



Scrutiny Committee Handbook



Illustration by Rupert Besley

ISLE OF WIGHT COUNCIL

SCRUTINY HANDBOOK

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LEGISLATION RELATING TO SCRUTINY

1. Overview and scrutiny was a process introduced as part of the Local Government Act 2000. The Act modernised the decision making processes of local authorities and replaced the traditional committee based decision making. In authorities where Cabinets (or Executives) were established there had to be provision for an overview and scrutiny function. The way overview and scrutiny was to be organised was left to each individual authority.
2. Subsequent to the 2000 Act the Health and Social Care Act 2001 placed a responsibility for health scrutiny on local authorities. This function within the Council is undertaken by the Policy Commission for Care, Health and Housing.
3. Section 115 of The Local Government Act 2003 enabled authorities to establish a scheme for co-optees on overview and scrutiny functions. The Council agreed to such a scheme on 14 September 2005.
4. More recently The Police and Justice Act 2006 contained provisions in relation to the scrutiny of crime and disorder matters. Guidance on how this is to be operated is awaited. The Council has however taken a decision, at its meeting on 18 April 2007, that the Scrutiny Committee will sit periodically as the Crime and Disorder Committee to discharge the duties of Section 19 of the Act.
5. The Government's White Paper "Strong and Prosperous Communities" also had implications for the Council's scrutiny functions. The Local Government and Public Involvement in Health Bill includes similar provisions as those contained within The Police and Justice Act 2006 to deal with a Community Call for Action (CCfA). Also a number of public service providers will be required to co-operate with Scrutiny Committees and either appear before them or supply relevant information. These providers are :- Chief Officer of Police; Police Authorities; Local Probation Boards; Youth Offending Teams; Primary Care Trusts; NHS Foundation Trusts; NHS Health Trusts; Learning and Skills Councils; Jobcentre Trust; Health and Safety Executive; Fire and Rescue Authorities; Highways Agency; Environment Agency, Natural England; Regional Development Agencies; National Park Authorities; Joint Waste Disposal Authorities. The Committee's terms of reference was amended by full Council, on 18 April 2007, to reflect the requirements currently contained within the draft Bill.

TERMS OF REFERENCE AND MEMBERSHIP OF THE SCRUTINY COMMITTEE

ARTICLE 5 OF THE COUNCIL CONSTITUTION

15 members (19 when considering education matters), comprising:

- i. A chair who is not a member of the majority political group;
- ii. Two co-opted members appointed in accordance with Section 115 of the Local Government Act 2000;
- iii. Twelve members of the council (including the Chairman of the committee), on a politically proportionate basis;
- iv. One non-voting member to be nominated by Island Town or Parish Councils, representing a Town and Parish Council perspective;
- v. When considering education matters:
 - a. Two voting (on education matters only) representatives from the faiths (one from the Church of England Diocese and one from the Roman Catholic Diocese); and
 - b. Two voting (on education matters only) parent governor representatives
- vi. The Isle of Wight Youth MP will be entitled to attend any meeting of the Scrutiny Committee in a non-voting consultative capacity.
- vii. The Isle of Wight Youth Council will be entitled to appoint two of their members (in a non-voting capacity) to be a point of consultation between the Committee and the Youth Council

No Cabinet Member, Commissioner or Cabinet Secretary will be a member of the Scrutiny Committee.

- (1) To undertake the statutory functions of overview and scrutiny except insofar as they relate to health scrutiny, as this function is undertaken by one of the Policy Commissions.
- (2) In order to prevent duplication of policy development and scrutiny, and unless exceptional circumstances dictate otherwise, no enquiry will be undertaken by the Scrutiny Committee where the proposed enquiry is the subject of an ongoing enquiry by one of the Policy Commissions; has been the subject of such an enquiry completed within the last 6 months, or will be the subject of such an enquiry planned to commence within the next 3 months.
- (3) To undertake enquiries into the budget and policy framework of the Council, exclusively at a political and strategic level.
- (4) To adopt and deliver a work programme which reflects the priorities of the administration, corporate strategic objectives and the priorities of scrutiny members and the communities they serve.
- (5) To play the leading role in the development of and challenge to an annual revenue budget.

- (6) To play a leading role in the development of and challenge to the Policy Framework.
- (7) To maintain and operate a system of call-in as a safety net in the event of a Cabinet decision which proves unexpectedly controversial.
- (8) Enquiries will be time limited, to published terms of reference and lead to recommendations which are directed to named individuals and are clear, measurable, achievable, resourced, time bound and based on evidence received.
- (9) To develop and implement a procedure for individual councillors to raise issues with the Scrutiny Committee, in accordance with the spirit of the provisions currently contained in the Local Government and Public Involvement in Health Bill.
- (10) To include in its work programme the scrutiny of partner authorities, as defined in the Local Government and Public Involvement in Health Bill.
- (11) To periodically sit as the 'Crime and Disorder Committee' and to discharge the Council's duties under section 19 of the Police and Justice Act 2006 when this is enacted

Quorum

Quorum will be one-quarter of the voting membership. In the absence of both the Chair and Vice Chair the Committee will elect a chair for that meeting.

Agenda

The Chairman of the Scrutiny Committee in consultation with the Proper Officer will agree an agenda for each meeting. There will be a presumption that no agenda will require more than two hours to complete.

Meetings

Meetings will be held at 6.00 pm on weekday evenings, other than in exceptional circumstances when the timing must, with the agreement of the Chairman/Commissioner and the Leader of the Council, be varied to ensure a quorum or to suit the needs of members of the public or stakeholders attending the meeting. The reason for any variation in timing will be set out on the face of the agenda.

Any member of the Committee may place an item on the agenda by giving notice to the Proper Officer in sufficient time to allow consultation with the Chairman.

Call-in

Any 4 members of the Scrutiny Committee (including the voting co-opted members and the education co-optees on education matters) may sign a call-in notice in relation to any decision by the Cabinet member or an officer exercising a delegation from the Leader of the Council. On receipt of a call-in notice the Proper Officer will:

- Stop implementation of the decision.
- Call a meeting of the Scrutiny Committee, to meet within seven working days

When considering a call-in notice the Committee may:

- (i) Endorse the decision.
- (ii) Refer the decision back to the decision-maker with recommendations.
- (iii) Refer the decision to another body, with recommendations.
- (iv) Add an enquiry to its own work programme
- (v) If advice has been received that the decision is outside of the Budget and Policy Framework refer the advice to Full Council with a recommendation that the Budget or Policy Framework be amended.

Only in (v) is implementation of the decision prevented after the meeting of the Committee has disposed of the call-in.

Attendance and Speaking at the Scrutiny Committee

- Unless the law requires or allows otherwise meetings of the Committee will be in public.
- The Chairman has an obligation to enable members of the public, stakeholders and community representatives to make representations to the Committee in order to assist to agree a work programme and to undertake specific enquiries.

Reports

The Scrutiny Committee may take reports to the Cabinet, Cabinet Members, Policy Commissions or the Full Council.

Urgency

Decision makers may need to take decisions under the urgency provisions in the Access to Information Rules and/or the Budget and Policy Development Rules.

In such exceptional cases the Call-in arrangements may be abridged or disapplied if to do so is necessary to safeguard the interests of the Council or of the public. In any such case reasons for the disapplication will be given on the face of the report to the decision maker and by this means made available to the Scrutiny Committee Chair.

Task and Finish Groups

The Scrutiny Committee may establish working parties or other task and finish groups. These groups will be time limited, have clear terms of reference, may include members other than elected members and will not be committees or sub-committees under the law.

Voting

Any vote shall be by show of hands. A simple majority prevails and in the event of a tied vote the chairman has a casting vote.

MEMBERS JOB PROFILE FROM THE COUNCIL CONSTITUTION

Scrutiny Committee Members

Scrutiny Committee Members are the Chairman, Vice Chairman and members appointed annually by Full Council together with two co-opted voting members appointed under Section 115 of the Local Government Act 2003.

No Cabinet member, Cabinet Secretary or Commissioner may be Scrutiny Committee Members.

Role

To determine a programme of work reflecting exclusively at a political and strategic level the policy priorities of the administration, corporate strategic priorities and the priorities of Scrutiny Committee members and the communities they serve.

To scrutinize, by being a critical friend, the services of the Council and to make recommendations to improve quality and efficiency in service delivery.

To maintain a call-in procedure as a safety net in the event of unexpectedly controversial decisions.

Duties

1. To drive and participate in programmes of policy review and development, both as decided by the Scrutiny Committee and at the request of the Full Council and of the Cabinet. The programme of review may include consideration of anything which is of interest to the area or its inhabitants, even where the issue is not the responsibility of the Council.
2. To scrutinize both decisions of the Cabinet (including the individual Cabinet Members and Officers taking key decisions) and existing policies, procedures and processes of the Council, in accordance with the Committees' work programme.
3. To play the leading role in developing and challenging the Council's Budget processes.
4. To play a leading role in developing and challenging the Council's Policy Framework.
5. To participate, when required, in the Call In procedure.

6. To apply, when undertaking these duties, the Constitution of the Council, and particularly the Scrutiny Committee Procedure Rules, the Access to Information Rules and the Budget and Policy Framework Procedure Rules.
7. To commission and receive expert witness.
8. To undertake additional functions as required by the Council or by statute.
9. To undertake Scrutiny functions in a constructive, positive and non-partisan way and exclusively at a political and strategic level.
10. To co-ordinate with Policy Commissioners and Policy Commission Members to ensure each Commission and the Scrutiny Committee agree complementary work programmes.

Entitlements

1. The Chairman and Vice Chairman of the Scrutiny Committee receive (in addition to the basic allowance) a Special Responsibility Allowance (SRA) as set out under the scheme of Members allowances.
2. The two Co-opted members will receive an allowance as set out under the Council's scheme of members allowances.
3. Scrutiny Committee Members have additional rights to access information of relevance to their areas of responsibility. These rights are set out in the Scrutiny Committee Procedure Rules.
4. Mandatory and further specialised training in overview and scrutiny is provided for Members who are encouraged to ensure that they are well informed and able to develop the skills to undertake these responsibilities.

SCRUTINY COMMITTEE – CO-OPTED MEMBERS

INDEPENDENT MEMBERS

There are two positions on the Committee which are filled through a scheme established under Section 115 of the Local Government Act 2003. These two positions are normally for a period of two years. The person specification is attached. The two co-opted members have full voting rights and paid an allowance in accordance with the approved Members Allowance Scheme.

TOWN AND PARISH COUNCIL REPRESENTATIVE

There is one position on the Committee which is filled by a person nominated by the Isle of Wight Association of Town and Parish Councils. This person should be a member of the Executive Committee of the Association as appointed by his or her representative Town or Parish Council to sit on that body. This co-opted member does not have a vote on the Scrutiny Committee.

PARENT GOVERNOR REPRESENTATIVES

There is a requirement introduced through the School Standards and Framework Act 1998 for the Council to have Parent Governor Representatives on the relevant Overview and Scrutiny body dealing wholly or partially with education functions. As the Scrutiny Committee is the body that holds the Cabinet to account for decisions relating to education the Council has included the two positions within its membership. The period of office is normally for two years. Eligibility and the role of a Parent Governor Representative is attached. The two representatives are entitled to participate in discussions on any issue but are only able to vote on any question which relates to the education functions of the Council.

CHURCH REPRESENTATIVES

Under the School Standards Framework Act 1998 and the Education Act 1996 the Council must have Church representatives on the relevant Overview and Scrutiny Committee which considers education matters. A representative is therefore appointed by each of the Diocesan Authorities in Portsmouth for an Anglican and Roman Catholic member to serve on the Committee. Like the Parent Governor representatives they are entitled to participate in discussions on any issue but only able to vote on any question which relates to the education functions of the Council.

BUDGET AND POLICY FRAMEWORK

The terms of reference for the Scrutiny Committee refer to the Council's budget and policy framework. To assist members having a better understanding of what is included within the framework the following information is taken from the Council's Constitution.

FROM ARTICLE 4 – THE FULL COUNCIL

- (a) **Policy Framework.** The full Council will be responsible for adopting or approving the following plans and strategies:
- (i) Best Value Performance Plan;
 - (ii) Children's Services Plan;
 - (iii) Community Care Plan;
 - (iv) Economic Development Policy;
 - (v) Community Strategy;
 - (vi) Crime and Disorder Reduction Strategy;
 - (vii) Unitary Development Plan;
 - (viii) Early Years Development Plan;
 - (ix) Education Development Plan;
 - (x) Youth Justice Plan;
 - (xi) Local Transport Plan;
 - (xii) Housing Investment Plan;
 - (xiii) Local Agenda 21;
 - (xiv) Lifelong Learning Development Plan;
 - (xv) Quality Protects Management Action Plan.
 - (xvi) The Council's Corporate Plan.
 - (xvii) The Tourism Development Plan
 - (xviii) The Housing Strategy

and other plans, policies and strategies as contained on a list maintained by the Chief Legal Adviser, together with any others that the Council considers should be added to this list as part of the Council's Cabinet proposals.

Any plan or strategy for which the Council does not have sole responsibility for preparation, and involves action and targets to which other bodies will be contributing, shall not be amended at the final approval stage by the Council unless the approval of all such appropriate parties to such an amendment has been obtained in writing.

A plan or strategy referred to above can be the subject of an amendment which is considered, in the opinion of the Chief Legal Adviser, Chief Financial Officer and the relevant Strategic Director (after consultation with the Leader and appropriate Cabinet Member), not to be contrary to the principles of the plan or strategy and can be contained within the approved budget. Such an amendment does not require the approval of full Council.

(b) **Budget.** The budget is defined as:

- (i) The identification and allocation of financial resources by the Full Council, including:
 - Revenue expenditure
 - Contingency and reserve funds
 - Council tax base
 - Council tax level
 - Borrowing requirements and limits
 - Capital expenditure
- (ii) Any resolution of Full Council identified as a budgetary decision;
- (iii) Any limitations to, conditions on or rules governing the management of budgets, virement between budgets, treatment of under spends, windfall income or reserves contained within the Financial Procedure Rules.

BUDGET AND POLICY FRAMEWORK RULES

1. **Framework**

The Full Council is responsible for the adoption of its budget and policy framework as set out in Article 4. Once or to the extent that a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the framework

- (a) The Cabinet will publicise by including in the forward plan and any other appropriate means depending upon the circumstances a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals.
- (b) Following consultation (including policy debates by Full Council where relevant) the Cabinet will then draw up firm proposals having regard to the responses to that consultation. The Cabinet will take any response from a Commission or the Scrutiny Committee into account in drawing up proposals for submission to the Council, and its report to the Council will reflect the comments made by consultees and the Cabinet response.
- (c) Once the Cabinet has considered the proposals these will then be referred to the Council, at the earliest opportunity, for decision.
- (d) In reaching a decision, the Full Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or indicate that it wishes to substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Cabinet without amendment or is formally setting the Council Tax base or the Budget or Council Tax levels for a financial year, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision.
- (f) The decision will be published in accordance with Article 11 and a copy shall be given to the Leader and members of the Cabinet.
- (g) An in-principle decision in relation to the budget, plan or strategy will automatically become effective 5 working days from the date of Proper Officer the Council's decision, unless the Leader informs the Proper Officer in writing, within 5 working days that he/she objects to the decision becoming effective and provides reasons why. The Leader may also decide to call a special meeting of the Cabinet to discuss the issue.
- (h) Upon receiving written notification from the Leader, the Proper Officer will make arrangements to call a Council meeting within a further 7 working days. The Council will be required to re-consider its decision and the Leader's written submission within 14 working days. The Council may:
 - (i) Approve the Cabinet recommendation; or

- (ii) Approve a different decision which does not accord with the recommendation of the Cabinet.
- (i) The decision shall then be made public in accordance with Article 11, and shall be implemented immediately.

3. Decisions outside the budget or policy framework

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet or individual Cabinet Members may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If they want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

- (a) The Cabinet or an individual member of the Cabinet may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chairman of the Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of the Scrutiny Committee, the consent of the Chairman of the Council or in his or her absence of the Vice Chairman will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the

decision, the reasons for it and why the decision was treated as a matter of urgency.

5. Virement

There are detailed provisions concerning virement across budget heads and these are set out in the Council's Financial Regulations.

6. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, or an individual member of the Cabinet must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

7. Call-in of decisions outside of the budget or policy framework

- (a) A decision outside of the Budget or Policy Framework (and not taken in accordance with the urgency provisions) is potentially unlawful.
- (b) Where the Scrutiny Committee is determining a call-in and is advised that a decision would be, or was, by the Chief Financial Officer and/or the Monitoring Officer, that a decision would be, or was, outside of the budget or policy framework it may:
 - (i) Refer the decision back to the decision maker for reconsideration, or
 - (ii) Refer the advice to the Full Council with a recommendation that the Budget and/or Policy Framework is amended.
- (c) Until such time as further advice is given that the decision now falls within the Budget and Policy Framework the decision shall not be implemented.

EXTRACTS FROM THE CONSTITUTION IN RELATION TO THE FORWARD PLAN.

FROM THE SECTION DEALING WITH THE PROTOCOL ON THE COUNCIL'S DECISION MAKING PROCESS

The Role of the Scrutiny Committee

The role of the Scrutiny Committee is to support service improvement by scrutinising proposals and decisions of the Cabinet and Cabinet Members. The Scrutiny Committee does not make decisions, but makes recommendations to improve the quality and efficiency of council services.

Advance notice of Key Decisions

The Cabinet is required to publish a forward plan of Key Decisions that it intends to make within the following four months. This will enable the Scrutiny Committee to consider which items they wish to examine and consider in good time before they are determined by the Cabinet.

A Key Decision is one that is likely either -

- to result in the authority incurring additional expenditure or a reduction in expenditure exceeding £250,000 in any one year or any individual service or function to which that decision relates; or
- it is otherwise significant in terms of any individual service to the public.

(In Article 12 – Decision making - significant is described as something likely to have a permanent impact on the amenity of an identifiable community or communities)

The forward plan must identify all those items about which it is known that the Cabinet is to make a decision within the following 4 months. The forward plan will be updated on a monthly basis. Not all key decisions will be known 4 months in advance and so advance notice of decisions will be included as soon as they become known.

There is a mechanism for taking urgent decisions not on the forward plan. This is an exceptional process for use in genuinely urgent circumstances and when the report supporting the decision sets out why the decision did not appear on the forward plan and why the decision cannot wait until the next forward plan is published.

If an item which is a key decision arises which is not in the forward plan and has to be taken at short notice, the Strategic Director, Corporate Services will ensure that the Chairman of the Scrutiny Committee is notified - or in his or her absence, the Chairman of the Council - and that a minimum of three days

notice has been given that the Cabinet intend to consider the item. Such an item can only be considered with less than three days notice where agreement has been obtained from the Chairman of the Scrutiny Committee or, in his or her absence, the Vice Chairman of the Scrutiny Committee or if both are absent the Chairman of the Council.

FROM THE SECTION DEALING WITH ACCESS TO INFORMATION RULES

1. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 3 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

2. **THE FORWARD PLAN**

- (a) Period of forward plan

Forward plans will be prepared by the leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

- (b) Contents of forward plan

The forward plan will contain matters which the leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a Cabinet Committee of the individual Cabinet members or officers during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (i) the matter in respect of which a decision is to be made;
- (ii) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (iii) the date on which, or the period within which, the decision will be taken;

- (iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (v) the means by which any such consultation is proposed to be undertaken;
- (vi) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (vii) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The forward plan must be published at least 14 days before the start of the period covered. The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (i) that key decisions are to be taken on behalf of the Council;
- (ii) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (iii) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (iv) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (v) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (vi) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (vii) that other documents may be submitted to decision takers;
- (viii) the procedure for requesting details of documents (if any) as they become available; and
- (ix) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a forward plan and confidential information cannot be included.

3. **GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the Proper Officer has informed the chair of the Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 3 clear days have elapsed since the Proper Officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

4. **SPECIAL URGENCY**

If by virtue of the date by which an Cabinet decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the officer, Cabinet member, (if an individual) or the leader of the Council of the body making the decision, obtains the agreement of the Chairman of the Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no chair of the Scrutiny Committee, or if the Chair (and the Vice Chair in the absence of the Chair) is unable to act, then the agreement of the Chair of the Council, or in his/her absence the Vice Chairman will suffice.

5. **REPORT TO COUNCIL**

If the Scrutiny Committee concludes that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) The subject of the special emergency procedure.

the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the committee when so requested by resolution passed at a meeting of the Scrutiny Committee.



Guidance on the Call-in process

June 2007

SCRUTINY COMMITTEE MEMBERS GUIDANCE NOTES ON THE PROCEDURES FOR CALL-IN

The procedure for calling in decisions made by the Cabinet, Cabinet Member, a committee of the Cabinet and any key decisions taken by an officer is part of the Council's constitutional arrangements.

The procedure is as follows :

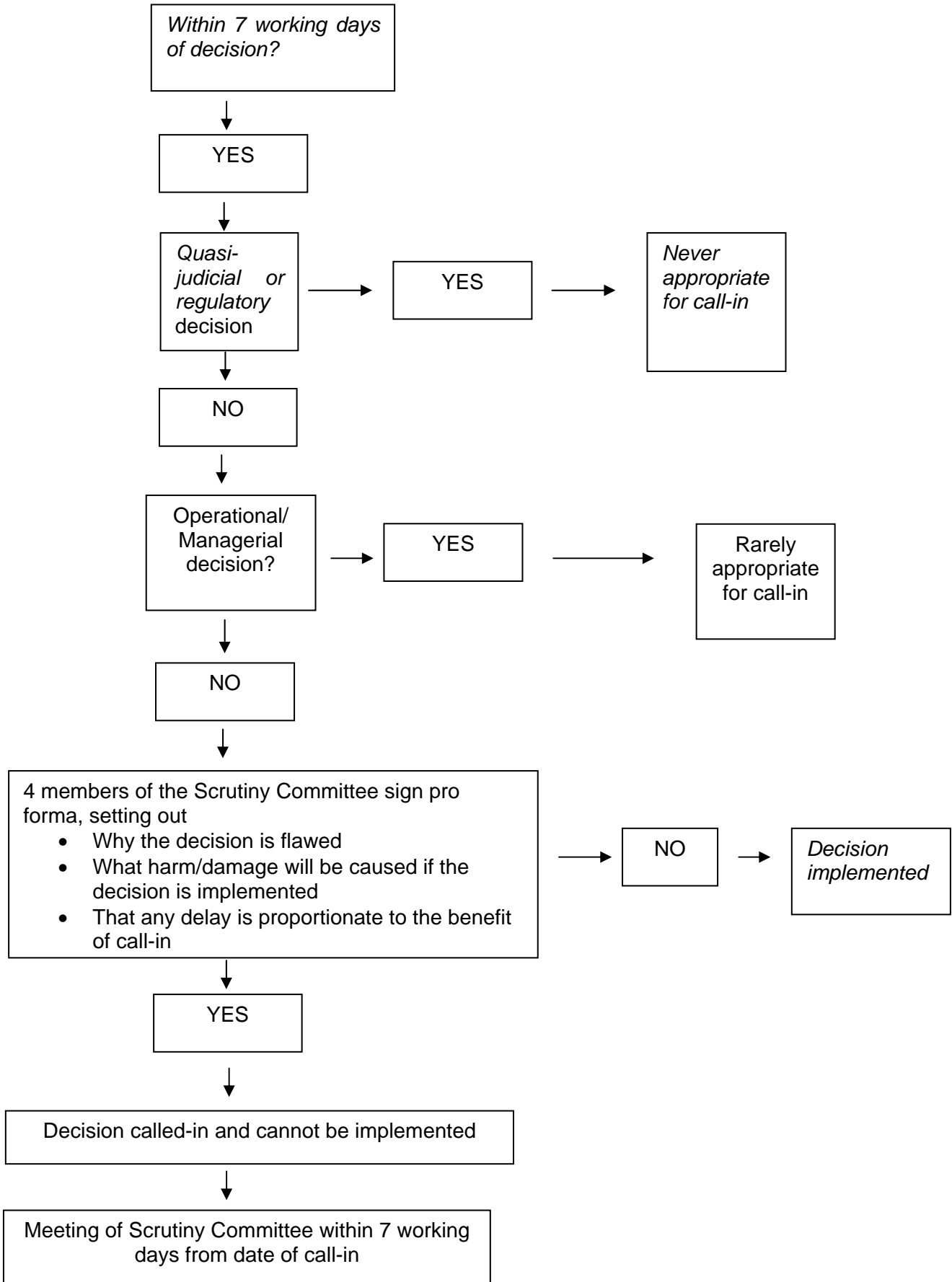
- a) A call-in can be made on any decision of a Cabinet Member or the Cabinet. These decisions are normally published each Friday.
- b) A request for a call-in must be made within seven clear days of the decision being published. A decision that is not called-in becomes effective after this time.
- c) A request for a call-in should be made to the Monitoring Officer who shall notify the Cabinet member, Leader and Chair of the Scrutiny Committee together with the relevant lead officer for the item.
- d) Four members of the Scrutiny Committee must support a call-in. This can be done by the four members signing the call-in form or by submission of the appropriate details/form by way of e-mail.
- e) Members who agree to a call-in must satisfy themselves that the reasons for this course of action are valid and consistent with the requirements outlined in the Constitution.
- f) On a call-in, sufficient information should be given to the Cabinet Member to allow him/her to understand the concerns of the members who have requested the call-in. This will allow the Cabinet Member to ensure that relevant information is available for the Scrutiny Committee to consider.
- g) A meeting of the Scrutiny Committee to consider the call-in will take place within seven working days from the date of the call-in.
- h) The meeting will be in public unless information, which is confidential or exempt under the access to information provisions, is to be discussed.
- i) At least one of the members signing the call-in form must attend the meeting.
- j) The relevant item should start with the reasons why the decision had been called-in being outlined by one of the members who had signed the call-in.
- k) The person who made the decision should then be invited to outline how and why the decision was made and the factors considered in making this decision.
- l) Members of the Scrutiny Committee should keep in mind that the focus of the call-in is to determine whether to refer the original decision back for further consideration and, if so, to prepare written observations for the Cabinet to take into account. Questions should be aimed at obtaining information, which will help in these tasks.
- m) The Scrutiny Committee may :
 - (i) Accept the decision, which has been made. In this case the decision takes effect immediately.
 - (ii) Refer the decision back to the decision maker with recommendations. When making such a referral the Scrutiny Committee must set out in writing the

nature of its concerns. The decision maker must reconsider the decision in the light of the Scrutiny Committee's concerns before making a final decision and if not accepting any of the recommendations state the reasons for this.

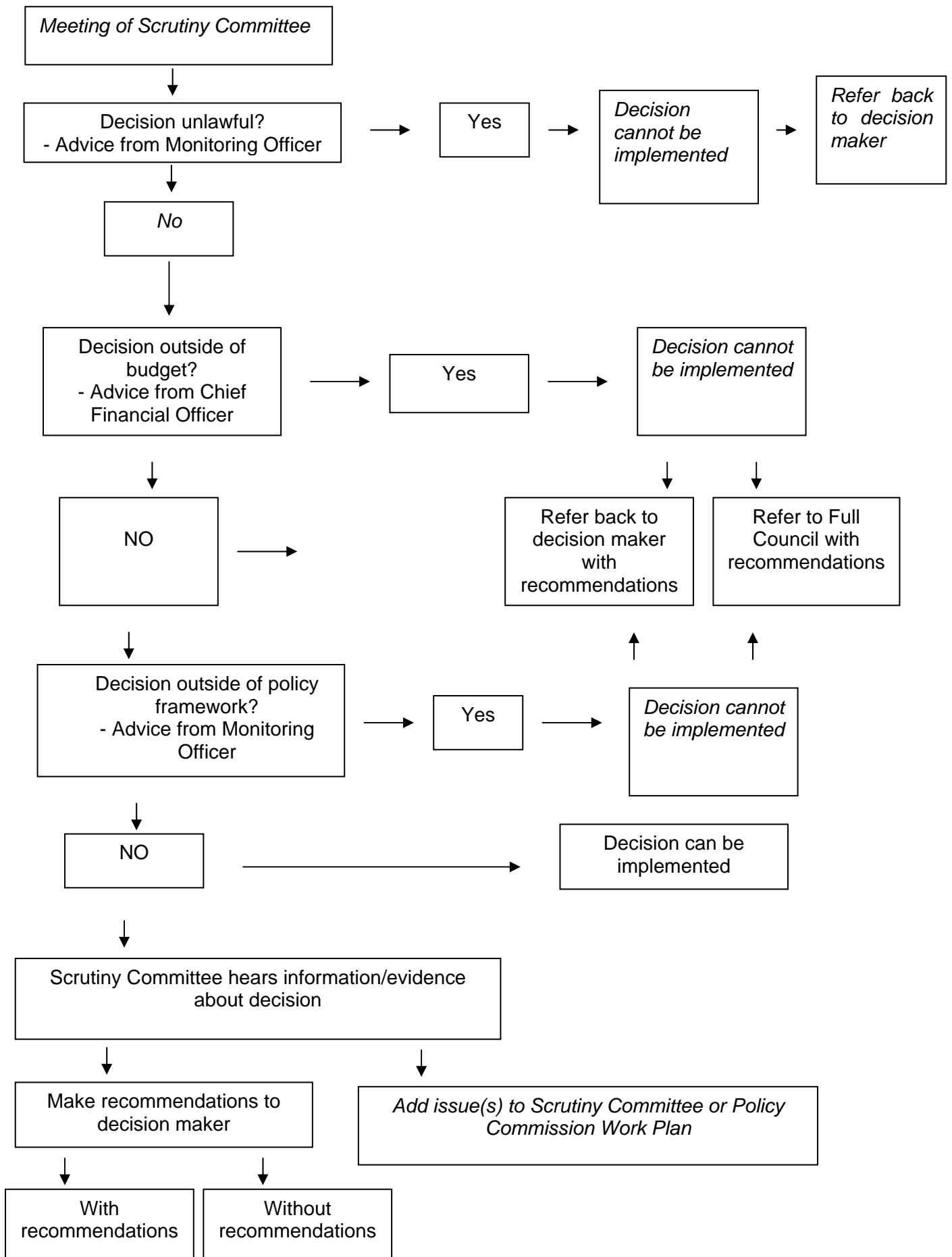
- (iii) Refer the matter to another body, with recommendations.
- (iv) Add an enquiry to its own work programme.
- (v) Refer the matter to full Council, after receiving advice that the decision is outside the budget and policy framework, with a recommendation that the budget and policy framework be amended.

Only in (v) is implementation of the decision prevented until after the meeting of the Scrutiny Committee has disposed of the call-in.

CALLING-IN DECISIONS



DISPOSAL OF CALLED-IN DECISIONS



**NOTIFICATION OF A CALL-IN UNDER THE PROTOCOL ON THE COUNCIL'S
DECISION MAKING PROCESS**

We the undersigned being members of the Scrutiny Committee wish to apply the Call-In procedure in respect of the following decision

The Cabinet held on (date)

.....

Minute number and heading:-

.....
.....
.....

Resolution:-

.....
.....
.....

or the decision taken by the Cabinet Member for

.....

Ref No and Title of Report:-

.....
.....

Called-in because (mark as appropriate):- Inadequate consultation with stakeholders, partners or the public/ absence of evidence for decision / decision contrary to policy framework / decision not in accordance with the approved budget. Brief statement supporting reason for call-in :-

.....
.....
.....
.....

Desired outcome:

.....
.....
.....

Names of members with signatures (minimum of four required)

1

2

3

4

Dated

When all sections have been completed the notification must be passed onto the Monitoring Officer.

CALL-IN VIA E-MAIL

A call-in may be submitted by e-mail provided the following procedure has been followed :-

1. The e-mail should be sent to the Monitoring Officer, with a copy to the Overview and Scrutiny Team.
2. The e-mail must either include the call-in form as an attachment or the wording contained in the e-mail should replicate that on the form so all relevant details are submitted.
3. Instead of signatures the notification will be accepted provided it has been transmitted by the member's Council e-mail address. The same attachment, or wording, must be used by all those members submitting notification by way of e-mail for the call-in to be valid. Additionally where one or more members submit a signed paper copy of the call-in this should be in the same format and wording as that sent by any member electronically.

It will be necessary for a lead member for the call-in to be identified where this is submitted by way of e-mail or combination of e-mail and paper copy.

WITHDRAWAL OF CALL-IN NOTICE

1. A deposited Call-in notice may be withdrawn at any time (subject to paragraph 3 below) before the Scrutiny Committee considers the called-in decision. Withdrawal shall be by written notice deposited with the Monitoring Officer signed by all those members who signed the original call-in notice.
2. If withdrawn the Monitoring Officer shall prepare a report on the circumstances of the withdrawal for inclusion on the agenda for the next scheduled meeting of the Scrutiny Committee. This report shall include details of any delay or financial consequences caused by the decision to call-in the decision.
3. Once the Scrutiny Committee decides to refer a call-in back to the Cabinet Member, Cabinet or Council the call-in may not be withdrawn.

DISPOSAL OF CALLED-IN DECISIONS

The following circumstances can arise when a decision, that is called-in, is considered by the Scrutiny Committee :-

1. Advice from the Monitoring Officer that the decision is unlawful. The decision cannot be implemented and must be referred back to the decision maker with recommendations.
2. Advice from the Monitoring Officer that the decision is outside the Policy Framework. The decision cannot be implemented and must either be referred back to the decision maker with recommendations *or* the Full Council with recommendations to amend the Policy Framework.
3. Advice from the Chief Financial Officer that the decision is outside of the budget. The decision cannot be implemented and must either be referred back to the decision maker for reconsideration *or* to Full Council, with a recommendation to amend the budget.
4. Advice that the decision is lawful and within the Budget and Policy Framework. It can be implemented but the Scrutiny Committee can :-
 - (a) endorse it, without recommendations, to the decision maker;
 - (b) endorse it, with recommendations, to the decision maker, stating the reasons for these;
 - (c) determine not to endorse the decision, with or without recommendations to the decision maker;
 - (d) add the issue to its work programme for further enquiry.

In the circumstances shown in 3 and 4 the decision may be implemented but the Scrutiny Committee may request a delay for reconsideration. If the Scrutiny Committee decides to take such action it will have to be made aware of any additional cost, or potential service disruption, created through any delay.

the good scrutiny guide –

four principles of effective scrutiny

effective public scrutineers...

1. provide 'critical friend' challenge to executives as well as external authorities and agencies

effective public scrutineers...

2. reflect the voice and concerns of the public and its communities

roles and relationships

- constructive, robust and purposeful challenge to prompt executive reflection on policy development and decision-making
- mutual respect and 'parity of esteem' for the scrutiny function as a legitimate check on executive arrangements in exercising public accountability
- partnership approach with 'external' agencies and authorities
- focused and proactive policy development in collaboration with executive colleagues

- ensuring an ongoing dialogue with the public and its diverse communities where the voice of the public is heard and responded to
- taking a community leadership role by focusing on issues of community concern
- constructive relationships with press and media
- careful management of public expectations of change

process and practice

- constructive working arrangements supported by clear rules of engagement
- co-ordinated workload planning integrated into corporate processes
- reporting and monitoring mechanisms to follow up recommendations made
- non-aggressive physical environment and behaviours to create optimum conditions for investigative evidence-based process

- open and transparent processes with public access to information
- meetings conducted in public which invite public participation and 'active citizenship'
- innovative public communication, consultation and feedback
- create the conditions for plural views and concerns to be taken into account, particularly those of minority groups

skills and support

- objective questioning
- inclusive, focused chairing
- access to information and expert advice

- active listening and sympathetic questioning
- adequate resourcing for public dialogue mechanisms
- professional communications advice and support

successful scrutiny

cfps

the centre for
public scrutiny

better scrutiny for better government

For full details of The Good Scrutiny Guide and other CfPS publications, please visit www.cfps.org.uk

the good scrutiny guide –

four principles of effective scrutiny

- effective public scrutineers...
 3. should take the lead and own the scrutiny process on behalf of the public
- effective public scrutineers...
 4. should make an impact on the delivery of public services

<p>roles and relationships</p> <ul style="list-style-type: none"> • independence from the executive legitimated by the assembly, legislature or council • champions of the value and potential for scrutiny and active promotion of its status and credibility • active engagement in committee, with the public and colleagues • constructive working partnership with professional officers and advisers in support of the 'lay' scrutineer 	<ul style="list-style-type: none"> • promote community well-being and improve the quality of life • strategic quality assurance on behalf of the public
<p>process and practice</p> <ul style="list-style-type: none"> • arrangements in place to ensure active engagement of scrutineers in the scrutiny process • ensure adequate public representation and, where appropriate, political balance • create conditions for deliberation and consensus building • independent work programme informed by interests and concerns of scrutineers on behalf of the public 	<ul style="list-style-type: none"> • strategic scrutiny of corporate policies, plans and budgets • co-ordinated and strategic reviews of policy and service performance in line with strategic objectives • monitoring service performance against key indicators
<p>skills and support</p> <ul style="list-style-type: none"> • deliberative skills and consensus building • reflect on the process, learn from experience and innovate • acknowledged professional officer support for the 'lay' scrutineer • appropriate training and development 	<ul style="list-style-type: none"> • access to timely and accurate performance information • analysis and interpretation of performance data • resources and professional support for the collection and presentation of performance information • clear understanding of the distinction between strategic and operational performance review

For full details of The Good Scrutiny Guide and other CfPS publications, please visit www.cfps.org.uk

Open to scrutiny?



The Isle of Wight Council's scrutiny committee has an important role to play. We examine the council's decisions and actions, making sure they have been made in the best interests of Island residents.

We have a range of topics that we regularly investigate but we want to hear from you, the Island public, about council decisions or processes that you would like us to look into in more detail.

Please tell us your views by contacting the overview and scrutiny team on 821000 or by email to scrutiny@iow.gov.uk by the end of January.

USEFUL SOURCES OF INFORMATION

There are many websites which can provide access to a wide range of information relating to Scrutiny. The list below is not intended to be comprehensive but gives an indication of some of the key sites.

www.cfps.org.uk - The Centre for Public Scrutiny. This is the main organisation dealing with scrutiny across public services.

www.lga.gov.uk – The Local Government Association. Represents the interests of local authorities across the Country.

www.idea.gov.uk – Improvement and Development Agency. Seeks to help authorities to improve and highlights best practice.

www.auditcommission.gov.uk – Audit Commission. Acts as a watchdog for central and local government. Reports on inspection of services including CPA.

www.direct.gov.uk – Directgov. Provides links to all government departments, agencies and local authorities.

www.seemp.co.uk – South East Employers. Provides a network for local authorities in the south east.

www.parliament.uk – UK Parliament. Access to information relating to House of Commons and House of Lords Select Committees.

www.nao.org.uk – National Audit Office. Audits public sector in UK and provides value for money studies into implementation of Government policies.

www.lgiu.org.uk – Local Government Information Unit. Independent research and information organisation representing interests of local authorities.

www.inlogov.bham.ac.uk – Institute of Local Government Studies. Part of Birmingham University dealing with improving the capacity of government and public organisations.

www.info4local.gov.uk – Information for Local Government. Access to information from central government departments, agencies and public bodies.

www.communities.gov.uk – Government department responsible for communities and local government.

www.nlgn.org.uk – New Local Government Network. An independent body promoting modernisation of local government.