.15 Training provided to date has included an introduction to the basics of scrutiny and an advanced training course looking at proposed new scrutiny powers including Councillor Call for Action (CCfA).

Centre for Public Scrutiny

- 5.16 Ed Hammond (Scrutiny specialist) of the Centre for Public Scrutiny (CfPS) produced an assessment of development needs for the Committee and three development sessions have been carried out, enhancing the capacity and skills of Overview & Scrutiny and highlighting opportunities for greater scrutiny activity. These sessions were open for all councillors (not only Overview & Scrutiny Committee members) to participate.

Budget

- 5.17 The 14 Steps to Scrutiny Success mentions in point ten that councils should 'Create separate budgets for overview and scrutiny to fund site visits, buy in external advice, pay for training and development and pay the expenses of external witnesses'.
- 5.18 Strategic Overview & Scrutiny does have its own budget, which is reviewed annually through the budget setting process. It currently stands at £2,790 per annum.
- 5.19 Resource levels available to the committee are based on an assessment of resource provided in the previous year. The Committee receives approximately 18 hours a week of the Performance & Scrutiny Unit's time to support the O&S function, however this will fluctuate at various times during the year.
- 5.20 Additionally, when agreeing scopes for individual scrutiny reviews, the level of support required from the relevant Head of Service and Service Manager will be agreed upon at that point with the Overview and Scrutiny Committee.

section 6 Useful information

Further reading

[Pulling it all together – a guide to legislation covering overview and scrutiny in English local government](#) (*link to paper*)
(2010) Centre for Public Scrutiny (CfPS)

[Ambitious Local Government: changes since the 2006 White Paper](#) (member workbook)
(2009) Improvement & Development Agency

[Local Government & Public Involvement in Health Act 2007](#) (*link to paper*)
(2008) Office of Public Sector Information

[Communities in Control – Real people, real power](#) (*link to paper*)
(2008) Department of Communities & Local Government

[Councillor Call for Action: best practice guidance](#) (*link to paper*)
(2008) Centre for Public Scrutiny (CfPS)

Overview & Scrutiny in Local Government: a handbook for elected members (*available through purchase only*)
(2007) Centre for Public Scrutiny (CfPS)

Practice, Progress and Potential, an assessment of the local government overview and scrutiny function (*available through purchase only*)
(2005) Centre for Public Scrutiny (CfPS)

[A hard nut to crack? Making overview & scrutiny work](#) (*link to paper*)
(2001) Local Government Association (LGA)

Useful websites include:

Solace: www.solace.org.uk

Inlogov: www.inlogov.bham.ac.uk

LGA: www.lga.gov.uk

The Centre for Public Scrutiny: www.cfps.org.uk

Dept of Communities & Local Gov: www.communities.gov.uk

Audit Commission: www.audit-commission.gov.uk

Appendix 1 Strategic Overview & Scrutiny Committee – terms of reference

The Overview and Scrutiny Committee supports the work of the Executive and the Council. The Committee allows members of the public to have a greater say in Council business by consulting them on matters that concern them. These inquiries lead to reports and recommendations which advise the Executive and the Council on its policies, budget and services. The Overview and Scrutiny Committee monitors services and Executive decisions. If the Committee considers that a decision has been taken which could be contrary to the public interest it may recommend that the Executive reconsiders the decision. The Executive may also consult the Overview and Scrutiny Committee on forthcoming decisions.

1. Terms of Reference

- 1.1 The Council will appoint the Overview and Scrutiny Committee to discharge the Functions conferred by section 21 of the Local Government Act 2000 or Regulations under section 32 of the Local Government Act 2000. See Part 4 (Rules of Procedure) for the proceedings of the Committee and its Sub Committee.

2. General Role

- 2.1 Within its Terms of Reference, the Overview and Scrutiny Committee shall:
 - 2.1.1 scrutinise and review decisions or other actions taken with respect to Executive functions. This includes call-in;
 - 2.1.2 scrutinise and review decisions or other actions taken with respect to non Executive Functions;
 - 2.1.3 make reports or recommendations to the full Council or to the Executive about one or more particular issue, service or matter which affects Ipswich or its inhabitants. Reports or recommendations may be carried out on whatever issue, service or matter the Overview and Scrutiny Committee thinks fit and may be carried out on any subject if Council or the Executive requests it to do so;
 - 2.1.4 question members of the Executive and/or Committees and Directors on issues and proposals affecting the area;
 - 2.1.5 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people;
 - 2.1.6 monitor the strategic direction and performance of the LAA2. Invite representatives from each Delivery Partnership as appropriate.
 - 2.1.7 oversee the Council's involvement in external scrutiny initiatives such as the Suffolk Scrutiny Network.

3. Reviewing policies

- 3.1 The Strategic Overview & Scrutiny shall:-
 - (a) review and scrutinise the performance of the Executive in relation to its policy objectives, performance targets and/or particular service areas.
 - (b) undertake in-depth service investigation on a topic that requires further investigation;

- (c) examination of performance and risk information against the corporate aims and objectives and key targets;
- (d) consider Councillor Call for Action requests;
- (e) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (f) to have power to co-opt members of the Crime & Disorder Reduction Partnership when reviewing decisions and key policy matters (note that co-opted members may have voting rights if the committee decide to grant them). The committee may co-opt either employees or non-executive members of a responsible authority;
- (g) to make reports or recommendations to the Council with respect to the discharge of those functions;
- (h) to have at least one meeting each municipal year dedicated to scrutinising crime and disorder matters.

4. **Calling-in decisions**

- 4.1 The Overview and Scrutiny Committee can call-in decisions made by the Executive and officers so that these decisions can be reconsidered. Any two members of the Overview and Scrutiny Committee or any 5 members of the Council may request a call-in of an Executive decision (see Overview & Scrutiny Procedure Rules, Part 4 of the Council's Constitution).

5. **Finance**

- 5.1 The Overview and Scrutiny Committee may exercise overall responsibility for any finances made available to them.

6. **Reports**

- 6.1 Each year the Overview and Scrutiny Committee shall provide a full report to Council on its and make recommendations for future work programmes and different working methods if appropriate. During the year the Committee will report the outcomes of any significant issues and make recommendations to the Executive or the Council, as appropriate.

Appendix 2 Councillor Call for Action Protocol and Request Form

Councillor Call for Action Protocol

Introduction

The "Councillor Call for Action" (CCfA) was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 (the Act), and came into force on 1 April 2009. The statutory requirement to implement CCfA by 1 April 2009 applies to all councils in England (with the exception of parish councils) regardless of their Executive arrangements.

The Act enables any member of the council to refer to an Policy & Development Scrutiny Sub Committee any local government matter or any crime and disorder matter which affects their ward.

The power to refer a matter is available only where the matter is of direct concern to the ward, which the councillor represents. A councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for councillors in multi-member wards to agree – any of them can refer a matter.

Limitations

It is important to recognise that CCfA is not guaranteed to solve a given problem. CCfA can provide a method for discussing such problems and, through discussion, trying to overcome them.

Issues excluded from referral as a CCfA

The Strategic Overview & Scrutiny Committee (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:

1. a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters);
2. any matter relating to a planning decision;
3. any matter relating to a licensing decision;
4. any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
5. any matter which is vexatious;
6. any matter which is discriminatory or

7. any matter where it not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny. The O&S committee considers the following matters are not reasonable matters for such inclusion:
- 7.1 *Complaints concerning personal grievances or commercial issues(which may be referred for consideration under the councils grievance or complaints procedure)*
 - 7.2 *Any matter which is currently the subject of legal proceedings or contemplated legal proceedings*
 - 7.3 *Any matter relating to staff disciplinary matters that identifies any individuals*
 - 7.4 *Any matter which contains defamatory statements or offensive language*
 - 7.5 *Any matters that have already been considered under CCfA (or are substantially similar to matters previously considered) within the previous 12 months*
 - 7.6 *Any matters that are the same or substantially similar to matters previously under the Council's corporate complaints procedure within the previous 12 months*
 - 7.7 *Any matter relating to the conduct of a councillor, which is referable to the Audit & Governance committee of the council under the relevant code of conduct provisions*
 - 7.8 *Any other matter of any description specified in an order made by the Secretary of State under Section 21 of the Local Government act 2000*

Provided that any matter in category 2, 3, or 4 of the Excluded matters shall not be excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.

A referral made to the Strategic Overview & Scrutiny Committee is seen as being at the end of the CCfA process (**the last resort**) and not the first step.

Steps to be taken, prior to making a Councillor Call for Action referral

Prior to a councillor referring a matter as a CCfA to the Policy & Development Scrutiny sub committee, a councillor **must** have tried to resolve the issue/problem himself or herself using all mechanisms and resources available to them at ward level.

Councillors should:

- If a local crime and disorder matter, raise the issue through the Community Safety Partnership to find a way to resolve the issue.
- Ensure that all relevant partner organisations have been informed of the issue and given enough time to resolve the issue, for example through formal letters written on behalf of constituents, discussion at public meetings, petitions, communication with local MPs and councillors in other authorities etc.

- Ensure that all relevant internal potential routes to solution have been followed, for example informal discussions with officers and/or members, questions at committees, motions on the agenda at full Council etc.
- Ensure that this is not an issue that is currently being or should be pursued via the council's complaints procedure.
- Ascertain whether or not any other form of local scrutiny is investigating the issue, eg Suffolk County Council.

How to make a Councillor Call for Action referral

If the issue/problem is still not resolved the councillor can refer it to the Strategic Overview & Scrutiny Committee as a "Councillor Call for Action". To do this the councillor should:

- Complete a CCfA Request Form outlining what the issue is and what steps have been taken towards a resolution. The request for a CCfA should include:
 - The name of the councillor and ward they represent
 - Title of the CCfA
 - Why the issue should be looked at by the Strategic Overview & Scrutiny Committee
 - A brief synopsis of what the main areas of concern are
 - Evidence to support the CCfA
 - The areas or community groups affected by the CCfA
 - What has been done already to try and resolve the issue prior to requesting a CCfA?
 - Consideration as to whether the CCfA is the subject of legal action by any party or is being examined by a formal complaints process
 - Key dates associated with the CCfA, which the Policy & Development Scrutiny Sub Committee needs to be aware.
- The Monitoring officer will receive the referral and assess the issue to ensure that it is not a matter excluded from referral to Strategic Overview & Scrutiny Committee.
- If the issue is not an excluded matter Committee Services will be responsible for logging the CCfA and referring it to the appropriate Head of Service. The Head of Service will be responsible for preparing a written response for consideration by the Strategic Overview & Scrutiny Committee.
- Committee Services will inform the Chairman of the Strategic Overview & Scrutiny Committee and the Performance and Scrutiny manager that the item will be included onto the Committee agenda and the Councillor submitting the CCfA will be informed of the date of the meeting.

A successful referral will ensure that the CCfA will be placed on the next appropriate agenda of the Strategic Overview & Scrutiny Committee. It is then up to the members of the committee to decide whether or not to take the matter further.

Decision of the committee whether to take the matter further

In deciding whether or not to take the matter further the committee will consider:

- Anything that the councillor has done in relation to this matter; and
- Representations made by the councillor as to why the committee should take the matter up. (Councillors have the option of either presenting their CCfA form without supporting papers or by preparing a report setting out their views. Any reports prepared by councillors would be circulated, along with the agenda and other reports for the meeting).

The criteria the committee will use to decide whether or not to take the matter further include:

- Is the committee satisfied that all reasonable attempts by the ward councillor have been made to resolve the issue? And do the responses received by the referring councillor demonstrate that the matter is not being progressed?
- Has the committee considered a similar issue recently – if yes had the circumstances or evidence changed?
- Is there a similar or related issue, which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.
- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the councillor received?
- Is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
- Is the issue part of an individual's own personal agenda (an issue of genuine local concern should have an impact on the local community).
- Is this an issue currently being looked at by another form of local scrutiny, e.g. Suffolk County Council?
- And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring councillor's ward?

In considering the CCfA, the Strategic Overview & Scrutiny Committee may invite the relevant Councillor Champion, Chief Executive, Head of Service or representation from an external organisation to discuss the issue with the Committee and answer any questions, if the committee considers this relevant.

If the committee decides not to accept the CCfA referral it must inform the councillor and provide reasons.

- If the committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme.

Potential outcomes

Following a committee meeting, there are a number of potential outcomes:

- The committee could determine not to make a report (perhaps because it is not considered the right time to consider a particular issue), with the ward councillor notified in writing;
- The committee could determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
- The committee could prepare a report with the existing evidence and make recommendations on the CCfA to the Executive.

Once the committee has completed its work on the CCfA referral the councillor who made the CCfA referral will receive a copy of any report or recommendations made. The reply will also be printed on the Council's website, www.ipswich.gov.uk

Timescales

Once a CCfA has been assessed as not being a matter, which is 'excluded' from referring to Strategic Overview & Scrutiny Committee, the item will be included on the next appropriate committee agenda.

If the committee agrees to take the matter forward, the review will usually be held as an item on the next appropriate agenda. In exceptional circumstances, for example where there are unavoidable time constraints, a separate meeting may be convened.

Should a CCfA review result in recommendations to the Executive, the Executive must respond to the recommendations, setting out any action it intends to take, within 28 days of the recommendations being placed on its agenda.

Should a CCfA review result in recommendations to partner organisations, such organisations will also be requested to make a response to the recommendations, although they are under no legal obligation to do so.

Councillor Call for Action Request Form

This form should be used by any Councillor at Ipswich Borough Council who would like Strategic Overview & Scrutiny Committee to consider a Councillor Call for Action in their ward.

Your contact details:
Name (print):
Address:
Contact number:
Email address:

The Ward you represent:

Title of your Councillor Call for Action:
--

Date of Submission:

Would you like the opportunity to speak to the Strategic Overview & Scrutiny Committee?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Have you approached the Strategic Overview & Scrutiny Committee on the same issue in the past six months?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Would you like your response by:	Email	<input type="checkbox"/>	Letter	<input type="checkbox"/>

Why you think the issue should be looked at by the Strategic Overview & Scrutiny Committee:
Please give a brief synopsis of the main areas of concern:
What evidence do you have in support of your CCfA:
Which areas or community groups are affected by the CCfA:
How have you tried to resolve the issue :

Is the CCfA currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?
Are there any deadlines associated with the CCfA of which the Strategic Overview & Scrutiny Committee needs to be aware:

Please complete and return the form to:

Ipswich Borough Council
 Monitoring Officer
 15-17 Russell Road
 Ipswich
 IP1 2DE

Explanatory Notes

1. Definition of a local government matter and a local crime and disorder matter

Local government matter

For the purpose of the Act a local government matter, in relation to a member of a local authority is one which:

- relates to the discharge of any function of the authority;
- affects all or part of the electoral area for which the referring member is elected or any person who lives or works in the area (ie: it must be specific to a particular locality); and
- is not an excluded matter.

Local crime and disorder matter

A local crime and disorder matter, in relation to a member of a local authority, has been defined to mean a matter concerning:

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (b) the misuse of drugs, alcohol and other substances that affects the electoral area represented by the member, or the people who live or work in that area.

2. Definitions of “vexatious” “persistent” “discriminatory” and “not reasonable”

Statutory regulations deal with matters that can be excluded from CCfA, stating “any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the Strategic Overview & Scrutiny Committee is to be excluded”.

Vexatious/Persistent

Deciding whether a request is vexatious is a flexible balance exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid – it may relate to a systematic problem that has not been effectively resolved. Similarly, a request which some members may regard as vexatious, for political reasons, may actually be entirely reasonable.

CCfAs need to be looked at on their merits, rather than on the basis of who is bringing them, or whether somebody thinks there is an ulterior motive for them being brought.

Where a request for a CCfA is clearly vexatious, detailed reasons for coming to this decision will be given to the councillor concerned. There could, however, be instances where changes to the scope of the CCfA, or its focus, could make it more acceptable while still meeting the councillor's requirements.

Discriminatory

A modern interpretation of the word "discrimination" is provided at Section 45 of the Equality Act 2006, in relating to religion and belief, as follows:

A person (A) discriminates against another (B) if on the grounds of the religion or belief of B or of any other person except A, A treats B less favourable than he treats others. This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and/or race. So a discriminatory CCfA might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

Not reasonable

It is suggested that, in the interests of transparency, authorities do not interpret "not reasonable" as being the same as the legal word "unreasonable". It is best to consider it as a qualifier to the word "vexatious", as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.

Appendix 3 Selecting issues/topics for annual work programme

In developing its annual work programme Strategic Overview & Scrutiny Committee should be clear about the reasons for selecting particular issues and what it is seeking to achieve.

The list of topics and issues for the work programme can be a very long one if not careful.

In ensuring the policies, practices and services delivered by both Ipswich Borough Council and external organisations, are meeting local needs the concerns of local people should influence the issues chosen for scrutiny.

There could be significant public interest in a particular issue/topic.

Scrutiny is about making a difference to the social, economic and environmental well-being of the area, but not all issues of concern will have equal impact on the well-being of the community. Priority should be given to those issues that could have more impact and benefit for the local community.

Scrutiny is about improving performance and ensuring the people of Ipswich are served well. Councillors need good quality information to identify areas of poor performance both within the Council and externally. Performance indicators are available in public service, both national and local, and the most relevant indicators need to be selected and results sought as to why the council and/or other organisations may not be performing well in a particular area.

To avoid duplication or wasted effort priorities should take account of what else is happening in the areas being considered. Is there a review already in place or planned? Is the service about to be inspected by an external body? Are there major legislative or policy initiatives already resulting in change? If these circumstances exist councillors may decide to link up with other processes (eg: Best Value review) or defer a decision until the outcomes are known or conclude that the other processes will address the issues.

Appendix 4 Review scope

Strategic Overview & Scrutiny Committee

Review Scope

Review	
Review Brief	
Aims/ Objectives of Review	
Expert Witnesses	
Co-optees	
Timescale	
Signed: Chairman Strategic O&S Committee	Signed: Head of Service

Once completed and agreed this form needs to be presented to Strategic Overview and Scrutiny Committee for agreement

Appendix 5 Scrutiny & Challenge Positive/Negative skills indicators

Scrutiny & Challenge Skills Framework for Councillors	
Scrutiny and challenge acts as a critical friend by seeking opportunities for scrutiny and providing constructive feedback. Analyses information quickly and presents arguments in a concise, meaningful and easily accessible way	
<p>positive indicators</p> <ul style="list-style-type: none"> • looks for new methods and topics for critical challenge and scrutiny • quickly analyses and assimilates complex information, taking account of the wider strategic context • presents arguments in a concise, meaningful and easily accessible way • inquisitorial, asks for explanations and checks for implementation of recommendations • objective, rigorous and resilient in challenging process, decisions and people • acts as a critical friend, provides constructive feedback and acknowledges the success of others 	<p>negative indicators</p> <ul style="list-style-type: none"> • does not prepare thoroughly or check facts, uses selective information and draws subjective or biased conclusions • overly reliant on officers and tends to back down when challenged • fails to recognise or engage in scrutiny as part of their role • assimilates new information slowly, focuses on detail and does not distinguish between important, irrelevant and inaccurate information • adversarial in style, aggressive and confrontational when challenged • prefers political 'blood sports' to working collaboratively for the good of the council, abuses scrutiny processes for political gain