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Scrutiny
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**Executive
Scrutiny Committee**

Members Induction Programme

July 2009



Essex County Council

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Foreword

As Chairman of the Scrutiny Board it is my pleasure to welcome new Members of the County Council to their role on the Central Services Policy & Scrutiny Committee. This reports seeks to:

- explain the remit of the Committee
- provide an overview of Scrutiny Procedures
- give details of support officers
- outline the current schedule of meetings.

More detailed information on the way in which the PSCs operate is given in the Scrutiny Guide a copy of which has been given to all members as part of the ongoing induction process.

Effective scrutiny requires engagement by all Members of the Committee, both during its full meetings and in any Task & Finish Groups established to undertake more detailed and focussed investigations.

All Committees will seek to be apolitical in their operation with the main focus being the improvement of services for the residents of Essex. They will also seek to find innovative ways of trying to engage with service users to ensure discussions accurately reflect public concerns.

Whether it is delivering a scrutiny role to hold the Executive to account or helping with policy development, engagement in the work of the PSCs can be extremely rewarding. Along with Tom Smith-Hughes, Chairman of the Executive Scrutiny Committee, I look forward to working with you over the next four years.



A handwritten signature in black ink that reads "Kay Twitchen." followed by a period.

Kay Twitchen OBE,
Chairman,
Essex County Council Scrutiny Board

Executive Scrutiny Committee

Membership

Members	Office Held
Tom Smith-Hughes	Chairman
Michael Lager	Vice Chairman
Julie Young	Vice Chairman
Chris Griffiths	Member
Anthony Hedley	Member
Joe Pike	Member
Mike Mackrory	Member
Mrs Valerie Metcalfe	Member
Guy Mitchinson	Member
Mick Page	Member
Mrs Iris Pummell	Member
John Roberts	Member
Mrs Mavis Webster	Member

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Governance Officer
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Executive Scrutiny Committee Schedule of Meetings for 2009/2010

The following dates, are reserved for this committee as activity days and may comprise:

- Meetings in private
- Meetings in public
- Working Groups
- Sub-committee meetings
- Outside visits

Members should note that meetings usually take two and a half to three hours, although there are occasions when they will carry on into the afternoon. Advance notice of this will always be given.

Date 2009	Time	Venue
28 July	10:00 am	Committee Room 2
8 September	10.00 am	Committee Room 2
27 October	10.00 am	Committee Room 2
24 November	10.00 am	Committee Room 2
Date 2010	Time	Venue
26 January	10.00 am	Committee Room 2
23 February	10.00 am	Committee Room 2
23 March	10.00 am	Committee Room 2
27 April	10.00 am	Committee Room 2



The Committee's Remit

Function	Chief Officer	Cabinet Member
To consider call in decisions	The Chief Officer relevant to the call in.	The Cabinet Member relevant to the call in
To scrutinise the financial arrangements of the Council	Margaret Lee, Chief Financial Officer	Sarah Candy
To oversee Governance issues	Richard Puleston, Assistant Chief Executive-Nick Bell, Executive Director of Finance-Phillip Thompson, County Solicitor	The Leader
To scrutinise overall performance against the Corporate Plan	Richard Puleston, Assistant Chief Executive	The Leader

Overview and Scrutiny Issues

Developing the current PSCs

In December 2007 the Council adopted proposals for the modernisation of the Council's approach to Scrutiny, the aim of which was:

'to ensure the County Council's scrutiny committees are well-placed to adopt a challenging, outward looking approach which focuses on improving outcomes across public services in Essex; and ensuring consistency in approach and resourcing across a strategic scrutiny function, drawing on best practice both internally and externally.'

The Policy and Scrutiny Committees emulate the best practice of Commons Select Committees, in terms of forward planning, the calling of evidence, independent research, the publication of findings and publicity for the Committees' plans and findings.

Important to this has been the formation of a Scrutiny Board comprising the Chairmen of the Policy and Scrutiny Committees, and the Health Overview & Scrutiny Committee, together with the Chairman and Vice-Chairman of the Executive Scrutiny Committee and the Chairmen of the Area Forums. The role of the Board is to champion scrutiny, co-ordinate scrutiny work and promoting best practice.

The new arrangements were officially launched on 27 March 2008 with Andrew Bennett. Andrew was a Labour MP from 1974 until 2005, Joint Chairman of the Select Committee on Environment, Transport and Regional Affairs 1997 – 2005 and Chairman of the Environment Sub-Committee from 1997 – 2005. He talked about his experiences as a Select Committee Chairman, how to achieve effective scrutiny and how to deal with being a Select Committee Chairman and a member of the Ruling Party. His considerable experience, knowledge of local government and candour were just what was needed to stimulate a wide-ranging debate and get the new structure off to a flying start.

Following the launch, informal meetings of all the new Policy and Scrutiny Committees were held, supported by outside facilitators. These meetings gave an opportunity for Members to understand the four principles of good scrutiny as promoted by the Centre for Public Scrutiny as detailed opposite.

The facilitated meetings provided an opportunity to understand Members' experience of scrutiny so far and to learn from that experience. This then led to the Committees beginning to draft work programmes. The next round of meetings saw the Committees developing the work programme and beginning to scope individual pieces of work. This preparation was crucial to the

CfPS Scrutiny objectives

- provides "critical friend" challenge to executive policy-makers and decision-makers
- enables the voice and concerns of the public to be heard
- is carried out by independent minded members who lead and own the scrutiny role
- drives improvement in public services.

success of the new arrangements.

From this work a medium-term scrutiny programme was developed for the next 12 months or so, co-ordinated by the Scrutiny Board. Some of the issues discussed during the first round of Committee meetings were worked up to enable the Scrutiny Board to formulate a strategy for the continued development of the new scrutiny arrangements.

Every effort was made to make a success of the new arrangements and to develop them with the involvement of the Members responsible. There were regular reports to Council on progress and Members had the opportunity to ask questions of the Chairman of the Scrutiny Board and the Chairmen of the Policy and Scrutiny Committees.

Finally, as part the Authority's Diversity & Equality Commitment the Scrutiny Board agreed that, during the scoping of all future scrutiny reviews, a group of stakeholder organisations will be identified and invited to give written or oral evidence. At the same time, media and web publicity will enable members of the public to request a similar opportunity to influence the review.

Terms of Reference

The terms of reference for each of the Policy and Scrutiny Committees is set out in Article 6 of the Constitution.

In respect of the Executive SC, this authorises the Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000 or regulations under Section 32 of that Act as amended by Part 5 Chapter 2 of the Local Government and Public Involvement in Health Act 2007 in relation to the matters set out opposite.

Within these terms of reference, the Policy and Scrutiny Committees will:

- Engage in policy review.
- Focus on improvement and how it can best be achieved.
- Conduct research and consult.
- Engage with the community and encourage community engagement.
- Question and engage with Members of the Cabinet and/or Committees and Chief Officers.

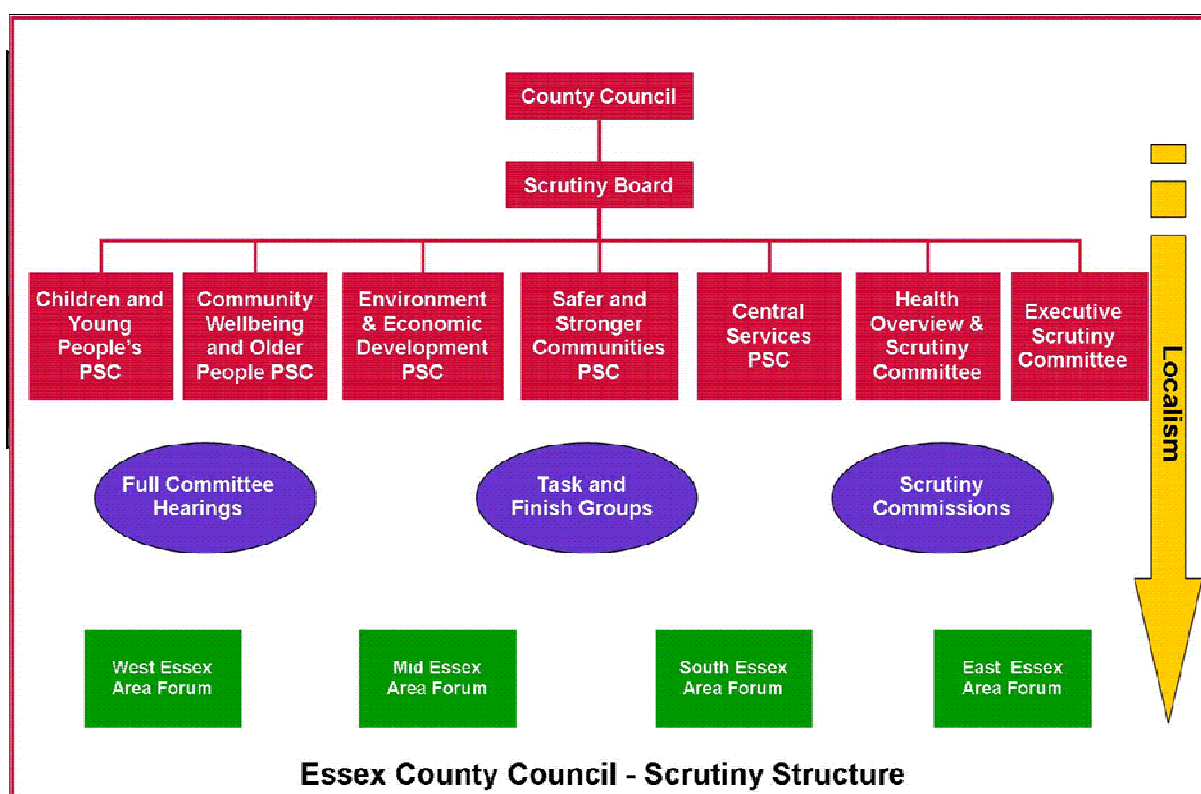
Remit - Executive Scrutiny Committee

- To consider call in decisions
- To scrutinise the financial arrangements of the Council including considering the budget and accounting processes, the External Auditors' Annual Report and the Head of Internal Audit's Annual Report and Plan.
- To oversee governance issues
- To scrutinise overall performance against the Corporate Plan.
- To scrutinise any area of the Council's service provision or performance deemed appropriate by the Committee, particularly those areas which affect the whole Council, save that it cannot scrutinise any issue which a Policy and Scrutiny Committee has scrutinised in the immediately preceding 12 months without the agreement of the Scrutiny Board.
- In relation to (ii), (iii), (iv) and (v) above, to report and make recommendations to the Cabinet or Council as appropriate.

- Look outwards and show community leadership by providing constructive challenge to other public bodies particularly those with whom the Council delivers services in partnership.
- Liaise with external organisations operating within the area, whether national, regional or local, to ensure that the interests of the people of Essex are enhanced by collaborative working.
- Consider any matter affecting the area or its inhabitants.
- Scrutinise decisions made or actions taken in connection with the discharge of the Council's functions.
- Scrutinise the performance of the Council.
- Raise the profile of the Council.
- Consider any matters referred by full Council or Cabinet.
- Make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process.

Procedures

Policy & Scrutiny Committees are established by the full Council within Article 6 of the Constitution. With the exception of the Executive Scrutiny Committee and the Health Overview & Scrutiny Committee they are referred to as Policy & Scrutiny Committees.



All forms of Overview & Scrutiny Committee are required to operate in accordance with the Procedure Rules set out in Part 4 of the Constitution.

Political Proportionality

Whilst there is a statutory requirement for the Council to establish the overview and scrutiny committees on a proportionate basis, there is acceptance that effective scrutiny should be politically impartial. Article 6 of the Constitution lists the

individual Committees and provides for them to appoint groups, panels, forums and commissions to which political proportionality need not be applied.

There is an expectation that scrutiny should be politically impartial.

The current arrangements also provide for local issues to be scrutinised by the appropriate Area Forum on behalf of one of the PSCs or HOSC. Recently this approach on behalf of the CYP PSC by the East Area Forum was highly acclaimed at the 2009 Centre for Public Scrutiny Awards.

Overview and scrutiny committees may also be appointed for a fixed period upon the expiry of which they shall cease to exist.

Membership

All Councillors except members of the Cabinet may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved in taking. Deputies to the Cabinet Members should not serve on an Overview and Scrutiny Committee that scrutinises the work undertaken by that Cabinet Member.

Meetings

In addition to ordinary meetings, extraordinary meetings may be called from time to time as and when appropriate. Any urgent decisions to be taken between meetings will be taken on a consensual basis by the Chairman and the two Vice Chairmen for ratification at the meeting.

Any urgent decision to be taken between meetings will be taken on a consensual basis by the Chairman and two Vice-chairmen for ratification at the next meeting.

Quorum

The quorum for an overview and scrutiny committee shall be one quarter of the membership.

Chairmanship

The Chairmen and Vice-chairmen of the overview & scrutiny committees are appointed by the Council at its annual meeting.

The role of the Chairman is to work with the two Vice-Chairmen to:

- Provide leadership
- Facilitate & encourage the active involvement of all members
- Promote a consensual, apolitical approach to the Committee's activities
- Seek the endorsement of the full Committee to all recommendations and findings.

This demonstrates independence from Executive Members and their service departments and is intended to ensure the impartiality of the Committee when undertaking any future scrutiny. It applies as much to policy development as to

'Committees should emulate the best practice of the House of Commons Select Committees, in terms of forward planning, the calling of evidence, independent research, the publication of findings and publicity for the Committees' plans and findings.'

Extract from the County Council paper proposing the current approach to overview & scrutiny

post implementation reviews.

Work Programmes

Overview and scrutiny committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council. In order to demonstrate their flexibility and the need to accommodate urgent issues, these are generally referred to as “The Forward Look”.

Members are encouraged to make suggestions for a Committee’s Forward Look during the annual work programming exercise. Additionally, at each PSC and HOSC meeting Members of the Committee can suggest urgent additions for that Committee’s Forward Look. The Committee will prioritise the item alongside the existing programme and may either:

- Commission work to commence immediately
- Request a scoping document to be prepared to assist its decision, or
- Reject the suggestion

Agenda Items

Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the nominated governance officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the governance officer will ensure that it is included on the next available agenda.

In addition, any Member can write to (or e-mail) the Head of Member Support & Governance giving an outline of the issue they wish to have scrutinised and their reasons. This will then be placed on the agenda of the next meeting of the Scrutiny Board for consideration against current priorities for allocation to the most appropriate PSC. At that stage the Scrutiny Board may recommend it be given priority over other items, be placed on the pending list, referred to the appropriate Area Forum or reject the request.

The Scrutiny Board will take such decisions in a way that helps the Forward Look to balance the need to undertake outward facing scrutiny projects against the need to monitor the implementation and review the impact of internal policy initiatives. Management of the PSC and HOSC work programmes may also require the prioritisation of a smaller number of items so that investigations can be done in depth. This helps the Scrutiny Function make a difference and make the best use of the member and staff resources utilised by the PSCs.

Policy Review and Development

The role of overview and 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.

In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, overview and scrutiny committees may make proposals to Cabinet for developments insofar as they relate to matters within their terms of reference.

Overview and 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 advisers, assessors and witnesses a reasonable fee and expenses for doing so.

Reports from Overview and Scrutiny Committees

Once it has formed recommendations on proposals for development, an overview and scrutiny committee will prepare a formal report detailing its findings and recommendations. The report will indicate the appropriate officer, cabinet member or external organisation to which each recommendation will be submitted. Recommendations should only be made direct to officers where there are no policy or financial implications arising from their implementation.

If an overview and scrutiny committee cannot agree on one single final report to the Council or Cabinet, as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

Each recommendation within an overview & scrutiny report will include dates on which the committee intend to monitor both the implementation and then the impact of the recommendation.

The Chairman of the Scrutiny Board will make periodic reports to the County Council detailing the work of the overview & scrutiny committees .

Attendance of Members and Officers

An overview and scrutiny committee may require any member of the Cabinet or senior officer to attend before it 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 it is the duty of those persons to attend if so required.

Where any member or officer is required to attend an overview and scrutiny committee under this provision, the Chairman of that committee will inform the governance officer. The governance officer shall inform the member or officer in writing giving reasonable 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 committee. Where the account to be given to the committee 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.

Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance to take place, or agree that evidence be given in writing or by video recording.

Attendance by Others

An overview and scrutiny committee may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions.

Call-In

Call in should only be used in exceptional circumstances. Day to day management decisions taken by Cabinet Members or officers and operational decisions taken by officers should not be subject to call in.

The power to call in decisions will be exercised by the Executive Scrutiny Committee. Any member of the Executive Scrutiny Committee may call in a decision by notifying the proper officer in writing.

Where a decision is made by the Cabinet, by an individual Cabinet Member, or where a key decision is made by an officer under delegated powers, the decision shall be published (including where possible by electronic means) and shall be available at the main offices of the Council within three clear working days of being made. Members of the Executive Scrutiny Committee shall be sent copies of the notice of all such decisions also within three clear working days.

The notice publishing such decision shall bear the date upon which it is published and will specify that the decision will come into force and may then be implemented on the expiry of three clear working days after publication unless called in.

During the period specified in (d) above, the proper officer shall call in the decision for scrutiny by the Executive Scrutiny Committee, if so requested in writing by a member of that Committee. The members will set out in writing the reasons for calling the decision. The proper officer shall then call a meeting of the Committee on such date as he or she decides (where possible after consultation with the Chairman of the Committee) and in any case within ten clear working days of the request to call in.

Prior to the meeting of the Committee arranged under (e) above, the Chairman may, with the agreement of the member calling the matter in, arrange a meeting between him/herself, the member calling in the decision and the decision taker to discuss the issue.

Having considered the decision, the Executive Scrutiny Committee may refer it back to the decision taker setting out in writing its concerns or refer the matter to the full Council also with a record of its concerns. Upon a referral to a decision taker, the decision shall be reconsidered within five clear working days amending the decision or not before adopting a final decision. If the decision taker is an officer, the decision must be reconsidered in consultation with the appropriate cabinet member (s).

If the Executive Scrutiny Committee does not refer a decision to either the decision taker or the Council, the decision shall take effect at the conclusion of the meeting of the Committee.

If, following a reference of a decision from the Executive Scrutiny Committee, the Council objects to that decision it will be referred to the decision taker together with the Council's views. The decision taker will reconsider the decision within five clear working days deciding whether or not to amend the decision before implementing it. If the decision taker is an officer, the decision must be reconsidered in consultation with the appropriate cabinet member(s).

If the Council does not refer a decision to a decision taker then the decision shall take effect at the conclusion of the meeting of the Council.

A request to call in a decision may be withdrawn at any time by those making the request.

The call-in procedure set out above does not apply where the decision being taken is urgent. A decision is urgent if any delay is likely to prejudice the Council's, the public's or an individual's interests.

The record of a decision and the notice by which it shall be made public shall state whether:

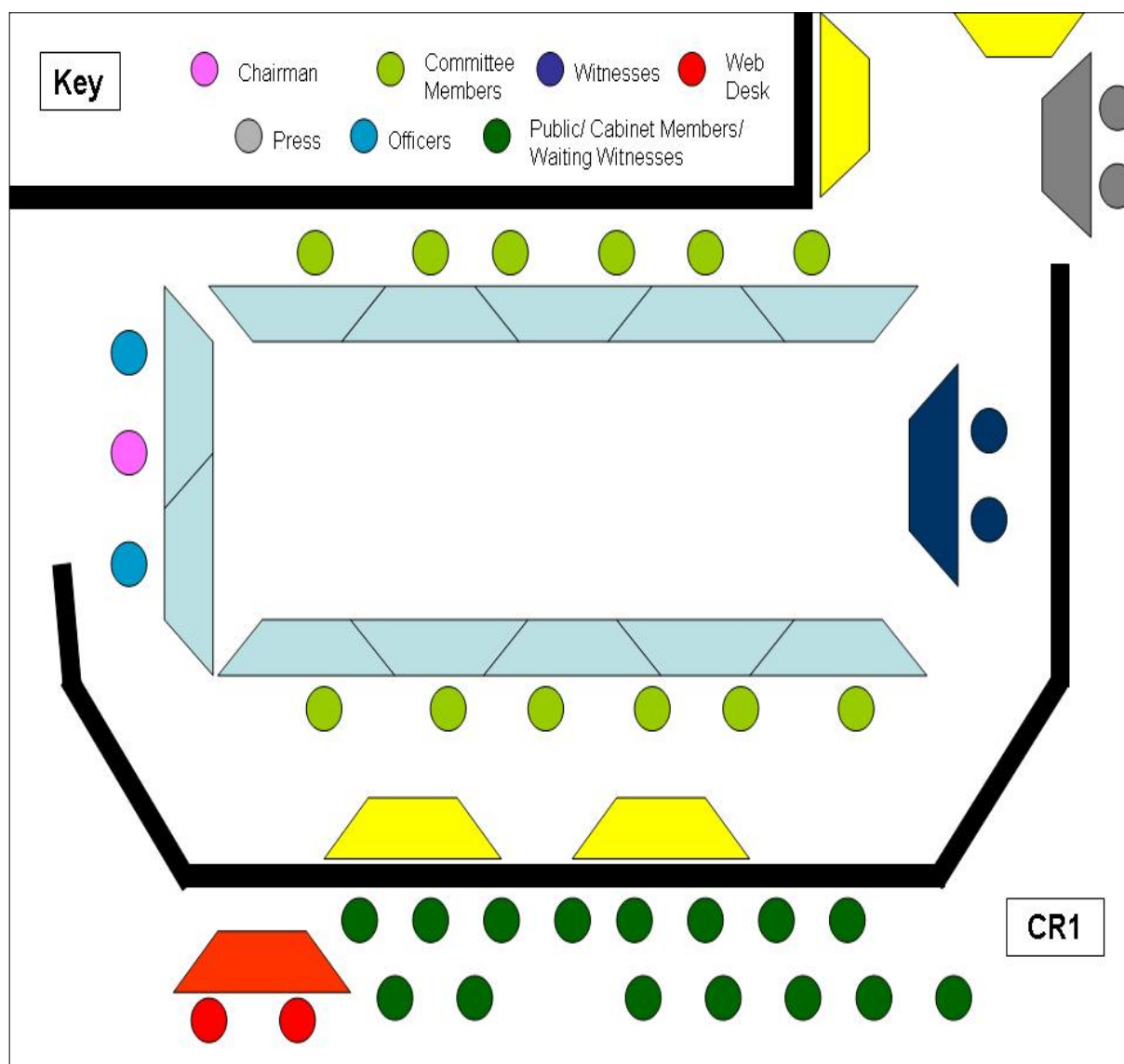
- in the opinion of the decision taker (if an individual) or
- the Leader of the Council

is an urgent one and therefore not subject to call in. The Chairman of the Council must agree both that the decision proposed is reasonable and that it should be treated as a matter of urgency.

In the absence of the Chairman the Vice-Chairman's agreement is required. In the absence of both, the agreement of the Head of the Paid Service (or his nominee) must be obtained. Decisions taken as a matter of urgency shall be reported to the next available meeting of the Council together with the reasons for urgency.

Lay Out of Committee Room 1

For the purposes of scrutiny, Committee Room 1 is arranged as shown below. Committee Members would normally choose where they wished to be seated (within the light green area shown below). However on occasion the meeting may be webcast. On these occasions it is necessary for Committee Officers to set camera angles, prior to the meeting to ensure the best pictures for the live or recorded broadcast. For this reason seats are assigned to Members and a name plate will be placed on the table guiding Members to their seat.



Members Declaration Of Interest

Every Committee agenda has a standing item which gives the Chairman the opportunity to ask Members if they wish to declare a personal or prejudicial interest in any of the matters that the Committee will be discussing at the meeting. If in any doubt about whether a declaration should be given Members are advised to declare an interest.

Webcasting

Background:

A number of committee and Full Council meetings have been webcast (broadcasting over the internet) over the last two years. The webcasting of meetings has been done on an ad hoc basis, determined by the nature of the business. In April 2009 Essex County Council entered into an 18 months contract with Public-i to deliver a Webcasting Pilot Project .

The pilot project is being undertaken as a joint initiative between the Member Support & Governance and External Communication teams.



Web Camera in Committee Room 1

Essex County Council is committed to informing the public about the democratic process to encourage an atmosphere of trust with the electorate. Webcasting is the most effective way of distributing video to website users without the need for specialist software giving the public access to decision making and demonstrating transparency.

The hosting aspects of these facilities will enable Chairmen of Policy & Scrutiny Committees and/or task & finish groups to launch scrutiny reviews, highlight issues or introduce final reports in webcast format.

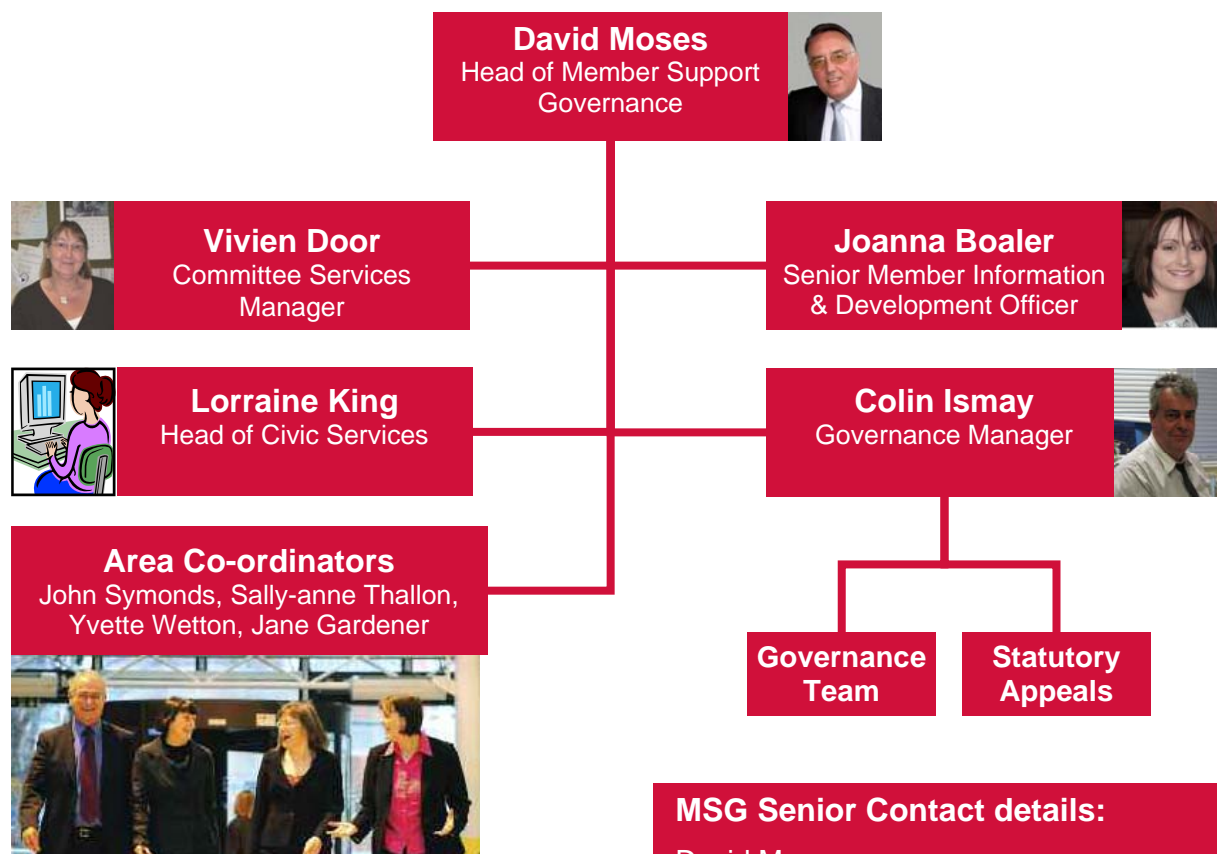
Webcasting cameras have been installed in Committee Room 1 to allow live or recorded webcasting and other significant activities.

During the pilot period it is intended to trial the facilities in a number of ways, such as:-

- Live or recorded broadcasts of meetings; such as Development & Regulation, HOSC and Policy & Scrutiny Committees, Area Forum Meetings and Full Council
- Widening the way in which the county council takes evidence by use of video messages from people wishing to give evidence or showing recordings of site visits by small groups of Members.
- Video clips of individual Members and or/ Chairmen presenting findings of scrutiny reviews

Member Support

The Member Support & Governance (MSG) Unit within the Policy, Community Planning & Regeneration Directorate is responsible for providing support to all Members other than for the Leader & Cabinet Members when undertaking their Executive roles. The Head of MSG reports to the Director of Policy and the unit comprises the services managed by the following managers:



A more detailed explanation of the work of each section within MSG is available for on a self-playing powerpoint CD which can be obtained on request from member.support@essex.gov.uk.

Each Policy & Scrutiny Committee is supported by both a Governance and Committee Officer as shown on page 2. The role of the Governance Officer is to undertake research on behalf of and provide advice to the PSC. Committee Officers distribute agenda papers, organise attendance by Cabinet Members, officers & external witnesses and produce minutes of both Committee and Task & Finish Group meetings.

MSG Senior Contact details:

David Moses:
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Tel: 01245 43 0380 ext 20380

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Tel: 01245 436972 extn 30972

Jane Gardner:
Tel: 01245 436079 extn 30079

Executive Scrutiny Committee Extract From the Scrutiny Board Annual Report April 2009

The Establishment of an Audit Committee

The Committee undertook important work to recommend to Council the creation of the Audit Committee as a separate Committee reporting directly to Council.

Call ins

There have been seventeen call-ins during the year. Nine were resolved during the informal stage and eight came to the Committee. There were no referrals back to the Cabinet Member or to Council.

Reviewing the Current Year Budget

There is a well established process for the Committee to review the reports made to Cabinet on the performance against the current year's budget with officers attending to answer questions of detail. The Committee has commented on particular aspects of performance or on the presentation of the information. It has the option of referring particular issues for detailed examination by the relevant Policy and Scrutiny Committee or of undertaking the work itself.

There is now a process in place for regular budget update meetings between the Group Spokespersons and the Cabinet Member for Finance and Change Management.

This year the Committee also conducted a series of interviews with Directorate Senior Finance Officers gaining valuable insights into the budgeting process.

Reviewing the Process for Developing the 2009/10 Budget

Councillor Candy, the Cabinet Member for Finance and Change Management gave a presentation to the Committee in December on the 2009/10 Budget Process. The following items were dealt with as part of the presentation:

- The Planning Framework: National Funding Settlement
- The Planning Framework: Local Guidelines
- Planning Cycle
- Challenges
- Next Steps

The Committee has some concerns about Member involvement in the process and the Cabinet Member has given an undertaking to review the process for next year's budget.

This report is issued by
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