

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE - 24 AUGUST 2007

INITIAL DRAFT GUIDANCE DOCUMENT ON GOVERNANCE AND SCRUTINY WITHIN EAST AYRSHIRE COUNCIL

Report by Depute Chief Executive/Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1** The purpose of the report is to submit an initial draft of a guidance document which is aimed at providing an overall framework for Governance and Scrutiny in East Ayrshire Council.

2. BACKGROUND

- 2.1** Following the establishment of a Cabinet decision-making structure as a counter balance a Governance and Scrutiny Committee was established. The enclosed document provides an initial draft of a guidance document detailing the type of information that is intended to be provided to Elected Members and Officers to assist them in the Governance and Scrutiny process.
- 2.2** The aim is to provide an opportunity for Members to give consideration to the document and provide comments for consideration of the Committee at its meeting on 28 September 2007. Copies of the draft guidance document has been circulated to all Members requesting them to submit their comments no later than Friday 7 September 2007.
- 2.3** Comments can be made either through groups or individually and Councillor Cook, Chair and Councillor W Coffey, Vice-Chair are happy to discuss with any Members any issues. Consultation responses should be submitted to the Head of Democratic Services prior to the due date. Any Member requiring further information in respect of the document should contact the Head of Democratic Services.

3. GOVERNANCE AND SCRUTINY WITHIN EAST AYRSHIRE

- 3.1** It is important to note that there are three key elements to the work of the Governance and Scrutiny Committee within East Ayrshire:-

Element 1 - regular monitoring reports which will provide information for Members to determine future reviews or for further analysis at meetings (Item 2 of the Agenda provides a report on this element)

Element 2 - Full scrutiny/review exercises covering a range of topics determined by the Committee in respect of which the draft guidance document is designed to assist.

Element 3 - the call-in process to provide for regular review of Cabinet decisions.

3. FINANCIAL/LEGAL/POLICY/COMMUNITY PLANNING IMPLICATIONS - Nil.

4. RECOMMENDATIONS

- 4.1** To give consideration to the draft initial guidance document on Governance and Scrutiny in East Ayrshire.
- 4.2** To agree that all Elected Members be encouraged to submit their comments on the document to the Head of Democratic Services by Friday 7 September 2007.
- 4.3** To note that a final guidance document would be submitted to the Governance and Scrutiny Committee on 28 September 2007 for final approval.

Elizabeth Morton
Depute Chief Executive/Executive Director of Corporate Support

BW/SC
20 August 2007

LIST OF BACKGROUND PAPERS - NIL

Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services on Tel No (01563) 576135.

Implementation Officer: Bill Walkinshaw, Head of Democratic Services.

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY COMMITTEE

INITIAL GUIDELINES

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1. INTRODUCTION

- 1.1** East Ayrshire Council has, since its inception, kept its decision making structure under constant review. The Council, as part of its Improvement Plan and supported by the Accounts Commission, agreed to a review of its own political and management structure and to further develop the Council's scrutiny arrangements.
- 1.2** The Council, at its statutory meeting on 17 May 2007, established a Cabinet system to replace the traditional Committee system of administration. The Cabinet, chaired by the Leader of the Council, is now responsible for all executive decisions made by the Authority.
- 1.3** In addition, a Governance and Scrutiny Committee was established, whose remit can be summarised as follows:
- holding the Cabinet to account;
 - scrutinising decisions both prior to and after they are made;
 - policy review;
 - monitoring performance; and
 - investigating important matters affecting East Ayrshire.
- 1.4** The creation of a Governance and Scrutiny Committee will provide for open and systematic scrutiny of decisions and for regular challenge on performance.
- 1.5** The membership of the Committee is drawn from all the political parties represented on the Council. Members of the Cabinet may not be members of the Governance and Scrutiny Committee. The Chair of the Committee is a member from an Opposition party.
- 1.6** This document is to give clear guidance on the Governance and Scrutiny function as well as providing practical advice to all those who take part in the process, namely:
- members of the Governance and Scrutiny Committee;
 - Cabinet members;
 - other Members of Council;
 - Officers;
 - witnesses at Scrutiny Inquiries;
 - members of the public
- 1.7** The purpose of the guidance document is to provide an overall framework for Governance and Scrutiny at East Ayrshire Council. The guidance is a reference point to each part of the scrutiny process. Included within the guidance are a number of templates and checklists to assist in the Governance and Scrutiny process.

- 1.8** Comments and suggestions to further develop this guidance are welcome and should be submitted to

Head of Democratic Services
East Ayrshire Council
Council Headquarters
London Road
KILMARNOCK
KA3 7BU

Tel: (01563) 576135

Email: bill.walkinshaw@east-ayrshire.gov.uk

2. INTRODUCTION TO GOVERNANCE AND SCRUTINY

2.1 While the Cabinet makes all the executive decisions within the agreed budgetary framework set by the Council, it is the role of the Governance and Scrutiny function to provide the checks and balances in the new decision making structure.

KEY FUNCTIONS OF SCRUTINY:

- holding Cabinet to account (scrutinising decisions both prior to and after they are made);
- policy review;
- monitoring performance;
- external scrutiny: e.g. Community Planning Partners and other important matters affecting East Ayrshire.

2.2 The above functions are carried out either by looking at individual decisions or policies and strategies. Councillors can look at service delivery through best value reviews and performance management information. Issues can be investigated in depth, or be looked at over one meeting, or be for information only.

2.3 All Members of the Council have the right to call-in a decision. This means Members can challenge a decision before it is implemented and ask the Cabinet to reconsider.

2.4 The Governance and Scrutiny Committee cannot make policy decisions, but they can make recommendations to the Cabinet or Council as appropriate.

2.5 THE SCOPE OF GOVERNANCE AND SCRUTINY

2.5.1 The Governance and Scrutiny Committee has a wide range of issues that they can investigate. Within the Council, the Committee can look at all decisions and policies. In the main the Committee will operate in public in an open and transparent manner but some issues may require to be considered in private. Cabinet members and senior Officers are required to attend the Governance and Scrutiny meetings to outline the reasons for Cabinet decisions and answer any questions.

2.5.2 As well as scrutinising Cabinet decisions and key decisions delegated to Officers, the Governance and Scrutiny Committee's remit also includes reviewing the activities and contributions of third party organisations, including the Council's Community Planning Partners, in terms of service delivery outcomes.

2.5.3 The Governance and Scrutiny Committee is not an alternative to the Council's approved appeals procedures and the Committee will not become involved in reviewing decisions on individual applications/circumstances. Further, the Governance and Scrutiny Committee is not a means of making a complaint against the Council. The Council's Corporate Complaints Procedure can be

found on the Council Council's website www.east-ayrshire.gov.uk or by writing to the Head of Democratic Services, Council Headquarters, London Road, Kilmarnock KA3 7BU.

2.6 PRINCIPLES OF SCRUTINY

- to be a critical friend in challenging Cabinet and other third party agencies;
- to reflect the voice and concerns of local people and communities;
- to lead and own the Governance and Scrutiny process;
- to make an impact on service delivery.

2.6.1 The Critical Friend

The Governance and Scrutiny Committee should use an evidence based method of working on which recommendations are based. The emphasis is on constructive challenge, not opposition politics. This can be seen in how Committees conduct reviews, seeking information from as many sources as possible from a broad variety of opinions and conducting their own research as necessary. Members of the Committee should adopt a deliberative, investigative and evidenced based approach.

2.6.2 Reflecting the Voice and Concerns of Local People/Communities

The Governance and Scrutiny Committee will have the opportunity to involve local people in several ways. In considering what to scrutinise, the Committee may consult with different groups to identify areas of concern to local people. In reviews, local people may provide evidence, sometimes in writing or directly to Committee members.

2.6.3 Lead and Own the Governance and Scrutiny Process

Committee members decide on their own agendas and the reviews that they will carry out, having consulted widely to find out which issues are of most concern. To have meaningful reviews, the Committee should look at issues within the context of Community Planning priorities and should focus on a small number of key issues detailed in a planned programme of work.

2.6.4 To Make an Impact on Service Delivery

With an evidence-based approach, the Governance and Scrutiny Committee can make recommendations about how services should be delivered, or how policies or decisions could change. The Committee's recommendations should be clear and well founded:

The Committee should also ensure that recommendations are followed up.

2.7 BENEFITS OF SCRUTINY

- provides meaningful Member oversight of service provision and continuous improvement;
- complements the work of Cabinet Members and Officers;
- encourages greater public involvement in political management arrangements contributing to an improved relationship between local communities and their Council;
- develops deeper, more knowledgeable relationships with Partner organisations through involving them in the Committee's work;
- contributes significantly to local Council's community leadership and planning roles;
- helps develop better informed Members, adept at investigating below the surface of policies and strategies with the requisite skills and support;
- provides a full and valued role for non-Cabinet Members.

Strong Governance and Scrutiny encourages a more reflective, evaluative and evidence-based culture in decision making throughout the Council, designed to add value by building consensus about the best course of action.

2.8 SUCCESSFUL GOVERNANCE AND SCRUTINY WILL MEAN:

- all the relevant stakeholders, partners and the public will be engaged;
- the community will benefit from effective policy development and initiatives;
- transparency and a high level of awareness.

3. GOVERNANCE AND SCRUTINY IN EAST AYRSHIRE

3.1 East Ayrshire Council has established a single Committee that carries out the Governance and Scrutiny role. The terms of reference of the Committee are set out in Appendix I.

3.2 Diagram 1 on Appendix 2 details the Council's decision making structure which includes the Governance and Scrutiny Committee.

3.3 COMMITTEE MEMBERSHIP

3.3.1 The Governance and Scrutiny membership reflects the political balance of the full Council. The Governance and Scrutiny Committee has 11 members. Members of the Committee cannot be on the Cabinet. The Council appoints the Chair of the Governance and Scrutiny Committee from one of the Opposition parties on the Council.

3.4 COMMITTEE MEETINGS

3.4.1 The Committee has timetabled meetings throughout the calendar year. The Governance and Scrutiny Committee has scheduled meetings every four weeks and can hold special meetings as required. The Committee develops its work programme with a workshop at the start of each year to choose topics. Throughout the year, the Committee monitors progress on the work programme and adds or defers items as necessary.

3.4.2 Agenda Planning

Before each meeting, the Chair will meet with Officers to discuss the draft Agenda and work programme.

3.4.3 Venues

Committee meetings normally take place in Council Headquarters but other venues may be used that suit the nature of the topic under review or the type of meeting. This may include the Committee visiting premises throughout the area as considered appropriate.

3.4.4 Committee Papers/Support

Committee papers will be sent out to all those attending the meeting and the Governance and Scrutiny Support Team is available to provide any guidance if required.

3.4.5 Persons Attending

Persons attending the Committee to provide evidence for the review are sent a guidance leaflet to explain the procedure. (See Appendices 3.1 and 3.2).

3.5 SUPPORT

3.5.1 The Depute Chief Executive/Executive Director of Corporate Support will provide the necessary secretariat to the Governance and Scrutiny Committee.

3.5.2 Responsibilities will include:

- making the necessary administrative arrangements for meetings of the Committee and advise on matters of procedure;
- assisting with Agenda planning and work programme co-ordination;
- assisting with scoping and planning reviews;
- providing briefing notes to lead officers;
- timetabling of reviews within annual programme;
- preparation of Minutes of Committee meetings and/or specific reports to Council on proposed recommendations. Reports will be prepared by Governance and Scrutiny support officers in conjunction with lead officers as required;
- assisting Governance and Scrutiny members with monitoring the progress of recommendations;
- keeping the Council informed about what the Governance and Scrutiny Committee is doing;
- advising Members, Officers and contributors about the Governance and Scrutiny process;
- liaising with officers across the Council about the Committee's work;
- working with Partner agencies and voluntary organisations to inform them about and engage them in the Governance and Scrutiny work.

3.6 ADVISORS

- The Depute Chief Executive/Executive Director of Corporate Support will appoint an officer to provide legal advice to this Committee as and when required.
- The Executive Head of Finance and Asset Management will appoint an officer to provide financial advice to the Governance and Scrutiny Committee as and when required;
- The Chief Executive will appoint other officer advisors as required by the Governance and Scrutiny Committee for specific investigations, including the appointment of a lead officer if this is deemed necessary.

4. SELECTING A TOPIC

- 4.1 Topic selection is of crucial importance to the success of the scrutiny process. Setting the right topic will benefit the Council and the community as a whole, while motivating those involved and improving perceptions of the process. Poor topic selection on the other hand, can waste Member and Officer time, result in unconstructive outcome, demotivate all involved and worsen perceptions of scrutiny.
- 4.2 The Governance and Scrutiny Committee will be responsible for setting the scrutiny work programme by choosing from suggested topics aggregated from a number of sources including the Executive, other Members of the Council, stakeholders, officers and the general public. The Governance and Scrutiny Committee will prioritise and select topics to include in the work programme by using a set criteria (Appendix 4).
- 4.3 The Governance and Scrutiny Committee should prioritise a small number of items to be investigated in depth over a number of meetings and ensure that these are effectively project managed.
- 4.4 To enable a programme to be established, lead officers appointed, the terms of reference of the investigations determined, as well as the order of priority in which they are to be undertaken, the Depute Chief Executive/Executive Director of Corporate Support will organise a workshop in January of each year which will provide for members of the Committee to consider which issues they would wish to be included in the Governance and Scrutiny Annual Work Programme.
- 4.5 There will be an opportunity for all Elected Members to suggest items and in order to focus the Governance and Scrutiny Committee's attention, it is suggested that Elected Members, when proposing issues for consideration, provide details of why the review should be undertaken and the expected outcome of the proposed review. Appendix 4 to this guide is a pro forma checklist which may be useful when considering topics for review.
- 4.6 Elected Members will advise the Depute Chief Executive/Executive Director of Corporate Support of the issues which they wish to have considered prior to the meeting of the workshop which will be held in January of each year. Governance and Scrutiny Committee Support Officers will consider all of the topics and prepare reports outlining the possible scope and terms of reference for specific investigations and suggest individuals, agencies and organisations who might be invited to contribute to these.
- 4.7 Thereafter, the Governance and Scrutiny Committee, at its meeting in March, would agree a programme of activities, determine the scope and terms of reference of specific investigations, and order of priority in which they are to be undertaken.
- 4.8 Once the Committee has agreed its annual programme, the Corporate Scrutiny Support Team would prepare an indicative timetable for the reviews,

allocating each an appropriate number of meetings, in order that all of the reviews may be accommodated within the available meetings. Special meetings will be held as required. A sample timetable is attached as Appendix 5.

- 4.9** The Chief Executive will appoint a lead officer for each of the reviews as required. This is a senior officer, at Head of Service or 4th Tier Management Level, from a Department generally other than that responsible for the area being review. The lead officer assists members of the Committee to identify potential issues and questions to be asked of witnesses, and assists the Committee in determining how the investigation should be progressed.
- 4.10** The lead officer prepares an initial report to be considered by the Committee at its first meeting at which the review is being considered, including the scope and timetable of the review, the documentation required, witnesses to be called, both officers and Members, and also any relevant external bodies.
- 4.11** As part of the commencement of the review process, at the relevant meeting of the Governance and Scrutiny Committee, senior Officers of the Department responsible for the subject area under review will give an awareness raising presentation to members of the Governance and Scrutiny Committee on the key issues surrounding the topic, including the current Council position/policies etc.

4.12 SOURCES OF POTENTIAL TOPICS

- Community Plan priorities
- Performance Indicators
- Members' suggestions
- Local Community Planning Forum referrals
- Cabinet referrals
- Suggestions of community partners
- Officers' suggestions
- Consultation results
- Good practice
- Internal or external review of services
- Public suggestions
- New legislation

4.13 TOPIC SELECTION

Topics for consideration will be received by the Governance and Scrutiny Committee and assessed against the criteria set out below. Topic selection templates have been developed in order to provide guidance to anybody wishing to make a suggestion and also to ensure that suggestions can be easily judged against the selection criteria. Officers and Members of the Council should complete the internal topic suggestion template, while members of the public and representatives of external bodies should complete the external topic suggested template.

Topic Selection Pitfalls

In determining the selection of topics, consideration requires to be given to the undernoted:-

- the topics selected is too broad;
- the rationale for scrutiny is unclear;
- the topic is of low public concern;
- the topic does not address aims and priorities;
- the topic duplicates work that is already in progress; and
- the topic could be adequately addressed by other means and procedures.

Selection and Rejection Criteria

It is suggested that each potential topic for scrutiny/review should be subject to the same initial selection and rejection criteria as follows:-

Step 1 - The Initial Selection Test

<u>SELECTION CRITERIA</u>	<u>REJECTION CRITERIA</u>
Improvements to services would be likely	The topic has already been addressed
High public concern shown through consultation	Scrutiny is unlikely to result in service improvements
Poor performance service	Matter sub-judice or prejudicial to the Council's interest
Enhances the Council's priorities	The issue is more appropriately addressed by a body other than the Governance and Scrutiny Committee
High budgetary commitment	The objective cannot be achieved within given timescales
New guidance or legislation has recently become available	Subject topic is too broad to make a review realistic

Rationale

Once the selection criteria has been established the rationale for scrutiny/review needs to be determined. Developing the rationale will require some preliminary research to identify supporting evidence.

The undernoted shows how the rationale could be developed.

Step 2 - The Rationale for Scrutiny/Review

RATIONALE FOR SCRUTINY/REVIEW ENQUIRY

RATIONALE	<ul style="list-style-type: none">• Why conduct an enquiry?• How does this link to the Council's aims and priorities?• What benefits could result?
EVIDENCE	<ul style="list-style-type: none">• What evidence is there to support the need for scrutiny/review?• What are the facts?• Are the views of external stakeholders known?
DESIRED OUTCOME	<ul style="list-style-type: none">• What would we wish to achieve in undertaking scrutiny?• Is the desired outcome likely to be achieved and why?

Developing a rationale for a topic to be scrutinised/reviewed will help the Governance and Scrutiny Committee prioritise the issues to be incorporated into the scrutiny/review work programme.

Step 3 - Prioritising the Topic

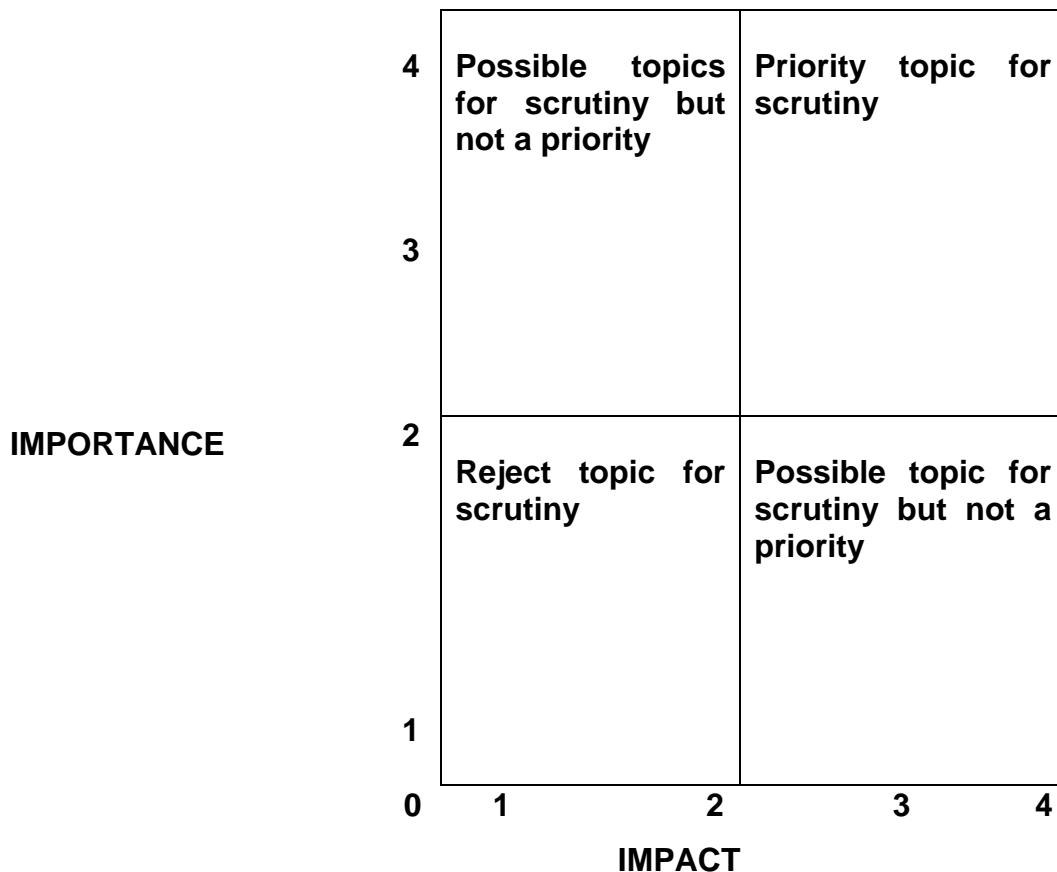
Once the rationale for reviewing the topic has been decided, it should then be prioritised to determine where it fits into the work programme.

The undernoted table assists to score the topic in order that it can be placed on the priority grid.

<u>SCORE</u>	<u>IMPORTANCE</u>	<u>IMPACT</u>
0	No evidence of links to aims and priorities	No potential benefits
1	No evidence of links to aims and priorities but is subject of high public concern	Minor potential benefits affecting only one Ward/customer/client group

<u>SCORE</u>	<u>IMPORTANCE</u>	<u>IMPACT</u>
2	Some evidence of links but indirect	Minor benefits to two Groups/moderate benefits to one
3	Good evidence linking both aims and priorities	Moderate benefits to more than one Group/substantial benefits to one
4	Strong evidence linking both and has a high level of public concern	Substantial community wide benefits

Priority Grid:



One example of using the priority grid might be a topic that scores both 4 for impact and 4 for importance, which would be deemed a high priority. Conversely, another example would be a topic that receives a score of 1 both impact and importance which would be rejected.

5. WORK PROGRAMME

Setting the work programme is the responsibility of the Governance and Scrutiny Committee. When determining the work programme a number of factors need to be considered.

1. TOPIC SELECTION

1.1 Items that have Met the Topic Selection Criteria

Most items for inclusion in the work programme will have passed through the topic selection criteria that has been outlined. Topics that are identified as “Possibles” through the selection criteria should be placed onto a reserve list reviewed if required.

1.2 Ongoing Regular Items e.g. the Budget

Some items will be reviewed on a regular basis such as revenue and capital monitoring reports. These will require to be factored into the programme at the appropriate intervals.

1.3 Best Value Service Reviews

Participation in key stages of planned Best Value Service Reviews will need to be part of the work programme.

2. BALANCED WORKLOAD

A balance needs to be achieved between the four key functions of scrutiny (i.e. holding Cabinet to account; policy review; monitoring performance; and external scrutiny).

3. CAPACITY

Consideration needs to be given to Members’ capacity. Can the work be undertaken without placing unreasonable demands upon Members’ time. Further what are the demands upon Support Officers and what amount of time can Officers dedicate in support of particular subjects.

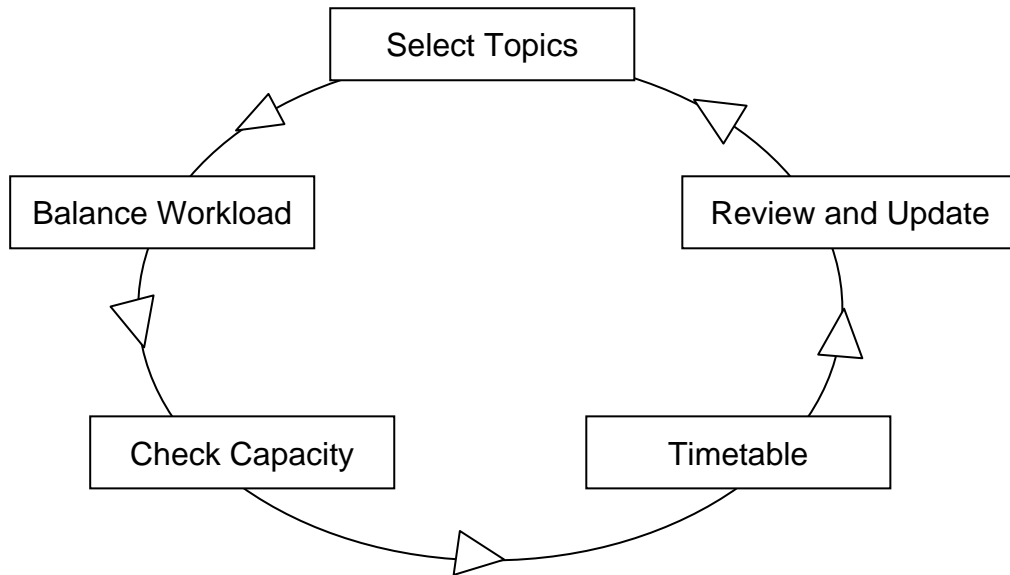
4. TIMETABLED WORK

Consideration needs to be given to determining what are the deadlines in relation to other Council meetings. What are the statutory deadlines, what are the deadlines of external partners. The Governance and Scrutiny Committee should ensure that spare capacity in the timetable is provided for to enable flexibility within the work programme and the capacity to undertake ad hoc work.

5. REGULARLY REVIEW AND UPDATE THE PROGRAMME

The work programme needs to be regularly reviewed and updated to ensure that new topics can be factored in and any changes accounted for.

6. CYCLICAL WORK PROGRAMME



6. ROLES AND RESPONSIBILITIES

6.1 MEMBERS' ROLES

There are four broad responsibilities of Members involved in Governance and Scrutiny:

- (i) Challenge - Challenging how and why the Council or a Partner under review delivers its services. However, this challenge should be in the form of a critical friend rather than in an aggressive or accusative manner;
- (ii) Accountability - Being reliable, trustworthy and not afraid to stand by decisions;
- (iii) Community Leadership - Setting an example by showing strategic vision, working alongside each other, thinking corporately and engaging with the community; and
- (iv) Proactively - being forward thinking, innovative and open to new ideas, while continuing to develop knowledge away from the environment of a Governance and Scrutiny meeting.

The above responsibilities are not the only elements that Members need to consider. On a more practical basis the members of the Committee need to decide who they would like to call as witnesses and what information is necessary. Members will be expected to prepare thoroughly for meetings and follow up lines of enquiry between Governance and Scrutiny meetings.

6.2 AREAS OF ACTIVITY IN GENERAL

- Members of the Governance and Scrutiny Committee consider all matters objectively and impartially;
- Elected Members are responsible for determining what reviews the Committee will undertake each year in terms of the annual programme;
- In relation to each review, Elected Members serving on the Committee will receive relevant reports to read and may participate in a range of activities in relation to a specific review;
- Members will decide, following advice from the lead officer, how the review will be undertaken, who will be invited to appear; and the areas to be covered;
- The Committee should specify as precisely as possible the areas for investigation to ensure that witnesses are able to prepare their evidence;
- Having heard all the evidence, the Committee will consider its conclusions and make recommendations within a report prepared by the relevant officer to be considered by the Cabinet/Council;
- Witnesses will be asked to prepare a written submission to the Committee and the lead officer will prepare questions to be asked of each witness which, whenever possible, are issued in advance in order that Members have written responses issued with the Agenda for the meeting. The Committee may elect to accept written submissions without witnesses being required to attend the meeting.

6.3 THE CHAIR

The Chair and the Vice-Chair of the Committee have additional responsibilities to ensure that a review reaches its desired outcome.

Chairs need the following skills:

- Time management;
- Project management;
- Analytical skills;
- Listening skills;
- Interpretation, clarification and summarising skills

During a meeting, the Chair needs to encourage the participation of all members of the Committee. The Chair should ensure that members are working towards the desired outcome of the review rather than digressing, in order to achieve this the Chair needs to be assertive in keeping the discussion to Agenda items only. Time management is very important, Chairs should be involved in the preparation of the Agenda prior to the meeting and inform the Committee how much time has been allocated to each item, this will ensure that all topics receive ample time for discussion.

When drawing the meeting to a close, it is essential for the Chair to make clear all decisions that have been taken by the group, clarify what information is required for the next meeting, making clear the time and date of the next meeting and clarifying the Agenda items to be considered at the next meeting.

After a review has been concluded, the Chair is responsible for liaising with the Governance and Scrutiny Support Team and appropriate Officers to draft the final report.

6.4 WITNESSES

Witnesses may be called as part of the scrutiny process to provide evidence or advice to the Committee. Witnesses may be Officers, Members, or external stakeholders. Witnesses will receive a formal invitation by the Chair and the following information will be provided by the Governance and Scrutiny Support Team:

- Terms of Reference
- Scope of the Review and lines of enquiry
- Previous information and documentation provided;
- Question plan
- Guidance on what information they are expected to provide;
- Time and date of the meeting

APPENDIX 1

GOVERNANCE AND SCRUTINY COMMITTEE

This Committee has overall responsibility for scrutiny and review within East Ayrshire Council and is primarily concerned in monitoring the performance of the Cabinet; Departments and third party organisations against service delivery and financial targets and is also responsible for dealing with Cabinet decisions that have been called in. Areas of responsibility will include

Corporate Governance Function

1. To oversee the Council's Corporate Governance arrangements which shall include:-
 - the continual review and development of the Council's Local Code of Corporate Governance, ensuring that the Council's Code is consistent with the principles and reflects the requirements of the CIPFA/SOLACE framework for Corporate Governance in Local Government covering the broad themes of community focus; structures and processes; risk management and internal control; service delivery; and standards of conduct;
 - ensuring the adequacy and effectiveness of the Council's local systems, processes and documentation identified within the Council's Local Code of Corporate Governance including compliance with audit committee principles; and
 - approval of the Council's annual Corporate Governance Implementation Plan.
2. To monitor and review the efficiency and effectiveness of all of the Council's work and the levels and standards of services provided.

Standards of Conduct Function

3. To provide advice to Members in respect of standards of conduct and compliance with the Councillors' Code of Conduct introduced under the Ethical Standards and Public Life Etc (Scotland) Act 2000.
4. To develop and adopt formal codes of conduct defining the standards of personal behaviour to which individual Members, Officers and Agents of the Council are required to subscribe.
5. To provide advice to Council in respect of Members Allowances.

Performance Review and Best Value Function

6. Oversee the implementation corporately of the Council's approach to fulfilling its duty to make arrangements to secure best value.
7. Keep under review the Council's approach to and outcomes in relation to continuous improvement in the delivery of Council Services.
8. Keep under review the Council's approach to Public Performance Reporting.

9. Determine matters in relation to submission to the Scottish Executive and the Accounts Commission in furtherance of the council's duty to make arrangements to secure best value.

Audit and Risk Function

10. Approval and review of operational and strategic internal audit plans.
11. To ensure that the Internal Audit function is properly resourced and has appropriate standing within the Council.
12. To review the activities of the Internal Audit function.
13. To review the adequacy of the internal control systems.
14. To review external audit strategic and operational plans and to manage all aspects of the Council's relationships with its External Auditors.
15. Review of the annual audit certificate and the Annual Report to Members by the External Auditor.
16. Monitor and review of implementation of audit recommendations.
17. Ensuring the existence of and compliance with an appropriate corporate risk management strategy.

Scrutiny Function

18. To co-ordinate and manage scrutiny processes on behalf of the Council.
19. To establish Scrutiny Groups as required and to determine and review their remit as required.
20. To carry out scrutiny of Cabinet policy decisions and service delivery including the review and monitoring on a continuous basis spending levels in relation to departmental budgets.
21. Consideration of performance reports at pre-determined intervals and submission of appropriate recommendations to Cabinet and/or Council as appropriate.
22. To prepare a programme of policy reviews and order of priority.
23. Submit periodical reports on the Committee's activities to Council.

EXECUTIVE FUNCTION

EXECUTIVE/CABINET

8-10 members including Member of Main Opposition.

- Implements policy framework
- Takes all key strategic and service delivery decisions (excluding business with remit of Council)

COUNCIL

- Sets Council's Revenue/Capital budgets
- Elects Provost/Depute Provost
- Approves the Council's decision making process and departmental structures
- Appoints Members to serve on Cabinet/Executive Committees/Scrutiny Panels, outside agencies
- Hold Executive to account with reports from Governance Scrutiny Committee and question time
- Considers motions for debate on certain issues
- Delegation of functions to officers
- Matters which cannot by law be delegated

REVIEW AND SCRUTINY FUNCTIONS

GOVERNANCE AND SCRUTINY COMMITTEE

11 members (5/5/1), no members of Executive/Cabinet. Chair: Member of main Opposition

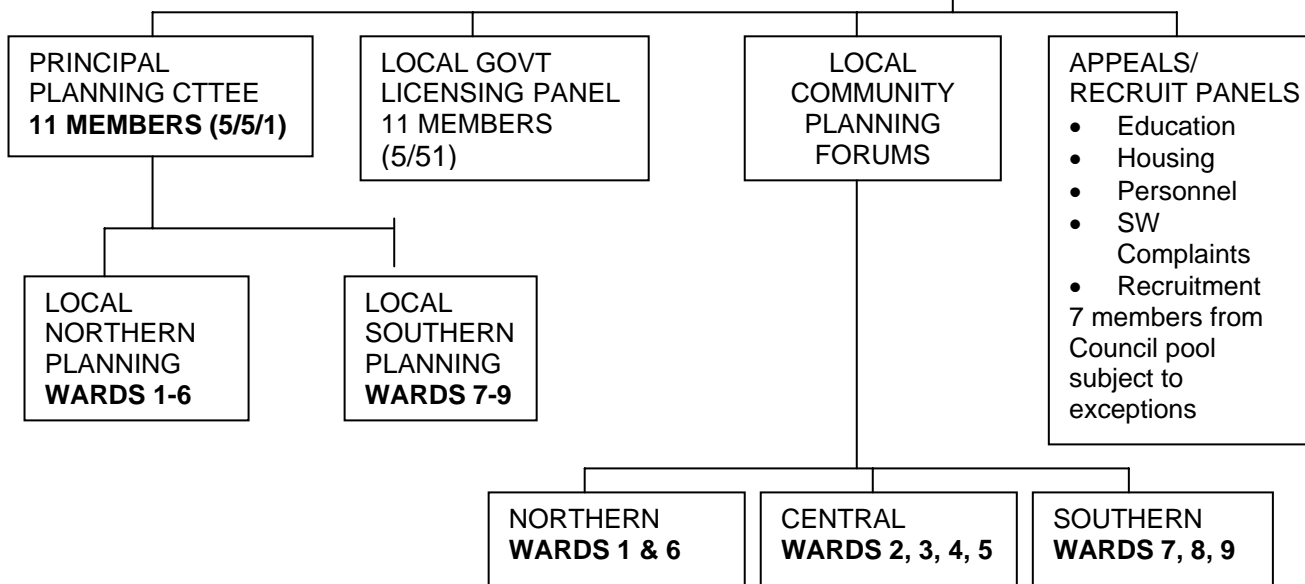
- Overall responsibility for scrutiny and review
- Holding Executive/Cabinet to account
- Performance review, resources, audit, risk management and corporate governance matters
- Promoting and maintaining high standards of conduct amongst members
- Making recommendations to the Executive/Cabinet and or Council
- Setting and monitoring annual scrutiny work programmes
- Selection of inquiry topics and approval of project outlines and plans
- Appointment of ad hoc scrutiny panels

STANDING SCRUTINY PANELS

9 members (4/4/1) no members of Executive/Cabinet. Chairs: Members of main Opposition

- Budget Scrutiny
- Environment and Regeneration
- Community Wellbeing
- Lifelong Learning

Carry out scrutiny inquiries/tasks and make recommendations on findings to Governance & Scrutiny Committee



APPENDIX 3.1

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY ARRANGEMENTS

GUIDE FOR INTERNAL WITNESSES

INTRODUCTION

The Governance and Scrutiny Committee is a body which non-Cabinet Members can hold the Cabinet, as a decision-making body of the Council, to account. The aim of the Governance and Scrutiny process is to improve the Council's policies and ensure that services are performing well. The role of the Governance and Scrutiny Committee also extends to reviewing partnership work in delivery of local services.

GOVERNANCE AND SCRUTINY IN EAST AYRSHIRE

East Ayrshire Council has established a single Committee that carries out the Governance and Scrutiny role. The Governance and Scrutiny membership reflects the political balance of the full Council. Presently the Governance Committee has 11 Members, 5 Scottish National Party Members, 5 Scottish Labour Party Members and 1 Scottish Conservative and Unionist Member. No Cabinet Members can be members of the Governance and Scrutiny Committee and the Chair of the Committee is a member of the Opposition party. Meetings of the Committee are open to members of the public.

Each year, the Governance and Scrutiny Committee will determine a programme of reviews from topics received from a wide range of sources including Elected Members, the Cabinet, Council, and Officers.

GIVING EVIDENCE

In respect of the call-in process

Elected Members who have activated the call-in process will be required to explain their call-in requests and answer any questions.

The appropriate Cabinet portfolio Member and Senior Officer(s) will require to outline the reasons for the Cabinet's decision and answer any questions.

In terms of a Review

The Governance and Scrutiny Committee will invite Officers to attend Committee meetings and give evidence about an issue that they are believed to be an expert in, which the Committee is currently reviewing. If invited, Officers from Head of Service level and above will be required to attend; however, if deemed more appropriate a Head of Service may delegate the responsibility to one of their staff. In some cases the Committee will prepare a list of questions in advance, although Officers should not expect the Committee to restrict itself to those questions.

Although the prospect of being involved in the review process might appear daunting, it should be remembered that Officers are invited for their advice and expertise to help the Committee review a specific subject, not to be scrutinised by the Committee personally. Officers do not have to answer any questions that they feel unhappy with and it is fine for Officers to admit if they do not know the answer to a question.

Guidance and advice to those attending Review Meetings will be available from the Council's Governance and Scrutiny Support Officers. To ensure that Officers can prepare thoroughly for meetings the Support Team will aim to provide:

- the project plan for the review;
- timescales and deadlines for the review process;
- advice in regards to the purpose of the review;
- some pre-determined questions that Members would like to raise; and
- the Agenda and supporting documents for the meeting.

In the event that appropriate Officer attendance is not available, the Committee may require the provision of written responses.

PRESENTING EVIDENCE TO THE COMMITTEE

Officers will occasionally be asked to provide an oral presentation to the Committee on a specific subject area; any request to make a presentation will be specified by the Lead Officer. If making an oral presentation, Officers are encouraged to provide a summary of their presentation in writing in time for circulation with Agenda papers. Providing a summary of the presentation will assist Committee Members to prepare for the meeting and ensures that the meeting will be more productive.

When preparing for a presentation at the Governance and Scrutiny Committee meeting please ensure that:

- you have read all the papers for the Committee meeting that you have been sent;
- any written information you provide is concise and factually accurate;
- any written information refers to the area under review as identified in the project plan;
- any abbreviations or technical terms are explained;
- any information provided includes suggestions for recommendations for change where appropriate;
- you are prepared to honestly express your views; and
- your views represent those of your Department.

Officers should note that the meetings of the Governance and Scrutiny Committee are held in public and information will not be withheld unless it is specified as being confidential in terms of the access to information arrangements.

REQUEST FOR INFORMATION

When undertaking a review, the Governance and Scrutiny Committee will require as much information as possible in order that they can make fully evidenced based recommendations. Whilst specific research and consultation will be commissioned by the Committee when necessary, it is recognised that most of the required information will already exist in the Council. Accordingly, the Governance and Scrutiny Committee will, through the Governance and Scrutiny Support Team, request Officers to provide all the information that relates to the specific objections of the review. With the exception of confidential information such documents should always be provided.

Requested information should be submitted to the Governance and Scrutiny Support Team in sufficient time for Committee deadlines, although it would be helpful if the information is provided as soon as possible after the request.

AFTER THE MEETING

Following each meeting of the Governance and Scrutiny Committee, the Governance and Scrutiny Support Team will circulate the Minutes of the meeting to all of the Officers that attended.

Once the draft final report of the Governance and Scrutiny Committee which outlines its recommendations, has been produced it will be circulated to all Officers involved in the review for comment. The Chairman of the Governance and Scrutiny Committee and the Lead Officer will review any comments and make changes to the report if necessary. Governance and Scrutiny final reports will be considered by the Cabinet or where appropriate the Council.

BW/SC

APPENDIX 3.2

EAST AYRSHIRE COUNCIL

GOVERNANCE AND SCRUTINY ARRANGEMENTS

GUIDE FOR EXTERNAL WITNESSES

INTRODUCTION

The Governance and Scrutiny Committee is a body which non-Cabinet Members can hold the Cabinet, as a decision-making body of the Council, to account. The aim of the Governance and Scrutiny process is to improve the Council's policies and ensure that services are performing well. The role of the Governance and Scrutiny Committee also extends to reviewing partnership work in delivery of local services.

GOVERNANCE AND SCRUTINY IN EAST AYRSHIRE

East Ayrshire Council has established a single Committee that carries out the Governance and Scrutiny role. The Governance and Scrutiny membership reflects the political balance of the full Council. Presently the Governance Committee has 11 Members, 5 Scottish National Party Members, 5 Scottish Labour Party Members and 1 Scottish Conservative and Unionist Member. No Cabinet Members can be members of the Governance and Scrutiny Committee and the Chair of the Committee is a member of the Opposition party. Meetings of the Committee are open to members of the public.

Each year, the Governance and Scrutiny Committee will determine a programme of reviews from topics received from a wide range of sources including Elected Members, the Cabinet, Council, and Officers.

GIVING EVIDENCE

In terms of a Review

The Governance and Scrutiny Committee will invite witnesses to attend Committee meetings and give evidence about an issue that they are believed to be an expert in, which the Committee is currently reviewing. Witnesses will receive a written invitation to attend a meeting outlining the areas in which they will be questioned. In some cases the Committee will prepare a list of questions in advance, although witnesses should not expect the Committee to restrict itself to those questions.

Although the prospect of being involved in the review process might appear daunting, it should be remembered that witnesses are invited for their advice and expertise to help the Committee review a specific subject, not to be criticised by the Committee. Witnesses do not have to answer any questions that they feel unhappy with and it is fine for witnesses to admit if they do not know the answer to a question.

Guidance and advice to those attending Review Meetings will be available from the Council's Governance and Scrutiny Support Witnesses. To ensure that witnesses can prepare thoroughly for meetings the Support Team will aim to provide:

- the project plan for the review;
- timescales and deadlines for the review process;
- advice in regards to the purpose of the review;
- some pre-determined questions that Members would like to raise; and
- the Agenda and supporting documents for the meeting.

If you are unable to attend the meeting when requested to do so, you may nominate and brief a suitable replacement to attend and give evidence on your behalf. In circumstances where neither yourself nor a replacement can attend it might be possible for the Committee to consider a written submission.

External witnesses can be involved in the review process in two separate ways. Witnesses will sometimes be called to make a presentation to Committee on a particular issue; however, in other cases witnesses will be called upon to participate in a review as a representative of another group.

PRESENTING EVIDENCE TO THE COMMITTEE

Witnesses will occasionally be asked to provide an oral presentation to the Committee on a specific subject area; any request to make a presentation will be specified on the invitation. Other witnesses will be invited to attend meetings of the Committee in a consultative manner to represent the views of a broader group during discussion. All witnesses will be asked if they are prepared to field questions from Members.

If making an oral presentation, Witnesses are encouraged to provide a summary of their presentation in writing in time for circulation with Agenda papers. Providing a summary of the presentation will assist Committee Members to prepare for the meeting and ensures that the meeting will be more productive.

When preparing for a presentation at the Governance and Scrutiny Committee meeting please ensure that:

- you have read all the papers for the Committee meeting that you have been sent;
- any presentation you make includes an introduction about yourself on the organisation that you represent;
- any written information you provide is concise and factually accurate;
- any written information refers to the area under review as identified in the project plan;
- any abbreviations or technical terms are explained;
- any information provided includes suggestions for recommendations for change where appropriate;
- you take the opportunity to fully represent your organisation's views; and
- you are prepared to honestly express your views.

Witnesses should note that the meetings of the Governance and Scrutiny Committee are held in public and information will not be withheld unless it is specified as being confidential in terms of the access to information arrangements.

REQUEST FOR INFORMATION

When undertaking a review, the Governance and Scrutiny Committee will require as much information as possible in order that they can make fully evidenced based recommendations. Whilst specific research and consultation will be commissioned by the Committee when necessary, it is recognised that most of the required information will already exist in the Council. Accordingly, the Governance and Scrutiny Committee will, through the Governance and Scrutiny Support Team, request witnesses to provide all the information that relates to the specific objections of the review. With the exception of confidential information such documents should always be provided.

Requested information should be submitted to the Governance and Scrutiny Support Team in sufficient time for Committee deadlines, although it would be helpful if the information is provided as soon as possible after the request.

AFTER THE MEETING

Following each meeting of the Governance and Scrutiny Committee, the Governance and Scrutiny Support Team will circulate the Minutes of the meeting to all of the witnesses that attended.

Once the draft final report of the Governance and Scrutiny Committee which outlines its recommendations, has been produced it will be circulated to all witnesses involved in the review for comment. The Chairman of the Governance and Scrutiny Committee and the Lead Officer will review any comments and make changes to the report if necessary. Governance and Scrutiny final reports will be considered by the Cabinet or where appropriate the Council.

BW/SC

APPENDIX 4

SUGGESTED TOPICS

The scrutiny/review topics suggestion forms provide members of the public, representatives of external bodies, Members and Council Officers with the opportunity to influence the work of the Council's Governance and Scrutiny Committee. Suggested areas of review can cover any area of the Council's work and in some cases the work of partner organisations that might affect the community.

Suggestions will be considered by the Council's Governance and Scrutiny Committee which will determine whether the suggested item should be taken forward for scrutiny/review by using set criteria. While it will not be the case that all suggestions will make it into the Governance and Scrutiny Committee's work programme, all ideas will nevertheless be welcomed. Suggestions from the public are one of several sources of potential items for scrutiny/review that can be factored into the work programme.

The topic selection criteria is required as the Council does not have the resources to scrutinise every suggested item. Governance and Scrutiny will focus its activities on areas of wider community significance; minor matters and individual concerns can be pursued through the appropriate service of the Council, Local Member or portfolio holder.

The following pages detail two separate topic suggestion forms, one is designed for use by members of the public and external agencies while the other is designed for use by Officers and Members of the Council. The information provided on the topic suggestion form will be used in accordance with the Data Protection legislation and used only for the purpose of contacting individuals regarding topics they have suggested for scrutiny/review.

Please return completed forms to Bill Walkinshaw, Head of Democratic Services, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU. Email: bill.walkinshaw@east-ayrshire.gov.uk

Please return completed forms to Bill Walkinshaw, Head of Democratic Services,
East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU.
Email: bill.walkinshaw@east-ayrshire.gov.uk

FOR INTERNAL USE ONLY

DATE RECEIVED

APPENDIX

PRIORITISING THE TOPIC

TOPIC

Suggested by

Date

Using the rationale and the following scoring guide to gauge the importance and impact of the subject.

<u>SCORE</u>	<u>IMPORTANCE</u>	<u>IMPACT</u>
0	No evidence of links to aims and priorities	No potential benefits
1	No evidence of links to aims and priorities but is subject of high public concern	Minor potential benefits affecting only one Ward/customer/client group
2	Some evidence of links but indirect	Minor benefits to two Groups/moderate benefits to one
3	Good evidence linking both aims and priorities	Moderate benefits to more than one Group/substantial benefits to one
4	Strong evidence linking both and has a high level of public concern	Substantial community wide benefits
	Importance Score	Impact Score

Outcomes

Reject

Possible topic for scrutiny - place in reserve list

Priority topic for scrutiny - select

INITIAL TOPIC SELECTION CRITERIA AND DEVELOPING A RATIONALE

TOPIC: _____

SUGGESTED BY _____

DATE _____

Step 1 - Initial Selection Criteria

<u>SELECTION CRITERIA</u>	<u>REJECTION CRITERIA</u>
Improvements to services would be likely	The topic has already been addressed
High public concern shown through consultation	Scrutiny is unlikely to result in service improvements
Poor performance service	Matter sub-judice or prejudicial to the Council's interest
Enhances the Council's priorities	The issue is more appropriately addressed by a body other than the Governance and Scrutiny Committee
High budgetary commitment	The objective cannot be achieved within given timescales
New guidance or legislation has recently become available	Subject topic is too broad to make a review realistic

Select

Reject

Step 2 - Should a Suggested Topic Pass the Initial Selection Criteria A Rationale that Needs to be Developed

Rationale for Scrutiny/Review Enquiry

RATIONALE	
EVIDENCE	
DESIRED OUTCOME	

APPENDIX 6

CALL-IN NOTICE



FAO CHIEF EXECUTIVE (To be received not later than 12 noon on the Thursday in the week following the date of Cabinet meeting)

EAST AYRSHIRE COUNCIL

REQUEST TO "CALL IN" A DECISION OF CABINET

DATE OF CABINET MEETING:	
DECISION TO BE "CALLED IN" (AGENDA ITEM NO AND TITLE)	
REASON(S) FOR DECISION BEING "CALLED IN"	

We, the undersigned, in accordance with the agreed procedures, wish the above decision of the Cabinet to be called in prior to implementation.

NAME OF COUNCILLOR	SIGNATURE
*1.	
2.	
3.	
4.	
5.	

*The first signatory will be regarded as the principal signatory.

CALL-IN PROCESS

- Cabinet decisions (with some special exceptions referred to below) are subject to call-in whereby decisions of Cabinet are delayed until examined further by the Governance and Scrutiny Committee.
 - (i) Members will be entitled to call-in decisions of the Cabinet on a requisition signed by five Members delivered to the Chief Executive no later than Noon on the sixth working day following (and not counting) the date on which the Cabinet met.
 - (ii) A decision which has been called-in will be placed on the Agenda for the next meeting of the Governance and Scrutiny Committee for consideration.
 - (iii) The Elected Members who have activated the call-in process will be required to attend the Governance and Scrutiny Committee to explain their call-in request. If none of the Members attend the call-in request falls.
 - (iv) Decisions called-in to the Governance and Scrutiny Committee will be dealt with as follows:
 - where the Governance and Scrutiny Committee agrees with a decision of the Cabinet it can be implemented without further delay;
 - where the Governance and Scrutiny Committee does not agree with the decision of the Cabinet it will be referred back to the Cabinet with the recommendations for alternative action as determined by the Governance and Scrutiny Committee. The Chair of the Governance and Scrutiny Committee or another Member of the Committee nominated by the Chair will have the right to attend the Cabinet and speak in support of its recommendation on that item; and
 - only Elected Members serving on the Governance and Scrutiny Committee will be entitled to vote.
 - the appropriate Cabinet Portfolio Member and Senior Officer(s) will attend the Governance and Scrutiny Meeting to outline the reasons for the Cabinet's decision and answer any questions.
 - (v) Consideration of a called-in decision will as far as possible be carried out within one full Council cycle. The Governance and Scrutiny Committee may continue consideration of a called-in decision to a further meeting but only with the consent of the Cabinet or relevant Cabinet portfolio Member. The Chair of the Governance and Scrutiny Committee and the relevant Cabinet portfolio Member may reach agreement on the time to be allowed.
 - (vi) Where the Cabinet does not accept the recommendation of the Governance and Scrutiny Committee on a decision which has been called-in from the Cabinet, the decision of the Cabinet shall be final.
 - (vii) The Cabinet may instruct that a decision be implemented ahead of any consideration by the Governance and Scrutiny Committee on the grounds of urgency, in circumstances resulting from actions or events beyond the control of the Council, if the call-in process could otherwise:-
 - (a) prevent a final decision being made before the required date; or
 - (b) seriously prejudice the Council's position in relation to persons or events external to the Council or in respect of financial, commercial, contractual or legal issues.

- (viii) When the Cabinet instructs that a decision be implemented ahead of any consideration by the Governance and Scrutiny Committee on the grounds of urgency, the Chair of the Cabinet must give reasons in writing for this to the Chair of the Governance and Scrutiny Committee.
 - (ix) The Cabinet may declare that a decision cannot be called-in where the Council's negotiating position with Trade Unions could be prejudiced; and
 - (x) The call-in procedure does not apply to any decisions of the Cabinet which have been referred to the Council.
- A process chart of the call-in procedure is detailed overleaf.

BW/SC

EAST AYRSHIRE COUNCIL CALL-IN PROCESS CHART

