

# Appendix - Amendments to the Constitution as it Relates to Overview and Scrutiny

Formatted: Centered

## Article 6 Overview and Scrutiny Committees

- 6.1 The overview and scrutiny function is a central element to this constitution. Overview and Scrutiny Committees will meet in public to discuss and make recommendations on the review of policies and hold Cabinet to account for their actions. They will also have a key role in considering other matters of local concern.
- 6.2 The guiding principle for the work of scrutiny is that it should be consensual, non-political and positive. The emphasis of the work should be on making a proactive and positive contribution to the review of policy and service improvement and the discharge of the Council's functions. This is best achieved by an inclusive process covering Members, partners, service users and staff.
- The Council will appoint four Committees.
  - The Transformation and Improvement Overview and Scrutiny Committee will be responsible for corporate governance and monitoring and evaluating the effectiveness of Shropshire Council and its partnerships.
  - The Overview and Scrutiny Committees may undertake reviews through task and finish groups and involve other Councillors with an interest. A protocol for Task and Finish Groups is set out in Part 5.
  - The People Overview and Scrutiny Committee will include in its work education matters and have statutory representatives as voting members within its overall membership for the relevant matters.
  - All Scrutiny Committees may also appoint non-voting representatives as co-opted members, as and when required.
  - Each Overview and Scrutiny Committee will exercise responsibility for the use of any finances made available to them.
  - An item shall be included on the agenda for every ordinary Council meeting to facilitate the review of the Scrutiny Committees. ▼

Deleted: five

Deleted: Performance Management

Deleted: s

Deleted: The Performance Management

Deleted: the

Deleted: Council will deal with the matter in accordance with the Protocol set out in Part 5

- The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.
- The Chairs of the other three Committees will all sit on the Transformation and Improvement Overview and Scrutiny Committee to focus on strategic issues for overview and scrutiny and maintain regular dialogue and engagement with senior officers,

**Deleted:** four

**Deleted:** Performance Management

**Deleted:** f

6.3 Overview and Scrutiny should not be political and should have regard to four principles of good scrutiny:

- provide constructive “critical friend” challenge
- amplify the voice and concerns of the public
- be led by independent people who take responsibility for their role
- drive improvement in public services

**Commented [TC1]:** These have been reproduced from the report of the Centre for Governance and Scrutiny.

## Part 3 of the Constitution

<u>Transformation and Improvement</u> <u>Overview and t</u> Scrutiny Committee	Members of the Authority	The statutory functions of an Overview and Scrutiny Committee as set out in the Overview and Scrutiny Procedure Rules.	N/A
<u>People Overview and Scrutiny</u> Committee	Members of the Authority (plus non voting and other co-opted members)	The statutory functions of an Overview and Scrutiny Committee as set out in the Overview and Scrutiny Procedure Rules.	
<u>Economy and Environment</u> ,	Members of the Authority	The statutory functions of an Overview and Scrutiny Committee as set out in the Overview and Scrutiny Procedure Rules .	N/A

**Deleted:** Performance Managemen

**Deleted:** School Standards Sub-Committee (for inspection reports)¶

**Deleted:** Place

Overview and Scrutiny Committee			
Health Overview and Scrutiny Committee	Members of the Authority	To review and scrutinise, in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended, matters relating to the health service in the authority's area and to make reports and recommendations in accordance with those Regulations.	

- Deleted:** Communities Overview Committee
- Deleted:** and Adult Social Care
- Deleted:**

## OVERVIEW AND SCRUTINY PROCEDURE RULES

### 1. What Will Be the Number and Arrangements for Scrutiny Committees?

The Council will have the Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees. Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

- (a) The Council will have 4 committees, which will perform Overview and Scrutiny functions on behalf of the Council;
- ~~(b)~~ The terms of reference for each committee will be as set out in Table 1 at the end of these Rules.
- (c) Informal (i.e. non-decision-making) meetings of the Scrutiny Committee Chairmen (Scrutiny Chairs Group) will from time to time be held to discuss the effectiveness of the Scrutiny function and other matters of relevance with a view to advising the Chief Executive on any amendments required to the Council's scrutiny arrangements. The Leaders of all the political groups, Vice Chairmen of Scrutiny Committees, the Statutory Scrutiny Officer and appropriate Chief Officers will be invited to attend.
- (d) Where matters fall within the remit of more than one Scrutiny Committee or Sub-Committee, the Chief Executive, in consultation with the Scrutiny Chairs' Group shall determine which of them will assume responsibility for any particular issue.
- (e) The Chief Executive shall receive requests from the Executive and/or the Council for reports from Scrutiny Committees and allocate them, in consultation with the Scrutiny Chairs Group, to one or more of the Scrutiny Committees.
- (f) There will be a Members' Question Time at the commencement of each Scrutiny Committee.
- (g) A protocol on Task and Finish Groups is set out in Part 5.

**Deleted:** 5

**Deleted:** and resolve any issues of dispute between them....

**Deleted:** Scrutiny Chairs' Group

**Deleted:** if appropriate,

**Deleted:** <#>The Scrutiny Chairs' Group shall have a system to ensure that referrals from an Overview and Scrutiny Committee to the Executive, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set in the Constitution. ¶

### 2 Who May Sit on Overview and Scrutiny Committees / Task and Finish Groups?

All councillors except members of the Executive may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

### 3. Co-optees

Each Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees as and when required, for example at a themed meeting or to join a Task and Finish Group.

The People Overview [and Scrutiny](#) Committee shall be entitled to appoint permanent co-opted members for education matters in accordance with paragraph 4.

In all cases co-optees should be appointed to add value to the work of the Overview and Scrutiny Committees so that they are supported by those with specialist knowledge and expertise, appropriate to the subject under review.

#### 4. **Education Representatives**

The People Overview [and Scrutiny](#) Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church of England Diocese representative;
- (b) 1 Roman Catholic Diocese representative; and
- (c) 2 Parent Governor representatives.

The committee in this paragraph is a committee of a local education authority, where the committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

#### 5. **Meetings of the Scrutiny Committees**

Ordinary meetings of each Scrutiny Committee in each year shall be set out in the Council Diary. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chair of the relevant Scrutiny Committee by any 2 members of the relevant Scrutiny Committee or by the Chief Executive if he/she considers it necessary or appropriate.

#### 6. **Quorum**

The quorum for a Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

Deleted: ¶

.....Page Break.....

## 7. Who Chairs Scrutiny Committee Meetings?

Chairs of Scrutiny Committees will be drawn from among the councillors sitting on the committee, and subject to this requirement, the committee may appoint such a person as it considers appropriate as Chair. Best practice however dictates that the Chair of the Committee is not normally a member of the controlling political group(s).

## 8. Work Programme

Each Overview and Scrutiny Committee will be responsible for setting its own work programme. In doing so, they shall take into account the wishes of all members serving on that Committee, particularly those who are not members of the largest political group on the Council.

**Deleted:** The Scrutiny Chairs Group

**Deleted:** the

**Deleted:** s for all of the Council's Overview and Scrutiny Committees...

## 9. Agenda Items

- (a) Any member of the Council shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of an Overview and Scrutiny Committee to be included on the agenda for a future meeting of one of the Committees. On receipt of such a request, the Chief Executive will refer the request, in consultation with the Scrutiny Chairs Group, to the next available meeting of the relevant Overview and Scrutiny Committee.
- (b) The Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate, the Executive, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Scrutiny Committee within 2 months of receiving it.

**Deleted:** the

**Deleted:** the

**Deleted:** Proper Officer

**Deleted:** ensure that this matter is referred to the first available meeting of the Scrutiny Chairs' Group for detailed consideration.

## 10. Policy Review and Development

- (a) The role of the Scrutiny Committees 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.
- (b) In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, Scrutiny Committees or sub-committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference. Scrutiny Committees 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.

#### 11. Reports from Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from, or a change to the agreed budget and policy framework).
- (b) If the Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then in respect of Policy Review and Development only (not call-in), up to one minority report may be prepared by the Minority Group(s) and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Scrutiny Committee within 2 months of it being submitted to the Proper Officer.

Deleted:

#### 12. Making Sure That Scrutiny Reports are Considered by the Executive

- (a) The agenda for Executive meetings shall include an item entitled 'Consideration of Reports from Overview and Scrutiny'. The reports of Scrutiny Committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's policy deliberations on a substantive item on the agenda) within 2 months of the Executive receiving it.
- (b) Once a Scrutiny Committee has completed its deliberations on matters (where appropriate) it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the Proper Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive will have 4 weeks in which to respond to the Scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from a Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Executive to the Scrutiny proposals.  
Or
- (c) Where a Scrutiny Committee prepares a report for consideration by the Executive in relation to a matter where the Leader has delegated decision-making power to another individual Member of the Executive then the Scrutiny Committee will submit a

copy of their report to that individual for consideration. At the time of doing so, the Scrutiny Committee shall serve a copy on the Proper Officer and the Leader. If the member with delegated decision-making power does not accept the recommendations of the Scrutiny Committee, then he/she must then refer the matter to the next available meeting of the Executive for debate before exercising his/her decision-making power and responding to the report in writing to the Scrutiny Committee. The Executive Member to whom the decision-making power has been delegated will respond to the Scrutiny Committee within 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the Proper Officer and he/she will attend a future meeting of the Scrutiny Committee to present their response.

- (d) Only 5 reports from Scrutiny will be considered at each meeting of the Executive
- (e) Scrutiny Committees will in any event have access to the Executive's Forward Plan and Timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a Scrutiny Committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

### **13. Rights of Scrutiny Committee Members to Documents**

- (a) In addition to their rights as councillors, members of Scrutiny Committees have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **14. Members and Officers Giving Account**

- (a) Any Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any (other) member of the Executive, the Head of Paid Service and/or any Chief or Senior Officer to attend before it to explain in relation to matters within their remit:
  - (i) any particular decision or series of decisions and/or their performance in relation to those decisions;
  - (ii) the extent to which the actions taken implement Council policy, and it is the duty of those persons to attend if so required.
- (b) Where any Member or officer is required to attend a Scrutiny Committee under this provision, the Chair of that committee will inform the Proper Officer. The Proper Officer shall inform the Member or officer in writing giving at least 5 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Panel. Where the account to be given to



the Panel will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance to take place.

#### 15. Attendance by Others

- (i) A Scrutiny Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions and provide reasonable expenses for doing so. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.
- (ii) If there is insufficient time to hold a meeting for the Committee to decide who to invite to attend the meeting then this decision shall be taken by the Chairman, Vice Chairman and the relevant Director.

*Attendance is of course entirely optional.*

#### 16. Call-In

- (a) When a decision is made by the Executive an individual member of the Executive or a committee of the Executive or a key decision is made by an officer with delegated authority from the Executive or under an area committee or under joint arrangements, the decision shall be published and entered into a register to be known as the 'Decisions List', and shall be available at the main offices of the Council normally within 2 working days of being made. Such decisions should also be published to members by means of a list available for inspection by Members via e-mail. In accordance with Members' requirements, the Decisions List (or relevant part of the list) shall also be sent in writing by post, if requested, but such delivery shall not affect the timescales for 'calling-in'.
- (b) 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 expiry of 5 working days (i.e. on the 6<sup>th</sup> working day) after the publication of the decision, unless it is called in.
- (c) During that period, the Proper Officer shall call-in a decision for a Scrutiny Committee if so requested in writing by:
- (i) any 12 members; or

Deleted: 5

- (ii) Group Leaders (or persons authorised by them) may 'call-in' items on behalf of all members of their group by communicating a 'group call-in' request to the Proper Officer, which request shall be in writing (or e-mail), or if an oral request, confirmed in writing (or e-mail) within 3 days. It will be for Group Leaders to ensure that they have the consent of all group members to the exercise of a 'group call-in' request. Such requests shall be treated as if individual call-in requests had been received from each and every member of the Group; or
- (iii) the Chair of the relevant Scrutiny Committee.

To effect a call in as referred to above the Notice to the Proper Officer shall include the reasons for the call in of the executive decision and what alternative course of action (unless the preferred course of action is to do nothing – in which this will be stated in the Notice ) is proposed.

The Monitoring Officer shall in consultation with the Chair or Vice Chair of the relevant Scrutiny Committee, determine within 3 working days whether the call in has been made in accordance with the previous paragraph,

The Proper Officer shall then notify the decision-taker of the call-in. The call-in decision will go to the next meeting of the relevant Scrutiny Committee, or to a special meeting, if necessary, on grounds of urgency.

If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision-maker they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.

- (d) If, following consideration of the decision, the Scrutiny Committee does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Scrutiny meeting.

- (e) If the matter was referred to full Council and the Council does not object to a decision which has been 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, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the Policy Framework, or contrary to, or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects 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 Executive as a whole or a committee of it, a meeting will be convened to reconsider within 15

Deleted: NB.

Deleted:

Deleted: Chair or Vice Chair of the rele

Deleted: vant Scrutiny Committee

Deleted: Monitoring Officer

Deleted: request is valid

Deleted: an objection to the decision

working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council request.

- (f) If the Council 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.

### 17. Call-in and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the Executive or those with delegated authority is urgent and one of the following applies:

- (i) the item was so identified in the Report of the decision-maker when the item was considered and the decision made;
- (ii) the item has been identified as urgent by a Director or the Chief Executive and a note of the reason thereof is included in the decision summary.
- (iii) the item being already suspended by virtue of paragraph 16(c) is nevertheless identified as urgent by the Chief Executive following consultation with Group Leaders and a note of the reason therefore is included in the summary sheet. If certified as 'urgent' and entered into the Decisions List kept by the Monitoring Officer and noted therein as an 'urgent item', then such decision shall take effect on the date of such entry into the Decisions List.

Deleted: 7

### 18. The Party Whip

Scrutiny is not an opposition role, it is a cross-party duty and should not therefore be adversarial or party political. A party whip could be taken to mean "Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner".

When considering any matter in respect of which a member of a Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the Panel's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

Deleted:

### 19. Procedure at Scrutiny Committee Meetings

- (a) Scrutiny Committees shall consider the following business:
- (i) minutes of the last meeting;
  - (ii) declarations of interest (including whipping declarations);
  - (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
  - (iv) responses of the Executive to reports of the Scrutiny Committee;
  - (v) updates/progress reports (if any) on previous recommendations; and
  - (vi) the business otherwise set out on the agenda for the meeting.
- (b) Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at the committee which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the committee 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 committee shall prepare a report for submission to the Executive (Cabinet) and/or Council as appropriate and shall make its report and findings public.

20. **Matters Within the Remit of More Than One Scrutiny Committee**

- (a) Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, joint working between those panels will be encouraged.
- (b) Joint working between the scrutiny committees will take place at a joint themed meeting where the matter will be considered, (Each Scrutiny Committee will reach its own view on the matter). Or through a joint task and finish group that will consist of members of the panels involved and will undertake their work outside of the Scrutiny Panel meetings, reporting back to a Joint themed meeting (Each Scrutiny Committee will reach its own view on the matter).
- (c) If it is decided that a Scrutiny Panel will conduct the review individually then they shall invite the Chair of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.
- (d) Before submitting its findings to the Executive (Cabinet) and/or Council for consideration, the report of the reviewing Scrutiny Committee shall be considered by the other Scrutiny Committee for comment. Those comments shall be incorporated into the report which is then sent to that body for consideration.

**Commented [TC2]:** It is proposed that this issue is considered in more detail within the Scrutiny Chairs Group because of the complications that arise from having a Joint Committee.

**Deleted:** .

**Deleted:** of the joint panel.



**Table 1: Overview and Scrutiny Committees: Remit**

Overview and Scrutiny should not be political and should have regard to [the Centre for Governance and Scrutiny's four principles of good scrutiny](#):

- provide constructive “critical friend” challenge
- amplify the voice and concerns of the public
- be led by independent people who take responsibility for their role
- drive improvement in public services

All Overview and Scrutiny Committees will:

- Start from a position and a focus on the delivery of outcomes for Shropshire communities and the Council’s priorities as set out within [The Shropshire Plan](#)
- Set their own work programme based on their remit and a clear view of the value that they will add through their work
- Work together on topics that cut across more than one committee’s remits
- Identify the approaches that they want to take to carry out their work e.g. task and finish groups, thematic committee meetings, whole committee investigations
- Consider how the Council is working with partners at all levels to deliver the priorities and strategic objectives
- Make evidence-based recommendations, triangulating the intelligence and insights gathered through their investigations
- Investigate topics before decisions have been made by the decision makers
- Review the impact and progress following the implementation of decisions
- Respond to Call-ins for topics that are within their remit
- Report on the impact and added value they have achieved each year to Council

Committee Title	Outcomes that the Overview and Scrutiny Committee is responsible for
<u>Transformation and Improvement Overview and Scrutiny Committee</u>	<u>Overall Council Performance (including financial, quality and activity)</u> <u>Effectiveness and delivery of the Improvement and Transformation programme</u> <u>Support Services including: Finance, ICT, HR, OD, Legal and Member Services</u>

Deleted: ¶

Deleted: t

Deleted: ir

Deleted: Performance Management

Committee Title	Outcomes that the Overview and Scrutiny Committee is responsible for
	<p><u>Priority:</u> <u>Healthy Organisation</u></p>
<p>Health Overview and Scrutiny Committee</p>	<p><u>The Council's duty of health and wellbeing (including needs assessments, strategies, prevention, and commissioning)</u> <u>Planning and delivery of Health Services (HOSC)</u> <u>Integrated Care System (including Council services)</u></p> <p><u>Priorities:</u> <u>Health People</u> <u>Healthy Economy</u></p> <p><u>External focus:</u> <u>Health Trusts which are based in, impact on or provide services in the Shropshire Council Area</u> <u>Integrated Care System in the Shropshire Council Area</u></p>
<p>People Overview and Scrutiny Committee</p>	<p><u>Services for adults including:</u> <u>Social Care,</u> <u>Safeguarding,</u> <u>Special needs services,</u></p> <p><u>Services for children including:</u> <u>Social Care</u> <u>Safeguarding</u> <u>Special needs services</u> <u>Schools and learning</u></p> <p><u>Priority:</u></p>

Deleted: ¶

Deleted: and Adult Social Care

Deleted: i

Deleted: ¶  
¶

Committee Title	Outcomes that the Overview and Scrutiny Committee is responsible for
	<a href="#">Healthy People</a> <ul style="list-style-type: none"> <li>•</li> </ul>
<a href="#">Economy and Environment Overview and Scrutiny Committee</a>	<a href="#">Economic growth</a> <a href="#">Highways infrastructure and connectivity</a> <a href="#">Housing (including affordable and social housing)</a> <a href="#">Climate strategy and action plan</a> <a href="#">Culture and Leisure</a> <a href="#">Flooding and water management</a> <a href="#">16+ Education and learning and skills</a> <a href="#">Community Safety</a>  <a href="#">Priorities:</a> <a href="#">Healthy Economy</a> <a href="#">Healthy Environment</a> ▼

Deleted: Place

Deleted: ¶



# Protocol – Work Programming and Task & Finish Groups

## General Principles

1. Task and Finish Groups may be established by the Council, by Cabinet or by Committees of the Council (except for Planning and Licensing) and their sub-committees (i.e., the “parent body”).
2. The purpose of any Task and Finish Group will be to carry out an assigned piece of work according to the remit established by the parent body, and to report its findings and conclusions back to that parent body.
3. Every Task and Finish Group need not be politically balanced. The priority is for members of any Task and Finish Group to have a special knowledge or interest in the subject to be investigated. The presumption shall be that other members of Council have delegated their authority and trust to those subsequently appointed to serve on the Task and Finish Group, to complete their work in an effective manner. If it is not possible to reach agreement on the membership of a Task and Finish Group the make-up of the group will be based on political balance.
  1. Unless otherwise agreed by the Task and Finish Group, the documents relating to it should be regarded as documents for a “work in progress” and as such are not in the same category as committee documentation which is generally regarded as complete. Unless otherwise agreed by the Task and Finish Group, the documents relating to it should be regarded as “draft” and “work in progress” and as such are not in the same category as committee documentation which is generally regarded as complete. Some of these documents may present possibilities and options that will be evaluated as part of the Task and Finish Group work and are therefore not a final position.
- 4.
5. In some cases, premature publication of such documents may be counter-productive, unnecessarily raising concerns that the Council may be inclined to a particular course of action, before any alternative courses of action have been considered or tested. Members of a Task and Finish Group should therefore consider the papers sent to them in connection with their work to be of a sensitive nature, and should not copy, or cause them to be copied, outside the group.
6. Where a Task and Finish Group feels that there would be benefit from the Group seeking the views of an external body, group or individual, then they should be invited to attend a future meeting for this purpose.

Deleted: and

Deleted: <#>As part of its methodology, a Task and Finish Group may wish (but is under no obligation) to include a draft report to the parent body before finalising its conclusions.¶

Deleted: M

Deleted: the

Deleted: should

Deleted: ised version

Deleted: <#>Task and Finish papers may contain work undertaken on a range of proposals, some of which may be put forward to give comparison between a range of possibilities, and/or to help members clarify arguments for or against certain actions.¶

Deleted: in

Deleted: However, w

Deleted: member of the

7. The Chair of the parent body may request copies of papers for their information only, but again must not copy, or cause them to be copied further.
8. This proscription is not intended to obscure the need for transparency in local government decision making, but to ensure that the fullest possible range of options in any case, may be considered, without unduly raising disquiet.
9. Members of any Task and Finish Group will be free to brief their political groups about progress in general terms and consult with their members at the point at which outcomes are becoming clearer.
10. Unless otherwise agreed by the Task and Finish Group, its meetings will be held in private. Agendas will be provided for all members and will clearly indicate the items to be discussed. Any member wishing to attend the meeting who is not a member of the Group shall be entitled to attend. Unless they have a disclosable pecuniary interest in a matter under discussion, any member may speak having first given prior notice of their intention to do so or otherwise at the discretion of the Task and Finish Group chair
11. Papers for and action notes of a meeting of a Task and Finish Group will be shared with Group Leaders at their request.

**Deleted:** should however

## Work Programming

1. It is important to note that such work will generally be carried out through in depth reviews by the Overview and Scrutiny Committee or its sub-committee. The in depth work can be carried out by Task and Finish Groups.
2. Work Programmes for the Overview and Scrutiny Committees are developed by the Committees using topics proposed by Members.

**Deleted: Protocol: Task and Finish Groups (including Scrutiny Ground Rules - Work Programming)**

**Deleted: anning**

**Deleted: )¶  
¶  
General Framework**

**Deleted:** Committee agendas should ideally have a small number of topics on them i.e. 1 or 2, so that there is the opportunity to explore issues thoroughly.

**Deleted:** the Committee, or by

**Deleted:** lan

Work Plans develop and evolve from a combination of documents and input from officers, portfolio holders and partners as appropriate. This can include the following:

- Areas that emerge through the transformation process
- Matters referred to O&S from Council/Cabinet
- Outcomes of public engagement
- Suggestions made by Council Members
- Suggestions made by the Council's Director Team
- The plans that set out how the Shropshire Plan will be delivered,
- Forward Plan for Cabinet

**Deleted:** Council's Strategic Action Plans

- Performance Monitoring Reports
- Suggestions made by Partners/Stakeholders
- Suggestions made by the public/communities or Town/Parish Councils
- Topics from financial monitoring reports/financial strategy
- Issues from reports from internal audit and from inspections and peer reviews

3. At an early stage in the municipal year the relevant Overview and Scrutiny Committee or relevant sub-committee considers the proposed topics for their work programme and prioritises them using a consistent checklist. In doing so they identify how overview and scrutiny work will add value to the topic e.g. for local communities, and ensure that the work programme for the committee is manageable. Officers will support Members to prioritise the topics and build in timing that allows the opportunity to inform decisions. The relevant Overview and Scrutiny Committee or relevant Sub-committee also identifies the best approach to carrying out the work through, more in-depth investigation. Where this is through the establishment of a Task and Finish Group, the Committee will set the draft terms of reference (including timescales), for the Group to report back.

4. Where new topics are identified after the work programme has been set, these can be considered by the relevant Overview and Scrutiny Committee or relevant sub-committee who will apply the consistent checklist, mentioned at point 3 above, to prioritise the topic to establish whether it should be added into the work programme, and whether additional meetings of the relevant Committee or relevant sub-committee are required, or whether a topic previously included in the work programme is deprioritised.

5. The process of considering and prioritising work programme topics is expected to identify topics that do not get included because they will not result in overview and scrutiny work adding value. However, these topics may be important information items and issues that Members need to be briefed on and to understand. These topics will be put forward for inclusion in the Member Development programme which will consist of topics identified by members and officers.

5. Where urgent matters arise the Scrutiny Officer will consult with the Chair of the Overview and Scrutiny Committee or relevant sub-committee to decide if an urgent meeting of the Committee or sub-committee is required.

6. Once the topic area for review is agreed, the Statutory Scrutiny Officer will confirm with Executive Directors which Officer will lead on this matter. This Officer will draft all reports for the meetings and carry out necessary research in liaison with the Scrutiny Officer.

7. The Scrutiny Officer will support the Executive Director and ensure all witnesses, co-optees, papers, etc are ready for consideration by Scrutiny members in the agreed timescales.

- Deleted:** T
- Deleted:** assesses whether work plans are
- Deleted:** and focus on improvement and outcomes that make a difference to local people
- Deleted:** decides which matters require
- Deleted:** in depth
- Deleted:** scrutiny
- Deleted:** ,
- Deleted:** and
- Deleted:** and
- Deleted:** deadlines
- Deleted:** 4.
- Deleted:** matters arise following the setting of the work plan the following Protocol will be adopted:-
- Deleted:** a) Chairman of the Overview and Scrutiny Committee or relevant sub-committee discusses with their Scrutiny Officer ¶
- Deleted:** b) If issue can be resolved outside the Overview and Scrutiny system, Scrutiny Officer forwards for resolution as appropriate¶
- Deleted:** c) If issue cannot be resolved outside the Overview and Scrutiny system, the matter will be referred to the next Overview and Scrutiny Committee or relevant sub-committee to consider if and when it should be included in its work plan.
- Deleted:** Corporate Head of Legal and Democratic Services...
- Deleted:** Corporate
- Deleted:** Corporate

**Note:**

(1) Statutory Scrutiny Officer will:-

- Co-ordinate the support available to deliver overview and scrutiny activity undertaken by the Council
- Assist in ensuring that proper provision is made for independent O&S support to Members

**Deleted:** outcomes from

**Deleted:** (2) See also Task and Finish Protoco

The Appointment of Members to Scrutiny Task and Finish Groups

This section outlines how Members will be appointed to Overview and Scrutiny Task and Finish groups.

**Deleted:** Protocol:

**Deleted:** protocol

Where the Overview and Scrutiny Committee or its sub-committee decides that a Task and Finish Group should be established to examine a particular concern, the Committee or relevant sub-committee should specify a draft terms of reference for this work including, as a minimum:

- the background/context.
- objectives.
- the approaches expected to be taken to deliver the work.
- the evidence required, and
- the expected timescales for completion and reporting back to the relevant parent Overview and Scrutiny Committee or relevant sub committee.

:

All members will be notified of the Task and Finish Group, and invited to express an interest in joining the group by responding with a brief note of how their particular range of skills and abilities match to the perceived requirements. Members with a disclosable pecuniary interest in the subject matter should not express an interest in joining the group.

**Deleted:** ¶  
(a) the minimum and maximum number of members to be appointed to the group¶  
(b) the task which is being remitted to the group.¶  
(c) where possible, the range of skills/abilities/knowledge/expertise required¶

**Deleted:** decision

After the closing date for interests to be registered, the **Statutory** Scrutiny Officer, **with the appropriate Overview and Scrutiny Officer**, in consultation with the Chair of the **relevant parent** Overview and Scrutiny Committee or relevant sub-committee will consider those expressions of interest, and may speak to the Members concerned to clarify any issues.

**Deleted:** and the proposed chair of the task and finish group

Members shall be appointed to the Task and Finish Group having regard to the range of skills/abilities/knowledge/expertise demonstrated by Members.

**Deleted:** After due consideration,

Membership of a political group should not be a factor in appointment, but where possible the Members appointed should include at least one member from each group, and for **countywide** issues have an appropriate geographical spread so that differences between communities can be considered.

**Deleted:** C

**Deleted:** W

Once confirmed the membership of a Task and Finish group and the list of those who volunteered to join the Task and Finish group **can be shared with** Members **on request**.

**Deleted:** will be shared with all

Where it is not possible to reach agreement on the membership of a Task and Finish group the make-up of the group would be based on political balance.

Care should be taken to secure the appropriate number of members for the delegated task.

For the avoidance of doubt and in the interests of openness where possible, a summary of the reasons for appointment of one member over another should be made and maintained.

Task and Finish groups can appoint outside persons with expertise as non-voting co-opted members to join the group for certain parts of the work.

## Members Role – Descriptions

### Scrutiny Committee Chair (and in their absence, the Vice Chair)

#### Role

Within the relevant statutory provisions and the requirements of the Council's Constitution the purpose of the Chair's role is to provide leadership for the Committee's activities and at its meetings.

The Scrutiny Committee Chair's role and key responsibilities are:-

- To take the lead in scrutinising the activities of the Cabinet, in particular by co-ordinating the activities of the Scrutiny Committee by liaising with relevant Members and officers
- To take the lead in scrutinising the performance of services in carrying out the Council's policies
- To chair the Scrutiny Committee, co ordinate its activities and take a lead role in the work of the Committee
- To lead and oversee the proper process of call in of Cabinet decisions, once made, in accordance with Council Procedure Rules
- To provide advice to Cabinet on major issues or policies before final recommendations are made to Cabinet
- To contribute effectively to the Council's scrutiny process by ensuring that the questioning of relevant Cabinet Member on the development of policy and strategies and performance against such strategies and policies, whether at the Scrutiny Committee, full Council or by other means
- To scrutinise external reports on Council performance
- To identify cross cutting issues and to ensure a corporate approach to scrutiny in such areas
- To lead the investigation of policy proposals referred to the Committee by Cabinet by leading the Committee in obtaining preliminary background information
- To lead on the selection of witnesses and determining whether evidence is to be given orally or in writing
- To lead on determining a timetable for investigation
- To commission formal research to deliver the Committee's work programme

- To ensure regular contact with non Cabinet Members, community representatives, local stakeholders and the public to inform the effective scrutiny of policies, strategies, budgets and performance
- To establish and maintain effective working relationships with the Chief Executive, [Executive](#) Directors, Monitoring Officer, [Statutory Scrutiny Officer](#) and other key staff
- [To contribute to meetings of the Scrutiny Committee Chairs as appropriate](#)

## Scrutiny Committee Member

### Role

A Committee Member will contribute to the good government of the area by monitoring decision making, standards of service provision and examining policy issues. The role will involve monitoring the work of the Cabinet and the work of officers in carrying out Council policy through decision making.

The Scrutiny Committee Member's role and key responsibilities are:-

- To participate constructively in the activities of the Committee under the guidance of the Chair
- To monitor the Council's decision making process as part of the Scrutiny Committee
- To investigate the basis on which key decisions are taken and ensure that they are consistent with Council Policy as part of the Scrutiny Committee
- To monitor the effect of national legislation on the Council
- To hold Cabinet Members and officers to account in respect of their actions in carrying out Council policy
- To investigate the quality of services provided in accordance with the Scrutiny Committee's programme
- To participate in targeted reviews of the implementation of existing policies and the development of new policies by the Council through the scrutiny arrangements available and through Group consultation
- To participate constructively in any task groups or select committee work agreed by the Committee
- To establish and maintain effective working relationships with the Chief Executive, [Executive](#) Directors, Monitoring Officer, [Statutory Scrutiny Officer](#) and other key staff

Deleted: ¶