

Open Report on behalf of the Chairman of The Review of Scrutiny Working Group

Report to:	Overview and Scrutiny Management Committee
Date:	24 November 2016
Subject:	Proposed New Scrutiny Arrangements

Summary:

This report sets out the findings of the Review of Scrutiny Working Group and proposes new scrutiny arrangements to be implemented in the period before and after the election of the new Council in May 2017.

Actions Required:

That the Committee:

- (1) notes the work undertaken by the Review of Scrutiny Working Group;
- (2) considers whether to recommend to the County Council the adoption of the Scrutiny-Executive Protocol, *Developing Effective Relationships Between the Executive and Scrutiny*, as set out in Appendix A to this report.
- (3) recommends that the County Council approves the Working Group's proposals for the restructure of scrutiny arrangements at Lincolnshire County Council (**See recommendations A - N in Section 3 of this report**);
- (4) recommends that the County Council implements the new arrangements in the period before and after the May 2017 County Council elections; and
- (5) recommends that the County Council makes the necessary amendments to the County Council Constitution.

1. Background

1.1 An independent report (*A Review of Scrutiny at Lincolnshire County Council*) by Dr Stuart Young, Chief Executive Officer of East Midlands Councils, was considered by the County Council on 18 December 2015. The County Council resolved:

- (i) That the Council welcomes the independent report following a review of scrutiny arrangements at Lincolnshire County Council.

- (ii) That the Council endorses the recommendations contained within the report and invites the Overview and Scrutiny Management Committee to oversee the implementation of Recommendations 1 – 15 with immediate effect.
- (iii) That in relation to Recommendation 15 in the independent report, the Council transfers responsibility for the scrutiny of the Council's budget and performance from the Value for Money Scrutiny Committee to the Overview and Scrutiny Management Committee and amends the Council's constitution accordingly.
- (iv) The Council support a revision of the governance structure for scrutiny, along the lines of the 5 + 1 model put forward by Dr Young and invites the Overview and Scrutiny Management Committee to consider the detail of such an arrangement for implementation after the County Council election in 2017.

1.3 In accordance with the County Council's decision, this Committee was charged with overseeing the implementation of the report's recommendations. To this end, this Committee set up a working group to consider Dr Young's final report in more detail and bring forward recommendations to support the improvement of scrutiny at the council. The Working Group has the following terms of reference:

"Objective

To aid the Overview and Scrutiny Management Committee in implementing the recommendations in an independent review of scrutiny at Lincolnshire County Council.

Role of the Working Group

To consider in detail the recommendations of the Review of Scrutiny Final Report and report back to the Overview and Scrutiny Management Committee on the options for delivery of improvements, with particular reference to:

- *Cultural Change*
- *Closer working with the Executive*
- *Structural Change*

To make recommendations on any constitutional changes required to implement the improvements."

2. Working Group

2.1 The working group comprises Councillors Robert Parker (Chairman); Mrs Marianne Overton, MBE, (Vice-Chairman), Councillors Chris Brewis, Mrs Jackie Brockway, Alan Jesson, Colin Mair, Mrs Angela Newton and Lewis

Strange. The Working Group met on nine occasions, between February 2016 and November 2016.

2.2 To support its activities, members of the Working Group have visited other local authority overview and scrutiny functions. The Working Group held discussions with councillors and officers at the City of Lincoln Council and Boston Borough Council, both of which have won Centre for Public Scrutiny Awards. The Working Group has reviewed documentation on a wide range of topics, which has included the following:

- the overview and scrutiny committee structures of other County Councils, in their 'branding' and areas of responsibility;
- a detailed analysis of the business, including outcomes, and length of meeting, of each overview and scrutiny committee in Lincolnshire over the last three complete municipal years;
- a review of best practice documentation from the Centre for Public Scrutiny.
- presentations and notes from an INLOGOV (Institute of Local Government Studies) Seminar - 'Scrutiny In Challenging Times' held at the University Of Birmingham on 27 May 2016.

2.3 The Working Group has divided its work into three main topics:

a) The Relationship Between Executive and Scrutiny

Dr Young made a number of recommendations in this respect, most of which related to improving communication between the Executive and Scrutiny. These points have been picked up in the Executive and Scrutiny Protocol, *Developing Effective Relationships Between the Executive and Scrutiny*, which was endorsed by this Committee on 28 July 2016, and agreed by the Leader. The protocol is attached at Appendix A to this report and the Working Group recommends that the Committee endorses the protocol and refers it to the County Council for adoption.

Developing Effective Relationships Between the Executive and Scrutiny (Appendix A) includes a number of provisions to improve relationships and ensure there is formal and constructive feedback both ways. The protocol recommends:

- the early involvement of scrutiny committees in policy development;
- the attendance of the Chairman of the Overview and Scrutiny Management Committee at every meeting of the Executive;
- the attendance of chairmen or vice-chairmen of scrutiny committees at meetings of the Executive to present the comments of the committee and to offer a flavour of the committee's debate;
- the attendance of relevant executive councillors (or their executive support councillor) at relevant scrutiny committees, particularly when invited to do so, so they may witness the richness of the debate prior to making executive decisions in their portfolio areas; and

- regular briefing meetings between the chairmen and vice-chairmen of overview and scrutiny committees and the relevant executive councillors.

b) Culture of the Council

There is general acceptance, as stated in *Developing Effective Relationships Between the Executive and Scrutiny* (the executive - scrutiny protocol), that to be effective, scrutiny should be involved at an early stage of policy development. For this to be possible, trust needs to be established. *Developing Effective Relationships between the Executive and Scrutiny* highlights a need for the process not to be confrontational or simply a means through which to apportion blame if things go wrong.

c) Structure of Overview and Scrutiny Committees

The most recent meetings of the Review of Scrutiny Working Group have considered options for a new scrutiny structure, to be implemented following the County Council Elections in May 2017. In delegating this work to this Committee, the County Council had expressed a preference for Dr Young's 'Five Plus One' model (five scrutiny committees and one overview committee). The model includes a third tier in the form of two Scrutiny Panels to support scrutiny committees by carrying out detailed review work on behalf of the scrutiny committees, as directed and co-ordinated by the Overview and Scrutiny Management Committee.

The Working Group also suggested that, in view of the proposed reduction in the number of committees, there may be a need for all day meetings for scrutiny committees and Scrutiny Panels.

3. Recommendations of the Working Group

- 3.1 The Working Group's fourteen recommendations are set out below, together with a brief rationale. ***For ease of reference the fourteen recommendations of the Working Group are designated A-N, to differentiate them from the numbered recommendations in Dr Stuart Young's report.***
- 3.2 Subject to the consideration, and any amendment, by this Committee, the recommendations would be submitted to the County Council on 16 December 2016. Subject to the County Council's approval of the recommendations, the required changes to the Council's Constitution would be drafted and submitted to the County Council on 24 February 2017.

Recommendation A – Overall Structure (Five Plus One Model)

- 3.3 Recommendation 17 of the report by Dr Stuart Young recommended the Five Plus One model for the Council's overview and scrutiny committee structure. This approach was endorsed by the County Council in December 2015. The Working Group has reviewed several options and concluded that

the most appropriate structure would be one that reflected the County Council's commissioning strategies. The structure chart and detailed responsibilities are set out in Appendix B to this report. Dr Young also recommended (Recommendation 16) the establishment of two scrutiny panels, which would undertake in-depth scrutiny review work on behalf of the overview and scrutiny committees. Under the proposed arrangements, this review activity would be co-ordinated by the Overview and Scrutiny Management Board.

Recommendation A - That the Council approve a three tier scrutiny structure, in accordance with the structure chart and the detailed list of responsibilities in Appendix B to this report, which will include the following bodies:

- **Overview and Scrutiny Management Board**
- **Adult Care and Public Health Scrutiny Committee**
- **Children and Young People Scrutiny Committee**
- **Communities and Public Protection Scrutiny Committee**
- **Environment, Economy and Transport Scrutiny Committee**
- **Health Scrutiny Committee for Lincolnshire**
- **two standing Scrutiny Panels.**

Recommendation B – Frequency of Scrutiny Committee Meetings

- 3.4 After consideration of the volume of business of existing committees, and their intended roles, it is proposed that that Overview and Scrutiny Management Board (OSMB) would meet each month, with the exception of August. This is in effect a continuation of the existing arrangement of the Overview and Scrutiny Management Committee. Similarly the Health Scrutiny Committee for Lincolnshire would continue to meet eleven times each year. The other four scrutiny committees would meet eight times per year, again a continuation of existing arrangements.

Recommendation B - That County Council approve the following frequency of meetings:

- **Overview and Scrutiny Management Board – eleven times per year**
- **Adult Care and Public Health Scrutiny Committee – eight times per year**
- **Children and Young People Scrutiny Committee– eight times per year**
- **Communities and Public Protection Scrutiny Committee – eight times per year**
- **Environment, Economy and Transport Scrutiny Committee – eight times per year**
- **Health Scrutiny Committee for Lincolnshire – eleven times per year**

Recommendation C – Flood and Drainage Management Scrutiny Committee

- 3.5 Section 9FH of the Local Government Act 2000 allows the County Council to make arrangements to review and scrutinise flood risk management functions. A recent Environment Agency report on flood risk in Greater Lincolnshire identified that there were 223,677 houses at risk of flooding in the county, with an area of flood plain of 2,843 km², which represents 17% of the national total flood plain. In addition, the length of the County's main rivers total 1,500 km; and the length of raised river defences total 1,700 km, which represents 25% of national total. The total length of coastal and tidal defence equals 350 km.
- 3.6 In view of Lincolnshire's particular geography set out in the previous paragraph and hence the importance of effective flood and drainage management, it is proposed that the existing arrangements would continue, whereby the Flood and Drainage Management Committee would meet up to four times each year, as a distinct committee. The membership of the Flood and Drainage Management Committee would comprise the same membership as the Environment, Economy and Transport Scrutiny Committee, with the addition of seven representatives, one from each district council.

Recommendation C - That the County Council retains the Flood and Drainage Management Committee, which will operate along the following lines:

- **the Membership of the Flood and Drainage Management Committee would comprise the same County Council membership as the Environment, Economy and Transport Scrutiny Committee, with the addition of one representative from each district council; and**
- **up to four meetings of the Flood and Drainage Management Committee would be held per year.**

Recommendation D – Crime and Disorder Committee

- 3.7 There is a requirement in Sections 19-20 of the Police and Justice Act 2006 for local authorities to make arrangements for the review and scrutiny of its crime and disorder functions. The usual approach in local authorities is to designate one of its overview and scrutiny committees, as its Crime and Disorder committee. It is proposed that the Communities and Public Protection Scrutiny Committee fulfil this role. It is a requirement to hold at least one crime and disorder committee each year, as specified in Regulation 4 of the Crime and Disorder (Overview and scrutiny) Regulations 2009.
- 3.8 It should be noted that the power of a Crime and Disorder committee is to scrutinise community safety partnerships as a whole, and not to scrutinise individual partners within the Community Safety Partnership such as the

Police. The Police are accountable to the Police and Crime Commissioner, who in turn is accountable to the Police and Crime Panel.

Recommendation D – That the County Council designate the Communities and Public Protection Scrutiny Committee the Crime and Disorder committee for the purposes of the Sections 19-20 of the Police and Justice Act 2006 and at least one meeting of the Crime and Disorder committee be held each year.

Recommendations E and F – Scrutiny Panels – Chairmen and Vice-Chairmen

- 3.9 A key proposal from the Working Group, which reflects recommendation 16 in the report from Dr Young, is the establishment of two Scrutiny Panels to undertake in-depth scrutiny review activity on behalf of the Overview and Scrutiny committees. The Scrutiny Panels would replace the existing Task and Finish Group arrangements. Whilst the membership of these two Panels would change, depending on the activity or scrutiny review in question, the Panels would have standing Chairmen and Vice-Chairmen, who would be eligible for Special Responsibility Allowances.
- 3.10 Dr Young recommended that Chairmen and Vice-Chairmen of the Scrutiny Panels should be appointed annually. The Working Group agreed. In order to allow more councillors to take a leading role in the Overview and Scrutiny process, as well to develop their skills and expertise, it is also proposed that the Chairmen and Vice-Chairmen of Overview and Scrutiny committees would not be eligible to serve as Chairmen or Vice-Chairmen of Scrutiny Panels.

Recommendation E - That the Chairmen and the Vice-Chairmen of Scrutiny Panels to be appointed on an annual basis and be eligible for a Special Responsibility Allowance.

Recommendation F - That the Chairmen and Vice-Chairmen of scrutiny committees would not be eligible to hold the office of Chairmen and Vice-Chairmen of Scrutiny Panels.

Recommendations G and H – Scrutiny Panel Membership

- 3.11 The Working Group recommends that wherever possible, the membership of Scrutiny Panels should include councillors from each political group. The memberships of Scrutiny Panels should also enable councillors with relevant skills and experience to be involved in particular scrutiny activities or reviews.
- 3.12 Where a Scrutiny Panel is undertaking a review on behalf of the Health Scrutiny Committee for Lincolnshire, the District Council representatives from that Committee would be invited to become members of the Scrutiny Panel for that purpose. The same principles would apply to the Flood and Drainage Management Scrutiny Committee. Similarly, where a Scrutiny

Panel is undertaking a review on behalf of the Children and Young People Scrutiny Committee, the Parent Governors and Church representatives from that committee would be invited to participate as members of the Panel when the topic relates to the Council's education functions. Ideally each Panel should have no more than eight participating members, including the Chairman and Vice-Chairman, and any District Council representatives, Parent Governors or Church representatives.

- 3.13 The role of replacement members on Scrutiny Panels was considered, and there is general support from the Working Group for replacement member arrangements. However, as an activity or a review nears its conclusion, it might be difficult for a replacement member to participate fully in the Panel's activities, owing to the amount of evidence considered up to that point, so ideally replacement member arrangements would be undertaken in the early stages of a review. It is proposed that the Scrutiny Panel Chairman provides guidance on replacement member arrangements towards the end of a review.

Recommendation G - That, wherever possible, Scrutiny Panels should include a member from each political group.

Recommendation H – That each Scrutiny Panel should have no more than eight participating members, including the Chairman and Vice-Chairman, and any District Council representatives, Parent Governors or Church representatives; and that replacement member arrangements be permitted on Scrutiny Panels, with the guidance of the Scrutiny Panel Chairman at the concluding stages of a review.

Recommendation I – Meetings of Scrutiny Panels

- 3.14 Task and Finish Group meetings have always been in an informal setting, without the press or public present, to enable an open discussion, which enables participants and contributors to speak frankly. The Working Group favours Scrutiny Panel meetings being held in public, but accepts that private sessions may be needed to ensure effective engagement. Where meetings are held in public, the arrangements would not be subject to the full access to information requirements, namely the publication of agendas five clear working days in advance of the meeting and publication of notes from the meetings, in Part V (A) of the Local Government Act 1972.

Recommendation I - That meetings of Scrutiny Panels should generally be held in public, with decisions on whether particular meetings should be in public or private being considered as part of the review scoping process.

Recommendation J – Work Programme Development

- 3.15 The Working Group agreed with Dr Young's recommendation that the Overview and Scrutiny Management Board should take a lead role in delivering the revised approach to scrutiny, specifically setting the scrutiny

work programme. The Working Group has considered detailed information on the content of each overview and scrutiny committee meeting over the last three years and agreed that an annual work programme approach would be the best means of managing the activities of each scrutiny committee.

3.16 The Working Group believes that only high priority topics should be considered by scrutiny committees, and that items for information should be dealt with by other means, for instance briefing papers. Budget and quarterly performance monitoring items will still be considered by each scrutiny committee. It was agreed that it was important that the scrutiny process added value to the decision-making process. It is recommended that each year the OSMB will draw up in advance the annual scrutiny programme for approval by the County Council at its May meeting. The annual work programming arrangements would allow for items to be added during the year, where there was a pressing need to do so.

3.17 The following approach is suggested to developing the work programme:

Stage 1 – Consultation and Engagement – (March) – An annual workshop engages and consults with all members and senior officers on the content of each scrutiny committee's work programme and produces a list of topics for each scrutiny committee.

Stage 2 – Refining the List of Potential Topics – (Early April) – A refined list of potential topics is produced for each scrutiny committee.

Stage 3 – Final List of Topics – (Late April) – Final list to be approved by the Overview and Scrutiny Management Board for submission to the County Council.

Stage 4 – Final Approval – (May) – The Overview and Scrutiny Management Board approves the work programme, including the list of items for each scrutiny committee.

Recommendation J - That the Council holds an annual workshop for all members and senior officers to inform the development of the scrutiny work programme for each scrutiny committee for the year ahead, with some unallocated time for each committee to consider items that arise and merit consideration during the course of the year. This process should begin in March 2017 subject to the agreement of the County Council.

Recommendation K – Prioritisation Tool – Scrutiny Review

3.18 The Working Group has considered the arrangements for choosing the topics for in-depth scrutiny review and has agreed that that a prioritisation toolkit should be used. This prioritisation tool will support decision making in relation to whether topics are brought forward for in-depth scrutiny review. The toolkit can also be used at the annual scrutiny work programme workshop to consider whether topics should be included in the work programme.

Recommendation K - That a scrutiny prioritisation toolkit, as set out in Appendix C to this report, be adopted to guide the selection of topics for in-depth scrutiny review and for use at the annual scrutiny work programme workshop to guide the selection of topics for inclusion in the annual scrutiny work programme process.

Recommendation L – Corporate Parenting Sub-Group

- 3.19 Under the existing arrangements, an approach has developed whereby the Corporate Parenting Panel reports to the Children and Young People Scrutiny Committee. Corporate parenting panels are not strictly Overview and Scrutiny committees in terms of their legislative status. However, it is recommended that the Corporate Parenting arrangements be formally included within the overview and scrutiny function. It is therefore proposed that the Corporate Parenting Sub Group continues to submit its minutes to the Children and Young People Scrutiny Committee.

Recommendation L - That the Council's Corporate Parenting Sub Group, which would continue to meet four times per year in private, be formally included within the Overview and Scrutiny arrangements, with its minutes being submitted to the Children and Young People Scrutiny Committee.

Recommendation M - Safeguarding Boards Scrutiny Sub Group

- 3.20 The existing Safeguarding Boards Scrutiny Sub Group reports to both the Adults Scrutiny Committee and Children and Young People Scrutiny Committee. The role of the Safeguarding Boards Scrutiny Sub Group is to review and scrutinise the activities of the inter-agency Lincolnshire Safeguarding Adults Board (LSAB) and the Lincolnshire Safeguarding Children Board (LSCB). The Chairmen of both the LSAB and LSCB have been consulted, and they value the contribution made by the Safeguarding Boards Scrutiny Sub Group. It is therefore proposed that this Sub Group continues, with the existing frequency of quarterly meetings.

Recommendation M - That the Safeguarding Boards Scrutiny Sub-Group continue in the new overview and scrutiny arrangements, meeting four times per year in private and reporting as required to the Adult Care and Public Health Scrutiny Committee and Children and Young People Scrutiny Committees.

Recommendation N – Special Interest Roles

- 3.21 The Working Group supported the idea of allowing particular members of each scrutiny committee to take up a special interest subject area. This would allow the particular member to develop their own expertise on a particular topic, for example undertaking their own additional research. As a result they could take a lead on questioning when the topic is under consideration by the committee. Where the member had undertaken such

research he / she could review and report on the proceedings of an area of work, item or decision.

- 3.22 It is considered that such arrangements would aid the Committee's understanding of a certain topic and lead to more effective scrutiny of decision making. When each scrutiny committee considers its work programme, it could consider whether individual councillors would like to adopt a special interest role for particular areas of interest.

Recommendation N - That the Council introduces a special interest role for members of a scrutiny committee to develop their expertise on particular topics, to improve the effectiveness of scrutiny.

4. Review of Recommendations in *A Review of Scrutiny at Lincolnshire County Council* by Dr Stuart Young

A Review of Scrutiny at Lincolnshire County Council by Dr Stuart Young made a total of seventeen recommendations. As stated above, on 18 December 2015, the County Council invited the Overview and Scrutiny Management Committee to implement recommendations 1-15 with immediate effect. This Committee was invited to bring forward proposals for the overview and scrutiny structure (recommendations 16 and 17), which are set out in Section 3 of this report. Appendix D sets out a summary of the progress with each of the seventeen recommendations in Dr Young's report and includes additional suggestions for taking forward which are not formal recommendations from the Working Group.

5. Conclusion

This report brings together the work of the Review of Scrutiny Working Group and makes recommendations on structure to the Overview and Scrutiny Management Committee. The key points arising from this work are:-

1. Dr Young's report has been used as a blueprint and in some places the Working Group has developed the ideas outlined in Dr Young's report.
2. The Working Group has made use of good practice in other councils.
3. The importance of an effective working relationship between the Executive members and Scrutiny Committee members as set out in the Protocol.
4. The Working Group sought to establish the principle that "Scrutiny Matters" as a way of enabling better decision making to take place and to monitor performance.
5. That early involvement of the scrutiny function is essential to good decision making.
6. That all councillors should be engaged in setting scrutiny priorities each year.
7. That councillors should be given the opportunity to develop special interests in particular topics to improve the effectiveness of scrutiny.

8. That scrutiny committees should monitor their own effectiveness each year.

6. Consultation

a) Policy Proofing Actions Required

n/a

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	<i>Developing Relations Between the Executive and Overview and Scrutiny – A Protocol</i>
Appendix B	Proposed New Scrutiny Structure
Appendix C	Scrutiny Prioritisation Toolkit
Appendix D	Progress Summary on the Recommendations in <i>A Review of Scrutiny at Lincolnshire County Council</i> by Dr Stuart Young

8. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Dr Stuart Young's report to Council on 18 December 2015	http://lincolnshire.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=4201&Ver=4

This report was written by Nigel West, who can be contacted on 01522 552840 or nigel.west@lincolnshire.gov.uk .



DEVELOPING RELATIONSHIPS BETWEEN THE EXECUTIVE AND OVERVIEW AND SCRUTINY

This protocol sets out practical working arrangements, which will help develop a unity of purpose between the Executive, overview and scrutiny committees as well as the Council's senior managers. This protocol provides a framework for positive relationships between the Executive and overview and scrutiny committees, but its effectiveness is dependent on all councillors and officers accepting the principles underlying this protocol.

The Executive accepts that discharging the Overview and Scrutiny function should be a core responsibility of the Council, with appropriate and meaningful support from the Chief Executive, other members of the Corporate Management Board, and all the Council's officers.

The Overview and Scrutiny Management Committee accepts that to be effective the scrutiny process must be positive, constructive, independent, fair and open. It should complement the decision-making powers of the Executive and enable the voice and concerns of the public to be heard.

Overview and Scrutiny should be challenging, as its aim is to identify areas for improvement, but the process should not be confrontational or simply a means through which to apportion blame if things go wrong. Overview and Scrutiny will act as a 'critical friend' to the Executive and other decision makers in order to promote better services, policies and decisions. Trust and tolerance are key to the success of this protocol.

Councillor Martin Hill
Leader of Lincolnshire County Council

Councillor Pat O'Connor
Chairman of the Overview and Scrutiny Management Committee

A. EARLY INVOLVEMENT IN POLICY DEVELOPMENT

The Executive would like to involve overview and scrutiny committees at an early stage in the development of new policies or changes to existing policies, or in the development of proposals for any significant changes in service provision. This early involvement extends beyond the provisions in the Constitution on the development of the policy and budget framework¹. Examples of the need for early involvement are when there are issues of a contentious nature, sizeable budgetary implications, an impact on the whole community, or an impact on outside bodies or organisations. Early involvement could be carried out in a number of different ways:-

- An overview and scrutiny committee may adopt an informal meeting arrangement or workshop, to which all members of the committee would be invited, or establish a working group, comprising a group of members from the committee. These approaches enable options to be explored in detail and the outcomes or statement from the informal meeting, workshop, or working group could be reported directly to the Executive or Executive Councillor, or to a subsequent meeting of the overview and scrutiny committee.
- Where a topic requires in-depth consideration, a Scrutiny Panel may be established, subject to the availability of resources, which would lead to the submission of an evidence-based report with recommendations for the new policy or a change to an existing policy or on changes to service provision.
- A cross party briefing could be held with senior officers to inform councillors of a particular issue and collaboratively explore options in detail, with the outcomes shared with the relevant overview and scrutiny committee.

In each of the early involvement scenarios listed above the Executive would expect information shared to be used to explore the options available rather than for political point-scoring. Statements from the overview and scrutiny committee will be acknowledged by the decision maker, and a response made to the committee. This could either take the form of a written or an oral report at the next relevant meeting of the committee, which can be recorded in the committee's minutes.

In the case of in depth scrutiny reviews, which contain evidence-based recommendations, there is a requirement that a formal response to the recommendations from the Executive or Executive Councillor be prepared within

¹ Rule 3 of the Policy and Budget Framework Procedure Rules (Lincolnshire County Council Constitution) and Regulation 4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

two months², which will indicate whether recommendations have been accepted or rejected, with appropriate reasons. Ideally, the response will contain an action plan, indicating how the accepted recommendations will be implemented.

B. EXECUTIVE DECISION MAKING

Each relevant overview and scrutiny committee is encouraged to consider any proposed decisions, which are due to be made by the Executive or by an individual Executive Councillor, or any proposed key decision due to be made by a chief officer. This consideration would usually involve the relevant committee reviewing the report containing the proposed decision and preparing a statement on the proposals, including an indication of whether the committee supports the proposals, either wholly or in part. The committee's statement should be included in the report containing the proposed decision and submitted to the decision maker(s). If the statement is not available at the time the report is finalised due to exceptional circumstances, it will be circulated to the decision maker(s) for their consideration.

Consensus and Minority Views

When overview and scrutiny committees reach a consensus, this will be reflected in the committee's statement. However, there will be circumstances where the committee's statement will reflect a range of views, including majority and minority opinions, and these should be so indicated in the committee's statement.

Whenever possible statements from the overview and scrutiny committee will be acknowledged by the decision maker, and a response made to the committee, which could either take the form of a written or an oral report. Any responses will be recorded in the committee's minutes.

C. ATTENDANCE AT MEETINGS OF THE EXECUTIVE

The Chairman or Vice Chairman of the Overview and Scrutiny Management Committee will as far as possible attend each meeting of the Executive. Following these meetings the Chairman or Vice Chairman of the Overview and Scrutiny Management Committee will highlight any pertinent issues to the next meeting of the Overview and Scrutiny Management Committee. The Chairman may also raise any issues with any other overview and scrutiny committee of the Council.

² Section 9FE of the Local Government Act 2000.

The Chairmen or Vice Chairmen of overview and scrutiny committees should attend meetings of the Executive, where an item relevant to their committee's remit is being considered. Where chairmen or vice chairmen can attend, they will be invited to present any statements to the Executive. This will help to facilitate a good working relationship between the Executive and Overview and Scrutiny, and ensure that the Executive directly hears the reasons for the overview and scrutiny committee's recommendations and comments and to clarify the outcome from the overview and scrutiny committee.

Where an overview and scrutiny committee has requested an in-depth review, the Chairman or Vice Chairman of the overview and scrutiny committee will present the report and recommendations in conjunction with the Chairman of the Scrutiny Panel which undertook the in-depth review.

D. ATTENDANCE AT MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

It is accepted that Executive Councillors may not be able to attend all meetings of their relevant overview and scrutiny committees. An overview and scrutiny committee may request the attendance of an Executive Councillor for a particular item on the agenda. In such cases if the Executive Councillor is not available he or she should be represented by the Executive Support Councillor.

Each overview and scrutiny committee should consider whether to include Statements from Executive Councillor(s) as a standard agenda item, where the Executive Councillor(s) or Executive Support Councillor(s) could advise the committee of any relevant matters, including any responses to statements or recommendations, in accordance with sections A and B above.

E. SETTING THE AGENDA

Briefing Meetings Between Executive Councillors and Overview and Scrutiny Committee Chairmen

Regular briefing meetings are recommended between the Chairmen and Vice Chairmen of overview and scrutiny committees and the relevant Executive Councillor(s) and Executive Support Councillor(s). These meetings should include the scrutiny officers, and any relevant officers if required. Ideally, such meetings should take place every quarter if possible. These meetings will support the development of a dialogue, leading to a unity of purpose, between overview and scrutiny and the Executive. The meetings could inform the content of the committee's work programme, with suggestions for future scrutiny reviews and

agenda topics, including items which would involve the committee in developing new policies or reviewing existing policies.

Setting the Agenda

Overview and scrutiny committees should not, as a general rule, involve themselves in relatively minor matters or individual cases, particularly where there are other processes, which can handle these issues more effectively. Overview and scrutiny committees should not be used as an opportunity to argue over issues which are of an overtly party political nature, which can be dealt with more appropriately through meetings of the County Council.

The management of the work programme of each scrutiny committee is a role for the Overview and Scrutiny Management Committee (OSMC). Each year the OSMC will draw up in advance the annual scrutiny programme, based on the results of meetings between the scrutiny chairmen, vice-chairmen and officers in the various service areas. Adequate resource should be identified for delivering the programme, with some unallocated time for unplanned scrutiny items.

At each meeting of an overview and scrutiny committee, there will be an opportunity to review the committee's future work programme. This provides an opportunity for individual members of each committee to ask for a particular item to be included but, depending on resource, this may be at the expense of something else in the programme. All members on an overview and scrutiny committee should be encouraged to bring forward important items of community interest to the committee whilst recognising that not all items will be taken up.

Requests by the Executive to Overview and Scrutiny Committees

The Leader of the Council, the Executive, or an individual Executive Councillor, may request an overview and scrutiny committee to consider a particular matter within its remit which could be related to issues of a contentious nature, sizeable budgetary implications, an impact on the whole community, or an impact on outside bodies or organisations. This could range from consideration of a matter at a single committee meeting to a full scrutiny review, taking place over several months.

Depending on the timing of the request, a report may be submitted to the next meeting of the committee. Alternatively, a request for a more extensive piece of work may be considered by the committee as part of its work programme item on its next agenda.

F. COUNTY COUNCIL OFFICERS

General

All officers are employees of the County Council as a whole. Corporate Management Board and other senior officers are responsible for day-to-day managerial and operational decisions. Whilst most of their work is directed to supporting the activities of the Executive, they have a role in supporting all councillors, including councillors involved in the overview and scrutiny function. The Chief Executive, as head of the paid service, will ensure that sufficient and independent support is given to the overview and scrutiny function.

The Role of Statutory Scrutiny Officer

The role of the statutory scrutiny officer is defined by statute³ as:

- (a) promoting the role of the Council's overview and scrutiny committees;
- (b) providing support to the Council's overview and scrutiny committees and their members; and
- (c) providing support and guidance to all members of the Council and its officers on the functions of the Council's overview and scrutiny committees.

The Council's Scrutiny Officers will support the Statutory Scrutiny Officer in their role and provide support to the overview and scrutiny function. The Council's Scrutiny Officers should play a proactive role in ensuring effective scrutiny of decision making. Accordingly there should be a close working relationship between Scrutiny Officers and councillors involved in scrutinising decisions. Both Scrutiny Officers and Scrutiny councillors should be involved in testing the merits of proposals under consideration with Scrutiny Officers acting in an advisory role with councillors.

³ Section 9FB of the Local Government Act 2000

**Proposed Overview and Scrutiny Structure
May 2017**

**Overview and Scrutiny
Management Board**

Scrutiny Committees

**Health Scrutiny
Committee for
Lincolnshire**

**Environment, Economy
and Transport
Scrutiny Committee**
** Flood and Drainage Management*

**Communities and
Public Protection
Scrutiny Committee**
** Crime and Disorder Committee*

**Adult Care and
Public Health
Scrutiny Committee**

**Children and Young People
Scrutiny Committee**

*Safeguarding Boards
Scrutiny Sub-Group*

*Corporate Parenting
Sub-Group*

Scrutiny Reviews

Scrutiny Panel

Scrutiny Panel

* The Environment, Economy and Transport Scrutiny Committee to serve as the Flood and Drainage Management Scrutiny Committee, with seven District Councillors.
* The Communities and Public Protection Scrutiny Committee to serve as the Crime and Disorder Committee.

Overview and Scrutiny Management Board	
Overview and Scrutiny Functions	<ul style="list-style-type: none"> • Management of the Overview and Scrutiny Function • Call in and Councillor Call for Action Procedures • Setting and reviewing progress against the annual work programmes of the Scrutiny Committees • Allocating responsibility for issues which fall between more than one Scrutiny Committee • Governance • Budget and Performance Overview
How we do our business Enablers to the business Partnership engagement and support	<ul style="list-style-type: none"> • Information Management and Technology • Corporate Property • People Management • Legal Services • Commissioning Strategy and Support • Business Support • Finance, Treasury Management and Audit
Adult Care and Public Health Scrutiny Committee	
Adult Frailty, Long Term Conditions and Physical Disability	<ul style="list-style-type: none"> • Supporting Adult Frailty and Older People • Physical Disability • Dementia
Carers	<ul style="list-style-type: none"> • Adult and Young carers (includes Young Carers but not Parenting)
Specialist Adult Services	<ul style="list-style-type: none"> • Supporting Adults with Learning Disability • Mental health • Autism
Safeguarding Adults	<ul style="list-style-type: none"> • Adult Safeguarding (including Mental Capacity Act) • Ensure all vulnerable adults rights are protected to live in safety and free from abuse and neglect
Wellbeing	<ul style="list-style-type: none"> • Health Improvement, Prevention and Self-Management • Public Health statutory service • Mental Health • Registration, Celebratory and Coroners • Wellbeing Service • Sexual Health • Housing related support • Prevention and Treatment of Substance Misuse
Children and Young People Scrutiny Committee	
Readiness for School	<ul style="list-style-type: none"> • Children Centres • Early Education
Learn and Achieve	<ul style="list-style-type: none"> • School Support Services • School Improvement • Special Educational Needs and Disabilities • Home to school/college transport
Readiness for Adult Life	<ul style="list-style-type: none"> • 14-19 Education/Training and Apprenticeship • Careers Service • Positive activities for young people • Teenage Pregnancy • Supported Accommodation/Lodgings • Supported Employment • Lincolnshire Secure Unit • Leaving Care Service
Children are Safe and Healthy	<ul style="list-style-type: none"> • Healthy Schools and Healthy Child • Child Protection • Looked after Children • Targeted Support - young people • Fostering and Adoption Residential homes • Child and Adolescent Mental Health Services (CAMHS) • Family Support

Communities and Public Protection Scrutiny Committee	
Community Resilience and Assets	<ul style="list-style-type: none"> • Advice, Information and Support Services • Volunteering support • Adult Education • Financial Inclusion • Community Engagement and Development • Community Hubs • Library Services and Archives • Customer Service
Protecting the Public	<ul style="list-style-type: none"> • Preventing and Reducing Crime • Tackling Domestic Abuse • Preventing and Tackling Fires and Emergency Response • Protecting the Public through Trading Standards • Protecting the Public by Planning for and Responding to Emergencies • Improving Road Safety • Reducing Youth Offending • Reducing Anti-Social Behaviour
Crime and Disorder Scrutiny	<ul style="list-style-type: none"> • The Communities and Public Protection Scrutiny Committee also serves as the Crime and Disorder Committee.
Environment, Economy and Transport Scrutiny Committee	
Sustaining and Developing Prosperity Through Infrastructure	<ul style="list-style-type: none"> • Transport Commissioning, including Bus Network Support • Highway Network Management and Highways maintenance • New Transport Investments including highways improvements • Greater Lincolnshire Local Enterprise Partnership • Economic Development Projects including Broadband • Encouraging Enterprise through Support to Businesses • Heritage Services
Protecting and Sustaining the Environment	<ul style="list-style-type: none"> • Reducing Carbon Emissions • Flood Risk Management • Protecting and Enhancing the Natural and Built Environment • Waste Management • Waste Recovery and Recycling • Sustainable Planning
Sustaining and Growing Business and the Economy	<ul style="list-style-type: none"> • Improving Skills and Employability • Encourage enterprise through support to Business and our Growth Sectors • Attracting and Expanding Business Investment • Lobbying and Attracting Funding for Lincolnshire
Flood and Drainage Management Scrutiny	<ul style="list-style-type: none"> • The Environment, Economy and Transport Scrutiny Committee will also sit as the Flood and Drainage Management Scrutiny Committee with 7 District Councillors.
Health Scrutiny Committee for Lincolnshire	
<ul style="list-style-type: none"> • Review and scrutinise matters relating to the planning, commissioning, provision and operation of health services in Lincolnshire. • NHS Healthcare • Looking at decisions, policies or issues that affect local people • Making recommendations about how decisions or health services can be improved. 	
Scrutiny Panels (x2)	
<ul style="list-style-type: none"> • Establishment of two Scrutiny Panels to undertake scrutiny review and other activity on behalf of the scrutiny committees, under the guidance of the Overview and Scrutiny Management Board. 	

SCRUTINY PRIORITISATION TOOLKIT

Prioritisation is a key tool for successful scrutiny, selecting the right topics where scrutiny can add value is essential in order for scrutiny to be a positive influence on the work of the Council. Scrutiny Committees must be selective about what they look at and need to work effectively with limited resources. Scrutiny activity should be targeted, focused and timely and include issues of corporate and local importance, where scrutiny activity can influence and add value.

Identifying Topics

The questions below are a guide to help members and officers consider and identify key areas of scrutiny activity for consideration.

1. Will Scrutiny input add value?

- Is there a clear objective for scrutinising the topic?
- What are the identifiable benefits to residents and the council?
- Is there evidence to support the need for scrutiny?
- What is the likelihood of achieving a desired outcome?
- Is the topic strategic and significant rather than relating to an individual complaint?
- Are there adequate resources to ensure scrutiny activity is done well?

2. Is the topic a concern to local residents?

- Does the topic have a potential impact for one or more section(s) of the local population?
- Has the issue been identified by Members through surgeries and other contact with constituents?
- Is there user dissatisfaction with service (e.g. increased level of complaints)?
- Has the topic been covered in the local media or social media?

3. Is it a Council or partner priority area?

- Does the topic relate to council corporate priority areas?
- Is there a high level of budgetary commitment to the service/policy area?
- Is it a poor performing service (evidence from performance indicators / benchmarking)?

4. Are there relevant external factors relating to the issue?

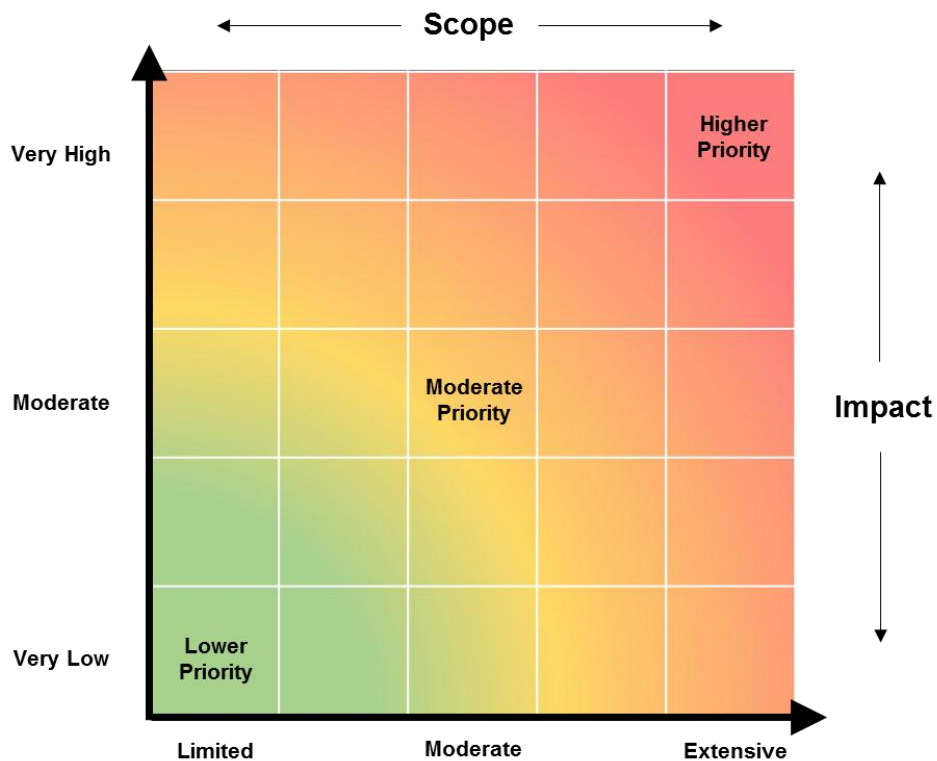
- Central government priority area
- New government guidance or legislation
- Issues raised by an internal or external audit or from formal inspections, etc.
- Key reports or new evidence provided by external organisations

5. Criteria for not considering topics

- There is no scope for scrutiny to add value/make a difference or have a clear impact.
- New legislation or guidance is expected within the next year.
- The issue is being examined elsewhere - e.g. by the Executive, working group, officer group or other body.
- The objective of scrutiny involvement cannot be achieved in the specified timescale required.

Prioritisation Matrix

The prioritisation matrix shown below is a framework to aid in prioritising a number of scrutiny options or topics. Each topic should be assessed in terms of the impact it would have and the overall scope of the activity.



When considering the scope and impact of a Scrutiny item it is important to consider the following areas:

- People / Communities
- Assets / Property
- Financial
- Environmental
- Reputation
- Likelihood of Impact
- Resource Required
- Cost Effectiveness

Prioritisation Tool

The prioritisation tool below can be used in deciding on whether an issue would warrant being considered by Scrutiny or the subject of a Scrutiny Review.

