



**DRAFT**

**EAST AYRSHIRE COUNCIL**

**GOVERNANCE AND SCRUTINY 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 Best Value 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
  - external scrutiny: e.g. Community Planning Partners and other important matters affecting East Ayrshire.

The full remit of the Governance and Scrutiny Committee is detailed in Appendix 1.

- 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, all contributing to the effective stewardship of the public funds entrusted to the Council.
- 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 gives 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 sessions;
  - 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** This guide and the processes referred to within will be subject to modification by the Governance and Scrutiny Committee as and when required to ensure that the governance and scrutiny process within East Ayrshire remains fit for purpose. To that end comments and suggestions to further develop this guidance are welcome and should be submitted to

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London Road  
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## **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 on decisions taken.

### **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 service reviews and performance management information. Issues can be investigated in depth over a scheduled programme of meetings, 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 it 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 it can investigate. Within the Council, the Committee can look at all decisions and policies. There is a presumption that 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. Fundamentally, 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's website [www.east-ayrshire.gov.uk](http://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 a positive 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 the Committee conducts reviews, seeking information from as many sources as possible from a broad variety of opinions and conducting its 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. As part of the scrutiny process, local people may provide evidence, sometimes in writing or directly to Committee members.

### **2.6.3 Lead and Own the Governance and Scrutiny Process**

The Committee will decide on and set its own agenda and the review programme that it 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 set out in a planned programme of work.

### **2.6.4 To Make a Positive 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 the 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 important 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** 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 Governance and Scrutiny Committee will play a central part in the work of the Council - taking evidence from witnesses, scrutinising decisions and conducting reviews. The Committee has timetabled meetings throughout the calendar year with scheduled meetings on a Friday 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** The nature of the Committee's work will result in the holding as required of less formal sessions during its meetings to provide the opportunity for members, officers, third party representatives and stakeholders to engage effectively in governance and scrutiny business. The Chair shall determine the appropriateness of such informal sessions as part of the agenda planning process.

##### **3.4.3 Agenda Planning**

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

##### **3.4.4 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.

##### **3.4.5 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.

### **3.4.6 Persons Attending**

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

A large part of the Committees' work involves taking evidence and gathering views. The Committee can take evidence by email or letter, or they can invite witnesses to give their evidence in person. The Committee can also use video-conferencing to take evidence from witnesses in remote locations.

To increase the effectiveness of meetings, the Committee will carefully limit the number of witnesses selected to give oral evidence. It will take great care to ensure a balanced representation and include all those with a major interest.

Members of the public can attend all Committee meetings, except those which are held in private. Only Elected Members and Officers can attend private meetings.

You can find out which Committees are due to meet by consulting [bill.walkinshaw@east-ayrshire.gov.uk](mailto:bill.walkinshaw@east-ayrshire.gov.uk) or view the Meetings Calendar on the Council's website. Agendas for the Committee Meetings start times and venue details are all published in the Committee Quick Find Sections of the website.

## **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 Cabinet or Council on proposed recommendations; review reports will be prepared by Governance and Scrutiny support officers in conjunction with lead officers as required;
- ensuring that action and information requests made by the Committee at its meetings are taken forward and outcomes reported back to Committee in line with scheduled dates;
- 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 the Committee as and when required.
- The Executive Head of Finance and Asset Management will appoint an officer to provide financial advice to the 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 range and programme of topics 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. **A series of templates have been developed to assist this process; Appendices 4.1, 4.2, 4.3 and 4.4.**
- 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 Cabinet, 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 4.3).
- 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 project managed (Appendix 4.4).
- 4.4 To enable a programme to be established, lead officers appointed, the terms of reference of the reviews 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 areas 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 4.2).
- 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 each year, 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 in conjunction with the Chair, 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 4<sup>th</sup> Tier Management Level, from a Department generally other than that responsible for the area being reviewed. 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 will prepare 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 (statutory and local)
- Members' suggestions
- Local Community Planning Forum referrals
- Cabinet referrals
- Suggestions from community partners
- Officers' suggestions
- Consultation results
- Good practice
- Internal or external review, audit and inspection 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:-

- are topics selected too broad?;
- is the rationale for scrutiny unclear?;
- is the topic of low public concern?;
- does the topic address aims and priorities?;
- does the topic duplicate work that is already in progress?; and
- could the topic 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**

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

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.

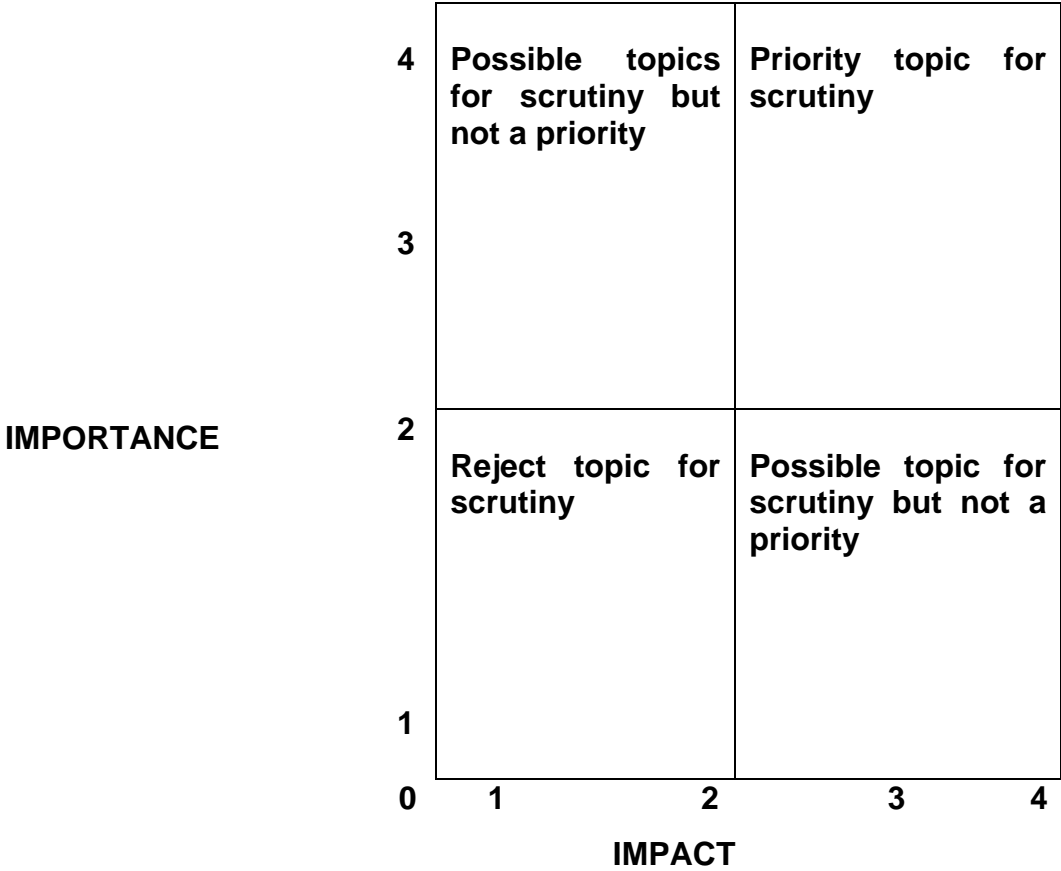
### **Step 3 - Prioritising the Topic**

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 replaced on the priority grid.

<b><u>SCORE</u></b>	<b><u>IMPORTANCE</u></b>	<b><u>IMPACT</u></b>
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

**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 for future consideration.

#### **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.

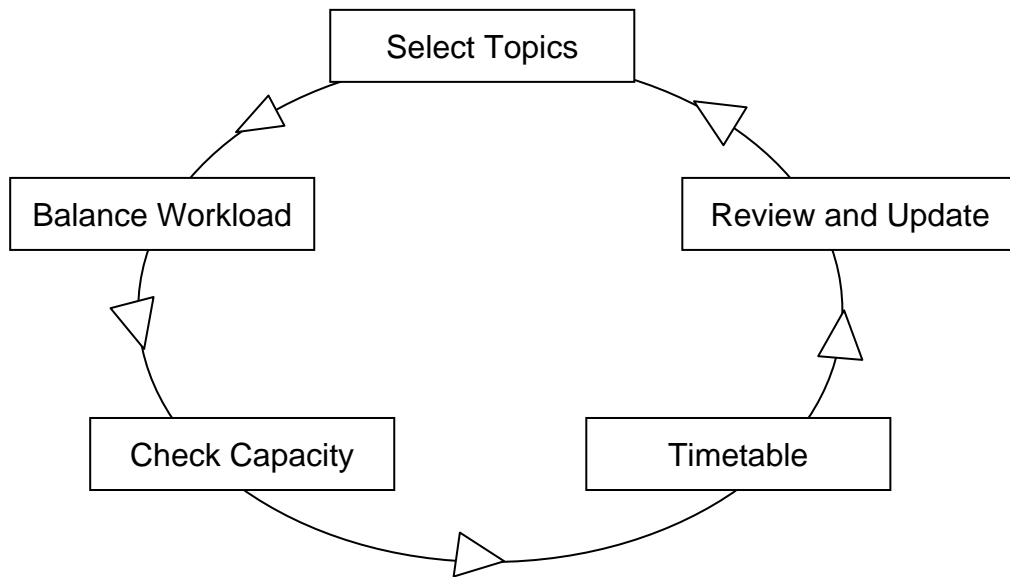
### **4. TIMETABLED WORK**

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. CARRYING OUT A REVIEW

Carrying out a scrutiny review can be a complex process. This section of the guidance is designed to assist those involved in the review process. The process has been split into seven stages.

### **Stage 1: Topic Selection (Refer to Section 4, Page 11)**

### **Stage 2: Scoping the Enquiry**

Scoping a review is essential to minimise the risk that might prevent a review reaching its desired outcome.

Scoping a review involves setting out:-

- its objectives;
- desired outcomes;
- terms of reference;
- key issues and areas of focus;
- the risks involved in undertaking the enquiry (and how they can be minimised);
- how and where the evidence should be taken;
- timescale;
- an outline of the main information requirements:
  - documents/evidence;
  - witnesses;
  - consultation/research;
  - site visits;
- Officer support; and
- main targets for findings and recommendations.

Careful scoping of an enquiry is essential in order to make it as effective as possible if a review is too broad it may not be possible to marshal sufficient resources to complete it within an acceptable timescale or the review may lose direction and focus and produce weak recommendations leading to ineffective action.

As part of the scoping exercise, a project plan is prepared (**Appendix 7**).

### **Stage 3: Collecting Evidence**

The information required, its sources and methods for obtaining it require to be identified. Consideration requires to be given as to what information is going to be needed to fulfil the objectives of the review.

e.g. background on relevant Council or Government policies; recent related reports; best practice examples; information from residents or customers about their experiences of a particular service or issue.

Consideration also needs to be given to where and how information can be sourced. For example:-

- Can documents and other material be obtained informally from known contacts or websites or will a formal request be required.
- Will information need to be gathered first hand within the community or at site visits.
- Would focus groups or workshops provide an informal and useful way of obtaining information.
- How can evidence of hard to reach groups be obtained.
- Are expert opinions or research required.
- How are potential witnesses to be approached and invited to participate.
- Would a visit to another Local Authority known for best practice be helpful.

Witnesses have a key role to play in helping the Governance and Scrutiny Committee fulfil their review objectives. Further information in regard to witnesses is provided for within this guidance document.

#### **Stage 4: Considering the Evidence**

Once all the evidence has been collated the Governance and Scrutiny Committee will need to meet to consider and analyse it. Meetings will be scheduled in terms of the project plan and discussion will take place as to how information gathered helps to meet the review objectives. Officers will collate the evidence received and support Members in formulating their findings and recommendations.

It is important that both the findings and the recommendations are drawn out of the evidence and are adequately supported by it.

The aim of this exercise is to achieve a consensus and the Chair needs to ensure that all Members have an opportunity to contribute their views.

#### **Stage 5: Report**

Officers will prepare a draft review report based on Members' findings and recommendations for the Governance and Scrutiny Committee's approval.

The approved draft report will be circulated to the review's key contributors to check for factual accuracy.

Any resultant amendments will be reported back to the Governance and Scrutiny Committee who will then finalise and approve the final report for submission to the Cabinet or the Council as appropriate. The Chair of Governance and Scrutiny will normally present the report to the Cabinet and/or Council with appropriate Officer support.

## **Stage 6: Feedback and Action**

Following the report stage it is important that feedback is given to the review contributors and the stakeholders concerned about the outcomes of the review. The Governance and Scrutiny Committee will need to consider and decide the most appropriate methods e.g. a feedback meeting, newsletter, letters to individuals, public notice etc. Officers will support the Committee on these considerations.

The feedback should make it clear what actions are proposed as a result of the review and that responsibility for ensuring these are carried out lies with the Cabinet.

## **Stage 7: Monitoring**

To ensure that the scrutiny function is effective, the Governance and Scrutiny Committee will need to make suitable arrangements to monitor the implementation of the adopted recommendations. This could be achieved by building in appropriate time for monitoring into its work programme at appropriate intervals and requiring progress reports from support officers. Where the Governance and Scrutiny Committee are not satisfied with progress or actions taken, the Committee may decide that further scrutiny should be undertaken.

## **Scrutiny Review Process Map (Appendix 8)**

Maps out the scrutiny review process.

## **7. ROLES AND RESPONSIBILITIES**

### **7.1 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.

### **7.2 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;
- 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; and
- Having heard all the evidence, the Committee will consider its conclusions and make recommendations within a report drafted by the relevant lead officer to be considered by the Committee, agreed and then submitted with recommendations to the Cabinet/Council for consideration.

### **7.3 THE CHAIR**

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

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.

### **7.4 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 against service delivery and financial targets and is also responsible for dealing with Cabinet decisions that have been called in. The Committee also has a role in monitoring the performance of third party organisations including the Council's Community Planning Partners in terms of service delivery outcomes. 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 of 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 Local Code of Corporate Governance and 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

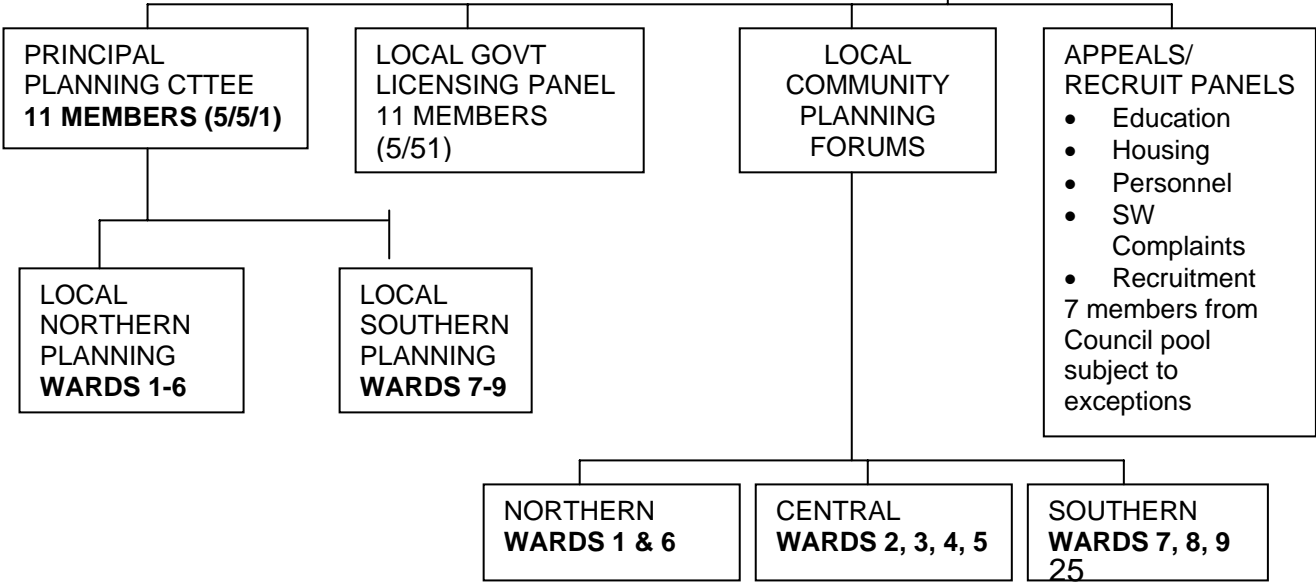
- Sets Council's Revenue/Capital budgets
- Elects Provost/Depute Provost
- Approves the Council's decision making process and departmental structures
- Appoints Members to serve on Cabinet/Scrutiny Panels, outside agencies
- Hold Cabinet to account with reports from Governance Scrutiny Committee and 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 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 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 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 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 an Opposition party. Meetings of the Committee are open to members of the public subject to access to information provisions.

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 possible, 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 Chair 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.

## **APPENDIX 3.2**

### **EAST AYRSHIRE COUNCIL**

#### **GOVERNANCE AND SCRUTINY ARRANGEMENTS**

#### **GUIDE FOR EXTERNAL WITNESSES**



**East Ayrshire**  
COUNCIL

### **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 take 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 Chair 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.

## **APPENDICES 4.1 AND 4.2**

### **GOVERNANCE AND SCRUTINY: SUGGESTING TOPICS**

#### **GUIDANCE NOTES**

1. 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 and scope 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.
2. 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.
3. The topic selection criteria is required as the Council may 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 cabinet portfolio holder. Nor does the Governance and Scrutiny Committee deal with individual complaints which should be dealt with through the Council's Corporate Complaints Procedure. Other topics not appropriate for scrutiny include matters that are subject to legal proceedings.
4. 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.
5. 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](mailto:bill.walkinshaw@east-ayrshire.gov.uk)





### APPENDIX 4.3

#### 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 performing 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 4.4

### 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

**IMPORTANCE**

4	Possible topics for scrutiny but not a priority	Priority topic for scrutiny
3		
2	Reject topic for scrutiny	Possible topic for scrutiny but not a priority
1		

Outcomes

**IMPACT**

Reject

Select

Reserve

## APPENDIX 5

### GOVERNANCE AND SCRUTINY 2008/2009 - ANNUAL PROGRAMME DRAFT TIMETABLE

<u>COMMITTEE MEETING/COUNCIL</u>	<u>TIME</u>	<u>PROJECT 1 - LEAD OFFICER</u>	<u>PROJECT 2 - LEAD OFFICER</u>	<u>PROJECT 3 - LEAD OFFICER</u>	<u>PROJECT 4 - LEAD OFFICER</u>
April		Commence investigation			
May					
June			Commence investigation		
July		Review progress			
August			Review progress		
September		Submit draft report			
October					
November		Submit final report	Review progress	Commence investigation	
December					
January	Programme workshop DCE/EDCS				
February			Submit draft report	Review progress	Commence investigation
March					

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**

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

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

<b>NAME OF COUNCILLOR</b>	<b>SIGNATURE</b>
*1.	
2.	
3.	
4.	
5.	

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

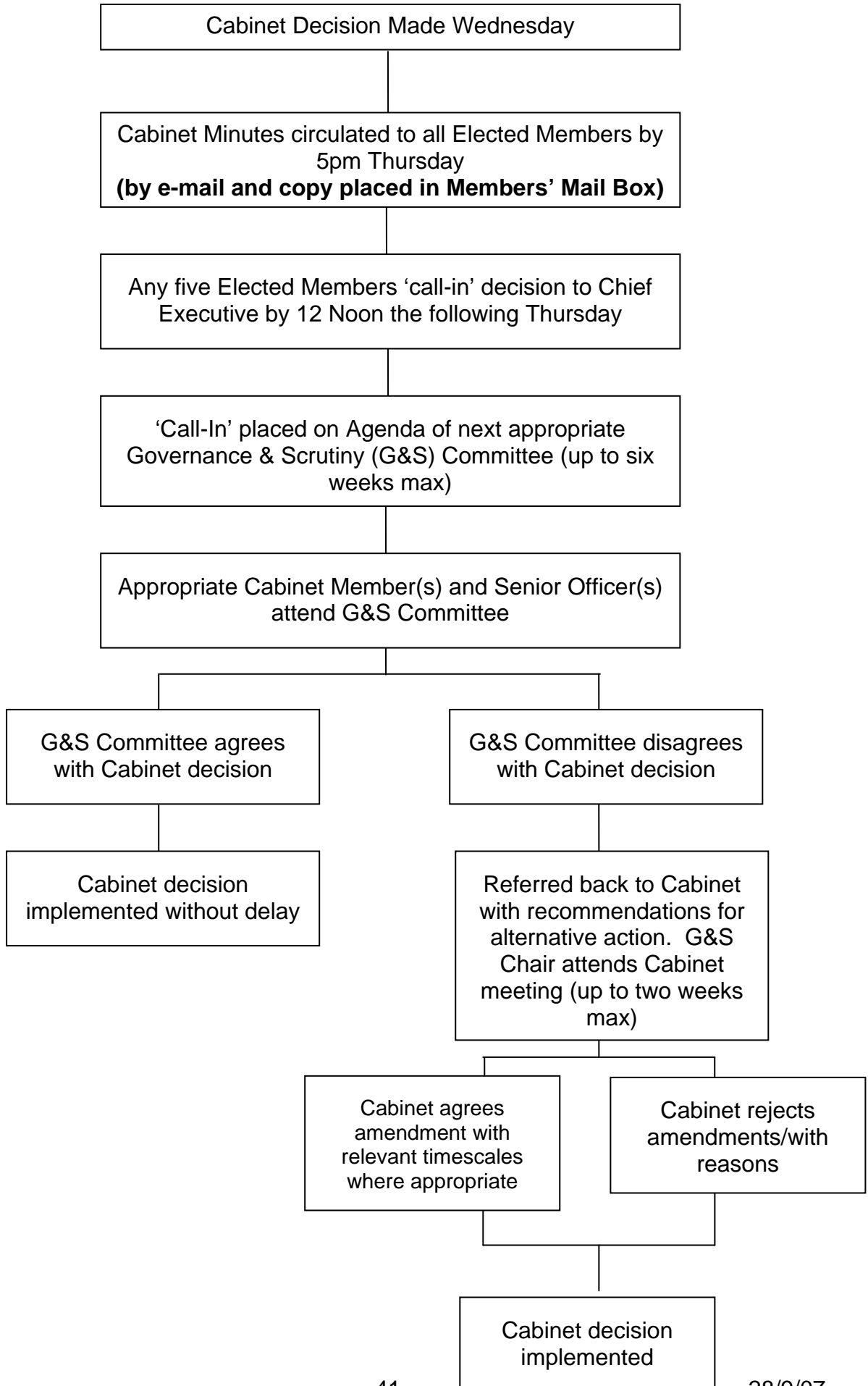
## CALL-IN PROCESS

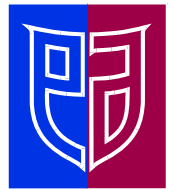
- Cabinet decisions (with some special exceptions referred to below) are subject to call-in whereby decisions of Cabinet are delayed until examined further by the Governance and Scrutiny Committee.
  - (i) Members will be entitled to call-in decisions of the Cabinet on a requisition signed by five Members 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. The Cabinet however shall provide the Governance and Scrutiny Committee reasons for its decision.

- (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





**EAST AYRSHIRE COUNCIL**

**GOVERNANCE & SCRUTINY PROJECT PLAN TEMPLATE**

**REVIEW TOPIC:**

**OBJECTIVES:**

**DESIRED OUTCOMES:**

**TERMS OF REFERENCE:**

**KEY ISSUES:**

**RISKS:**

**VENUES:**

**TIMESCALE:**

**START:**

**FINISH:**

**INFORMATION REQUIREMENTS AND SOURCES:**

**Documents/Evidence** (what/why)

**Witnesses** (who/why)

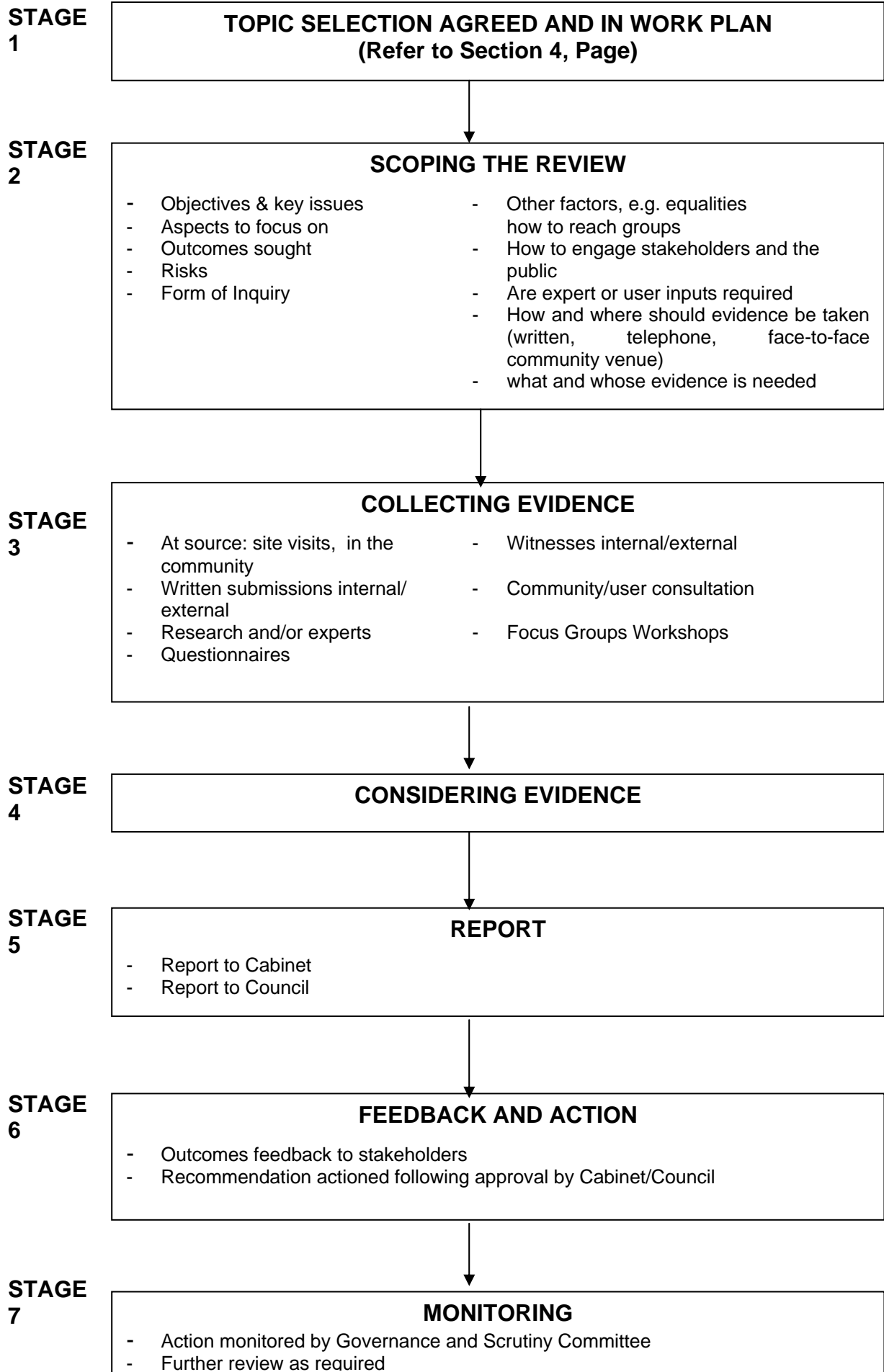
**Consultation/Research** (what, why, who)

**Site Visits** (where, why, when)

**OFFICER SUPPORT:**

**TARGET BODY FOR REPORT:** (Cabinet/Council)

**APPENDIX 8**  
**SCRUTINY REVIEW PROCESS MAP**



# **SCRUTINY REVIEW PROCESS MAP**

## **MEMBER ROLES**

## **OFFICER ROLES**

### **STAGE 1: TOPIC SELECTION**

- Governance & Scrutiny Members decide topics taken account of local concerns, issues and priorities; suggestions from internal or external sources; agreed criteria; and Officer advice.

- Officers present Governance & Scrutiny Committee with the information on: Best Value Reviews; Audit Reports; Inspection Reports; Topics suggested by Members, Officers, Cabinet; Performance Indicators; and Budget; and
- Officers advise on topic selection having regard to agreed criteria.

### **STAGE 2: SCOPING THE INQUIRY**

- Governance & Scrutiny Committee decides on objectives, outcomes, terms of reference, timescale, format, venue(s), research, evidence/witness/publicity etc taking account of Officer advice.

- Officers will support Members through process and advise where appropriate including on the capacity to undertake an investigation; and
- Once the scope is decided, Officers will produce a project plan for the inquiry.

### **STAGE 3: COLLECTING EVIDENCE**

- Members will identify and call for evidence as appropriate;
- Members compile questions for witnesses with Officers support as required; and
- Members meet with witnesses and engage with users/community groups/hard to reach groups through outreach where practicable.

- Officers in consultation with Chair of Governance and Scrutiny will make all the arrangements for collecting the required evidence including liaison with witnesses;
- Officers will support Members, if required, in compiling questions for witnesses; and
- Officers will assist with the research and consultation within available capacity.

### **STAGE 4: CONSIDERING EVIDENCE**

- Members will evaluate the evidence received and collated by Officers and formulate findings and recommendations.

- Officers will collate the evidence received and support Members in formulating their findings and recommendations.

### **STAGE 5: REPORT**

- Members will consider draft report by Officers based on Members' findings and recommendations, making amendments as appropriate; and
- Governance and Scrutiny Committee will present final reports to Cabinet/Council.

- Based on Members findings and recommendations, Officers will draft report for approval by Committee and subsequent submission to Cabinet/Council.

### **STAGE 6: FEEDBACK AND ACTION**

- Members decide basis of feedback on investigation outcomes to stakeholders; and
- Implementation of agreed actions (if any) arising from the report is the responsibility of the Cabinet.

- Officers will support Members in considering how to feedback the inquiry outcomes to stakeholders; and
- Relevant Executive Director/Head of Service ensures approved recommendations (by Cabinet/Council) are actioned.

### **STAGE 7: MONITORING**

- Governance & Scrutiny Committee will receive a progress report on the implementation of the adopted recommendations; and
- Governance and Scrutiny Committee may choose to undertake further scrutiny if required.

- Officers will report progress to Governance and Scrutiny Committee at appropriate time.