Overview and Scrutiny
at the London Borough of Merton

"Effective scrutiny is the lynchpin of the new political arrangements. If scrutiny isn't working this poses a significant threat to the success of democratic renewal"

Source: *Developing new political arrangements: a snapshot*, District Audit, 2002

March 2006

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1   Background to the review

1.1   In October 2005 the Overview & Scrutiny Commission set up a scrutiny task group to undertake a review of overview and scrutiny procedures at LB Merton. Councillors John Bowcott, Philip Jones, Ian Munn, George Reynolds, David Simpson, Peter Southgate and David Williams sat on the task group, with Councillor Southgate as chair.

1.2   The purpose of the project was to:

   a) Review the effectiveness of the current scrutiny function at Merton, in terms of challenging the Executive as well as external bodies, including health; representing the voice and concerns of the public and Merton's communities; community engagement; and improving the delivery of services
   b) Determine what works well and what could be improved and how, making recommendations for the revision of Merton's procedures so as to improve effectiveness of scrutiny outcomes in the future, including setting a group of performance indicators by which to measure the success of scrutiny.

1.3   The task group was given the following terms of reference:

   a) To review current scrutiny procedures to determine what processes work well and make recommendations to improve processes that are not effective; specifically focusing on the following areas: the call-in process, pre-decision scrutiny/forward plan, policy development, scrutiny reviews, tracking and monitoring of scrutiny recommendations and performance monitoring.
   b) To evaluate the effectiveness of scrutiny outcomes in terms of improved services for local residents.
   c) To consider external review findings relating to scrutiny at Merton.
   d) To identify examples of best practice from other authorities.
   e) To recommend a strategy for increasing community engagement in the democratic process through participation in scrutiny.
   f) To identify any weaknesses in the constitution which may need amending to increase flexibility of the scrutiny process.

1.4   In order to carry out this work, the task group has used a number of research methods:[1]

   a) Visits to best practice authorities: Meeting with Sunita Sharma, Head of Scrutiny and Performance, LB Hounslow on 25 November and meeting with Tim Young, Scrutiny Manager, LB Camden on 1 February.

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[1] For a full list of all of the sources of information considered by the task group, please see the evidence log and bibliography at Appendix B. A volume of evidence has been produced incorporating this information. Copies can be accessed in the Majority, Minority and Independent Party Offices, the Members' Resource Room and the Scrutiny Section Office. For more information, contact Kate Martyn, Scrutiny Manager, on 020 8545 3857.

b) Gathering the views of Merton Councillors: Questionnaire to all members issued in November and Ideas Board session on 30 November.

c) Attending scrutiny training seminars: the Centre for Public Scrutiny (CfPS) Consensual Scrutiny Environment Seminar on 26 October 2005, the CfPS Community Leadership Seminar on 30 November 2005 and the LB Brent Budget Scrutiny Seminar on 1 December 2005.

d) Gathering the views of senior officers at Merton: Discussions at each Departmental Management Team regarding perceptions and experiences of overview and scrutiny at Merton.

e) External reviews of scrutiny: Drawing from comments about scrutiny in the 2002 Corporate Assessment and the 2005 Improvement and Development Agency (IDeA) Peer Review and scrutiny-specific research from Professor Steve Leach, De Montfort University, and Richard Poxton, IDeA, commissioned by the Overview & Scrutiny Commission to feed into this review.

f) Best practice case studies and guidance literature.

1.5   In addition to the site visits, the task group met nine times during the course of the review to consider this evidence.

1.6   We, the members of the Scrutiny Procedures Review Task Group, would like to thank the members and officers who contributed to this review. This report sets out our findings based on the evidence we received and the information we gathered and identifies a set of recommendations to be put to Council for adoption.

2   The role of overview and scrutiny

2.1   It is widely accepted that developing an effective overview and scrutiny function is one of the most challenging aspects of the new political arrangements introduced by the Local Government Act 2000. Indeed, this is an area in which a number of local authorities are still struggling. Overview and scrutiny's scope was widened further with the Health and Social Care Act 2001, which came into force in January 2003, requiring local authorities with social services responsibilities to assume responsibility for health scrutiny.

2.2   The Office of the Deputy Prime Minister identified four roles for overview and scrutiny:

- Holding the executive to account;
- Policy review and development;
- Best value & performance management; and
- External scrutiny.

2.3   Scrutiny also has a significant role in supporting community leadership and promoting and improving the economic, social and environmental well-being in the Borough.

2.4   Building on the research to date, the Centre for Public Scrutiny (CfPS)[2] has identified four principles of good scrutiny and they are reflected in the general guidance on good scrutiny produced by CfPS. According to the four principles, scrutiny should:

- Provide 'critical friend' challenge to the executive as well as external authorities and agencies
- Reflect the voice and concerns of the public and communities
- Take the lead and own the scrutiny process on behalf of the public
- Make an impact on the delivery of public services

2.5   Prof. Steve Leach's report covered the implications of these various criteria:

a) Scrutiny should be challenging in the way it holds the executive to account;
b) It should contribute to problem-solving and service improvement;
c) It should incorporate a high level of stakeholder and public engagement;
d) It should focus on longer-term strategic issues, in alignment with the council's priorities; and
e) It should investigate, where appropriate, issues of public concern, even where the council is not the lead authority in dealing with them.

In meeting these criteria, overview and scrutiny faces a difficult 'balancing act' between on the one hand 'holding the executive to account' and on the other 'supporting it in its work' – the 'critical friend' dilemma.[3]

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[2] The CfPS was established in 2003 to promote the value of scrutiny in modern and effective government.
[3] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 2.6)

- Holding executive to account
  - Call-in powers
  - Scrutiny of past performance or decisions
  - Performance review (including budget)
  - Policy review (if initiated by scrutiny)

- Supporting the executive in its work
  - Pre-decision scrutiny
  - Budget formulation
  - Policy development or review (if initiated or supported by executive)

- External scrutiny
  - Statutory role in relation to health
  - Issues of public concern in the area
  - Progress of partnership working

FIGURE 1: Role opportunities for overview and scrutiny

Source: *Review of Overview and Scrutiny in the London Borough of Merton*, Professor Steve Leach, De Montfort University, January 2006 (Para 2.7)

2.2 Prof. Leach went on to stress that, in order to deliver the roles identified above, there are five conditions which have to be met:

a) An executive that is responsive to the work of overview and scrutiny;
b) The preparedness of all parties to work together on overview and scrutiny committees;
c) The existence of effective scrutiny support, both in the form of a dedicated unit, and from the senior officer structure as a whole;
d) An effective mode of operation within overview and scrutiny committees, including agendas, venues and ways of working; and
e) A sense of ownership on the part of overview and scrutiny committee members, linked to an understanding of the potential of the function and an appropriate skills-base to carry it out effectively.[4]

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[4] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 2.7)

3   An assessment of overview and scrutiny at Merton

3.1   Merton has made progress since overview and scrutiny was introduced in 1999 and this had been evidenced through external assessment. The 2002 CPA Corporate Governance Inspection Report concluded that "members did not show appropriate challenge and do not always hold officers to account over key priorities"[5], but since then external assessment has seen an improvement with the IDeA Peer Review team noting that "there is positive working across the political groups in delivering scrutiny and the role of scrutiny is growing within the authority."[6] Professor Leach confirmed that he could see that Merton had worked hard to strengthen scrutiny's profile and impact in response to the CPA criticism and responses to the member survey[7] also highlighted the impression that the scrutiny function has developed over time and that lessons have been learnt from both successes and failures.

> "As Members have become more familiar with the role and function of scrutiny it has become more effective"
>
> Source: Member questionnaire (OS9)

3.2   It is clear that there are a number of positive features of the existing scrutiny arrangements. Prof. Leach's report highlighted a number of strengths (see Figure 2 below) and these have been supported by the views gathered from members and officers through our research. Feedback from members suggested that "Councillors are able to get involved in more detail of how the Council operates", that scrutiny has "brought issues to light which needed to be debated outside the political arena and it's tackled them" and that "decision-making has become more transparent."[8]

3.3   However, there is more to be done to make Merton's overview and scrutiny function more effective. As Prof. Leach stressed,

"All these strengths are important and should be maintained or developed in any change programme which is agreed. But many of them are at a relatively early stage of development (e.g. budget formulation, performance monitoring and review, public involvement) and others are more apparent in some panels rather than others (e.g. the capacity for constructive challenge, the use of pre-decision scrutiny) … These strengths should be recognised, but not seen as a cause for complacency. There is much that remains to be done to improve the effectiveness of overview and scrutiny in Merton."[9]

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[5] *London Borough of Merton Corporate Governance Inspection,* Audit Commission, July 2002 (Page 20)
[6] *London Borough of Merton Council Peer Review (4-8 April 2005) Report*, Local Government Improvement Programme, IDeA, August 2005 (Page 17)
[7] Ten surveys were completed and returned (OS9)
[8] Member questionnaire (OS9)
[9] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 3.7)

Strengths of Overview and Scrutiny

❖ There has been a growing recognition of the value of 'task and finish' groups, looking in depth at a particular topic of concern. Some valuable reports have been produced (the report on procurement was much referred to) which have often had a significant influence on policy.
❖ The policy review reports which emerge from the task-and-finish group projects have a distinctive identity and format, which clearly differentiates them from formal reports to cabinet and to the scrutiny commission and panels.
❖ There exist explicit criteria for the selection and prioritisation of in-depth review topics, and efforts are made to scope such exercises in a helpful way.
❖ There is a clear procedure which requires the cabinet to respond to the recommendations of the Policy Reviews carried out by task-and-finish groups.
❖ The principle of an involvement by overview and scrutiny in the formulation of the budget has been accepted and put into operation (unlike many authorities). There remains however an issue about whether the most appropriate means of involvement has been identified.
❖ There is a restrained approach to party politics in the panels (with the occasional exception) and certainly in the task-and-finish groups, which facilitates productive working. This point cannot however be made in relation to the Scrutiny Commission.
❖ There is a dedicated scrutiny support unit, which will hopefully prove stable in staffing terms, with a clear link to the Assistant Chief Executive.
❖ There is a recognition of the important role overview and scrutiny can have in relation to performance monitoring and review, and a task group has been established to carry out this role.
❖ There is an increasing use of 'pre-decision' scrutiny, whereby overview and scrutiny panels can influence cabinet discussion prior to a decision being taken.
❖ There has been an increasing (albeit selective) predisposition to involve the public in scrutiny reviews, most notably in relation to 'youth engagement', and the work of the Health and Community Care Services Panel.
❖ There is a recognition in some panels – notably Health and Community Care Services – of the need for robust challenge of reports and witnesses when appropriate.

FIGURE 2 – Strengths of Overview and Scrutiny

Source: *Review of Overview and Scrutiny in the London Borough of Merton*, Professor Steve Leach, De Montfort University, January 2006 (Para 3.6)

3.4 This was backed up by views from members and officers, who recognised the positive impact scrutiny has had on the council but noted that more could be achieved.

"We've done a few things well and made a right cod of others"
Scrutiny member[10]

"Scrutiny helps the Council manage its business better …[but] there is a potential for greater impact"
Senior officers[11]

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[10] Member questionnaire (OS9)
[11] Feedback from DMT meetings (OS10)

3.5   In terms of performance against the main scrutiny roles identified in section two above, it is fair to say that scrutiny at Merton has made some positive contributions. As Prof. Leach highlighted, "the problem is that it has not carried out any of these roles with clarity of purpose or consistency, and much of the work of the commission and the panels has lacked a sense of priorities and direction."[12]

3.6   Evidence of weakness was identified against each of the principal roles (see paragraphs 3.10 to 3.16 of Prof. Leach's report for full details), but one of the resounding criticisms dealt with the role of the 'critical friend', the concept of providing constructive, robust and purposeful challenge to prompt executive reflection on policy development and decision-making. Prof. Leach concluded, "In practice, overview and scrutiny in Merton is neither particularly critical nor particularly friendly."[13]

3.7   In addition to this, there are some barriers to the effectiveness of the scrutiny function. In addition to the lack of clarity or consistency about the purpose of overview and scrutiny mentioned above, Prof. Leach also identified difficulties around the "complex and unwieldy set of structures, processes and ways of working"[14] and confusion about the relationship between the cabinet and scrutiny. He raised concerns about Merton's "problematic" call-in process, the way in which scrutiny recommendations are reported to cabinet, the lack of a process for monitoring the progress of scrutiny outputs and "little, if any, readiness to respond to public concerns about issues which do not fall within the remit of the council's responsibilities."[15]

3.8   Prof. Leach also echoed the conclusion of the IDeA Peer Review Report, which stressed that "there needs to be a much wider engagement of elected members in council activities and the authority is likely to benefit from greater opportunities being provided to members of all political parties to contribute to the council's business."[16] Expressing concerns about the operation of party politics at Commission meetings – "explicit party politics makes effective scrutiny more difficult" – Prof. Leach suggested that sharing the distribution of positions of responsibility, i.e. chair and vice-chair roles, would enhance the sense of ownership of overview and scrutiny across the political groups.

3.9   Councillors who contributed to the review via the member questionnaire and the Ideas Board[17] also identified a number of weaknesses, ranging from attitudes to scrutiny, to processes in place, to focus and preparation, to support for scrutiny (see Figure 3). Again, feedback from senior officers reinforced some of these issues and identified other issues that concerned them, for example lack of understanding of the role of scrutiny among officers, lack of clarity about how

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[12] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 3.8)
[13] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 3.10)
[14] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 3.9)
[15] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 3.16)
[16] *London Borough of Merton Council Peer Review (4-8 April 2005) Report*, Local Government Improvement Programme, IDeA, August 2005 (Page 17)
[17] Feedback from Ideas Board (OS6)

and when to involve scrutiny members in policy development, unsure about what scrutiny members expect of officers under the new system, etc.[18]

"It is under-resourced, not taken seriously enough by cabinet or senior officers"
"Health scrutiny … does not really have any teeth"
"A greater focus is needed on policy review and performance monitoring"
"We do not have pre-meetings as we did in the old committee system … also cabinet makes the final decision"
"Perhaps [we are] a little too nice… "Failure to do anything about black holes, like Stouthall, HR problems"
"There are still members from both sides who don't understand what it's meant to do"
"[Scrutiny] worries too much about the process and not about the outcome"
"It attempts to do too much, often too quickly and too late"
"The call-in process"

FIGURE 3 – What are the failings of scrutiny at Merton?

Source: Feedback from the member questionnaire regarding scrutiny (OS9)

3.10 In short, the conclusion about how overview and scrutiny is performing at Merton seems to be could do better.

3.11 **Having considered the evidence we have gathered from a wide range of sources, we believe strongly that now is the time – on the eve of a new council cycle and as the next Comprehensive Performance Assessment approaches – for Merton to show commitment and enthusiasm across the organisation to strengthen and develop the scrutiny function so that the council realises the potential benefits that good scrutiny can bring.**

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[18] Feedback from DMT meetings (OS10)

4   Improving overview and scrutiny

Key elements to the success of overview and scrutiny

4.1   Before any progress can be made in establishing an effective scrutiny function, there are three key requirements that must be fulfilled:

a) There must be a common understanding of the role that overview and scrutiny plays within the authority and the wider community;
b) There must be full commitment from Cabinet, non-executive members and officers across the authority to making scrutiny work well in line with this common understanding; and
c) The scrutiny function must be adequately supported.

The need for a common understanding

4.2   The external review of overview and scrutiny concluded that there is a need for clarification of the role of scrutiny[19] and feedback from the member survey also indicated that there is some confusion among members about what their role is and how they can best exercise their scrutiny duties.[20] Furthermore, discussions with senior officers revealed concerns that officers across the authority are not fully aware of how scrutiny operates or their role in overview and scrutiny. The overview and scrutiny function cannot hope to make a positive contribution to the council if people contributing to scrutiny do not understand it.

> "Overview and scrutiny is potentially the most exciting and powerful element of the entire local government modernisation process. It places members at the heart if policy-making and at the heart of the way in which councils respond to the demands of modernisation."
>
> Source: *The Development of Overview and Scrutiny in Local Government*, ODPM, 2002

4.3   The starting point for what scrutiny is – and what it should be – is to recognise that overview and scrutiny is key to good governance.[21] Indeed, overview and scrutiny was born out of the acknowledgement that the modernisation agenda introduced by the Local Government Act 2000 needed checks and balances to counter the fact that decision-making power would be in the hands of a small number of councillors. Overview and scrutiny is therefore an integral part of demonstrating transparency and accountability in the way decisions are taken. Furthermore, overview and scrutiny is essential to the development of the council by providing challenge to decision-making and the status quo and making recommendations for improvements to policy. With this in mind, overview and scrutiny has a clear contribution to make to the 'Journey to Excellence'.

4.4   Linked to this is the issue of independence. Overview and scrutiny must be seen to be independent from the executive in order to challenge and advise the

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[19] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 1)
[20] Member questionnaire (OS9)
[21] *The Good Scrutiny Guide*, Centre for Public Scrutiny

Cabinet on behalf of the people who live, work and visit the borough – in short, to act as an effective 'critical friend'. There are a number of ways of reinforcing the independence of scrutiny, for example looking at the way scrutiny chairs are distributed or how the work programme is developed, and these will be dealt with later in this report. At this stage, when clarifying the expectations of the scrutiny function, a guiding principle must be that scrutiny needs to be seen – across all panels and the Commission – to leave overt party politics outside of the meeting room. Overview and scrutiny needs to focus on basing its challenge on the evidence it gathers, leaving aside the traditional roles associated with the majority/opposition split.

Recommendation 1

Council should recognise that the role of overview and scrutiny is to hold the executive to account, to review & develop policy and to scrutinise the work and impact of external agencies on the local community. Council should declare its commitment to supporting overview and scrutiny to perform this role effectively.

Recommendation 2

Council should recognise the contribution of an effective overview and scrutiny function to the corporate health of the organisation and the need for overview and scrutiny to be independent from the executive.

Buy-in for scrutiny

4.5 An accepted definition and guiding principles are not enough however. Unless supported by a real demonstration of understanding of and commitment to making scrutiny effective from members and officers, put plainly, overview and scrutiny will inevitably fail. For overview and scrutiny to work well – and by extension for the corporate health of the council to flourish – there must be full buy-in from members across the executive/ non-executive and majority/ opposition divides and from officers at all levels of the authority.

> "The Improvement & Development Agency has cited Maidstone as the only council to achieve the 'holy grail' of parity of esteem between executive and scrutiny functions. The *sine qua non* of successful scrutiny is resources. Maidstone has four officers assigned to scrutiny. It also counts on indirect support across the council, and therefore access to information, as the constitution states that staff are equally responsible to scrutiny as to the executive"
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> Source: Varya Shaw, 'Scrutiny should be in the limelight' in *Local Government Chronicle*, 21 February 2003

4.6 In practice this means that scrutiny members are engaged and participate in scrutiny proactively, that executive members develop good relationships with the scrutiny bodies which oversee their work and are responsive to work coming out of scrutiny, that officers are forthcoming with information and advice and that across the board there is a sense of respect and understanding about all aspects of the council's corporate governance arrangements. In essence,

Merton needs to move towards a 'parity of esteem' in the way that the executive and scrutiny are viewed.

Recommendation 3

Council should agree that the status of the executive and the overview and scrutiny function should have a parity of esteem across the organisation.

Support for scrutiny

4.7 The third key requirement for successful overview and scrutiny is supporting the function adequately, in a variety of forms.

4.8 First, scrutiny must have a dedicated team of support staff to undertake research, coordinate project work and manage work programmes for and on behalf of scrutiny members.[22] It is extremely positive that Merton has acknowledged the need for dedicated support for scrutiny by establishing a Scrutiny Support Section, something that was praised by Prof Leach's report and that we commend.

4.9 We stress that the staffing currently provided for this Section – one manager and two scrutiny officers – should be seen as a minimum and we strongly believe that thought must be given to committing more direct officer support to the scrutiny function as it develops in the future. It is important, however, that scrutiny members acknowledge the context in which the council operates, namely with limited resources and a three-year rolling business plan setting out the rationale behind the way that these resources are allocated. With this in mind, increased staffing for scrutiny is not something that will be forthcoming automatically. There will be a need to make a business case that demonstrates the impact scrutiny has had on the authority and how increasing officer support will bring about a 'cost-benefit' to the council, in terms of high quality policy development and increased rigour of the decision-making process, for example. Fundamentally, we think that the potential for additional staff resources will depend on the credibility that scrutiny develops and stress that this rests in the hands of members.

4.10 There is also a need to acknowledge the role of indirect support for scrutiny from officers outside the Scrutiny Support Section. Anecdotally, members have expressed concerns that some officers see work for scrutiny as a low priority, that deadlines are not met or that the information provided does not meet the needs of scrutiny. There are also concerns about scrutiny not being aware of the many policy developments coming through and 'missing things' or only looking at issues when it is 'too late'. Officers have also expressed concerns

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[22] As endorsed by *The Good Scrutiny Guide* from the CfPS, *Developing your council's scrutiny role* from the Joseph Rowntree Foundation/ New Local Government Network, the IDeA and the ODPM among others and as demonstrated by case study authorities such as LB Hounslow, LB Camden and Maidstone Borough Council.

about not knowing what is it that scrutiny members want of them, what information they expect to be provided or when panels should be involved in the development of policy. With this in mind, it is important that responsive and constructive relationships are developed between overview and scrutiny (via the Scrutiny Support Section) and the council's departments.

4.11 Discussions with departments identified a clear desire on the part of officers to build better communication flows with scrutiny. As a way of doing this, Prof. Leach recommended that a system of 'link officers' should be identified in each of the main service divisions across the Council to operate as a support mechanism for scrutiny.[23] Scrutiny and the departments would both benefit from holding regular discussions about timetables for new policies or strategies coming forward so that scrutiny panels could consider whether to include the topics in their work programmes. Both sides would be able to raise and respond to queries and provide advice where necessary. There may also be opportunities for sharing this type of information through the officer policy network that is currently being developed. Chairs and vice-chairs should consider regular meetings with the cabinet members to identify issues coming forward.

Recommendation 4

Council should support the suggestion that overview and scrutiny chairs/ vice chairs should develop regular communication arrangements between overview and scrutiny and a) the council's departments and b) Members of the Executive.

4.12 In addition to this, we identified good practice in the way departments support overview and scrutiny, namely through offering the support of officers to act as key contacts for policy reviews. We believe this good practice should continue and that departments should expand their support by providing briefing meetings for scrutiny officers and/or scrutiny members on specific topics where necessary. This would ensure that scrutiny has access to expert knowledge that ordinarily one could not expect the officers in the Scrutiny Support Section to hold.

4.13 Underpinning all this, it is important that officers across the Council see the Scrutiny Section as acting for, and on behalf of, overview and scrutiny members and that as such their requests are responded to in full and in a timely manner. The Scrutiny Section needs to be accorded the status necessary to ensure that if they demand information from any officer – whether a junior officer or the Chief Executive – the information is provided as requested.[24]

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[23] Prof. Steve Leach's Review of Scrutiny (OS11) (Para. 4.44)
[24] Visit to LB Hounslow (OS4)

4.14 In addition to adequate staffing – both direct and indirect – good practice and guidance shows that scrutiny needs financial support to enable it to fulfil its potential. The scrutiny function does not currently have a dedicated budget and this was commented upon by Prof. Leach. He recommended that scrutiny should have a budget to enable them to draw on expert advice from outside the authority, advertise and promote the work of scrutiny, hold meetings in the community, conduct site visits, pay witness expenses, etc. He recommended that the initial level of scrutiny budget should be £30,000.[25]

4.15 Finally, in terms of support for scrutiny it is imperative that members are provided with opportunities to develop existing skills and acquire new skills that will complement their scrutiny work, for example questioning techniques, budget scrutiny, evidence gathering, chairing skills, health scrutiny, etc. This will require the Council to invest more resources in member development. It is also important that members are able to further their skills and knowledge of developments in the field of overview and scrutiny by participating in conferences, seminars or member scrutiny networks run by bodies such as the Association of London Government and Centre for Public Scrutiny.

Recommendation 5

Council should recognise that it is imperative for overview and scrutiny to be adequately resourced in order to maximise its effectiveness, including that:
- **Overview and scrutiny must have a dedicated direct support unit;**
- **Overview and scrutiny must also be able to draw on the support of officers across the organisation;**
- **Overview and scrutiny must have a dedicated budget of £30,000 to fund scrutiny activities; and**
- **The Council must invest in member development opportunities to support councillors in developing skills necessary for effective scrutiny work.**

Structure and remits

4.16 There are a number of models for scrutiny arrangements, ranging from select committee-style structures (e.g. Maidstone Borough Council, Buckinghamshire County Council) to scrutiny committees with a coordinating body (e.g. LB Hounslow) to a single scrutiny committee with time-limited task and finish groups (e.g. LB Camden). As all the guidance stresses, there is no one model which can be said to be 'the best' and the choice of scrutiny structure for an authority is very much a 'horses for courses' issue. The chosen model must suit the particular authority's circumstances.
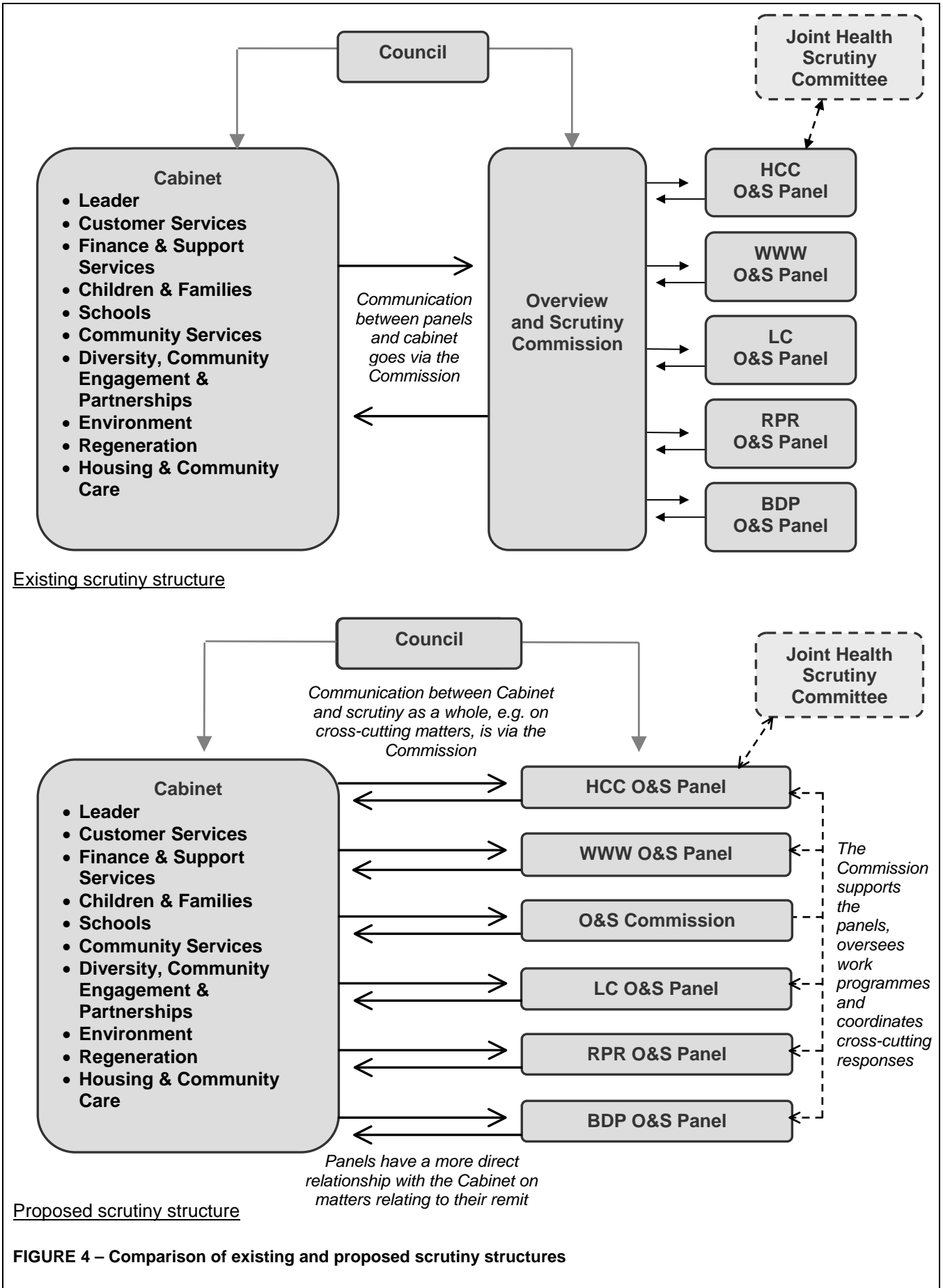
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[25] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 19)

4.17 Merton's current arrangements follow the 'scrutiny committees with a coordinating body' approach (as shown in Figure 4 below) with an overview and scrutiny commission presiding over the overview and scrutiny panels.

4.18 One of these panels – the Borough Development Plan overview and scrutiny panel – is quite distinct from the rest of the scrutiny structure. In practice, this panel does not report to the overview and scrutiny commission, is not supported by the Scrutiny Support Section and does not fulfil the same role as the other panels. Its role is primarily that of an advisory committee, providing challenge to the Local Development Framework documents that are under development. We do acknowledge that this body performs an important function for the Council and, as such, it is vital that it should continue to undertake this work. However, its role is very different from that of the other scrutiny bodies and we would not expect the Borough Development Plan overview and scrutiny panel to get involved in general scrutiny work, for example budget/ Business Plan scrutiny, call-in, performance monitoring, etc. Having taken advice from the Legal Section, we are aware that there is a strong good practice argument for challenging LDF policy through a formal scrutiny structure and as such recommend that this panel be retained. However, it should be seen to be distinct and the recommendations set out in this report apply to the scrutiny commission and the other four scrutiny panels.

4.19 Prof. Steve Leach's summation of the existing structure commented that the establishment of a commission fits in with good practice by having some form of overarching scrutiny body to coordinate scrutiny work and he also concluded that the way that service areas were distributed across the four scrutiny panels was logical. With this in mind, and having reviewed other models of scrutiny, we endorse Prof. Leach's suggestion that there is no need to radically amend the structure at Merton.

4.20 However, we believe that there is a need to assess how scrutiny roles are shared across the structure. Constitutionally the commission holds all the 'power' relating to scrutiny: determining the work programme of the panels and signing off panel review reports before they are sent to cabinet. Prof. Leach noted that that "the structure is top heavy"[26] and that there is a need to realign responsibilities in order to maximise the effectiveness of the panels and to learn from good practice. There are a number of other issues that have been raised about the current arrangements that also need to be addressed:

a) Prof Leach concluded, "The role and purpose of the commission are unclear, even to some of those who are members of it" and that "the extent of [the commission's] powers over the overview and scrutiny panels are much greater than those enjoyed by similar 'overarching' scrutiny arrangements in other authorities, and could be regarded as unnecessarily excessive."[27]

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[26] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 4.11)
[27] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 3.18)

Existing scrutiny structure

Council

Cabinet
- **Leader**
- **Customer Services**
- **Finance & Support Services**
- **Children & Families**
- **Schools**
- **Community Services**
- **Diversity, Community Engagement & Partnerships**
- **Environment**
- **Regeneration**
- **Housing & Community Care**

Communication between panels and cabinet goes via the Commission

Overview and Scrutiny Commission

HCC O&S Panel

WWW O&S Panel

LC O&S Panel

RPR O&S Panel

BDP O&S Panel

Joint Health Scrutiny Committee

Proposed scrutiny structure

Council

Communication between Cabinet and scrutiny as a whole, e.g. on cross-cutting matters, is via the Commission

Cabinet
- **Leader**
- **Customer Services**
- **Finance & Support Services**
- **Children & Families**
- **Schools**
- **Community Services**
- **Diversity, Community Engagement & Partnerships**
- **Environment**
- **Regeneration**
- **Housing & Community Care**

HCC O&S Panel

WWW O&S Panel

O&S Commission

LC O&S Panel

RPR O&S Panel

BDP O&S Panel

Joint Health Scrutiny Committee

The Commission supports the panels, oversees work programmes and coordinates cross-cutting responses

Panels have a more direct relationship with the Cabinet on matters relating to their remit

FIGURE 4 – Comparison of existing and proposed scrutiny structures

b) This has been echoed by questions about the way that scrutiny review reports are finalised. Queries have been raised about appropriateness of commission members – the majority of whom would not have been on the review task group nor involved in the consideration of the evidence gathered – 'signing off' and potentially amending the conclusions of the members who undertook the review.

c) Furthermore, as the commission is responsible to agreeing the panels' work programmes, technically the panels are not supposed to take on any additional scrutiny work without the approval of the commission. There have been examples of where panels have undertaken work without 'permission' however and this has caused a strain between the commission and the panels as the commission sees the panels operating outside of their remit.

d) In addition to this, in the early days of scrutiny at Merton there were examples of scrutiny reviews significantly overrunning the expected timescale and there was a feeling that the commission needed to put in place tighter controls to ensure that panels kept to agreed timetables. As the scrutiny role has developed over time and both members and officers have a better understanding of how to run and manage successful reviews, members have queried whether such a tight grip is now necessary.

e) The commission is responsible for considering call-ins and quarterly performance monitoring data, not the panels. It has been suggested that this causes a disjointed approach to considering this information, as it does not allow the expertise held within the panels to be applied to the scrutiny of such issues.

f) As mentioned above, Prof. Leach concluded that the way that service areas were distributed across the four scrutiny panels was logical. However, he did raise concerns about some of the panel names, stressing that they are unusual and potentially confusing, particularly 'The Way We Work' and 'Regeneration & the Public Realm' panels, and recommended that they be renamed to make them more accessible to members, officers and, in particular, members of the public.[28]

4.21 So what does this mean for the way we structure scrutiny at Merton? Rather than a hierarchical structure with an overview and scrutiny commission sitting above the scrutiny panels, we recommend that the commission should become a first among equals with the panels (see Figure 4 above).

4.22 The overview and scrutiny commission will be the main contact for council-wide, cross-cutting issues, for example the Business Plan or budget, but the panels will take on a more direct relationship with Cabinet when dealing with issues specific to their remit. Where matters span the remits of more than one panel, those panels will be able to work together by holding joint meetings or running joint reviews. This has worked well in the past, for example the recent joint Health and Community Care/ Way We Work scrutiny meeting to discuss the SEN transport overspend.

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[28] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 4.10)

4.23 The commission will retain a coordinating role and will receive regular update reports on how the panels are progressing with their work programmes, allowing the commission to pick up on any cross-cutting issues, give advice and identify good practice to share across the panels.

4.24 The commission will have the right to make suggestions to the panels that they conduct a piece of work on a given topic, but the panels will not be required to undertake it if they had prioritised another project as more important. Equally, review reports completed by the panels will not have to be submitted to the commission for approval, but will be sent straight to cabinet, copied to the commission for information.

4.25 The role of the panels will change significantly as they, not the commission, will become responsible for determining and managing their own work programmes. This means that when agreeing the topic and scope for a scrutiny review it will be the panel that takes the decision. As mentioned above, the panel may receive suggestions for review topics from the commission, but it will be for the panels to consider these and other suggestions they receive and then prioritise the topics which are most worthy of review according to agreed criteria (see Figure 5).

- Contributes to corporate objectives/community plan
- Significant issue in terms of effect on local people
- Does not replicate work already carried out
- Is specific in aim
- Carries an opportunity for improved performance
- Can achieve tangible results
- Can engage the public
- Balanced in terms of departments involved & client groups

FIGURE 5: Existing scrutiny review assessment criteria

4.26 On specific issues relating to the panel's remit, the preferred communication route shall be directly between cabinet and the panel, although if the panel or cabinet wishes to direct the communication via the commission, it would not be prevented from doing so. This will cut out the unnecessary bureaucracy associated with sending reports via the commission when little value is added in doing so.

4.27 The responsibilities of the panels also should be realigned in order to maximise the expertise of the panel membership by drawing together all work streams relating to their remits. This means that all performance monitoring, pre-decision scrutiny, policy review and call-in work relating to a panel's remit will be dealt with by the panel, not the commission. The advantage of this is that the expertise and knowledge a panel gains through, say, a policy review can be applied when considering a call-in of a decision on a similar area. Equally, scrutiny of performance data may lead a panel to undertake a policy review of a poor performing service area or be used as evidence when challenging the appropriateness of business plan targets.[29]

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[29] Details of processes for call-in and performance monitoring are set out in paragraphs 4.107-4.113 and 4.114-4.116 respectively.

Responsibilities of the overview and scrutiny commission:
- Co-ordination of the annual input of the overview and scrutiny panels to LB of Merton's business plan and budget formulation processes;
- The power to identify issues for in-depth study by the commission and to set up task-and-finish groups for cross-cutting and/or strategic issues which fall outside the remit of a single panel (or which the panel does not regard as a priority);
- To put forward suggestions for review topics to the scrutiny panels for consideration when panels set their work programmes;
- Call-in of decisions that are cross-cutting in nature or that have been subject to pre-decision scrutiny by a Panel;
- To keep under review the effectiveness of the overview and scrutiny function and to recommend where appropriate changes in structures, processes or ways of working; and
- To act as a co-ordination mechanism with the cabinet, to facilitate overview and scrutiny's contribution to Merton's strategic priorities.

Responsibilities of overview and scrutiny panels:
- Pre-decision scrutiny (on a selective basis) within their remit;
- Performance monitoring and review (on a selective basis) within their remit;
- Call-in of decisions which fall within their remit and that have not been subject to pre-decision scrutiny;
- Review of the borough's draft business plan and budget, within a framework set by the Scrutiny Commission; and
- To identify and carry out selectively, through task-and-finish groups, in-depth policy development or review projects, using agreed criteria, and within the framework of an overall programme of such projects.

FIGURE 6 – Proposed responsibilities for the overview and scrutiny commission & panels

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4.28 As mentioned above, generally speaking the responsibility for hearing call-ins will be transferred to the panels. However, we believe that there are some circumstances where it would not be appropriate for the panels to hear a call-in, for example if a panel were to carry out pre-decision scrutiny of a decision and then meet to hear a call-in of the same decision. In such a situation, we feel that the panel's consideration of the call-in may be seen to be compromised by its earlier involvement in pre-decision scrutiny of the same matter. With this in mind, we recommend that panels hear call-ins of decisions that have not been subject to pre-decision scrutiny. The commission will hear call-ins of cross-cutting decisions and any decisions that have been subject to pre-decision scrutiny by a panel.

4.29 These changes will mean that the role of the commission will develop from a body which is controlling and adds an unnecessary layer of bureaucracy to the scrutiny function, to a body that is able to genuinely coordinate and facilitate scrutiny work. By transferring responsibility for performance monitoring to the panels, the commission will be free to focus on cross-cutting matters and take an overview of the strategic development of the council.

4.30 With regard to Prof. Leach's recommendation to rename the overview and scrutiny panels, we agree that every effort should be made to ensure that overview and scrutiny is accessible to the public. However, we have concluded that the existing panel names give a reasonably clear explanation of the areas covered by each panel. It is true that the panel names could be changed to reflect the various topics that each panel covers, but we fear that this would

result in panel names becoming quite a mouthful. Furthermore, other, more concise panel names may be equally confusing or inaccessible. With this in mind, we do not recommend that the current panel names be changed.

4.31 However, as a means of trying to provide clearer information about scrutiny for members of the public, members and officers and to make the panel remits more accessible to members and officers, we recommend that promotional and reference material contains more detailed explanations of the topic areas each panel oversees.

Recommendation 6

Council should endorse the findings in relation to the structure of the overview and scrutiny function:

- **That the overall structure of overview and scrutiny panels with an overview and scrutiny commission as a coordinating body be retained;**
- **That the distribution of responsibility for overseeing service areas/themes among the overview and scrutiny panels remain unchanged;**
- **That the division of responsibilities between the Overview and Scrutiny Commission and the Overview and Scrutiny Panels changes so that the Commission takes on a coordinating role to support the overview and scrutiny panels and to be responsible for overarching, strategic scrutiny work and hearing call-ins of decisions that are cross-cutting or that have been subject to pre-decision scrutiny, whilst the Panels take responsibility for all performance monitoring, pre-decision scrutiny, policy review and call-in work relating to a panel's remit.**

Health scrutiny

The role of scrutiny in health

4.32 Scrutiny of 'health' can be approached from two perspectives:

a) A strategic approach assessing health in its broadest sense, for example through investigating the impact on the health of local people of a given policy; or
b) A focussed examination of the provision of services to respond to the health needs of the local population (usually the National Health Service would provide these services).

4.33 The Council's role in the first of these areas was established by the Local Government Act 2000, which conferred on local authorities the 'power of well-being'. This allows them to do anything to promote the economic, social and environmental well-being of local communities and encourages overview and scrutiny – and indeed the whole authority – to take a wider view of issues affecting the Borough and to be innovative in the way that it responds to such issues. All of Merton's overview and scrutiny bodies therefore have a

responsibility to consider the wider implications of the policies it scrutinises. In particular, care must be taken to ensure that the issue of 'health', given its cross-cutting nature, is not compartmentalised. To a greater or lesser extent, everything the council, partners and other organisations do will have an impact on health. With this in mind, all overview and scrutiny bodies should consider the impact on health of the issues they scrutinise.

4.34 The Health and Social Care Act 2001 introduced a specific role for overview and scrutiny in challenging and influencing the development of local health services. The Act requires local authorities with social services responsibilities to have an overview and scrutiny body that can respond to consultations by local NHS bodies on substantial variations or developments of health services and can carry out scrutiny of broader health issues. The scrutiny body is able to consider issues affecting the health of local people (the overview role) and to call the NHS to account on behalf of the local communities (the scrutiny role). The key aims of health scrutiny are to ensure that a) Health services reflect the views and aspirations of local communities, b) all sections of local communities have equal access to services and c) all sections of local communities have an equal chance of a successful outcome from services.[30]

Health scrutiny structures at Merton

4.35 When health scrutiny was introduced in January 2003 the overview and scrutiny commission was responsible for carrying out this work. In addition to the ordinary meetings, the commission would meet separately as the health overview and scrutiny commission. In May 2004, a Health and Community Care scrutiny panel was established to take over this work.

4.36 In terms of responding to consultations on substantial variations, Merton has contributed to two major NHS service development projects through joint health scrutiny committees with other local authorities as the proposals affected more than one borough:

a) The Better Healthcare, Closer to Home joint health scrutiny committee involved Sutton, Wandsworth, Merton, Croydon, Richmond, Kingston and Surrey. In response to particular local concerns about the siting of the critical care hospital included in the proposals, the Commission referred the matter to the Secretary of State in March 2005 who responded in December supporting Merton's concerns. This issue has yet to be concluded and work on the other elements of this review continues.

b) Between May and September 2005, representatives from Merton, Sutton, Wandsworth, Croydon, Richmond and Kingston undertook a joint health scrutiny of review of plans for Specialist Mental Health Services.

4.37 Merton has also taken up the power of overview and scrutiny of broader health issues, through scrutiny reviews of school absenteeism for health reasons and transitions[31] and shorter-term work and one-off scrutiny items (An example of the breadth of this work is given in Figure 7 below).

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[30] *Substantial variations of health services: a guide*, Centre for Public Scrutiny, December 2005
[31] This latter review was a joint review with the Life Chances scrutiny panel.

- Mental Health Strategy updates
- St George's NHS Trust Financial Recovery Plan
- Independence, Well-Being and Choice Green Paper – scrutiny response
- Merton's Community Plan
- GP Data Systems
- Continuing Care Update
- Commissioning A Patient Led NHS – update
- Director of Public Health – Health Inequalities Report
- Joint Housing/Learning Disabilities: Re-development of Haslemere Avenue
- Scrutiny arrangements for health trust annual health checks
- National Service Framework for Long Term Conditions – progress
- Our Health, Our Care, Our Say White Paper - implications
- Merton Council Budget 2006/7 and Business Plan 2006/9

FIGURE 7 – Example of health scrutiny issues examined by the Health and Community Care Overview and Scrutiny Panel in 2005-06

4.38 In addition to this, over the last six months the Health and Community Care scrutiny panel has run a consultation to gather evidence to feed into the local Primary Care Trusts' Annual Healthchecks. Furthermore, following a successful bid to the Centre for Public Scrutiny, Merton was awarded £20,000 to carry out an Action Learning Project on a theme linked to the Choosing Health agenda. This review is due to end by September 2006.

An assessment of health scrutiny to date

4.39 Recent external reviews of scrutiny at Merton have commented favourably on the way health scrutiny has been carried out at Merton. Prof. Leach concluded,

"The Health and Community Care Services panel has developed a proactive role in scrutinising health issues which have a direct bearing on the welfare of the local population, or of particular groups within it (including the proposed location of the critical care hospital in Sutton rather than St Helier)."[32]

In addition to this, the IDeA Peer Review highlighted some of the work around health scrutiny reflecting good practice, giving the scrutiny review of the location of the critical care unit as an example.[33]

4.40 Richard Poxton was recently commissioned to review health scrutiny at Merton as part of a free health scrutiny support package offered to the Council by the Centre for Public Scrutiny.[34] His investigation found,

"On balance there was a positive and supportive approach to the work going on in the borough. It was acknowledged that these are still relatively early days and that everybody was finding their way to some extent. Inevitably aspirations had

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[32] Prof. Steve Leach's Review of Scrutiny (OS11) Paragraph 3.16
[33] *London Borough of Merton Council Peer Review (4-8 April 2005) Report*, Local Government Improvement Programme, IDeA, August 2005 (Paragraph 52)
[34] Richard Poxton's Interim Review of Health Scrutiny (OS15)

to be tempered by resources available to take the work forward – this has already been noted as a major national issue."[35]

- OSC has been effective at gathering information – getting reports from the local NHS agencies and giving views
- Overall the approach being taken at meetings and elsewhere seems positive – engaging and informative: effective challenges have been made but without being aggressive
- The successful joint project bid (with the PCT) was seen as an encouraging development
- Good personal links have developed – this helps to develop a "no surprises" culture
- There have been some good discussions of issues perhaps especially in the area of mental health
- There has been some good mutual awareness raising – issues and processes

FIGURE 8: Strengths of health scrutiny

Source: Richard Poxton's Interim Review of Health Scrutiny

4.41 His interim findings concluded that work to date on health scrutiny has established a good foundation for future developments (see Figure 8 above). In addition to this, Steve Leach gave the Health and Community Care Services Scrutiny Panel as an example of good practice in light of the panel's recognition of the "need for robust challenge of reports and witnesses when appropriate.[36]

4.42 Mr. Poxton's review also identified a "shared commitment to move forward" on health scrutiny and highlighted a number of areas where there are particular issues to address:[37]

a) Greater clarity at meetings about how items are being addressed and who has which roles;
b) A shared understanding of respective roles in the NHS locally and how the Council itself can promote health and well-being;
c) A lack of a systematic approach to work planning that covers the year and looks further ahead, and that prevents items from "drifting" into the future;
d) It is not clear what happens to items and views after consideration by the scrutiny panel, difficult to keep track of discussions and decisions;
e) A lack of engagement with the wider local community;
f) There is a relatively low profile for health scrutiny; and
g) It is not clear how the role of the Joint Health Scrutiny Committee relates to the Council's own health scrutiny panel.

Roles and responsibilities

4.43 Richard Poxton found that there is goodwill towards the health scrutiny function from the local NHS agencies and that good working relationships have been established between local NHS partners and the leading health scrutiny councillors and officers. Indeed, local health trusts are now beginning to see the value that health scrutiny can add to improving health of local people. Mr.

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[35] Richard Poxton's Interim Review of Health Scrutiny (OS15) (Paragraph 16)
[36] Prof. Steve Leach's Review of Scrutiny (OS11) Paragraph 3.6
[37] Whilst some of the issues clearly relate just to health scrutiny, other are broader issues apply to all overview and scrutiny panels/ commission and are therefore covered elsewhere in this report.

Poxton highlighted a need, however, to ensure that both scrutiny and NHS colleagues are clear about the roles and responsibilities they have in health scrutiny.

4.44 There are a number of ways this can be addressed:

a) Good working relationships between the health scrutiny chair/vice chair and lead NHS officers, with regular meetings to update each other on key developments and possible developments for the work programme.

b) Working relationships should also be developed with the relevant Public and Patient Involvement Forum (PPIF) support officers to develop consistent ways of working beneficial to all parties. This will also reduce the risk of duplication of work by scrutiny and PPIF and could also identify opportunities for joint working.

c) The chair of health scrutiny providing direction at meetings to ensure that all involved are clear about how issues are to be addressed, what action should be taken in response to the issues considered and who will carry out this work.

d) Guidance and development opportunities available for members and partners about the distribution of roles and responsibilities and good practice working methods.

4.45 A specific issue was raised about the role of the Joint Health Scrutiny Committee and how this body relates to the Council's own health scrutiny panel. Clearly, there is a need for developments in each forum to feed into the work of the other where appropriate. This is facilitated by the fact that the Merton councillors that sit on the Joint Health Scrutiny Committee also sit on the Health and Community Care Scrutiny Panel.

4.46 Part of this work will involve assessing and responding to the member training and development needs of health scrutiny members. The introduction of health scrutiny has proved difficult for a number of councils, with a major factor being the complexity of the structures and working practices of the NHS. As councillors generally speaking are not experts in the field, there is a clear knowledge gap that needs to be addressed. When health scrutiny was first introduced, members received training from the Local Government Information Unit and since then the Democratic Health Network has provided additional training. Some councillors have also taken up opportunities to attend conferences, seminars or training events related to health scrutiny.

4.47 After three years of health scrutiny, members have developed a better understanding of the subject area. However, as we approach the local elections in May 2006 we must anticipate the needs of newly elected councillors and re-elected members who have not served on health scrutiny in the past. There will undoubtedly also be a need for refresher training. The Member Development Plan must include training opportunities to meet the needs of health scrutiny members, something highlighted by Richard Poxton's work.

Work programming

4.48 With regard to planning the health scrutiny work programme, Mr. Poxton highlighted the need for a systematic approach that covers the municipal year in question and looks further ahead. He concluded that the present arrangements appear to be rather piecemeal and dependent on the good professional relationships that have been built up between scrutiny and NHS partners. In his view, the present approach to health scrutiny appears to be more reactionary than assertive, with scrutiny mainly responding to issues from the local NHS agencies. In addition to this, the report

> - There is some awareness of the potential for health scrutiny as a tool for addressing health needs and inequalities in the borough as well as scrutinising health services.
> - There are examples of useful awareness raising and specific scrutiny pieces of work that have given a general confidence in moving ahead.
> - The 'holding to account' function has received some prominence to date and this has generally been well received by the local NHS agencies.
>
> Source: Richard Poxton's Interim Review of Health Scrutiny (OS15)

suggested that issues around the Better Healthcare, Closer to Home review, whilst clearly an important local issue that has demonstrated how scrutiny can make a difference, had dominated the health scrutiny agenda to the exclusion of other major items.

4.49 Richard Poxton suggested that the limited scrutiny of strategic, high-level issues might be the result of "a slight lack of confidence on the part of those involved in the function, perhaps based upon the need for greater awareness of local health issues and processes."[38] He suggested that a specific collaborative approach with the PCT may usefully help determine the approaches and priorities by which health scrutiny can best impact on health services and health needs in the borough for the benefit of local residents, which is based upon a sustainable partnership approach rather than issue by issue. Indeed, early discussions with the PCT would help to avoid duplication of work. Clearly, however these discussions would not preclude scrutiny from investigating issues that were not seen to be a priority to the local NHS.

4.50 In order to expand this element, the following examples of issues that health scrutiny members might wish to look into further were given:

a) Public Health – generally, as well to certain specific issues (including health inequalities) to be considered together across the Council and NHS. This could involve a social inclusion, cross-cutting approach to Healthier Communities, including neighbourhood planning arrangements, improving the mental well-being of local residents and the different agency responsibilities;

b) Looking at the gaps in local health services, especially those for older people and other at risk groups including those from BME communities;

c) Reviewing how local hospitals impact on the lives of local people and how they work for Merton residents – access, style, comfort, etc;

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[38] Richard Poxton's Interim Review of Health Scrutiny (OS15) (Paragraph 28)

d) Taking a more considered look at the PCT Business Plan (for example, how could health scrutiny assist with meeting the national targets), the Council's Community Plan for broader public health issues and the Public Health Action Plan; and

e) Supporting the development of the collaborative agenda across the local NHS, the whole of the Local Authority and the Voluntary Sector.

4.51 The external review also suggested that a protocol/guidance should be developed to outline how health scrutiny should operate, for example with regard to the work programme, prioritisation of issues, sharing of information including planning proposals.

4.52 In addition to this, Richard Poxton's report recommended that it might be useful to work with partners to develop a shared understanding of what constitutes a Substantial Variation or Development (SVD). The definition of a SVD has been subject to a great deal of discussion nationally and guidance recommends this sort of approach to ensure that all concerned are working to a common definition. As Mr. Poxton highlights, such a piece of work should be approached carefully and so far as is possible should be consistent with the approach of neighbouring boroughs in order to retain the goodwill of the NHS agencies.

Additional issues raised by the external review

4.53 The review of health scrutiny also recommended that greater efforts should be made to raise the profile of health scrutiny to both highlight outcomes and to engage with the wider local community.

4.54 Concerns were raised during the external review about health scrutiny outcomes, with the suggestion that it is not clear what happens to proposals and scrutiny comments. Whilst there is a need for the NHS body concerned to provide feedback to scrutiny, scrutiny should be proactive in seeking a response. The monitoring arrangements set out in this report should also be considered to facilitate this.[39]

4.55 In addition to the more generic community engagement tools identified later in this report,[40] health scrutiny meetings could be held in community venues including, where appropriate, at NHS sites. Health scrutiny members might also wish to attend meetings of NHS decision-making bodies in order to keep up to date with new developments and/ or 'make their faces known'. Richard Poxton also suggested that there is scope for greater clarity in the format of health scrutiny meetings to make them more accessible. Again, this is covered in more depth later in this report.[41]

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[39] See paragraphs 4.124 – 4.128
[40] See paragraphs 4.131 – 4.133
[41] See paragraphs 4.142 – 4.143

Recommendation 7

Council should support the principle that health scrutiny structures and processes should include:
- **Good working relationships between the health scrutiny chair/ vice chair and partners in health (including NHS officers and Public and Patient Involvement Forum support officers);**
- **Working arrangements that facilitate effective scrutiny and are developed to meet the needs of all involved;**
- **Guidance and developments opportunities available for members and partners about the distribution of roles and responsibilities and good practice working methods; and**
- **A protocol to outline how health scrutiny should operate and the distribution of responsibilities among lead organisations, for example with regard to the work programme, prioritisation of issues, sharing of information including planning proposals.**

Strengthening key scrutiny roles

4.56 During the course of our research it became apparent that there is a need to strengthen some basic arrangements to add rigour and consistency to the way the overview and scrutiny function is exercised.

Controlling the agenda

4.57 Our research highlighted examples of officers treating scrutiny like the old committee arrangements, i.e. that each piece of work they do needs to be considered by a group of members. Reports seem to be sent to scrutiny automatically with no clear explanation of why scrutiny needs to look at the report or what value the session would add. There were also numerous instances of items 'appearing' on scrutiny agendas about which the chair of the panel and the scrutiny officers knew nothing. Furthermore, officers recalled appearing before scrutiny to speak to an item the members had asked for, only to be asked why the officer had brought the item to the panel; members had clearly forgotten the officer was responding to their request.[42] These examples do not suggest that scrutiny members have control of their agendas.

4.58 Scrutiny must be member-led. With this in mind, a basic rule needs to be put in place that the chair/vice-chair or another member of the panel must give approval before an item is included on the agenda. Officers should not be permitted to put an item on an agenda without consulting the Scrutiny Support Section and the chair and/or vice-chair of the panel. It will then be for the chair and/or vice-chair – along with the wider panel membership where appropriate – to consider whether to include the item in their work programme. To support this, there needs to be a greater emphasis on close working between the chair and vice-chair to ensure that they are aware of the timing and subject matter of decisions coming up throughout the year and can plan accordingly. As

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[42] Member questionnaire (OS9) and feedback from DMT meetings (OS10)

mentioned above[43], new arrangements with link officers in departments will ensure better communication of issues that should register on scrutiny's radar so that planning can reflect the need (or not) for scrutiny involvement.

Recommendation 8

Council should support the establishment of a requirement for the chair/vice-chair to be consulted on potential scrutiny agenda items before the agenda is published.

4.59 In addition to this, as recent examples of meetings overrunning and large items such as the budget having to be considered in fifteen minutes have shown, there is a need for work programmes to be developed in such a way that allows enough time to do justice to all of the items on each agenda. In practice, this will mean being more selective in deciding which issues to scrutinise. As Prof. Leach stressed in his report, agenda items should have the potential for 'added value' and generally speaking it is not appropriate for scrutiny to just receive 'for information' reports.[44] There are clearly more effective ways of sharing this and other information than by sending it to a panel meeting, for example workshops for getting across technical information/contextual issues driving policy making such as budget constraints, changes to national legislation, etc.[45] The aim is to have agendas that are realistically compiled, taking into account the time needed to scrutinise each item, the time available and what the session is intended to achieve. Based on experience to date, there should be fewer items on agendas than there are now, perhaps focussing on one main piece of scrutiny for each meeting agenda.

> *"[Scrutiny] attempts to do too much, often too quickly and too late"*
>
> Source: Member questionnaire (OS9)

4.60 Linked to this is the issue of how often the commission and panels should meet. Under the current arrangements, each panel has four ordinary meetings and two meetings dedicated to budget-setting – six in total. The commission has six ordinary meetings (each with a corresponding 'call-in meeting') and one meeting for budget-setting scrutiny – seven in total. As the paragraph above suggested, the current number of meetings scheduled for scrutiny does not provide members with enough time to consider all of the issues they want/ need to scrutinise. Whilst being more selective about the items included on the commission/ panel agendas will have a significant effect on time management for these meetings, we believe that the commission and each panel should have more ordinary meetings.

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[43] See paragraph 4.11
[44] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 11)
[45] As underlined by Prof. Steve Leach's Review of Scrutiny (OS11) and feedback from DMT meetings (OS10)

4.61 We therefore recommend that the 2006-07 Calendar of Meetings should incorporate the following:

    a) The panels have five ordinary meetings and one meeting dedicated to budget-setting; and

    b) The commission has seven ordinary meetings (each with a corresponding 'call-in meeting') and one meeting for budget-setting scrutiny (eight in total).

A draft 2006-07 Calendar of Meetings has already been drawn up by Democratic Services and was approved by Council on 22 February 2006. The recommendation relating to the commission meetings has already been reflected in the scheduling. Additional dates will need to be found for one meeting of each panel. It is recommended that these meetings are planned for February as the January meetings will be taken up with scrutiny of the Business Plan and budget-setting and this will allow panels to avoid a long period between December and April where no ordinary business would be considered.

Recommendation 9

Council should endorse the recommendation regarding the frequency of scrutiny commission and panel meetings and instruct officers to reflect these changes in a revised Calendar of Meetings 2006-07 to be presented at the Annual Council Meeting in May 2006.

Developing the work programme

4.62 As mentioned above, when developing the work programme for the year members should be selective and seek to undertake work that will add value and where scrutiny can have an impact. It is also good practice to cast the net as wide as possible when thinking about possible review topics.

4.63 With this in mind, panels should seek suggestions from a number of sources: not only from members of the panel but also other non-executive members, the commission, the executive, officers, local community/ voluntary sector groups and local residents. Other information sources can be used to identify possible review topics, for example performance data, feedback from consultation exercises like the Annual Residents Survey, inspection reports, etc.

"Government guidance suggests that scrutiny committees should examine cross-cutting issues 'rather than a narrow service-based view of the conduct of the local authority's business' (Local Government Act 2000). The aim behind this recommendation is that scrutiny committees' choice of subjects should be related to the public's experience of council services, not solely on authority directorates or cabinet members' portfolios. This encourages a more pro-active approach."

Source: *The Development of Scrutiny in the UK: A review of procedures and practice*, Lucinda Maer and Mark Sandford

> Maidstone Borough Council's scrutiny members ran a review of the noise, health and environmental impact two major motorways, the M2 and M20, which bisect the borough – an issue of great concern to thousands of people who live close to the roads. Despite the borough council having no power over the Highways Agency, which is responsible for the motorways, the review resulted in the resurfacing of the roads being brought forward and agreement that the new surface would be a 'low noise' material. The inquiry also prompted a huge amount of publicity for the problem, holding the Highways Agency accountable for their decisions. Feedback from members of the public was overwhelming, with over eighty people contributing to the review and a positive view that the council was doing its best to help residents on this issue.
>
> **FIGURE 9 – Case study of scrutiny of external bodies**

4.64 Furthermore, panels should not shy away from carrying out scrutiny of issues that are of local public concern, whether or not they are the primary responsibility of the council. Indeed, the Local Government Act 2000 gave local authorities the power to do anything to promote the economic, social and environmental well-being of local communities. This may mean developing scrutiny arrangements for the Local Strategic Partnership (LSP) or carrying out scrutiny of the local Police, Fire Brigade or Environment Agency for example.

4.65 Based on the topics put forward, panels should then evaluate the potential scope for each of the suggestions and prioritise the topics according to the benefits each review could bring about. The scrutiny panel will then be able to identify how it should use its limited time.

4.66 Having said that, scrutiny work programmes should include a certain degree of flexibility to enable panels/ commission to carry out quick reviews on issues of concern that may arise suddenly, for example declining performance of a service.[46]

> "Workload planning should be coordinated with a clear link to corporate processes, dovetailing the work of scrutiny with policy development and decision-making cycles to maximise influence."
>
> Source: *The Good Scrutiny Guide*, CfPS

4.67 Timescales for wider corporate developments or policy development cycles must also be taken into account when developing the work programme. As discussed above, it is important to be aware of issues coming up so that they can be planned for. This is also helpful to avoid duplication of work and to ensure that scrutiny work is concluded at a time where it can have the most impact. For example, thought should be given to presenting recommendations that are likely to have significant resource implications prior to the determination of the next budget round so that they can be built into the budget setting process.

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[46] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 14)

> ### Recommendation 10
>
> **Council should endorse the principle that overview and scrutiny needs to be selective in identifying the areas it wishes to scrutinise in order to carry out the task properly and should therefore focus on issues where can it add value.**

Undertaking scrutiny reviews

4.68 Overall, our research showed that the task group model of carrying out scrutiny reviews is seen to be effective due to its flexibility in terms of meeting times/venues, site visits and allowing members to get deeply involved in the issues they are reviewing. Whilst some concerns were raised about task groups in the past overrunning agreed timescales for reviews, the consensus is that scrutiny has developed favourably in response to the steep learning curve the new decision-making arrangements created and that task groups now demonstrate good practice in the ways they carry out reviews.

4.69 We believe strongly that the composition of task and finish groups should be on the basis of members' own particular interests and that all non-executive members should be eligible to serve on task and finish groups. In order to maximise the expertise and breadth of opinion within the task group it is also important that all task and finish groups consider the possibility of co-opting representatives of external organisations who are in a position to add value to the work of the group.

> ### Recommendation 11
>
> **Council should support the 'task and finish' group model of carrying out scrutiny reviews.**

Information presented to scrutiny

4.70 Over the course of gathering our evidence, it became very clear that there is significant concern about the information presented to scrutiny panel and commission meetings. A selection of the feedback we got from members is set out in Figure 10 below. Prof. Leach highlighted a recent example of the frustration on the part of members:

"At one of the panel meetings I attended, when the chair in introducing an item remarked 'I assume everyone has read this report' (which was over 100 pages long), the response of one committee member was 'no, I don't have the time to read reports like this; what I need is a 3 page summary which identifies the key points we need to consider'. That view is a valid and understandable one, which was echoed in several of the focus groups by comments from members who

clearly felt similarly frustrated by the weight of paper that dropped through their letter boxes prior to panel meetings."[47]

> *"Officer reports [are] highly professional. However, maybe formatting of reports to facilitate discussion may be helpful"*
> *"Sometimes we are bombarded with excessive amounts of paper"*
> *"Long, tedious reports and agendas [are barriers to effective scrutiny]"*
> *"All reports to scrutiny need to be written in easy language and maths and must be short"*
>
> **FIGURE 10: Member views about information presented to scrutiny**
>
> Source: Member Survey (OS9)

4.71 Conversely, during the recent round of meetings to scrutinise budget setting members expressed concerns that they were not being provided with enough information or the right information.

4.72 Clearly, it is inevitable that there will be circumstances where it will be necessary to include long reports on agendas or send out detailed background information packs. The key question underpinning the concerns expressed above is:

How do we make sure that scrutiny panels and the commission are given the information they need, in a user-friendly format, that will allow effective scrutiny of that information?

The answer is by improving communication between scrutiny members and officers.

4.73 The feedback from senior officers identified their concern that it is not always clear what information scrutiny members want officers to provide, that they get mixed messages and sometimes vague requests from panels.[48] The system of link officers outlined above in paragraph 4.11 will enable better communication with officers, but it must go much further than that.

4.74 Scrutiny panels have a clear responsibility to focus on the issue they are scrutinising, identify where there are gaps in the information provided to them and what information they need to fill those gaps. When they ask for more information, panel members must ensure that they are explicit about what it is they want and in some circumstances what they want to use the information for. This will enable officers to have a clear sense of what

> "[Reports to scrutiny panels] look, in most cases, like traditional service committee reports in layout and style"
>
> Source: Prof Steve Leach's review of scrutiny at Merton

members want and need from them and avoid providing information that does not meet these needs. With this in mind, officers must understand that reports to scrutiny do not necessarily have to be structured like cabinet reports, as it is not always appropriate that a paper responding to scrutiny queries is made to fit the 'decision report' format of cabinet reports. Officers should liaise with the

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[47] Prof. Steve Leach's Review of Scrutiny (OS11) (Para. 3.20)
[48] Feedback from DMT meetings (OS10)

scrutiny section and the chair/vice-chair to clarify what information is needed and how it should be presented.

Recommendation 12

Council should endorse the following principles with regard to arranging for information to be provided to scrutiny:
- **Commission/panel members should ensure that they are explicit about what information they want officers to provide and, where appropriate, what they want to use the information for, to give officers a clear sense of what is required;**
- **Officers must understand that reports to scrutiny do not necessarily have to be structured like cabinet reports and should liaise with the scrutiny section and the chair/vice-chair to clarify what information is needed and how it should be presented.**

4.75 Other concerns were raised about reports put before scrutiny with a recommendation from officers to 'note' or 'endorse' the content. There is a perception that scrutiny therefore just 'rubber stamps' the recommendations and does not provide proper scrutiny challenge to the proposals. As mentioned earlier in this report, overview and scrutiny is – and must be – independent from the executive and should base its recommendations on the evidence it receives. Indeed, this is one of the fundamental principles of good scrutiny and strengthens the argument put forward to the executive by backing up the recommendations with evidence.

4.76 Thus, when drafting reports that are to be submitted to scrutiny as part of a consultation or as a pre-decision scrutiny item, officers need to give careful consideration to how they phrase the 'recommendation' to scrutiny and should seek advice from the Scrutiny Support Section. When scrutiny considers the proposals set out in the report, members should respond with an independent view. With this in mind, panels should bear in mind that it is not good practice to just 'note' a report. If the item has been included on the agenda, the panel should also take a view on the information presented to them by either agreeing or disagreeing with the proposals put forward.

Recommendation 13

Council should agree that overview and scrutiny should base recommendations on the evidence it receives and should take an independent view on this basis.

Recommendation 14

Council should support the principle that, generally speaking, it is not appropriate for officers to recommend that scrutiny should come to a specific view on the content of a report. In addition to this, scrutiny panels/commission should bear in mind that it not good practice to just 'note' a report.

Member roles in scrutiny

Chairing overview and scrutiny

4.77 Our recommendations place greater responsibility for prioritising issues for scrutiny with the panels. In practice this will mean that chairs and vice-chairs will need to be proactive and fully in control of the agenda and work programme for their panel. Furthermore, the scrutiny chairs and vice-chairs should be the key scrutiny champions within the authority, both for the panels on which they serve and the role of scrutiny within the organisation.

> _"Chairmen [must] be totally independent of the executive, even if from the majority party"_
>
> Source: Ideas board, 30 November 2005

Scrutiny chairs and vice-chairs:
* Provide leadership and direction;
* Ensure that work is member-led e.g. that members lead on developing a work programme;
* Ensure that members have necessary skills;
* Endeavour to engage all members of committee;
* Ensure that adequate resources (financial and officer support) are provided;
* Act as a 'gatekeeper', prioritising (with committee) main work;
* Work to minimise common pitfalls that befall scrutiny;
* Co-ordinate work with other scrutiny committees and chairs (and share learning);
* Develop a constructive, 'critical friend' relationship with the executive, especially with relevant portfolio holder(s); and
* Develop a constructive, 'critical friend' relationship with the chief officers in the departments that committee scrutinises.

FIGURE 11 – The Role of the Chair

Source: _A Hard Nut to Crack? Making overview and scrutiny work_, Stephanie Snape and Frances Taylor, INLOGOV/IDeA, April 2001

4.78 With this in mind, it is clear that there are certain attributes required and expected of chairs and vice-chairs (see Figure 11 above). Members appointed to chair and vice-chair positions should possess those attributes and should take part in training and development opportunities to enable them to enhance these skills. As the member development becomes more coordinated within the

authority, we recommend that these competencies should form the basis of a 'job description' for scrutiny chairs and vice-chairs.[49]

Recommendation 15

Council should recognise that Members appointed to scrutiny chair and vice-chair positions require skills that will enable them to perform their role and recommends that, as the member development provision in the council develops, these skills and competencies should form the basis of a 'job description' for scrutiny chairs and vice-chairs

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4.79 Both the IDeA Peer Review[50] and Prof. Leach's review commented on the lack of opposition scrutiny chairs. In particular, Prof. Steve Leach drew attention to research evidence that sharing 'ownership' of the overview and scrutiny function across political groups is conducive to more effective overview and scrutiny. He went on to highlight that "with an election due in Merton in 2006, it is an appropriate time for both major parties to consider what would be a fair allocation of responsibilities, given that either could end up in power or in opposition."[51] We believe strongly that this is the correct approach to take; it is important that the decision taken by Council for the future of scrutiny at Merton is based on lessons learnt from good practice, not biased towards either the administration or opposition to suit political ends.

4.80 By drawing all of the chairs from one party there is the risk of accusations that *en bloc* chairs are biased in favour of their own party. Whilst there is agreement overall that chairs have performed their roles fairly, the use of a chair's casting vote in the past has prompted a sense that decisions have been made on political grounds. Sharing out the chair positions among the parties reinforces the spirit of overview and scrutiny: non-executive members working together for the good of the authority and the wider community.

4.81 With this in mind, we endorse Prof. Leach's recommendation that the overview and scrutiny chairs be allocated among the political groups on a proportional basis. Each chair's corresponding vice-chair should be a member of a different political group. Furthermore, the status of scrutiny vice-chairs should be enhanced, so that they approach the status of co-chair. Discussions with and briefings from officers should include both the chair and the vice-chair, wherever possible.[52] This will build expertise and resilience and will strengthen the management of the scrutiny function.

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[49] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 12)
[50] *London Borough of Merton Council Peer Review (4-8 April 2005) Report*, Local Government Improvement Programme, IDeA, August 2005 (Page 18)
[51] Prof. Steve Leach's Review of Scrutiny (OS11) (Para. 4.18)
[52] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendations 7 and 8)

4.82 As mentioned above, we believe the chairs and vice-chairs should be the key scrutiny champions within the authority. In addition to this, they will play a key role in managing the work of their panels. In order to ensure that this knowledge is fed into the strategic development and coordination of scrutiny, the membership of the overview and scrutiny commission should comprise its own chair and vice-chair, all of the panel chairs and vice chairs and the minimum number of additional members that are required to ensure political proportionality.

Recommendation 16

Council should endorse the recommendation that scrutiny chair positions should be allocated across the political groups in such a way that reflects the political make up of the council.

Recommendation 17

Council should support the recommendation that each scrutiny chair's corresponding vice-chair should be a member of a different political group and that the status of vice-chairs should be enhanced so that they approach that of 'co-chair'.

Recommendation 18

Council should endorse the suggestion that the overview and scrutiny commission should comprise its own chair and vice-chair, the panel chairs and vice chairs (excepting the Borough Development Plan Scrutiny Panel) and the minimum number of additional members that are required to ensure political proportionality.

4.83 Prof. Leach also put forward the case for an independent councillor chairing the scrutiny commission, who would be supported by two vice-chairs, one from each major party.[53] We believe that this would be politically impractical and as such do not recommend that this be adopted by Merton Council.

Members serving on scrutiny bodies

4.84 As this report demonstrates, scrutiny members have a key role to play in overseeing decision-making and influencing policy. The main focus for this work will be at formal scrutiny meetings or through the work of task groups where they will be responsible for challenging the information presented to them,

> An overview and scrutiny report that is well argued, evidence-based and unanimously agreed by the panel is difficult for the executive to dismiss
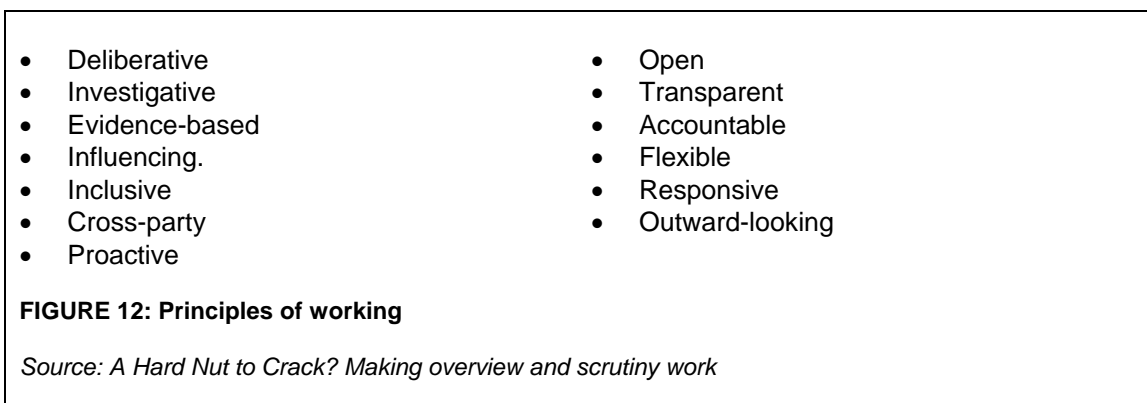>
> Source: *Overview and Scrutiny: Guidance for District Councils,* CfPS, 2004

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[53] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 9)

seeking clarification and explanation from cabinet members and officers, researching alternative options, evaluating the evidence they gather and putting forward evidence-based recommendations.

4.85 This requires a different approach to that used under the old committee system (see Figure 12 below). In particular, there is a great deal of evidence that overview and scrutiny works best when party political baggage is left outside the meeting room door. Whilst we recognise that members are political animals and should not have to put aside their political principles, we stress that in scrutiny these must be channelled in a constructive and non-confrontational way.

4.86 Our research and Prof. Leach's report show that the scrutiny panels have been particularly successful in working across party lines to serve the community's needs, rather than party-specific agendas. This is to be praised and should form a general principle that underpins scrutiny work. Best practice suggests that one would not normally expect scrutiny bodies to take votes, but rather the members would be persuaded by an argument through their consideration of the evidence in front of them. This would usually result in the body coming to a consensus. The power of presenting the cabinet with evidence-based recommendations that were agreed by the whole scrutiny body should not be underestimated.

- Deliberative
- Investigative
- Evidence-based
- Influencing.
- Inclusive
- Cross-party
- Proactive

- Open
- Transparent
- Accountable
- Flexible
- Responsive
- Outward-looking

FIGURE 12: Principles of working

Source: A Hard Nut to Crack? Making overview and scrutiny work

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4.87 It should be acknowledged that member involvement in overview and scrutiny is not limited to attending formal meetings. Scrutiny members have a vital role to play in feeding issues of local concern – and potential review topics – into overview and scrutiny work programmes and getting out of the meeting room to see first hand the realities of service delivery. This could be through site visits, mystery shopping, fact-finding trips to other local authorities, etc

> Ensure reviews are member-led and locally driven. The enthusiasm and contacts of one member can really get momentum going within the committee, for officers and the community itself.
>
> Source: *Successful Scrutiny*, Centre for Public Scrutiny, 2004

4.88 As mentioned above, scrutiny has a part to play in supporting members in their roles as community leaders. For example, a member might carry out 'scrutiny' work of matters that come up as part of their ward work. If they were not satisfied with the outcome of this work or felt that the scrutiny panel could have a greater impact, they could put the item on an agenda for further examination.

Recommendation 19

Council should recognise that overview and scrutiny is more effective when members work across traditional party lines to serve the community's needs.

Recommendation 20

Acknowledges that overview and scrutiny can provide members with support in their work as community leaders and recognises that members are able to contribute to scrutiny in a number of ways both in formal scrutiny meetings and in gathering evidence.

Cabinet members attending scrutiny

4.89 Prof. Leach's review also picked up on a need for the relationship between the executive and scrutiny to be developed further[54] and, in particular, members expressed confusion about cabinet members' role at scrutiny meetings.

4.90 The Local Government Act 2000 allows overview and scrutiny to compel both members and officers of the local authority to appear before them and this is covered by the Overview and Scrutiny Procedure Rules in the Constitution. However, there have been examples of cabinet members being asked to attend scrutiny meetings and sending apologies. Whilst there have been undoubtedly been good reasons for cabinet members being unable to attend meetings when asked, it is important that cabinet members acknowledge that a scrutiny 'invitation' is not really an invitation, but a statutory requirement and should be treated as such.

4.91 There have also been examples of panels expressing concern that a cabinet member was not present at the meeting to respond to questioning, even when s/he had not formally been invited to the meeting. It seems that some scrutiny members expect cabinet members to attend every scrutiny meeting relating to their portfolio. We believe that it is not particularly fair to have this type of expectation as cabinet members could end up sitting through a meeting only to go home without being asked anything. Also, there may be occasions where scrutiny members may not *want* the cabinet member there. On the premise that scrutiny members should take greater responsibility for their work programme, overview and scrutiny members should be more involved in determining which

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[54] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 3.10)

witnesses they wish to appear before them for questioning. If they want a cabinet member to appear as a witness then they should formally invite him or her. Indeed, it is important that witnesses – whether cabinet members, officers or external people – are formally invited to attend a scrutiny meeting so that all concerned are clear about the expectations for these sessions.

4.92 Members have also queried the way cabinet members contribute to scrutiny meetings, particularly when they had not been asked to appear as a witness, citing examples of cabinet members interrupting a witness session to make his/her own point. Generally speaking, cabinet members should respect the panel's decision about the witnesses selected and should limit their participation to discussions for which they have been invited as witnesses. In addition to this, it is incumbent on the chair to control the way requests to speak are managed during meetings.

4.93 Finally, our research also highlighted concerns about officers being called as witnesses when it may be more appropriate for the cabinet member to attend.[55] Again, this was something that Prof. Leach identified and his report recommended that there should be a greater readiness on the part of scrutiny members to require the attendance of cabinet members, rather than officers, for pre-decision scrutiny or performance review activities.[56]

Recommendation 21

Council should support the recommendation that Cabinet Members should be given formal advance notice if they are required to answer questions at or give evidence to a panel meeting. Otherwise they should not be expected to attend or take part in such meetings.

Witnesses to scrutiny

Witnesses supporting scrutiny of agenda items

4.94 There have been examples of scrutiny sessions being hampered by witnesses not being in attendance to respond to queries about the report on the agenda. It is obvious that scrutiny cannot be effective if it cannot challenge the information presented and receive answers to questions. It should be accepted that if an item is on the agenda, appropriate witnesses should be present to speak to it.

4.95 It is also important that overview and scrutiny members identify the witnesses they wish to invite to meetings. Indeed, senior officers acknowledged that sometimes it is not clear which officers should attend to speak to a given item and, as mentioned above, there is also confusion about when cabinet members should attend. There may be occasions where senior officers feel that it is inappropriate for a junior officer to attend to speak on a given subject and a protocol should be developed to identify when directors should give advice

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[55] Feedback from DMT meetings (OS10)
[56] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 12)

about the appropriateness of a given officer attending. Generally, scrutiny should receive the witnesses it requests, unless there are very good reasons otherwise and these reasons are explained to the chair/vice chair of the panel.

4.96 Discussions with senior officers identified an particular issue around the way that witnesses, in particular officers, are treated at scrutiny meetings:

"At times, scrutiny members can use their position to 'play to the gallery' and avoid being associated with unpopular decisions, however unavoidable they may be. This can lead to officers being inappropriately questioned and 'blamed' for these decisions. This is not only uncomfortable for those officers but has on occasions left them in a distressed state."[57]

Whilst it is important that scrutiny members are able use robust and persistent questioning in their scrutiny work, it is important that members are aware of and act within the provisions of the Council's Member/ Officer Protocol.

Recommendation 22

Council should endorse the assumption that if an item is on the agenda appropriate witnesses should be present to respond to queries and that overview and scrutiny should determine which witnesses should attend.

Supporting witnesses

4.97 To a certain extent, when approaching potential witnesses to invite them to attend a scrutiny meeting, overview and scrutiny 'trade on their reputation', particularly for external witnesses who are not compelled to attend. By making an impact, and telling people about these successes, the scrutiny function can gain credibility and attract interesting and eminent witnesses.

4.98 Furthermore, it is important to provide witnesses with support to make their involvement with scrutiny at Merton a pleasant experience. For example, information should be provided to witnesses which sets out details of how overview and scrutiny operates at Merton, the context of the session to which they have been invited (e.g. part of a review, etc), an indication of the key areas the panel wishes to explore during the session and practical information about how the meeting will run. The generic information could form part of a 'Guide for Witnesses'.

4.99 Finally, scrutiny should seek feedback from witnesses to learn from their experiences and react where necessary. In January 2006, the Scrutiny Support Team introduced a Witness Feedback Questionnaire that is sent to all people – internal and external – who appear before scrutiny. This establishes a rounded approach to supporting witnesses, ensuring that problems can be resolved and good practice can be shared. The feedback from these forms should feed into the ongoing development of overview and scrutiny.

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[57] Feedback from DMT meetings (OS10)

4.100 This will help to develop good working relationships with witnesses, making the most of the evidence session and establishing contacts for future reviews, when the panel may wish to take evidence from the same witness or a colleague from their organisation.

4.101 There is a need to acknowledge that the same support and preparation should also apply to those cabinet members and officers that scrutiny can compel to attend meetings as it sets the appropriate backdrop for constructive working arrangements.

Recommendation 23

Council should support plans to develop guidance information to support witnesses.

The role of the scrutiny section

4.102 As mentioned above, it is vital that scrutiny has direct officer support to assist scrutiny bodies in their work. Over recent years, staffing in the Scrutiny Support Section has not been particularly stable but it is encouraging that the team is now fully staffed. Scrutiny panels should use this support so as to assist scrutiny members to perform their work to the best of their ability.[58]

4.103 With this in mind, the work of the Scrutiny Support Section should encompass the following:

a) The section, in consultation with the chair and vice-chair of each panel/commission, should have full control over the content of each agenda, including the power to override – in line with agreed principles and criteria – items suggested by officers from the various directorates;

b) For each agenda item (where appropriate) the section should produce a short 'briefing paper' for the panel/commission drawing out key issues that members may wish to pick up during their discussions on the item in order to provide effective scrutiny. Briefing papers would not normally contain explicit recommendations and are not intended to be prescriptive or exhaustive;[59]

c) Regular meetings should take place between scrutiny section staff and the chair and vice-chair of each panel/commission in order to coordinate the work programme of the panel/commission; and

d) The section staff should continue to facilitate and manage the work of the task and finish groups. With regard to the way formal panel/commission meetings are staffed, the role of democratic services should be limited to clerking the meetings in accordance with the agreed brief received from the scrutiny section.

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[58] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 11)
[59] A recent example of this working well was the Business Plan/ budget scrutiny briefing paper circulated to members in January 2005.

Promoting understanding of scrutiny across the organisation

4.104 Our research has shown that there is work to be done in communicating information about the role, responsibilities and expectations of scrutiny to officers[60] and that some members also need more guidance about the role of scrutiny.[61] We see this as part of the role of the scrutiny section.

4.105 The section should make efforts to raise the profile of scrutiny across the council, especially in light of the new arrangements resulting from this report, in a way that meets the training needs of officers, particularly middle managers. This could take the form of a training package setting out the structures and processes in place, how officers may be involved in scrutiny, what may be expected of them and where they can get support and advice about scrutiny.

4.106 In terms of promoting understanding of scrutiny among members, the section should draw on examples from LB Newham, Thurrock Council and Maidstone Borough Council and review the Merton Scrutiny Toolkit that was issued in 2003. A new scrutiny handbook should set out guidance and good practice for effective scrutiny, details of the constitutional framework within which scrutiny operates and the roles and responsibilities of the various participants in the scrutiny process. This should confirm that the whip does not operate in scrutiny and that members are free to speak and vote without fear or favour in this forum, and that any Member is able to put an item on the agenda.

Recommendation 24

Council should endorse the suggestions regarding the role of the Scrutiny Support Section, including:
- **Supporting the scrutiny chairs/vice-chairs in coordinating and controlling the scrutiny agenda;**
- **Providing briefing material;**
- **Facilitating task and finish group meetings; and**
- **Promoting the scrutiny function across and outside the organisation.**

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[60] Feedback from DMT meetings (OS10)
[61] Member questionnaire (OS9) and feedback from Ideas Board (OS6)

Call-in, performance monitoring and business plan/budget scrutiny

Calling in decisions

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Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:
(i)   Proportionality (i.e. the action must be proportionate to the desired outcome);
(ii)   Due consultation and the taking of professional advice from officers;
(iii)   Respect for human rights and equalities;
(iv)   A presumption in favour of openness;
(v)   Clarity of aims and desired outcomes;
(vi)   Consideration and evaluation of alternatives;
(vii)   Irrelevant matters must be ignored.

FIGURE 13: Article 13 of the Constitution

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4.107 Regarding call-in, Prof. Leach concluded, "The call-in procedure is problematic in LB of Merton."[62] Members have also raised concerns about the fact that call-ins have to be deemed 'valid' twice: once through the call-in form, with an explanation of how the decision does not meet the principles of decision-making set out in the constitution (see Figure 13 above) and again at the scrutiny commission meeting where the commission determines whether to allow the call-in to be heard. In addition to this, current arrangements also place a cap on the number of call-ins that can be heard. Anecdotal evidence suggests that this latter step was included in the early days of overview and scrutiny in order to prevent vast numbers of call-ins. In practice, there have only been around a dozen call-in requests over the last three years and we therefore recommend that the a cap on the number of call-ins that can be heard should be deleted – it will be for the overview and scrutiny commission to agree how to prioritise the work in the time available.

4.108 Indeed, Prof. Leach went on to say, "The use of a filtering process at each meeting of the Scrutiny Commission where call-ins have been tabled is no longer necessary nor appropriate, given the relative sparsity of call-in requests. Any call-in which meets the criteria set out in constitution (and there should be a 'presumption in favour' of this outcome) should go forward for debate, so at least there is an airing in public of the issues concerned."[63] Furthermore, the principle of a 'presumption in favour' of call-ins being heard fits with best practice.[64]

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[62] Prof. Steve Leach's Review of Scrutiny (OS11) (Para. 3.13)
[63] Prof. Steve Leach's Review of Scrutiny (OS11) (Para. 3.13)
[64] Notes from Hounslow (OS4) and Maidstone Borough Council (OS5)

> "Scrutiny chairs have felt that call-ins should be heard if members go to the effort to call something in as call-in is seen as a last resort. The view is that if it is used then the issue must be of real concern. There is also view that there is a high level of maturity of members and there is no hint of mischief making."
>
> Source: LB Hounslow (OS4)

4.109 The call-in request form demonstrates good practice in that it seeks information about the reasons for the call-in and the outcome desired. It would be improved if the call-in request form included sections asking members to indicate the witnesses they would like present at the call-in and the information/ documents they wish to be made available. This would provide more clarity for both the commission members considering the call-in and the cabinet members/ officers who will be called as witnesses, and indeed would assist the Scrutiny Section staff in making arrangements for witnesses/ information for the meeting. At a very basic level, it will also ensure that the members calling in the decision have a clear idea of why they are calling it in and what they want to achieve.

- Call in request forms are submitted to the Scrutiny Manager before the call-in deadline
- The Scrutiny Manager verifies that the form(s) have been correctly filled in and signed.
- The Monitoring Officer assesses the call-in form(s) to determine the validity of the call-in.
- If the Monitoring Officer decides that the call-in is 'valid', the Scrutiny Manager contacts members of the overview and scrutiny commission and the witnesses required to inform them that there has been a call-in and notify them of the date of the meeting. A copy of the call in request form(s) is sent out at the same time to the members of the commission.
- If the Monitoring Officer decides that the call-in is 'invalid', then s/he issues a statement outlining the reasons for the decision. This is circulated to members of the overview and scrutiny commission and the members who requested the call-in. The determination of the Monitoring Officer is final.

FIGURE 14: Proposed call-in process

4.110 We therefore recommend that the call-in criteria (as set out in Article 13 of the constitution) should be retained in order to provide structure to call-in meetings and to ensure that call-in requests are submitted for good reasons. The Monitoring Officer will be responsible for determining whether a call-in is 'valid', making a judgement using the call-in criteria. If call-in requests meet these criteria there should be a presumption that the call-in should be heard and, in marginal cases, the 'benefit of doubt' should be given to those requesting the call-in.

4.111 In the event that a number of decisions are called-in, the commission should prioritise the call-ins in such a way that those deemed to most warrant scrutiny are heard first to make the most of the time available.

4.112 After consideration of call-in arrangements elsewhere, we remain convinced that the threshold for call-in should be maintained at three call-in requests from non-executive members.

4.113 It is important to stress that the executive needs to see call-in in a more positive light. As Prof. Leach stated, call-in presents a healthy, democratic opportunity for members with concerns about a decision to air these concerns in public and to have the decision-maker explain the basis for their decision. The executive needs to acknowledge that it has nothing to fear from scrutiny; indeed, it retains the final say on the decision. As Sunita Sharma, Head of Scrutiny & Performance at Hounslow, told us, "Scrutiny works best where the administration has the confidence in themselves to be scrutinised. The executive has to be open for criticism and working together."

Recommendation 25

Council should support the proposals for the call-in process and the recommendation for a 'presumption in favour' of valid call-ins being heard.

Recommendation 26

Council should support the principle that call-in presents a healthy, democratic opportunity for members with concerns about a decision to air these concerns in public and to have the decision-maker explain the basis for their decision. With this in mind, the executive needs to acknowledge that it has nothing to fear from scrutiny.

Monitoring performance

4.114 In the existing arrangements, the overview and scrutiny commission is responsible for monitoring quarterly business plan performance data. It does this through a small task group that meets with officers from the Performance and Improvement Team to go through the information, before drafting a short paper for the commission identifying areas of concern. The task group also asks officers from services that are under performing to attend the meeting of the commission to explain what action is being taken to address the poor performance. About these arrangements Prof. Leach concluded, "Although overview and scrutiny's involvement in performance monitoring has developed in LB of Merton, through the mechanism of the small task force of the Scrutiny Commission, it has not yet developed any great depth." As outlined earlier in this report, he also recommended that performance monitoring of this type was best undertaken by the overview and scrutiny panels in order to develop a joined-up approach to all of the scrutiny roles.[65]

4.115 This approach is particularly helpful as the volume of performance monitoring data to be reported is due to increase, with a number of new indicators being monitored to take account of priority areas, for example CPA targets, in addition to business plan targets. Having each panel monitor the performance indicators relating to their respective remits will reduce the risk of problem areas being missed in among vast collections of data.

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[65] See paragraph 4.27

- Performance information is presented – in a user-friendly form – on a regular basis to both the executive and the overview and scrutiny panels.
- The executive take whatever actions they believe to be necessary, on the basis of this information, in consultation with officers.
- The overview and scrutiny panels highlight 'areas of concern' – in particular evidence of significant underperformance or declining performance, and request an explanation of such situations.
- At regular intervals, executive members and senior officers responsible for the services concerned attend the panels to provide an explanation of poor performance.
- In some cases there will be an explanation which satisfies the panel, providing a good reason why targets have not been met (e.g. factors outside the control of the authority) or a statement of remedial action that is being taken to deal with the problem.
- In other cases, either the lead member of the executive will acknowledge that there is no satisfactory explanation of poor performance, and agree that an investigation by the panel would be appropriate or the panel itself will not be satisfied with the explanation offered and will itself decide to instigate an investigation.

FIGURE 15: Process for monitoring performance within the authority

4.116 With this in mind, we endorse the recommendation that the overview and scrutiny panels should monitor performance in their own areas (see Figure 15 above). It will be for the panels to decide how they want to organise themselves in carrying out this role, for example using the small task group approach identified above, but they should ensure that they have a system that enables trends in poor performance to be identified and scrutinised.

Recommendation 27

Council should support the recommendations for performance monitoring to be considered by the relevant panel.

Scrutiny of the business plan and budget

4.117 In terms of overview and scrutiny's capacity to influence the overall development of the council, the business plan presents a key opportunity to challenge the council's priorities, the capacity of the council to deliver them and the appropriateness of the executive's method of financing and evaluating the action supporting the priorities. It is therefore entirely appropriate that overview and scrutiny should have the chance to contribute to the business plan and the budget and that adequate time is available to make an effective contribution.

4.118 Prof. Leach surmised that "at present, involvement in the business plan is at an embryonic stage, and involvement in the budget process, although more developed, does not operate in a particularly satisfactory way. The main problem is the difficulty the panels and the Commission have in making sense of the mass of budgetary information they receive. It will be difficult to probe proposals in depth or add value unless the information can be provided in a

more user-friendly way."[66] Greater effort needs to be made to improve the way that scrutiny members are involved in the development of the business plan and budget, including bringing members into early discussions about the intended direction of these plans.

4.119 The scrutiny of the business plan and the draft budget strategy should be coordinated by the overview and scrutiny commission as key strategic documents, involving the panels in order to feed in their expertise in their respective areas.

4.120 The Commission will organise a members' seminar at an appropriate point in the municipal year, at which the draft versions of the business plan and the budget can be presented and explained to all non-executive members who are interested. Each overview and scrutiny panel will be able to identify a range of issues it wishes to explore and will set up a working group of those interested to examine the business plan and budget, guided by these priorities.

4.121 Scrutiny members will be supported in their work on the business plan and budget information with a brief from the Scrutiny Support Section, which provides an interpretation of the financial data and guidance in terms of the scope of its investigations. In addition to this, each panel will be allocated a financial advisor – a senior officer from the Finance department – who can provide the kind of expert financial advice that it may be unrealistic to expect officers in the Scrutiny Section to provide. Equally, each panel will be allocated a business plan advisor to provide expert knowledge on the way the business plan is being developed for their particular area.

4.122 Each of the overview and scrutiny panels will then agree their responses to the business plan/ budget information and a full overview and scrutiny response will be drawn together by the Scrutiny Commission, which will also take a view on cross-cutting strategic issues, before making a formal submission to Cabinet.

Recommendation 28

Council should endorse the proposals for scrutiny of the business plan and budget.

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[66] Prof. Steve Leach's Review of Scrutiny (OS11) (Para. 4.40 and recommendation 18)

Scrutiny outcomes

Reporting scrutiny recommendations

4.123 When overview and scrutiny considers an issue, the panel/ commission will clearly wish to communicate its findings to the executive. A key problem that we identified relating to this issue is the fact that often there is no summing up at the end of a discussion. This means that it is not always clear what conclusion the panel/commission has come to and what action they intend to take. The starting point for scrutiny to be able to track the impact of its recommendations is to ensure clarity about what members are recommending, what specific action they expect to be taken and by when. This will provide the executive with a clear framework of what is expected. It is important that the chair makes time for this essential task at the end of each item/ meeting.

Recommendation 29

Endorses the recommendation for the chair of the commission/ panels to ensure that the outcomes from the each scrutiny session are summarised at the meeting.

4.124 With this principle established, good practice suggests that it is reasonable to expect the executive to respond to scrutiny explaining what action (if, indeed, any) it is going to take in light of scrutiny's recommendations. There have been a number of examples where scrutiny has sent comments to cabinet for their consideration and has not received any indication of whether they have been accepted or rejected, in whole or in part. Prof. Leach drew attention to this and identified a set of guidelines that should be used to ensure that all recommendations from overview and scrutiny are taken seriously and monitored.[67]

4.125 With the above in mind, the following guidelines should apply to dealing with scrutiny recommendations:

 a) All recommendations from overview and scrutiny – whether as a result of pre-decision scrutiny, one-off sessions or policy reviews – should be reported separately to the Cabinet, <u>not</u> incorporated into officer reports to cabinet which include a wider range of considerations. The recommendations should be set against the context of the discussion that led to the recommendation and based on evidence; and
 b) All scrutiny recommendations – not just those contained in policy reviews – should be given detailed consideration by the Cabinet and a response should be provided within <u>one month</u> of the Cabinet meeting. It is important that a full response is given, for example, if a recommendation is adopted there should be an action plan setting out how and when it will be implemented; if a recommendation is not adopted there should be a full

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[67] Prof. Steve Leach's Review of Scrutiny (OS11) (Para 3.28 and recommendation 15)

explanation of why it is not accepted and an indication of alternative action that may be taken to address the problem raised.

Recommendation 30

Council should recognise the need for better arrangements for processing scrutiny recommendations and endorses the following:
- **All recommendations from overview and scrutiny should be reported separately to the Cabinet with background details of the context of the discussion that led to the recommendation;**
- **All scrutiny recommendations should be given detailed consideration by the Cabinet and a response should be provided within one month of the Cabinet meeting; and**
- **Full responses to scrutiny recommendations should be given.**

Monitoring scrutiny recommendations

4.126 One of the indicators of the success of scrutiny arrangements is being able to see real improvement in the delivery of services as a result of the contribution overview and scrutiny makes to the authority. With this in mind, there needs to be a mechanism in place to track the impact of scrutiny work. Furthermore, these outcomes need to be communicated to members, officers and residents so that the achievements of scrutiny are recognised and progress in service delivery is publicised. With this in mind, Prof. Leach recommended that regular reports should be provided to scrutiny panels/commission on how scrutiny recommendations have been implemented and the impact they have had.[68]

4.127 In addition to this, authorities such as LB Hounslow appoint a scrutiny member to each scrutiny report to act as a monitor of the progress in implementing the action plan. Furthermore, Maidstone Borough Council allocates a lead officer to the report who is responsible on the officer side.[69] Merton should learn from this good practice, by appointing a 'report champion' to each scrutiny

> *What do you want to see happen to improve scrutiny at Merton?*
>
> "Better re-assessment of action plan action to ensure achieving results"
>
> Source: Feedback from the Ideas Board (OS6)

report – ideally a member of the task group that undertook the review – who would keep a close eye on delivery against the report action plan by liaising with the lead officer responsible and reporting back regularly to the panel on progress or problems. This has been used to great effect by other local authorities as the member involvement allows greater challenge and tends to prompt quicker action.

4.128 This work will underline the fact that scrutiny does not end with the production of a report. As Dr Jane Martin, Executive Director of the Centre for Public Scrutiny, emphasises overview and scrutiny is an ongoing process of

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[68] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 15)
[69] Notes from visit to LB Hounslow (OS4) and Maidstone Borough Council (OS5)

monitoring agreed recommendations and re-assessing outcomes where expectations have not been met.[70] Where there is inaction or delay in implementing scrutiny recommendations, overview and scrutiny must respond by pursuing this with the cabinet member/ officer responsible.

Recommendation 31

Council should support the proposal for a Member 'report champion' to be appointed each scrutiny report who would keep a close eye on delivery against the report action plan by liaising with the lead officer responsible and reporting back regularly to the panel on progress or problems.

Learning lessons and sharing best practice

4.129 Scrutiny at Merton has made a great deal of progress since its inception, as demonstrated above. In order to continue to move forward, the overview and scrutiny panels and commission should make the most of the good practice developed across the function and the lessons learnt from things that did not work well.

4.130 When we visited LB Hounslow we learnt that twice a year each panel has a 'taking stock' session enabling members to reflect on and review the work they have done so far – what went well, what problems they experienced, how they could deal with them better – and to think ahead about likely future issues are coming forward and how they want to tackle them. The session also provides feedback to the Scrutiny Team on how members want to be supported.[71]

<u>*Involving the public in scrutiny*</u>

Engaging the community

4.131 Earlier in this report, we highlighted the opportunity for involving members of the public in the selection of review topics. The overview and scrutiny panels and the commission would benefit further by widening opportunities for members of the public and community groups to get involved in their work. Indeed, best practice and guidance strongly advocates scrutiny members proactively seeking out the views of local people to support their reviews.[72]

> "Good scrutiny reflects the voice and concerns of the public and its communities"
>
> Source: *The Good Scrutiny Guide*

4.132 Prof. Leach identified a number of ways that the public could be positively involved in the work of overview and scrutiny (see Figure 16 below). An annual programme of community engagement should be developed to raise awareness of the role of overview and scrutiny and how members of the public and

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[70] *The Good Scrutiny Guide*, Centre for Public Scrutiny
[71] Notes from visit to LB Hounslow (OS4)
[72] *Overview and Scrutiny: Guidance for District Councils, Good Scrutiny Guide* and *Redefining Scrutiny: The Experience of the London Scrutiny Learning Set* among others.

community groups can get involved. In addition to this, each panel should consider how to involve members of the public in their consideration of individual items and/or policy reviews. In particular, Members need to identify ways of gathering the views of hard to reach/ vulnerable groups. Panels should also bear in mind the need to notify ward councillors about reviews to draw in local knowledge that they have amassed.[73]

- Contributors to the overview and scrutiny agenda;
- Participating spectators at scrutiny meetings (Members of the public should be permitted to make statements/ask questions of witnesses at scrutiny meetings where appropriate at the discretion of the chair);
- Co-opted members of overview and scrutiny committees (either on a permanent or temporary basis);
- Experts brought in to help an overview and scrutiny committee explore particular issues; and
- Witnesses providing evidence to a scrutiny committee

FIGURE 16: Roles for members of the public in scrutiny

Source: Prof. Leach's report (Recommendation 13)

4.133 There also needs to be a concerted effort to encourage interested members of the public to contribute to the work of overview and scrutiny. As a starting point, paperwork and promotional material for scrutiny (agendas, leaflets, posters) should present a consistent and professional image to attract the interest of members of the public, community groups, partners and the media. The overview and scrutiny section of the Council's website should also provide information about how scrutiny operates, past and ongoing reviews and details of how residents can get involved.

- Information booklets
- Scrutiny web pages easy to find on the council's website
- Talks offered to community groups
- Contacting the local press about review developments and key witnesses
- Campaign to seek review suggestions from local people
- Allow members of the public to speak at meetings

"What you put in is what you get out"
Tim Young, Scrutiny Manager, Camden

Figure 17: Examples of tools used by Camden to engage with the public

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Recommendation 32

Council should recognise that overview and scrutiny will benefit from widening opportunities for members of the public and community groups to get involved in their work.

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[73] Recommended by the Overview & Scrutiny Commission in July 2005.

Meeting arrangements

4.134 Formal overview and scrutiny meetings clearly present two main opportunities: first, for members of the public to get involved in scrutiny and second, for overview and scrutiny to demonstrate publicly that it is fulfilling its responsibility in holding the executive to account and developing good policy. It is therefore imperative that scrutiny meetings are planned in such a way to best achieve this.

4.135 It is particularly important to ensure that panels are well-prepared for the business of the meeting and that members of the panel have a collective understanding of what they are scrutinising, why they are scrutinising it and how they want to approach the scrutiny exercise. As mentioned above, the scrutiny section will have a responsibility to provide the scrutiny panels/commission with short briefing papers which draw out key issues that members may wish to pursue during their scrutiny session. It is intended that such briefing papers will 'set the scene' for members.

4.136 In order to strengthen scrutiny bodies further, Prof. Leach recommended that the scrutiny panels/commission hold an informal 'pre-meeting session' for members of the panel/commission to prepare for the meeting, for example prior to a meeting to scrutinise a complex matter or, when a cabinet member or a high-profile witness is to attend, the panel could develop a 'strategy of questioning' to make best use of the session.[74]

4.137 The concept of 'pre-meetings' is already employed by the Conservative group at Merton and is accepted as good practice in scrutiny.[75] By meeting as a panel/commission, rather than in political groups, the scrutiny meeting will be better structured and more effective as all members of the body will have a shared understanding of what they want to achieve out of the session. It will also remove the perception that the group pre-meetings are used to agree a 'group line' prior to the meeting; something the Conservative group assures is not the case.

Recommendation 33

Council should endorse the recommendation that pre-meetings present an opportunity for panel/ commission members to prepare for scrutiny meetings and that the panels/ commission should use this tool where appropriate.

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[74] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendations 11 and 12)
[75] Notes from the CfPS Consensual Scrutiny Environment Seminar (OS1), notes from visit to Hounslow (OS4) and presentation and notes regarding overview and scrutiny at Maidstone Borough Council (OS5)

4.138 In addition to this, Prof. Leach commented on the choice of venue for scrutiny meetings and made particular criticism of overview and scrutiny commission meetings being held in the Council chamber, stating,

"The fact that meetings are held in council chamber is also inappropriate, with its formalistic setting contributing to the tendency for party politics to play a more overt role in the Commission's deliberation than is appropriate.[76]

He went on to recommend that greater attention needs to be given to settings and seating arrangements for meetings, especially where external witnesses (including cabinet members) are involved.[77]

Recommendation 34

Council should agree that, where possible, overview and scrutiny meetings should not take place in the Council Chamber.

4.139 Learning from good practice the room layout for scrutiny meetings should:

   a) Ensure that all members of the scrutiny body are able to be hear and contribute to the discussion;
   b) Give a point of focus for the 'witnesses' giving evidence about the item in question;
   c) Provide seating for members of the public and press in a position where they can observe the debate and make representations if invited to do so; and
   d) Allow observers to identify the roles of the people at the meeting.

4.140 This latter point was recently reinforced by a query from a member of the public who attended a scrutiny commission meeting. The local resident asked how she was supposed to know who was who in the meeting and whether they were councillors, officers or other members of the public.

4.141 Best practice examples, including the House of Commons select committees, Maidstone Borough Council and LB Hounslow, employ the 'horseshoe' layout with scrutiny members, co-optees and support officers sitting around the horseshoe and witnesses sitting at separate table (see Figure 18 below). There is also a gallery for the public and press. This has proven to be highly effective in meeting the objectives set out above[78], and we therefore recommend that overview and scrutiny meetings should normally be laid out using this format.

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[76] Prof. Steve Leach's Review of Scrutiny (OS11) (Para. 3.19)
[77] Prof. Steve Leach's Review of Scrutiny (OS11) (Recommendation 12)
[78] Notes from the CfPS Consensual Scrutiny Environment Seminar (OS1), notes from visit to Hounslow (OS4) and presentation and notes regarding overview and scrutiny at Maidstone Borough Council (OS5)
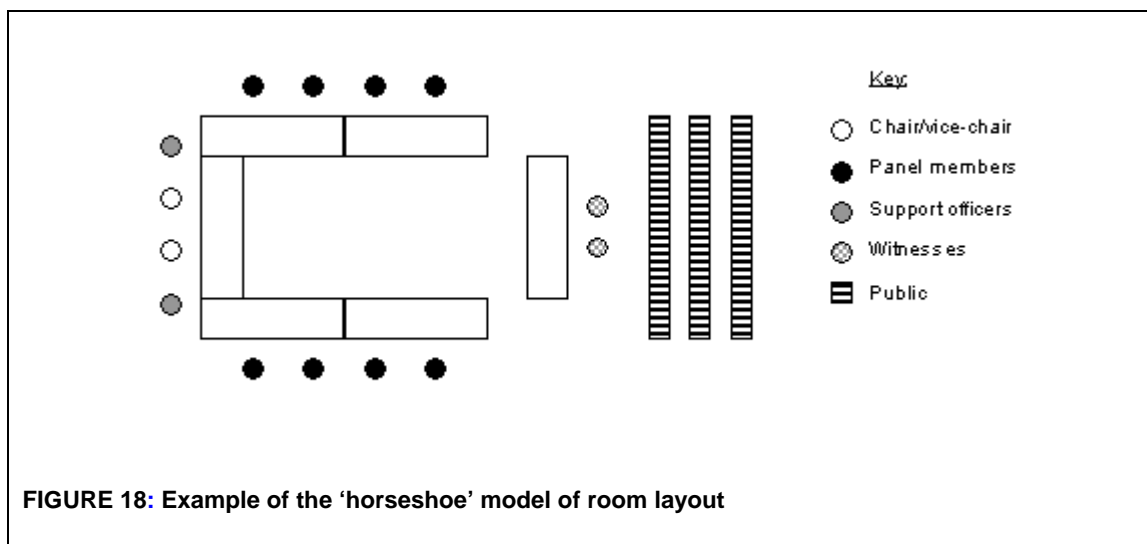
FIGURE 18: Example of the 'horseshoe' model of room layout

4.142 To improve the ability of visitors to the meeting to identify who's who at the meeting all those sitting around the horseshoe should have a nameplate giving their name and/or position. Again, this is a simple tool that is used by the above best practice examples.

4.143 As mentioned above, in order to improve community access to meetings scrutiny panels should consider holding meetings out of the Civic Centre, ideally in areas where residents would have a particular interest in the matter to be discussed. Clearly, it would not be appropriate to hold all meetings out in the community and it is important that if meetings are going to be held outside the Civic Centre they should attract enough members of the public to make it worthwhile. It is unlikely, for example, that many residents would turn out to hear a discussion about internal financial controls. However, if there was a scrutiny item on how to deal with the problem of abandoned vehicles, it might be worth holding the meeting in an area where cars are dumped regularly. Scrutiny panels should bear this in mind when developing their work programmes.

Recommendation 35

Council should acknowledge the need for the arrangements for scrutiny meetings to facilitate good scrutiny and endorses the proposed 'horseshoe' layout.

Recommendation 36

Council should support the principle that efforts should be made to make scrutiny meetings more accessible to members of the public, including holding meetings outside of the Civic Centre where appropriate and using nameplates for participants in meetings.

Future developments for scrutiny

4.144 It is accepted that there is no one structure or set of processes that will guarantee an effective scrutiny function. In addition to this, new developments in local government and the role of scrutiny itself will mean that scrutiny will evolve over time. It is important that we keep on top of these developments, best practice and the impact of scrutiny in Merton so that we can evaluate whether our own scrutiny function needs to adapt.

4.145 As mentioned above, there is a need emerging for a piece of work to assess the role of scrutiny in evaluating the work of the Local Strategic Partnership. In addition to this, there may be value in assessing how scrutiny can work together with area forums and the proposed ward networks. Furthermore, proposals in the Police and Justice Bill outline a role for local authority scrutiny committees "in scrutinising the way in which persons and bodies responsible for tackling crime and disorder discharge their functions."[79]

4.146 The scrutiny commission should take the lead in keeping overview and scrutiny under review and putting forward recommendations to ensure that the function goes from strength to strength.

Recommendation 37

Council should recognise that overview and scrutiny will evolve over time – drawing on lessons learnt, best practice and new developments in local government – and acknowledges the need to assess the role of scrutiny in evaluating the work of the Local Strategic Partnership.

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[79] Police and Justice Bill – Part 3 Explanatory notes
(http://www.publications.parliament.uk/pa/cm200506/cmbills/119/06119.6-12.html)

5   Conclusion

5.1   In preparing this report, we have gathered the views of members and officers, assessed our scrutiny function against those of our peers, learnt from independent evaluation and drawn on best practice and guidance. The evidence and analysis in this report provide a full and frank assessment of the overview and scrutiny function at Merton and the recommendations identify a way for the council to make the most of scrutiny's strengths and respond positively to its weaknesses.

5.2   We have taken a 'whole system approach' in developing our recommendations and we strongly believe that they should be assessed as a whole. With this in mind, we advise against council 'cherry picking' from the recommendations put forward.

5.3   We reiterate our assertion that it is imperative that Council recognises that now is the time for Merton to strengthen and develop the scrutiny function. Implementing the recommendations set out in this report is the first step in doing this and will provide the groundwork to enable the council to realise the potential benefits that good scrutiny can bring. It is important, however, that this work is seen as a beginning and not an end.

5.4   When these new scrutiny arrangements are introduced in May 2006, they must be supported by commitment and enthusiasm from members and officers across the authority. With this support, overview and scrutiny has an opportunity to prove itself, to increase its credibility and to play an instrumental role in the development of the borough of Merton. This opportunity should not be wasted.

Signed:

Councillors Peter Southgate (Chair), John Bowcott, Philip Jones, Ian Munn, George Reynolds, David Simpson and David Williams

Members of the Scrutiny Procedures at Merton Review Task Group

March 2006

6   Summary of Recommendations

6.1   The Council is recommended to endorse the findings and recommendations set out in this report. In particular, we recommend that Council:

		Reference
1.	Recognises that the role of overview and scrutiny is to hold the executive to account, to review & develop policy and to scrutinise the work and impact of external agencies on the local community and is committed to supporting overview and scrutiny to perform this role effectively.	4.2 – 4.4
2.	Recognises the contribution of an effective overview and scrutiny function to the corporate health of the organisation and the need for overview and scrutiny to be independent from the executive.	4.2 – 4.4
3.	Agrees that the status of the executive and the overview and scrutiny function should have a parity of esteem across the organisation.	4.5 – 4.6
4.	Supports the suggestion that overview and scrutiny chairs/ vice chairs should develop regular communication arrangements between overview and scrutiny and a) the council's departments and b) Members of the Executive.	4.11
5.	Recognises that it is imperative for overview and scrutiny to be adequately resourced in order to maximise its effectiveness, including that: • Overview and scrutiny must have a dedicated direct support unit; • Overview and scrutiny must also be able to draw on the support of officers across the organisation; • Overview and scrutiny must have a dedicated budget of £30,000 to fund scrutiny activities; and • The Council must invest in member development opportunities to support councillors in developing skills necessary for effective scrutiny work.	4.7 – 4.15
6.	Endorses the findings in relation to the structure of the overview and scrutiny function: • That the overall structure of overview and scrutiny panels with an overview and scrutiny commission as a coordinating body be retained; • That the distribution of responsibility for overseeing service areas/themes among the overview and scrutiny panels remain unchanged; • That the division of responsibilities between the Overview and Scrutiny Commission and the Overview and Scrutiny Panels changes so that the Commission takes on a coordinating role to support the overview and scrutiny panels and to be responsible for overarching, strategic scrutiny work and hearing call-ins of decisions that are cross-cutting or that have been subject to pre-decision scrutiny, whilst the Panels take responsibility for all performance monitoring, pre-decision scrutiny, policy review and call-in work relating to a panel's remit.	4.16 – 4.30

7.	Supports the principle that health scrutiny structures and processes should include: • Good working relationships between the health scrutiny chair/ vice chair and partners in health (including NHS officers and Public and Patient Involvement Forum support officers); • Working arrangements that facilitate effective scrutiny and are developed to meet the needs of all involved; • Guidance and development opportunities available for members and partners about the distribution of roles and responsibilities and good practice working methods; and • A protocol to outline how health scrutiny should operate and the distribution of responsibilities among lead organisations, for example with regard to the work programme, prioritisation of issues, sharing of information including planning proposals.	4.32 – 4.55
8.	Supports the establishment of a requirement for the chair/vice-chair to be consulted on potential scrutiny agenda items before the agenda is published.	4.56 – 4.58
9.	Endorses the recommendation regarding the frequency of scrutiny commission and panel meetings and instructs officers to reflect these changes in a revised Calendar of Meetings 2006-07 to be presented at the Annual Council Meeting in May 2006.	4.59 – 4.61
10.	Endorses the principle that overview and scrutiny needs to be selective in identifying the areas it wishes to scrutinise in order to carry out the task properly and should therefore focus on issues where it can add value.	4.62 – 4.67
11.	Supports the 'task and finish' group model of carrying out scrutiny reviews.	4.68 – 4.69
12.	Council should endorse the following principles with regard to arranging for information to be provided to scrutiny: • Commission/panel members should ensure that they are explicit about what information they want officers to provide and, where appropriate, what they want to use the information for, to give officers a clear sense of what is required; • Officers must understand that reports to scrutiny do not necessarily have to be structured like cabinet reports and should liaise with the scrutiny section and the chair/vice-chair to clarify what information is needed and how it should be presented.	4.70 – 4.74
13.	Agrees that overview and scrutiny should base recommendations on the evidence it receives and should take an independent view on this basis.	4.75 – 4.76
14.	Supports the principle that, generally speaking, it is not appropriate for officers to recommend that scrutiny should come to a specific view on the content of a report. In addition to this, scrutiny panels/commission should bear in mind that it not good practice to just 'note' a report.	4.75 – 4.76

15.	Recognises that Members appointed to scrutiny chair and vice-chair positions require skills that will enable them to perform their role and recommends that, as the member development provision in the council develops, these skills and competencies should form the basis of a 'job description' for scrutiny chairs and vice-chairs.	4.77 – 4.78
16.	Endorses the recommendation that scrutiny chair positions should be allocated across the political groups in such a way that reflects the political make up of the council.	4.79 – 4.81
17.	Supports the recommendation that each scrutiny chair's corresponding vice-chair should be a member of a different political group and that the status of vice-chairs should be enhanced so that they approach that of 'co-chair'.	4.81
18.	Endorses the suggestion that the overview and scrutiny commission should comprise its own chair and vice-chair, the panel chairs and vice chairs (excepting the Borough Development Plan Scrutiny Panel) and the minimum number of additional members that are required to ensure political proportionality.	4.82
19.	Recognises that overview and scrutiny is more effective when members work across traditional party lines to serve the community's needs.	4.84 – 4.86
20.	Acknowledges that overview and scrutiny can provide members with support in their work as community leaders and recognises that members are able to contribute to scrutiny in a number of ways both in formal scrutiny meetings and in gathering evidence.	4.87 – 4.88
21.	Supports the recommendation that Cabinet Members should be given formal advance notice if they are required to answer questions at or give evidence to a panel meeting. Otherwise they should not be expected to attend or take part in such meetings.	4.89 – 4.93
22.	Endorses the assumption that if an item is on the agenda appropriate witnesses should be present to respond to queries and that overview and scrutiny should determine which witnesses should attend.	4.94 – 4.96
23.	Supports plans to develop guidance information to support witnesses.	4.97 – 4.101
24.	Endorses the suggestions regarding the role of the Scrutiny Support Section, including: • Supporting the scrutiny chairs/vice-chairs in coordinating and controlling the scrutiny agenda; • Providing briefing material; • Facilitating task and finish group meetings; and • Promoting the scrutiny function across and outside the organisation.	4.102 – 4.106
25.	Supports the proposals for the call-in process and the recommendation for a 'presumption in favour' of valid call-ins being heard.	4.107 – 4.112

26.	Supports the principle that call-in presents a healthy, democratic opportunity for members with concerns about a decision to air these concerns in public and to have the decision-maker explain the basis for their decision. With this in mind, the executive needs to acknowledge that it has nothing to fear from scrutiny.	4.113
27.	Supports the recommendations for performance monitoring to be considered by the relevant panel.	4.114 – 4.116
28.	Endorses the proposals for scrutiny of the business plan and budget.	4.117 – 4.122
29.	Endorses the recommendation for the chair of the commission/ panels to ensure that the outcomes from the each scrutiny session are summarised at the meeting.	4.123
30.	Recognises the need for better arrangements for processing scrutiny recommendations and endorses the following: • All recommendations from overview and scrutiny should be reported separately to the Cabinet with background details of the context of the discussion that led to the recommendation; • All scrutiny recommendations should be given detailed consideration by the Cabinet and a response should be provided within one month of the Cabinet meeting; and • Full responses to scrutiny recommendations should be given.	4.124 – 4.125
31.	Supports the proposal for a Member 'report champion' to be appointed each scrutiny report who would keep a close eye on delivery against the report action plan by liaising with the lead officer responsible and reporting back regularly to the panel on progress or problems.	4.126 – 4.128
32.	Recognises that overview and scrutiny will benefit from widening opportunities for members of the public and community groups to get involved in their work.	4.131 – 4.133
33.	Endorses the recommendation that pre-meetings present an opportunity for panel/ commission members to prepare for scrutiny meetings and that the panels/ commission should use this tool where appropriate.	4.134 – 4.137
34.	Agrees that, where possible, overview and scrutiny meetings should not take place in the Council Chamber.	4.138
35.	Acknowledges the need for the arrangements for scrutiny meetings to facilitate good scrutiny and endorses the proposed 'horseshoe' layout.	4.139 – 4.141
36.	Supports the principle that efforts should be made to make scrutiny meetings more accessible to members of the public, including holding meetings outside of the Civic Centre where appropriate and using nameplates for participants in meetings.	4.142 – 4.143

37.	Recognises that overview and scrutiny will evolve over time – drawing on lessons learnt, best practice and new developments in local government – and acknowledges the need to assess the role of scrutiny in evaluating the work of the Local Strategic Partnership.	4.129 – 4.130 and 4.144 – 4.146
38.	Approves the constitutional amendments required to put in place the above recommendations.	Appendix A

Appendix A – Proposed constitutional paragraphs

Part 2 of the Constitution

Article 6 – Overview and Scrutiny Commission and Panels

6.1 Appointment of the Overview and Scrutiny Commission and Panels

The Council will establish overview and scrutiny bodies to discharge the functions conferred by Section 21 of the Local Government Act 2000 and any Regulations made under Section 32 of that Act, which may include:

(i)   Overview and Scrutiny Commission;
(ii)   Life Chances Overview and Scrutiny Panel;
(iii)   Regeneration & the Public Realm Overview and Scrutiny Panel;
(iv)   The Way We Work Overview and Scrutiny Panel;
(v)   Health and Community Care Services Overview and Scrutiny Panel;
(vi)   Development Plan Overview and Scrutiny Panel.

6.2 General functions

Within their terms of reference, the Overview and Scrutiny Commission and Panels may:

(a)   Review and scrutinise decisions after they are made by the Cabinet, Cabinet committees, sub-committees, Cabinet Members and Council Officers;
(b)   Make reports and/or recommendations to the full Council and/or the Cabinet and/or area forums in connection with the discharge of any functions;
(c)   Make reports or recommendations on any matter affecting the Council area or its inhabitants;
(d)   Participate in and make recommendations on the development of Council policy;
(e)   Be consulted as appropriate on key decisions and on such other decisions as those making them see fit before these are made by the Cabinet, Cabinet committees, sub-committees, Cabinet Members or Council Officers;
(f)   Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet;
(g)   In accordance with statutory regulations, review and scrutinise matters relating to the Health Service within the Council's area and to make reports and recommendations thereon to local NHS bodies;
(h)   To receive deputations in accordance with the Overview and Scrutiny Procedure Rules;
(i)   Appoint non-voting co-optees to the Overview and Scrutiny Commission and/or Policy Review Panels; and
(j)   Represent to the Council the interests of Merton people.

6.3 Specific functions

(a)   **Co-ordination**. The Overview and Scrutiny Commission shall co-ordinate the functions and work programmes of the Panels.

(b)   **Policy Development**. The Overview and Scrutiny Commission and Panels may participate in policy development. They may:

(i)   Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

(ii) Conduct research, community and other consultation in the analysis of policy issues and possible options;

(iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(iv) Question members of the Cabinet, Chief Officers, Heads of Service or their nominees about their views on issues and proposals affecting the service area; and

(v) Liase with external organisations operating in the Council's area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(c) **Review & Scrutiny**. The Overview and Scrutiny Commission and Panels may:

(i) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(ii) Review and scrutinise decisions made by the Cabinet, Cabinet Members, non-executive committees and council officers;

(iii) Question members of the Cabinet, chairs of non-executive committees, Chief Officers and Heads of Service or their nominees about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects as set forth in Part 4 of this Constitution;

(iv) Make recommendations to the Cabinet, Cabinet Members and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;

(v) Review and scrutinise the performance of public bodies in the area and invite reports from them all by requesting them to address the Overview and Scrutiny Commission and local people about their activities and performance; and

(vi) Question and gather evidence from any person (with their consent).

(d) **Finance**. The Overview and Scrutiny Commission may exercise overall responsibility for the finances made available to it.

(e) **Annual report**. The Overview and Scrutiny Commission must report annually to full Council on its workings and the workings of the Panels, make recommendations for future work programmes and amended working methods, if appropriate.

(f) **Officers**. The Overview and Scrutiny Commission may exercise overall responsibility for the work programme of the officers allocated by the Chief Executive to support its work.

6.4 **Proceedings of Overview and Scrutiny Commission and Panels**

The Overview and Scrutiny Commission and Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4-E of this Constitution.

Part 4 of the Constitution

Part 4 (E) – Overview and Scrutiny Procedure Rules

1   The role of Overview and Scrutiny

Without prejudice to any role prescribed by statute, the role of overview and scrutiny is to hold the executive to account, to review & develop policy and to scrutinise the work and impact of external agencies on the local community

2   Distribution of Overview and Scrutiny Functions

The responsibilities for the overview and scrutiny functions identified in Article 6 of this Constitution will be distributed as follows:

a) The Overview and Scrutiny Commission shall be responsible for:

   (i)   Co-ordinating of the annual input of the overview and scrutiny panels to LB of Merton's business plan and budget formulation processes;
   (ii)   Identifying issues for in-depth study by the commission and to set up task-and-finish groups for cross-cutting and/or strategic issues which fall outside the remit of a single panel (or which the panel does not regard as a priority);
   (iii) Hearing call-ins of decisions that are cross-cutting in nature or that have been subject to pre-decision scrutiny by a Panel;
   (iv)   Putting forward suggestions for review topics to the scrutiny panels for consideration when panels set their work programmes;
   (v)   Keeping under review the effectiveness of the overview and scrutiny function and to recommend where appropriate changes in structures, processes or ways of working; and
   (vi)   Acting as a co-ordination mechanism with the cabinet, to facilitate overview and scrutiny's contribution to Merton's strategic priorities.

b) Within their terms of reference, the Overview and Scrutiny Panels will be responsible for the following:

   (i)   Pre-decision scrutiny within their terms of reference;
   (ii)   Performance monitoring and review within their terms of reference;
   (iii) Hearing call-ins of decisions that fall within their remit and have not been subject to pre-decision scrutiny;
   (iv)   Review of the borough's draft business plan and budget, within a framework set by the Scrutiny Commission; and
   (v)   To identify and carry out selectively, through task-and-finish groups, in-depth policy development or review projects, using agreed criteria, and within the framework of an overall programme of such projects

3   Terms of Reference

The Overview & Scrutiny Commission and Panels will carry out the above functions within the following terms of reference:

Title	Scope
Overview & Scrutiny Commission	• Cross-cutting and strategic matters

Health and Community Care Services Overview & Scrutiny Panel	• Adult Social Care Services • Health, including discharging the Council's responsibilities in respect of the Health and Social Care Act 2001.
Life Chances Overview & Scrutiny Panel	• Children Social Care Services • Education Access Opportunity & Inclusion • Early years • Educational Services, Inspectors, Consultants & Governor Support • Online Research Services • Youth Offending Team • Youth Service • Library Heritage • Merton Adult Education
Regeneration and the Public Realm Overview & Scrutiny Panel	• Drug Action Team • Regeneration • Street Management • Planning & Public Protection • Property & Service Development • Leisure & Landscape Facilities • Parks & Open space • Housing Policy • Housing Services • Leisure & Sports Development
The Way We Work Overview & Scrutiny Panel	• Audit, Corporate Safety & Risk • Civic & Legal Services • Communication • Community Support • Corporate Finance • Customer Access & Development • Departmental Finance Support • Human Resources • Information Technology • Chief Executives

4   Membership

The Council will appoint Members to the Overview & Scrutiny Commission and Panels at its Annual Council meeting. All Councillors except Members of the Cabinet may be Members of the Overview and Scrutiny Commission or Panels. However, no Councillor may be involved in scrutinising a decision in which he/she has been directly involved.

5   Co-optees

The Overview and Scrutiny Commission and Panels may appoint a number of people to participate as non-voting co-optees.

6   Education Representatives

The Overview and Scrutiny Commission and the Life Chances Overview and Scrutiny Panel shall include in their membership the following voting representatives when dealing with education matters:

a) One Church of England diocesan representative;
b) One Roman Catholic diocesan representative; and
c) Two parent governors.

These representatives have automatic rights of co-option and voting powers in connection with matters concerning the duties and functions of the Council as a Local Education Authority. When the Commission and/or the Life Chances Overview and Scrutiny Panel deals with other matters, these representatives may be present and may speak but will have no right to vote.

7   Meetings of the Overview and Scrutiny Commission and Panels

There will be at least five ordinary meetings of the Overview and Scrutiny Commission each year. In addition, extraordinary meetings may be called from time to time, as and when appropriate. The Chair of the Commission has the power to convene additional meetings to consider business or to cancel a meeting for lack of business or to reschedule a meeting, having first consulted with the designated representatives of all groups recognised by the Council. In addition, extraordinary meetings of the Commission may be called by the proper officer if he/she considers it necessary.

The Chair of each Overview and Scrutiny Panel in consultation with the Chair of the Commission will determine the calendar of meetings for the Panel in consultation with the lead members of all groups.

Notwithstanding to Rule 5.1 of Part 4A of the Council Procedure Rules (Time and Place of meetings), the relevant Overview and Scrutiny Commission/ Panels shall determine the time and place of their meetings. The Commission/ Panels shall determine from time to time all administrative matters (including the seating arrangements) that are conducive to the proper discharge of the function of the Commission/ Panels. Such decisions must be within the budget agreed by the Council.

8   Quorum

The quorum for the Overview and Scrutiny Commission and Panels will be one quarter of the whole number of Members or a minimum of three members as prescribed by Rule 5.4 of the Council Procedure Rules in Part 4 – A of this Constitution.

9   Chairing Overview and Scrutiny Commission and Panel Meeting

a) **Selection**

The Council will appoint the Chair and Vice Chair of the Overview and Scrutiny Commission and Panels at its Annual Council meeting. The appointment of Chairs and Vice Chairs will comply with the rules of proportionality and in each case the Chair and Vice Chair for each body will not be from the same political party. In the event of a vacancy during the Council year, the Council will appoint a new Chair at the first meeting following the resignation of the Chair.

b) **Powers of the Chair**

The Chairs of the Overview and Scrutiny Commission and Panels will have the following powers:

(i)   To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

(ii) To preside over meetings of the Commission/Panels so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

(iii) To ensure that the Commission/Panel meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not in the Cabinet are able to hold the Cabinet to account; and

(iv) To promote public involvement in the Commission/Panel's activities.

In addition, the Commission may confer powers for chairs of the Commission/Panels that are

(i)   Designed to uphold the purposes of the constitution;

(ii) Designed to ensure that business can be carried out efficiently with regards to the rights of councillors and the interests of the community;

(iii) Designed to ensure that the meeting is a place for debate; and

(iv) Designed to promote public involvement in the commission/panel activities.

c) **Panels**

Each Overview and Scrutiny Panel will be chaired by a Member of the Overview and Scrutiny Commission assigned to that particular Panel.

d) **Work Programme**

Subject to the coordination role of the Overview and Scrutiny Commission, the Overview and Scrutiny Commission and the Panels will be responsible for setting their own work programme and in doing so shall take into account wishes of all members on that scrutiny body.

10   Agenda Items

a) Any Member of the Overview and Scrutiny Commission or Panel shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Commission or Panel to be included on the agenda for the next available meeting of the Commission or Panel. On receipt of such a request the Proper Officer will ensure that it is included on the agenda for the next available meeting, having due regard to the Access to Information Provisions.

b) In the event of any three Members wishing to include an item on the agenda of the Overview & Scrutiny Commission or a Panel when they do not sit on the body concerned, they may give written notice to the Proper Officer that they wish an item, other than an item for call-in, to be included on the agenda of the Commission or relevant Panel. If the Proper Officer receives such a notification, then he/she will include the item for consideration by the Commission or Panel on its first available agenda. For call-in requests, see Rule 17, below, having due regard to the Access to Information Provisions.

c) The Overview and Scrutiny Commission/Panel will also respond, as soon as its work programme permits, to requests from the Council and or the Cabinet to review particular areas of Council activity.

11 Pre-decision Policy Development and Review of the Forward Plan

a) The Overview and Scrutiny Commission and Panels will contribute to the development of Council policy by identifying and prioritising areas for policy development input, subject to the subject to the coordination role of the Overview and Scrutiny Commission. In so doing, the Commission and Panels will:

   (i) Examine and anticipate issues relevant to the Council's Policy Framework as set out in Article 4;
   (ii) Review the forward plan and consider which issues/ reports/ proposals they wish to examine in detail before a decision is made;
   (iii) Undertake a detailed examination of any proposal in (ii) above, investigating alternatives, timeframes, costings, consultation processes, seeking background or any other relevant information and formulating recommendations which may be passed to the decision-maker as is appropriate, before the formal decision is made;
   (iv) Consult with Cabinet Members, Chief Officers, Heads of Service or their nominees.

b) The Overview and Scrutiny Commission and/or Panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

c) The role of the Overview and Scrutiny Commission and the Panels in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules Part 4-C.

12 Pre-decision Policy Reports from the Overview and Scrutiny Commission and Panels

a) Once it has formed recommendations on proposals for policy development, the Overview and Scrutiny Commission/Panel will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet and/or the Council as appropriate.

b) The agenda for Cabinet meetings shall include a standing item for pre-decision policy matters referred to it by the Overview and Scrutiny Commission/Panels in accordance with Cabinet Procedure Rule 2.5(a).

c) The Cabinet and/or the Council as appropriate shall respond to the report of the Overview and Scrutiny Commission/Panel within 28 days of it being considered at the meeting of Cabinet/ Council.

d) In preparing reports for Cabinet Meetings, Cabinet Members and Officers will have regard to the comments and issues raised by the overview and scrutiny pre-decision review process.

13   Review and Scrutiny of Decisions

a) The Overview and Scrutiny Commission or Panel may review and scrutinise decisions made or actions taken in connection with the discharge of any Council functions. These reviews may take one of two forms:

   (i)   After the decision is made and implemented; or
   (ii) After the decision is made but before it is implemented in accordance with Rules 16 and 17 governing 'call-in'.

b) In addition to reviewing relevant documentation for these reviews, the Commission or relevant Panel may wish to question Cabinet Members, Chairs of non-executive committees, Chief Officers, Heads of Service, or their nominees. In particular the Commission or Panel may seek explanations about the following in relation to matters within their remit:

   (i)   Any particular decision or series of decisions;
   (ii)   The extent to which the actions taken implement Council policy; and/or
   (iii) Their performance.

c) Members of the Cabinet, Chief Officers, Heads of Service or their nominees will be required to attend, where:

   (i)   The Chair of the Commission or Panel informs the Proper Officer of the request in writing or electronically
   (ii)   The Proper Officer informs the Member or Officer in writing giving at least 5 working days notice of the meeting at which he/she is to attend;
   (iii) The notice will state the nature of the item on which he/she is to attend and whether any papers should be produced. Where the Commission or Panel seeks the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation;
   (iv) Where, in exceptional circumstances, an Officer, or his or her nominee, is unable to attend on the specified date, then the Commission or Panel will arrange an alternative date in consultation with the Officer, or his or her nominee. Chief Officers and Heads of Service should ensure that officers nominated to appear have the appropriate knowledge and responsibilities;
   (v)   Those appearing before the Commission or Panel shall not be required to answer any questions which, in the opinion of the Head of Legal Services, could render the Council liable to legal proceedings in any Court or Tribunal;
   (vi) Appearances before the Commission or Panel will always be conducted in accordance with the Member/Officer Protocol.

14   Overview and Scrutiny Members' Rights to Documents

In addition to their rights as Councillors, members of the Overview and Scrutiny Commission and Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4-B of this Constitution.

15   Attendance by Others at Policy Development or Review Meetings

The Overview and Scrutiny Commission or Panel may invite people other than those referred to in paragraph 13 above to address it, discuss issues and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and may invite such people to attend.

16   Call-in

a) **General**

The Overview and Scrutiny Commission and Panels have authority to call-in certain executive decisions before the decision is implemented. This authority should only be used in the exceptional circumstances where Members of Overview and Scrutiny Commission and Panels have evidence which suggests that the decision-maker did not take the decision in accordance with the principles set out in Article 13 and a proper and timely request for call-in has been made.

b) **Principles of Decision-Making**

(i)   All decisions of the Council will be made in accordance with the following principles:
(ii)   Proportionality (i.e. the action must be proportionate to the desired outcome);
(iii)   Due consultation and the taking of professional advice from officers;
(iv)   Respect for human rights and equalities;
(v)   A presumption in favour of openness;
(vi)   Clarity of aims and desired outcomes;
(vii)   Consideration and evaluation of alternatives;
(viii) Irrelevant matters must be ignored.

c) **Requirements for Call-in Consideration**

In order to ensure that call-in is not abused, nor causes unreasonable delay, the following requirements must be fully satisfied before a matter will be considered for call-in:

(i)   At least three Members of the Council must request call-in of the decision;
(ii)   The request for call-in must specify the reason for the call-in;
(iii)   The request for call-in must be received by the Chief Executive by 12 noon on the Monday following publication of the decision. Electronically transmitted requests will be accepted providing a paper copy is received by the following day;
(iv)   The decision for which call-in consideration is requested must not have been subject to a prior call-in request.

d) **Publication of Decision**

When a decision is made by the Cabinet, a Cabinet Committee or an individual Cabinet member, or a key decision is made by an Officer with delegated authority from the Cabinet or under joint arrangements, the decision will be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. All Members will be able to access copies of the records of all such decisions within the same timescale.

That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the following Monday at noon, unless a proper and timely call-in request has been made in accordance with Rule17.

e) **Consideration of Call-In Requests**

The Chief Executive will forward all call-in requests that comply with the above to the Chair of the relevant Overview and Scrutiny Commission/ Panel for consideration by the Commission/ Panel at the next scheduled call-in meeting.

f) **Outcomes of Call In**

Having considered the called-in decision, the Overview and Scrutiny Commission/ Panel may:
(i)   Refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns. The decision maker will then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision which will be explained in writing;
(ii)   Refer the matter to full Council where the Commission/ Panel determines that the decision is contrary to the Policy and/or Budget Framework; or
(iii) Decide not to refer the matter back to the decision-making person or body, in which case the decision shall take effect immediately.

g) If following a proper call-in request, the relevant Overview and Scrutiny Commission/ Panel does not meet in the period set out above, the decision shall take effect on the expiry of the period in which the Commission/ Panel meeting should have been held.

h) The matter was referred to full Council and the Council does not object to the decision made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer the decision back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or by a Cabinet committee, a meeting will be convened to reconsider within 5 working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.

i) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

17   Call-in and Urgency

a) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

b) The decision taker (if an individual) or the Chair of the body making the decision shall obtain the agreement of the Chair, or in their absence the Vice Chair, of the relevant Overview & Scrutiny Commission/ Panel that the taking of the decision cannot be reasonably deferred. If the Chair or Vice-Chair of the relevant Overview & Scrutiny Commission/ Panel are unable to act then the agreement of Mayor or in his/her absence the Deputy Mayor will suffice.

c) The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of

urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

d) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary, within the Scrutiny Annual Report.

18 Procedure at Overview and Scrutiny Commission and Panel Meetings

a) The Overview and Scrutiny Commission and/or Panels shall consider the following business:
   (i) Apologies for absence;
   (ii) Minutes of the last meeting;
   (iii) Declarations of interest (including whipping declarations);
   (iv) Consideration of matters properly referred to the Commission/ Panel for a decision in relation to call-in of a decision;
   (v) Responses of the Cabinet to reports of the Overview and Scrutiny Commission/ Panels;
   (vi) Consideration of matters in the forward plan; and
   (vii) The business otherwise set out on the agenda for the meeting.

b) Where the Overview and Scrutiny Commission or Panel conducts investigations (e.g. with a view to policy development), the Commission or Panel may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
   (i) That the investigation is conducted fairly and all Members of the commission or panel be given the opportunity to ask questions of attendees, and to contribute and speak;
   (ii) That those assisting the Commission by giving evidence be treated with respect and courtesy; and
   (iii) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

c) Following any investigation or review, the Commission/Panel shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

19 Involvement of Staffside

When the Overview & Scrutiny Commission or any of its Panels are in public session, representatives of Staffside may attend meetings and will be given the opportunity to present material, discuss issues and answer questions, in accordance with the agenda, to enable the Commission or Panels to take account of issues raised and material presented in their reports and recommendations. Representatives of Staffside may only be present or contribute to meetings when confidential or exempt information is discussed with the permission of the Chair of the Commission or Panel.

20   Deputations at Meetings

a)   Any group or society likely to be affected by a matter which appears on an Overview and Scrutiny Commission/ Panel agenda may ask that a deputation should be received by that body. Such request shall be made to the Chief Executive by telephone or letter by 12 noon on the day before the meeting to which it relates. The group or society making the request shall indicate the matter to which the request relates, the number (which shall not exceed 5), and names and addresses of the persons who will form the deputation and the member of the deputation who will speak for them.

b)   On being called by the Chair, the person speaking for the deputation may speak for up to 5 minutes making such remarks as he/ she thinks fit, provided that such shall relate to the matter indicated when the request was made, and that they do not make a personal attack upon any person. They will be heard in silence.

c)   The Commission/ Panel may, during a further period not exceeding 5 minutes for each deputation, ask questions of those attending. Such questions shall be asked and answered without discussion.

d)   Thereafter the deputation shall withdraw, save that by resolution of the Commission/ Panel these times periods may be extended.

e)   No deputation shall appear before the Commission or Panel within 6 months after a deputation has appeared before the Commission/ Panel with the same or similar objects.

f)   Deputations will not be received on subjects that have a general application to all or a substantial portion of the residents of the borough.

g)   The Chair(s) shall have discretion to accept alternative arrangements to the procedure set out above in exceptional circumstances.

h)   Political parties and/ or political groups shall not be entitled to use this procedure.

i)   Members of the Cabinet may attend and speak at Overview and Scrutiny Commission and Panel Meetings

21   Provisions in Respect of Health

a)   The Overview and Scrutiny Commission (or the Health and Community Care Services Overview and Scrutiny Panel acting on behalf of the Commission) may review and scrutinise any matter relating to the planning, provision and operation of health services within its area and shall in carrying out the review and scrutiny of a particular matter:
   (i)   Have regard to any Guidance issued by the Secretary of State;
   (ii)   Invite interested parties to comment on the matter;
   (iii)   Take account of relevant information available to it and in particular relevant information provided by a Patients' Forum pursuant to a referral;
   (iv)   Otherwise the procedure is to be determined by the Overview and Scrutiny Commission/ Health and Community Care Services Overview and Scrutiny Panel;

(v)   An Overview and Scrutiny Commission/ Health and Community Care Services Overview and Scrutiny Panel when making reports and recommendations to the Council and/ or the Local NHS bodies shall include:
- An explanation of the matter reviewed or scrutinised;
- A summary of the evidence considered;
- A list of the participants involved in the review or scrutiny; and

(vi)   Any recommendations on the matter reviewed or scrutinised.

b) Where the Overview and Scrutiny Commission/ Health and Community Care Services Overview and Scrutiny Panel requests a response from a local NHS body to whom it has made a report or recommendation, that body shall respond in writing to the Commission/ Panel within 28 days of the request.

c) When considering any proposal (with certain exclusions) for a substantial development or variation in respect of Health Services, then the local NHS body is required to consult the Overview and Scrutiny Commission/ Health and Community Care Services Overview and Scrutiny Panel. The local NHS body may specify a date for comments on the proposal and depending on the timescales it may be necessary to convene special meetings of the Overview and Scrutiny Commission/Panel.

d) If the Overview and Scrutiny Commission/ Health and Community Care Services Overview and Scrutiny Panel considers that the consultation by the local NHS body referred to above was inadequate in respect of content, time allowed, or reasons given then the Overview and Scrutiny Commission/Panel may make a written report to the Secretary of State. The Overview and Scrutiny Commission/ Health and Community Care Services Overview and Scrutiny Panel may also send a written report to the Secretary of State setting out reasons why the proposal from the local NHS body is not in the interests of the Health Service within the Council's area.

e) The local NHS body is under a duty to provide the Overview and Scrutiny Commission/ Health and Community Care Services Overview and Scrutiny Panel with such information (with exceptions) as it may reasonably require in order to discharge its functions.

f) The Overview and Scrutiny Commission/ Health and Community Care Services Overview and Scrutiny Panel has powers to require officers of a local NHS body to attend before the Commission/ Panel to answer such questions as appear to the Commission/Panel to be necessary for the discharge of its functions, with certain exceptions.

Other constitutional amendments required

In addition to the above extracts of the constitution, the changes will impact on other references to overview and scrutiny in the Council's constitution. The additional constitutional amendments required are set out below

Paragraph	Action required	New text
Part 1, paragraph 10	Update summary of the role of overview and scrutiny – delete current paragraph and replace with new text	The role of overview and scrutiny is to hold the executive to account, to review & develop policy and to scrutinise the work and impact of external agencies on the local community. This function is carried out by an Overview and Scrutiny Commission and Overview and Scrutiny Panels which support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public investigations into matters of local concern which identify recommendations for improvement. This work advises the Cabinet and the Council as a whole on its policies, budget and service delivery. Indeed, the Cabinet or the Council may consult with them on forthcoming decisions and the development of policy. The Overview and Scrutiny Commission also monitors executive decisions once they are made. In certain circumstances, they can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision.
Part 2, Art. 3, paragraph 3.1c	Delete 'its' to reflect the changes to the structure of the overview and scrutiny commission and panels, i.e. that the commission no longer appoints the panels	**3.1 (c) Participation.** Citizens have the right to participate in the Council's meetings through Question Time and may be invited to contribute to investigations by the <u>Overview and Scrutiny Commission or Panels</u>. The Council will also promote a network of area forums aimed at enabling citizens to express views on local matters as part of its community leadership role. Citizens may also attend and address Committees and Sub-Committees responsible for decisions on planning and licensing matters.

Part 2, Art. 10, paragraph 10.3	a) Add 'and Panels' b) Delete 'its' and replace with 'the Overview and Scrutiny'; c) Add 'or Panel' d) Add 'or Panels are' All to reflect the changes to the structure of the overview and scrutiny commission and panels	**10.3 Conflicts of Interest – Membership of Area Forums and Overview and Scrutiny Commission <u>and Panels</u>** (a) **Conflict of interest.** If the Overview and Scrutiny Commission, or one of <u>the Overview and Scrutiny</u> panels, is scrutinising specific decisions or proposals in relation to the business of the area forum of which the Councillor concerned is a member, then the Councillor may not speak or vote at the Overview and Scrutiny Commission <u>or Panel</u> meeting unless a dispensation to do so is given by the Standards Committee. This paragraph would only apply if an Area Forum were given decision-making powers. (b) **General policy activity.** Where the Overview and Scrutiny Commission <u>or Panels are</u> engaged in policy development or general review, the member must declare his/her interest before the relevant agenda item is reached, but need not withdraw.
Part 2. Art. 13, paragraph 13.6	Delete 'its' to reflect the changes to the structure of the overview and scrutiny commission and panels	**13.6 Decision-Making By The Overview And Scrutiny Commission** The Overview and Scrutiny Commission and panels will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.
Part 3B, paragraph 1.5b	Delete 'its' to reflect the changes to the structure of the overview and scrutiny commission and panels	**1.5 (b) Functions:** The functions of the Overview and Scrutiny Commission and Panels are set out in Article 6 of Part 1 of the Constitution and should be read in conjunction with the Overview and Scrutiny Commission Procedure Rules in Part 4-E.
Part 3B, paragraph 1.5c	Delete paragraph as this is now covered by 1.5 (b)	-
Part 3C, paragraph 1.1ix	Delete 'its' to reflect the changes to the structure of the overview and scrutiny commission and panels	1.1 (ix) Be represented at meetings of the Overview and Scrutiny Commission and Panels relating to policy issues raised in particular areas of responsibility, or on service performance;

Part 4A, paragraph 11.9	Add 'and Panels' to reflect the changes to the structure of the overview and scrutiny commission and panels	**11.9 Reference of Question to the Cabinet or a Committee** Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee, including the Overview and Scrutiny Commission <u>and Panels</u>, or sub-committee. Once seconded, such a motion will be voted on without discussion.
Part 4B, paragraph 1	Add 'and Panels' to reflect the changes to the structure of the overview and scrutiny commission and panels	**1. Scope** These rules apply to all meetings of the Council, the Overview and Scrutiny Commission <u>and Panels</u>, the Standards Committee, all other regulatory committees and sub-committees and public meetings of the Cabinet and Cabinet sub-committee (together called meetings).
Part 4B, paragraph 20	1. Add 'and panels' 2. Delete 'its' and replace with 'the Overview and Scrutiny' Both to reflect the changes to the structure of the overview and scrutiny commission and panels	**20. Attendance at Private Meetings of the Cabinet** (a) **Overview and Scrutiny Commission <u>and Panels</u>** Where a matter under consideration at a private meeting of the Cabinet is within the remit of the Overview and Scrutiny Commission or one of <u>the Overview and Scrutiny</u> Panels, the Chair of the Commission or the relevant panel, or in their absence the appropriate vice chair, may attend that private meeting with the consent of the person presiding, though not speak unless those present agree.
Part 4B, paragraph 23	1. Add 'and Panels' 2. Delete 'including its' Both to reflect the changes to the structure of the overview and scrutiny commission and panels	**23. Overview and Scrutiny Commission <u>and Panels'</u> Access to Documents** Subject to Rule 23.1 below, the Overview and Scrutiny Commission and Panels will be entitled to copies of any document which is in the possession or control of the Cabinet and which contains material relating to…

Part 4D, paragraph 2.3e	Delete 'any relevant panel thereof' and replace with 'Panels' to reflect the changes to the structure of the overview and scrutiny commission and panels	2.3 e) consideration of reports from the Overview and Scrutiny Commission or <u>Panels</u>;
Part 4D, paragraph 2.5a	1. Add 'or the Overview and Scrutiny Panels' 2. Add '/Panels' Both to reflect the changes to the structure of the overview and scrutiny commission and panels 3. Delete 'up to 4 items referred for reconsideration by the decision-maker in accordance with the call-in procedures and' to reflect the deletion of the cap on the number of call-ins that can be heard	**2.5 Inclusion of Items on the Cabinet Agenda** (a) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Overview and Scrutiny Commission <u>or the Overview and Scrutiny Panels</u>. In addition to any Best Value reviews, there may be up to 2 other reports from the Overview and Scrutiny Commission<u>/Panels</u>, per Cabinet meeting, unless agreed otherwise by the Leader.

Appendix B: Research sources

Evidence Log

OS1   Notes from the CfPS Consensual Scrutiny Environment Seminar, 26 October 2005
OS2   Overview & Scrutiny Articles:
- Local government under the public microscope (Dr Jane Martin)
- Keep an eye on scrutiny (Andrew Coulson)
- The Critical Friend (Prof Gerry Stoker)
- Scrutiny should be in the limelight (Varya Shaw)
OS3   Summaries of:
- The Good Scrutiny Guide (CfPS)
- Successful Scrutiny (CfPS)
- Overview and Scrutiny Guidance for Districts (CfPS)
OS4   Notes from visit to Hounslow, 25 November 2005
OS5   Presentation and notes regarding overview and scrutiny at Maidstone Borough Council
OS6   Feedback from the Ideas Board, Full Council, 30 November 2005
OS7   Notes from the CfPS Community Leadership Seminar, 30 November 2005
OS8   Notes from the Brent Budget Scrutiny Seminar, 1 December 2005
OS9   Feedback from the member questionnaire regarding scrutiny, November - January
OS10   Feedback from the Directorate Management Team meetings, January - February 2006
OS11   *Review of Overview and Scrutiny in the London Borough of Merton* Report by Professor Steve Leach, De Montfort University, January 2006
OS12   Self-Assessment of scrutiny at Merton using the CfPS Self Assessment Framework
OS13   Notes from visit to Camden, 1 February 2006
OS14   Submission from Cllr Sheila Knight
OS15   *The Development of Health Scrutiny in Merton* Interim Report by Richard Poxton, IDeA, March 2006

Please note: A volume of evidence has been produced incorporating the above information. Copies can be accessed in the Majority, Minority and Independent Party Offices, the Members' Resource Room and the Scrutiny Section Office. For more information, contact Kate Martyn, Scrutiny Manager, on x3857.

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