



# **TORFAEN COUNTY BOROUGH COUNCIL**

## **A GUIDE TO OVERVIEW & SCRUTINY IN TORFAEN**

**Approved by Council 26 June 2012**

**Updated  
September 2017**

## Contents

	Page
1. Why does the Council have Overview & Scrutiny?	3
2. What value does Overview & Scrutiny add to the Council?	3
3. What isn't Overview & Scrutiny about?	4
4. What Overview & Scrutiny committees are in place?	4
5. What is Overview & Scrutiny expected to do?	5
6. What powers does Overview & Scrutiny have?	8
7. What support is available for Overview & Scrutiny?	9
8. How are Overview & Overview Committees expected to operate?	11
9. What is expected of Overview & Scrutiny Members?	16
10. Co-opting members onto Overview & Scrutiny Committees.	17
11. Public involvement in Overview & Scrutiny.	18
12. Party Whip in Overview & Scrutiny.	18
13. Role of the Democratic Services Committee in Overview & Scrutiny.	18
14. Role of Chief Officers in Overview & Scrutiny.	19
15. Key Characteristics of Effective Overview & Scrutiny	19
16. Useful contact information.	20
APPENDIX A – Council's Decision Making Structure	21
APPENDIX B – Portfolios of the Council's five Overview & Scrutiny Committees	23
APPENDIX C – Role descriptions for Overview & Scrutiny members	29
APPENDIX D – Criteria to be considered when choosing topics for an Overview & Scrutiny work programme	32
APPENDIX E – Public Engagement in Scrutiny Strategy	33
APPENDIX F – Outcomes & Characteristics for Effective Local Government Overview & Scrutiny	38

## 1. Why does the Council have Overview & Scrutiny?

This handbook seeks to explain the function of overview and scrutiny in Torfaen as it operates under the Council's Constitution and within the requirements of the Local Government (Wales) Measure 2011.

It is intended to provide a helpful guide to both elected members and officers, setting out the powers and roles and responsibilities of the overview and scrutiny function within the Council so a common understanding is developed across the County Borough.

Overview and scrutiny was initially introduced under the Local Government Act 2000. This Act came into force in response to the "Modernising Local Government" agenda to ensure decision-making was more visible for local people; to give greater accountability for the decisions made; and to speed up the perceived slow and bureaucratic systems in place at that time.

Under the requirements of this legislation, Torfaen has put in place a Leader and Cabinet (Executive) system.

Where decision making is vested in the hands of a Cabinet of executive members, overview and scrutiny ensures openness and transparency in the way those decisions are taken and provides independent and impartial checks and measures for both the organisation and the public. The overview and scrutiny function also draws on a wide range of members across all political parties and geographical wards to bring wider experience and views to the Council's policy development and service improvement activities.

Overview and scrutiny is one of the most significant ways in which a non-executive councillor can contribute to the direction of the Council. It must not be seen as a secondary importance to the decision-making Cabinet. It is an equal and critical part of the decision making process, and is vital in maintaining public confidence.

It is important to understand there is a clear separation of responsibilities between decision makers and those responsible for holding them to account. Overview and Scrutiny Committees cannot make decisions on behalf of the Council but they can ensure that those that do so, are making robust decisions in the right way and are fully appreciative of broader opinion.

A simple diagram explaining the relationships between the Council's decision making arrangements and its overview and scrutiny functions can be seen in Appendix A on page 20.

Full details of the Council's overview and scrutiny function can be found in part six of the Council's Constitution, available to view at:

<http://www.torfaen.gov.uk/en/Related-Documents/Democratic-Services/Councils-Constitution.pdf>

## 2. What value does Overview & Scrutiny add to the Council?

Overview and scrutiny is at an exciting stage in Torfaen. The WLGA undertook a review of the Council's scrutiny arrangements in 2011. They suggested a number of improvements for the Council to consider so the function plays a more meaningful role in service improvement and the delivery of citizen expectations. Many of the recommendations received from the WLGA are incorporated in this handbook.

Aligned to this review, the 2011 Local Government (Wales) Measure also requires further change in areas such as co-option, joint scrutiny and the scrutiny of designated persons. These requirements have also informed this handbook.

Overview and scrutiny is a statutory function of the Council and provides a critical challenging friend to the work of Executive Members and Chief Officers. It provides:

- A clear separation between the Council's decision making Executive and those who scrutinise the decisions they make.
- Public confidence and ensures transparency in the Council's decision making processes.
- Valuable skills for all "non executive" members in developing, understanding and influencing the work of the Council and the delivery of services to the public they serve.
- Impartial sounding boards to the decision makers on the development of proposed changes to services before decisions are taken.
- Help to break down service area silos and ensure the bigger picture is considered for the greater good of all citizens, enabling cross cutting issues to be dealt with more effectively.
- A platform for conversations and evidence gathering with wider public sector bodies, enabling them to work collaboratively with the Council in making them more accountable to the public they serve.
- A culture of looking at the way services are delivered to drive service improvement.

### **3. What isn't Overview & Scrutiny about?**

What follows is not an extensive list but it is sufficient to guide members away from some features of practice that have been prevalent in the past. Overview and scrutiny is not about:

- Making decisions – that is the role of the Executive.
- Excessive party politics.
- Highlighting individual ward issues - ward issues should be dealt with via member enquiries and if this is not sufficient, members have the option of asking questions of the Executive Member at Council.

### **4. What Overview & Scrutiny Committees are in place?**

The Council has five service based overview and scrutiny committees, namely:

- Cross Cutting & Resources Business.
- Healthier Communities.
- Safer Communities.
- Cleaner Communities.
- Learning Communities.

The Council also has a PSB scrutiny committee which meets twice a year, with membership consisting of the 5 scrutiny committee chairs.

Each overview and scrutiny committee is made up of ten elected members, except for the Cross Cutting Committee which is made up of all scrutiny members. Several committees also have co-opted members; the details of these are outlined in section 10 of this document on page 17.

Full details of the portfolios of each the Council's five overview and scrutiny committees and the PSB scrutiny committee can be found in the Council's Constitution, available to view at:

<http://www.torfaen.gov.uk/en/Related-Documents/Democratic-Services/Councils-Constitution.pdf>

A summary version of the areas of responsibilities can be found in Appendix B of this document on page 21.

The Council also has a Council Overview and Scrutiny Committee which is convened, where necessary, during a full Council meeting to consider challenges to Cabinet decisions. Full details of this process can be found in paragraphs 5.10 and 5.11 of the Council's Constitution. All councillors who are not members of the Cabinet are automatically members of the Council Overview and Scrutiny Committee.

## 5. What is Overview & Scrutiny expected to do?

The Council's Constitution states the overview and scrutiny committees have power between them to:

- Review or scrutinise decisions made or other action taken and make reports or recommendations to the authority or the executive in connection with the discharge of any functions which are the responsibility of the Executive.
- Review or scrutinise decisions made or other action taken and make reports or recommendations to the authority or the executive in connection with the discharge of any functions which are not the responsibility of the Executive.
- Make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area.
- Review and scrutinise, in accordance with regulations under section 7 of the Health and Social Care Act 2001, matters relating to the health service (within the meaning of that section) in the authority's area, and to make reports and recommendations on such matters in accordance with the regulations.
- Review and scrutinise, in accordance with the regulations under sections 19 to 21 of the Police and Justice Act 2006, matters relating to crime and disorder functions.

Whilst the roles outlined above exist in the Constitution, it is possible to group these into two key functions:

- Holding the Executive to account  
and
- Reviewing existing and proposed policies.

### ➤ Holding the Executive to Account

This includes the review of Executive decisions, the monitoring of performance in respect of the implementation of Council policies and service delivery, and monitoring the strategic direction of the Council to ensure that it meets the needs of the local community.

## Reviewing decisions

Overview and scrutiny committees have the responsibility and the power to scrutinise decisions that have been made (but not yet implemented) by Cabinet as a collective, Executive Members individually and key decisions made by the Deputy Chief Executive, Assistant Chief Executives and Chief Officers.

When exercising their right to call-in decisions, overview and scrutiny members may do any of the following:

- Note the decision.
- Ask for further information including additional information on which the decision was based, background documentation and the reasons for the decision.
- Require the decision maker and any other Executive Member or Officer to attend committee to answer questions.
- Require the decision maker to reconsider any decision, which has not been implemented.
- Record their comments on the decision.
- Approve recommendations for the Cabinet, Executive Members, Chief Officers or Council in relation to the future handling of similar decisions.

## Cabinet Decisions

Any councillor may challenge or call-in a decision of Cabinet within 8 clear calendar days providing there are “genuine and serious concerns about the decision”. Decisions of Cabinet are normally circulated within 2 days of the meeting to all members and posted on the intranet site.

Should a challenge or call-in be received then the Council Overview and Scrutiny Committee may be convened to consider the challenge and make recommendations to Cabinet.

## Executive Member Decisions

Once Modern.gov is introduced, all members of the relevant overview and scrutiny committee will be notified of any impending Executive Member decision and provided access to associated decision documentation in advance.

Overview and scrutiny members will be able to provide comments on the proposed decisions up to five days in advance of the decision meeting taking place. A councillor may choose to challenge or call-in an Executive Member decision within 2 clear calendar days providing there are “genuine and serious concerns about the decision”. For the challenge to be valid, those members choosing to challenge must have previously submitted a comment in relation to the decision.

## **Chief Officer Key Decisions**

Once Modern.gov is fully introduced, all members of the relevant overview and scrutiny committee will be notified of an impending Chief Officer key decision and provided access to associated decision documentation in advance.

Overview and scrutiny members will be able to provide comments on the proposed decisions up to five days in advance of the decision taking place. Two or more Councillors may choose to challenge or call-in a Chief Officer Key decision within 2 clear calendar days providing there are “genuine and serious concerns about the decision”. For the challenge to be valid, those members choosing to challenge must have previously submitted a comment in relation to the decision.

## **Planning & Licensing Committees**

Overview and scrutiny members cannot review the quasi - judicial role of the Planning & Licensing Committees in dealing with planning & licensing applications including those decisions which are delegated to officers.

## **Monitoring performance and driving service improvement**

Overview and scrutiny committees have the responsibility for a specific portfolio of services. Within their given remit, it is up to them to decide which of these services they want to scrutinise and ask the relevant Executive Member or Officer to give evidence around particular issues they may have.

Up to date performance information should be used by committees to inform the overview and scrutiny process. Performance data for each service area within the portfolio of each committee will be fed in to the annual visioning process for members to consider and where appropriate challenge.

The Cross Cutting & Resources Business Committees will also receive an annual report scrutinising the activities, performance measures and targets proposed by service areas to progress and measure the delivery of the Council's agreed Corporate Plan outcomes during the financial year.

## **Scrutinising the Council's revenue and capital budgets**

Each year, overview and scrutiny committees play an important role in the annual consultation process for the Council's proposed revenue budget and the capital programme. Members have the opportunity to consider and comment on the detailed budget setting proposals put forward by relevant Executive Members and Chief Officers for the revenue and capital programmes for individual service areas.

The Cross Cutting & Resources Business Committees receives a key financial report each November outlining the pressures and mitigating saving measures proposed by each relevant service area. This report gives members the opportunity to explore the likely impacts on service delivery and offer comments before the Council's budget is set for the next financial year.

In year budget monitoring is undertaken by the relevant Chief Officers. Should significant variances (overspends or under spends) occur within a budget within a given year, overview and scrutiny committees can request to explore the issues.

It is important to remember that overview and scrutiny should not be used as a place to lobby for additional resources but should allow observations to be passed to the relevant Executive member on the likely impacts of certain courses of action.

### ➤ Reviewing existing and proposed policies

Overview and scrutiny committees should play a major role in acting as a consultee on policy proposals or conducting detailed investigations into policy areas so they can arrive at policy recommendations for the Cabinet (Executive) or Council to consider.

Overview and scrutiny should not solely focus on challenge. The committees have an important role in assisting the Executive in the development, monitoring and review of policies and changes to services. They may be invited, or may seek, to consider and comment upon the development of new policy before a decision is made, and subsequently to monitor the implementation of policy to ensure the original aims and objectives are being met. In this respect they act as a sounding board or a critical friend and can help shape policy development within the Council.

### ➤ Working with partners, outside agencies and expert witnesses

Overview and scrutiny committees may invite partners and outside agencies to attend their meetings. This enables the committee to seek their views and observations on issues affecting the delivery of services to the citizens of Torfaen.

Committees may also (through the Chair) invite individuals who are not councillors to participate in their meetings if they have particular expertise on a matter under discussion. However, decisions to have standing invitations must be approved by Council. The role of the expert witness serves as a useful, independent way of helping Members draw on expertise and knowledge from outside the Council.

## 6. What powers does Overview & Scrutiny have?

There are various powers conferred on overview and scrutiny committees under the legislation and as set out in the part six of the Council's Constitution. These powers suggest there is plenty of authority available to scrutineers and the following are particularly worthy of note:

- Each Overview and Scrutiny Committee sets its own work programme. Others can legitimately suggest topics but it is for the Committee itself to determine and agree the programme.
- An Overview and Scrutiny Committee may request any documents relevant to allow them to scrutinise an issue. Such documents shall be provided unless the Monitoring Officer is satisfied there are exceptional reasons requiring that confidentiality of the document to be maintained.
- An Overview and Scrutiny Committee may make reports and recommendations on any matter within their terms of reference to an Executive Member, Cabinet, Council or another public body as appropriate.
- The Chair, of any Overview and Scrutiny Committee may request the attendance of the Executive Member at the next meeting of the Committee.
- Overview and Scrutiny Committees have the power to challenge, scrutinise and review all decisions of the Cabinet, Executive Members, and officers that fall within their terms of reference.



- Overview and Scrutiny Committees may:
  - Adopt an inquisitorial role and question an Executive Member, Officer or other person who has appeared before the Committee for this purpose.
  - Require an Executive Member or Officer to attend the Committee to answer questions.
  - Invite speakers, expert witnesses or service users to address the Committee.
  - Make visits to parts of the area, other areas and to organisations.
  - Arrange meetings as and when necessary to gather information or for consultation purpose.
  - Appoint a task and finish group in accordance with the guidance set out on page 15 of this document.

## 7. What support is available for Overview & Scrutiny?

Good overview and scrutiny requires specific officer support. This support is currently provided by the Council's Strategic Services Unit which sits under the responsibility of the Head of Strategic & Democratic Services. A combination of Improvement and Scrutiny Officers and Democratic Services Officers deliver the support, both of which are accountable to the Head of Strategic & Democratic Services, who holds the lead officer role for the Overview and Scrutiny Function in the Council.

There are nominated Improvement and Scrutiny officers and Democratic Services officers to support each of the Council's five overview and scrutiny committees with additional senior support being provided by the Head of Improvement and Scrutiny, the Interim Committee and Member Services Manager and the Head of Strategic & Democratic Services.

Whilst the role of Chief and Senior Officers is central to successful overview and scrutiny in Torfaen, the nature of the overview and scrutiny process requires a distancing between service officers and overview and scrutiny members. The Improvement and Scrutiny Officers provide this interface.

Overview and scrutiny support in the Council is currently organised as follows:

### ➤ Policy, performance, risk and scrutiny advice

The Council's Corporate Improvement and Scrutiny Team is made up of five officers who are employed to drive service and policy improvement across the organisation.

The Improvement and Scrutiny Officers are responsible for:

- Making sure a realistic and achievable work programme is developed and subsequently delivered by members of the overview and scrutiny committees.
- Ensuring reports to Overview & Scrutiny Committees are focussed on the issue being scrutinised.
- Providing advice to report authors on the expected content and focus of reports.

- Acting upon the wishes of the overview & scrutiny members to research additional information they may request to help the effective scrutiny of issues being presented to the committee.
- Advising the chairs and members of the overview and scrutiny committees on issues concerning scrutiny.
- Supporting service areas to understand changes that are suggested following scrutiny.
- Attending pre-planning meetings to advise the Chair or any other meetings as requested by the overview and scrutiny committee.

### ➤ Dedicated committee support

Within the Democratic Services Function, democratic services officers are employed to oversee, amongst other things, the scrutiny committee management process.

The Democratic Services Officers are the key conduits to the efficient and effective running of each overview and scrutiny committee and are responsible for:

- Organising dates, rooms and facilities for overview & scrutiny committee meetings.
- Managing the process for the collation of reports for the meetings, ensuring they are constitutionally sound and statutory deadlines are met in accordance with the agenda set by members.
- Liaising with the Improvement and Scrutiny Officers.
- Inviting relevant people to attend the meetings
- Taking minutes of overview & scrutiny committee meetings.
- Reporting executive decisions to the meeting through the Decision Management System.
- Forwarding any referrals to the Executive Member which might arise from the consideration of a report and ensuring a response is received.
- Making arrangements for information to be supplied to members following requests at Committee.
- Providing advice on meeting protocols where appropriate.
- Attending pre-agenda meetings if requested by the Chair or other meetings requested by the committee.
- Advising on constitutional matters during a meeting such as Quorum and public access to meetings and information.

### ➤ Legal advice

A Legal Officer will normally attend overview and scrutiny committee meetings unless the Chair is satisfied there are no issues which would require attendance.

When present the Legal Officer will advise on declarations of interests; interpretation of constitutional issues; and any legislative requirements and legal implications on matters being scrutinised.

Prior to agendas being despatched, all reports are reviewed by a legal officer to ensure any proposals contained within the report are operating within the Council's legal framework.

➤ **Financial advice**

Prior to the agendas being despatched, all reports are reviewed by a finance officer to check the financial assumptions included are full and correct.

➤ **Equalities advice**

Also, prior to the agendas being despatched, all reports are reviewed by the Council's Head of Equalities to ensure the contents adhere to the Council's equalities policies.

## **8. How should overview & scrutiny committees operate?**

During 2013 the Wales Audit Office facilitated a national study of scrutiny practice across Wales. As part of this national study, scrutiny officers across Wales, worked with the Centre for Public Scrutiny in Wales to produce a set of characteristics for effective local government overview and scrutiny. The characteristics set out a check list for delivering better outcomes, decisions and engagement in scrutiny. They can be found in full in Appendix F.

These characteristics are recognised as best practice and 'endorsed' in principle by Welsh Government's National Scrutiny Reference Panel composed of Welsh Government, the Welsh Local Government Association, the Wales Audit Office, Estyn and the Care and Social Services Inspectorate Wales.

The characteristics will be used as a reference point as we look to further develop and evaluate the effectiveness of scrutiny in Torfaen.

➤ **The meetings**

- All overview and scrutiny committees meet on a five times a year (other than the PSB committee which meets twice a year) The dates of these quarterly meetings are determined at the start of the Council year and are programmed into the Council's' corporate diary. Additional meetings can be called as and when required by the Chair of the Committee.
- Meetings are usually held in the Council Chamber in the Civic Centre but in some cases it might be useful for the committee to meet at different venues around Torfaen if it helps a particular issue to be discussed or encourages community participation. However it is important to remember access requirements and hearing loops etc. will need to be checked in advance. Also all scrutiny committees are now webcast which would not be possible in alternative locations.
- Committee meetings usually last for about two and a half hours. The committees have the ability to call for additional meetings or more time if they feel that there is a particular need to do so.
- Committees will typically deal with one substantive item per meeting although items of sufficient size and scale can be considered over further meetings. Agenda items for each meeting should usually be drawn from the committee's agreed basket of items.

- Members of the Cabinet cannot be members of any overview and scrutiny committees meaning that only non-executive councillors may sit on overview and scrutiny committees.
- Chairs of overview and scrutiny are appointed in accordance with the political composition of the Council as laid down by the Local Government (Wales) Measure 2011.
- Membership of overview and scrutiny committees is politically balanced to reflect the political composition of the Council. Appointments to the committees are made at the start of the municipal year usually in May at Annual Council.
- All overview and scrutiny committee meetings are open to the public, they are formally recorded and the minutes posted within the [Council's, Meetings, Minutes and Agendas area](#) of the Council's web site for public transparency as well as the recommendations with responses. All overview and scrutiny meetings are webcast which can be viewed live and archived for viewing at a later date.
- Overview and scrutiny should be member-led. It should be a positive force for service improvement in Torfaen. It is not about confrontation, but developing a meaningful debate. Whilst consensus of the committee is the best outcome to an issue as it gives a firm steer, lack of agreement is acceptable (as long as all parties listen to the opinions of others). Where consensus of opinion cannot be reached, the diverse views of the committee should be passed on to the relevant party (e.g. Executive Member, officer or partner) so they are made aware there may be range of views to be considered prior to them taking a decision.

### ➤ Setting clear focussed work programmes

Each year, usually at the start of the municipal year, each overview and scrutiny committee must set and publish its work programme for the year ahead. In Torfaen, each committee formulates a list of selected items which they wish to scrutinise during for the year ahead.

This process allows members of each committee to identify all the issues they want to consider, to discuss these issues with relevant Executive Members, Chief Officers and others so they arrive at a collective decision about the key issues that are most important for them to scrutinise in the year ahead.

This session is known as "Visioning". There are a number of key feeders for this "visioning" session that are designed to help members prioritise and programme their activity for the coming twelve months. These include:

- The Executive Forward Work Programmes for each relevant Executive Member - these give an indication of when key decisions will be taken by the Executive and as such give overview and scrutiny a chance to organise their consideration of related topics in a timely manner.
- The Council's Corporate Risk Register - this will highlight issues that are designated high and very high risks to the Council's operations.
- Professional advice of Chief Officers and Heads of Service.
- Analysis of service performance - particularly linked to the delivery of the Council's Improvement Objectives and the priorities of the Council's Corporate Plan.
- Details of any recommendations or proposals for improvement received from external auditors such as the Wales Audit Office, Estyn or the Care and Social Services Inspectorate Wales (CSSIW).

- Local knowledge of elected Members - this may suggest an emerging issue that hasn't been recognised as yet.
- Suggestions from the public

As a rule, items selected should be strategic in nature, not detailed day-to-day issues and should be assessed using the prioritisation criteria set out in Appendix D on page 29.

Ideally there should only be one substantive item per agenda, which means the Committee can focus its attention where it matters most. All overview and scrutiny committees publish their list of selected items on the overview and scrutiny area of the Council's web site as well as being advertised during the year, in advance of each meeting via the Councils' social media channels.

At the end of every meeting the Chair should ask the committee to discuss and agree the potential agenda item for the next meeting.

Members may wish to consider the following questions as part of their discussions and as preparation for the next committee meeting:

- What outcomes does the committee want to achieve from the item?
- What information does the Committee need to fulfil this role?
- Who would the Committee like to hear from in order to gather the information?
- What would be the best format, room layout or venue for the meeting?
- Which questions are needed to get this information?
- How will the Committee approach the 'interview'?

Where a new issue emerges, then this part of the meeting is the place for discussing it. The questions above will once again be relevant in setting expectations in relation to the changes. The Improvement and Scrutiny Officer advising the committee will be responsible for updating, managing and publishing the basket of items, and will liaise with the Chair and relevant officers over any deviations from it.

Members should resist the offer by officers to bring them 'update' reports unless they are very clear that this is necessary to help them make recommendations on issues over a longer term. In the past these reports have clogged up agendas and stopped members being able to focus on key issues, and in many cases the update reports were no more than information reports with no real value to helping members make recommendations.

### ➤ Setting the right agenda and getting focussed reports and presentations

Formal committee work is essentially limited to approximately eight hours per annum so the following should be considered as good practice to achieving successful scrutiny committee activity:

- Limit length of agenda - Agendas with too many items provide insufficient time for members to ask questions, critically evaluate the issues and make informed recommendations.
- Getting what is required – Members should insist officers produce focused reports and refuse updates or reports for information from which it is difficult to develop recommendations or

scrutinise either services or policies. Members should be clear before a report is written about exactly what the report should deal with, i.e. which aspect of the service or activity do they want to scrutinise and for what reason.

- Good preparation – It is essential all members attend meetings having already read reports and prepared questions, meaning debate is focussed and appropriate to the issues contained within the report.

Every effort will be made by Improvement and Scrutiny Officers to guide and advise committees to ensure the smooth running of the meeting but the Chair and the committee members must acknowledge they have the key roles to play.

In addition to the points raised above, there are further issues that need to be reinforced in order to make overview and scrutiny a meaningful and useful function. The following list represents a guide for officers to adhere to when reporting to committees but also a checklist for the Chair and Members of the Committee:

- Reports to committees must be concise, and should only contain appendices that are meaningful, easy to understand and relevant.
- Reports must be jargon free and written in plain English - acronyms should be either avoided or fully explained within the body of the report.
- Reports should clearly require some sort of action, which should be identified in the “suggested scrutiny activity” section of reports. It is the role of the Improvement and Scrutiny Officer to help the Committee determine the suggested scrutiny activity for the report (usually linked to the requirements of the work programme).
- Report authors must take account of the suggested scrutiny activity when drafting reports for scrutiny and should take advice from the Improvement and Scrutiny Officer where any doubt exists.
- Reports should not be passive and certainly not focus exclusively on providing information or an update.
- Reports should conform to corporate standards - there is a prescribed template for all overview and scrutiny reports which can be downloaded at:  
<http://swoop.torfaen.gov.uk/Intranet/Document-Library/Corporate-Documents/Scrutiny-Report-Template.doc>
- Report authors are required to respect and conform to agreed deadlines. Failure to do so could also mean that the report will be withdrawn from the agenda at the discretion of the officer designated as the Council’s Head of Democratic Services.
- It is not possible to table new or additional papers at the meeting unless exceptional circumstances apply and the Chair agrees.
- Presentations to committees should be focussed and the length of time allocated determined by the Chair at the pre agenda meeting. Presentations should pull out the key issues, but not be a recital of the report.
- When presenting a report, officers must assume that members have read the report and only draw out the key issues for consideration.

All overview and scrutiny committees will prepare report pro-formas to request reports from officers, which includes the “key question” that the committee wishes to answer through their scrutiny activity. The “key question” will help members to narrow the focus of the reports requested and to provide a clear emphasis for their questioning strategy, and in assisting officers to understand the specific areas that members wish to scrutinise and prepare their reports accordingly.

The Improvement and Scrutiny Officers and the Democratic Services Officers will assist service area officers in achieving these aims and support the Chair in ensuring clarity is achieved.

The Committee also has a role in ensuring disciplined use of time during meetings by making officers aware if they feel their expectations around a report have not been met or if a presentation is taking up too much time.

### ➤ Making sure the right action is taken

When exercising their challenge, scrutiny and review functions, overview and scrutiny committees may do any of the following:

- Note a decision.
- Ask for further information, including additional information that will enable them to effectively scrutinise an issue.
- Ask for further information, including additional information on which a decision was based, background documentation and the reasons for any decision.
- Require the executive member or officer to attend committee to answer questions on the issue under scrutiny or a decision that has been made.
- Require the decision maker to reconsider any decision that has not yet been implemented.
- Record their comments on the issue under scrutiny or a decision that has been made.
- Decide to undertake a more in depth scrutiny review of an issue via a task and finish group.

### ➤ Using task and finish groups

For more complex issues, overview and scrutiny committees may choose to carry out scrutiny reviews. These are task and finish pieces of work around a specific problem or issue. The Executive may also request a committee to consider undertaking such reviews if they feel it appropriate.

The aim of these reviews will vary depending on the subject matter, but fundamentally, they are intended to challenge existing policy, are based on thorough research, evidence gathering and consultation, and ultimately take the form of proposals/recommendations to improve the policy/service.

The outcome of reviews undertaken by specific task and finish groups must be reported to the Cabinet for consideration. The Chair of the relevant overview and scrutiny committee will be expected to prepare a report and present the agreed recommendations to the Cabinet (unless they relate to a matter which is not the function of the Executive, in which case such proposals must be presented by the Chair to the Council or appropriate regulatory Committee).

Task and finish groups do not generally have meetings open to the public or have formal minutes etc. However, their formation and use remain subject to the principles set out below:

- The remit from the parent committee should be absolutely clear and the tasks for the task and finish group set out specifically and agreed at the outset.
- Reviews and studies must be Member led exercises.
- Officer support will be allocated to agreed task and finish groups to help members focus their enquiries and complete their allocated tasks. This support will be provided corporately and will be allocated by the officer designated as the Council's Head of Democratic Services in consultation with the scrutiny chairs as a collective at the time of the creation of each task and finish group, and will be dependent upon workload commitments.
- There is no provision for one member of a agreed task and finish group to carry out individual work but inevitably there will be meetings where not all members of the task and finish group can be present. A quorum of three is suggested as a suitable working number.
- Whilst formal minutes are not required, accurate notes are required to help the efficient running of the group and to enable final recommendations to be agreed.
- If members, officers or third parties are interviewed or otherwise contribute to a task and finish review, the notes taken should be agreed by those involved. For efficiency and effectiveness, factual content derived from the interviews should be separated from comments by the task and finish group.
- Members should be aware the notes from these meetings are subject to Freedom of Information or Environmental Information requests. Members should also be advised that if there are matters of confidentiality that the Code of Conduct makes it clear that confidentiality should be observed.

#### ➤ Informal meetings of the Overview and Scrutiny Chairs

Informal meeting of the scrutiny chairs will be held on a regular basis. These meetings will focus on developing the Council's overview and scrutiny function through the sharing of best practice and the identification of member training and development needs.

This group will also play the lead role in determining the planning and implementation of any task and finish scrutiny reviews.

## 9. What is expected of Overview & Scrutiny Members?

The Council has adopted the Welsh Local Government Association's (WLGA) model of role descriptions for a variety of member roles and positions. This includes the role descriptions for an overview and scrutiny chair and an overview and scrutiny member. The role descriptions are an excellent insight into what is expected of a member fulfilling a scrutiny function. These role descriptions are set out in Appendix C on page 26.

The role of the Chair during an overview and scrutiny committee is absolutely central to setting the right tone of the meeting and achieving meaningful outcomes/recommendations on particular issues. The role is a facilitative one, ensuring that all members of the committee have equal 'air time'. Balancing the contribution of service officers, external speakers and members is crucial to ensure there is clarity at the end of a discussion on action points/recommendations arising. The Chair should either sum these up at the end of each agenda item, or ask the Improvement and Scrutiny Officer to do so, to ensure the committee either collectively agree, or sum up disagreements to pass on the views of the committee to the relevant audience. The suggested scrutiny activity of each report is utilised for this purpose.



It is for the Chair to ensure the meeting runs efficiently and to time. Amongst other things this will mean ensuring that officer presentations are time limited to give sufficient time for elected members to discuss issues and question officers.

There is a clear need to be accountable and transparent around the decision-making processes. This is the case for both the Cabinet and overview and scrutiny arenas. Each Chair of an overview and scrutiny committee is expected to be in command of his / her brief commensurate with the senior salary paid to them.

The Chair might have specific wishes about seating arrangements at the meeting. As a broad principle however, seating arrangements usually consist of a table for the committee members and a dedicated seat/s (for those giving evidence on particular issues), with separate spaces for the press, public, and officers waiting to give evidence. The Improvement and Scrutiny Officer will advise accordingly and it is likely to be beneficial if this officer is seated next to the Chair.

It is anticipated the Chairs will meet regularly with their respective Executive Member(s). The purpose of the session is to exchange views and information about the service area and to discuss the relevance of impending decisions and policy development within the Executive Forward plan and the impact this may have on the committee's work programme.

Whilst the role of the Chair is paramount to the success of the committee, it can not be stressed enough that for overview and scrutiny to be effective, members must arrive at meetings fully prepared having read the reports, having understood the issues and having prepared questions.

## **10. Co-opting members onto Overview & Scrutiny Committees**

The Local Government Act 2000 requires the membership of any overview and scrutiny committee whose functions relate to education, to include the following as statutory voting members of the Committee:

- Two Church representatives, one appointed by the Church in Wales and one by the Roman Catholic Church.
- Three representatives of parent governors elected in accordance with regulations made by the Welsh Assembly Government.

The Safer Communities Overview and Scrutiny Committee also has specific terms of reference when acting as the Crime and Disorder Committee under Section 19 of the Police & Justice Act 2006. The Council's current constitution states this overview and scrutiny committee can choose to co-opt members in relation to crime & disorder matters and a serving officer of Gwent Police Authority. To date, these co-options have not been actioned.

Other overview and scrutiny committees have also felt the need for additional support and independent, expert insight in some areas of their portfolios to improve their scrutiny discussions. This has been achieved by inviting individuals who possess the required knowledge to join their committees as non voting members.

All requests for co-opting non statutory members to an overview and scrutiny committee must be approved by full Council. Where an overview and scrutiny committee feels a case for co-option is warranted, that case must be made to Council for approval.

To date, the following non statutory co-optees have been agreed by Council:

- Learning Communities Overview and Scrutiny Committee - four co-optee members representing Primary and Secondary Head teachers; the Torfaen Association of School Governors; and the Professional Teacher Associations.
- Cleaner Communities Overview and Scrutiny Committee - two co-opted members with a specific background on regeneration to assist with more in-depth scrutiny of that aspect of its portfolio and one additional member to provide advice on matters relating to sustainability.
- Healthier Communities Overview and Scrutiny Committee – one additional member to advise on matters relating to multi-agency working such as welfare rights, services for older people and the wide remit of services provided by social services and health.

The Local Government (Wales) Measure 2011 advocates that co-option is an invaluable tool to assist with independent scrutiny so it is anticipated there may be further requests from other overview and scrutiny committees to co-opt individuals to assist in their activities.

Following Council approval for a committee to appoint a non statutory co-opted member, an advert for the position must be placed on the Council's website and a selection process undertaken using an interview panel made up of members from the relevant overview and scrutiny committee.

## **11. Public involvement in Overview & Scrutiny**

All committees will meet in public except in exceptional circumstances. If a report is properly considered to be exempt (not available to the press and public) there will be a recommendation from a legal officer on the report setting out broadly the reasons for the exemption. If the committee approves that recommendation, the matter is then exempt and discussed in private.

Members of the press and public should be actively encouraged to attend overview and scrutiny committee meetings. However, there is no provision within the Council's Constitution to allow for members of the public to speak at the meetings, unless specifically invited to do so.

Members of the public will be notified of all meetings via announcements in Torfaen Talks, the Council's social media channels and the scrutiny area of the Council's website. In most cases the agenda and the papers for the meeting are also public. Meetings are also webcast live or are archived for viewing at a later date.

The minutes of meetings and the recommendations made by the committee with the responses will also be posted on the Council Meetings and Committees area of the Council's website.

Overview and Scrutiny Committees may (through the Chair) invite individuals who are not councillors to participate in their meetings if they have particular expertise on a matter under discussion. However, decisions to have standing invitations must be approved by Council.

A brief guide to Public Engagement in Scrutiny (Appendix E) has been developed to unify and enhance the overview and scrutiny committees' public engagement processes. In order for scrutiny to be relevant to the people to whom the Council delivers services, public engagement needs to be integral to the process from beginning to end. Improved public engagement in scrutiny should result in better informed residents supporting a more robust scrutiny process, that provides stronger challenge and more meaningful recommendations.

## **12. Party Whip in Overview & Scrutiny**

The Local Government (Wales) Measure 2011 specifies the use of the party whip (meaning any instruction given by or on behalf of a political group to a Councillor) must NOT be utilised in any way in Overview and Scrutiny.

## **13. Role of the Democratic Services Committee in Overview & Scrutiny**

The Local Government (Wales) Measure 2011 requires the Council to appoint a Democratic Services Committee with the following roles and functions:

- Carry out the local authority's function of designating the Head of Democratic Services.
- Keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services in order to ensure that it is adequate for the responsibilities of the post.
- Make reports, at least annually, to the full council in relation to these matters.

In relation to the overview and scrutiny function, the officer designated as Head of Democratic Services has:

- To provide support and advice to the authority in relation to its meetings; to committees of the authority and the members of those committees; and in relation to the functions of the authority's overview and scrutiny committee(s), to members of the authority, members of the executive and officers.
- To promote the role of the authority's overview and scrutiny committee(s).
- To make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff.
- Any other functions prescribed by the Welsh Ministers.

## **14. Role of Chief Officers in Overview & Scrutiny**

It is important that proper professional relationships are established between the Chair, Committee Members and senior officers based on trust and mutual respect. Officers from service areas usually only attend committee meetings at the request of the Committee, to provide evidence, present a report or deal with questions that might arise.

Chief Officers are, however, usually expected to attend every meeting or otherwise ensure an appropriate deputy is in attendance. The Council will continue to place great reliance on the professional approach that Chief Officers have adopted in this regard. Chief Officers are expected to:

- Ensure reports requested are prepared for scrutiny within agreed and published deadlines.
- Ensure reports contain the relevant information to enable effective scrutiny – this includes using the agreed corporate standard report template for scrutiny and the advice of the Improvement and Scrutiny Officer in relation to the suggested scrutiny activity

- Ensure reports for scrutiny are focussed around activity that can lead to some sort of change and are not 'for information' or for 'member training' purposes.
- Use Member Policy Seminars during their policy development process to help member understanding and impart information.

It is not appropriate for any service based officers, including Chief Officers, to attend the pre agenda meetings held prior to committee meetings.

## 15. Key Characteristics of Effective Overview and Scrutiny

The Wales Scrutiny Officers Network, supported by the Centre for Public Scrutiny (CfPS) and the Wales Audit Office has developed a set of key characteristics that councils can subscribe to aimed at achieving 'better outcomes', 'better decisions' and 'better engagement'.

These characteristics are set out Appendix F and it is suggested that Torfaen adopts these to provide a helpful description of effective scrutiny..

## 16. Useful contact information

### Contacts

If you need further information about anything contained in this guide please contact:

The Corporate Improvement & Scrutiny Team on 01495 742158

Email: [tom.roberts@torfaen.gov.uk](mailto:tom.roberts@torfaen.gov.uk)

Or

The Democratic Services Team on 01495 766057

Email: [ros.gwynn@torfaen.gov.uk](mailto:ros.gwynn@torfaen.gov.uk)

### Websites

Centre for Public Scrutiny

<http://www.cfps.org.uk>

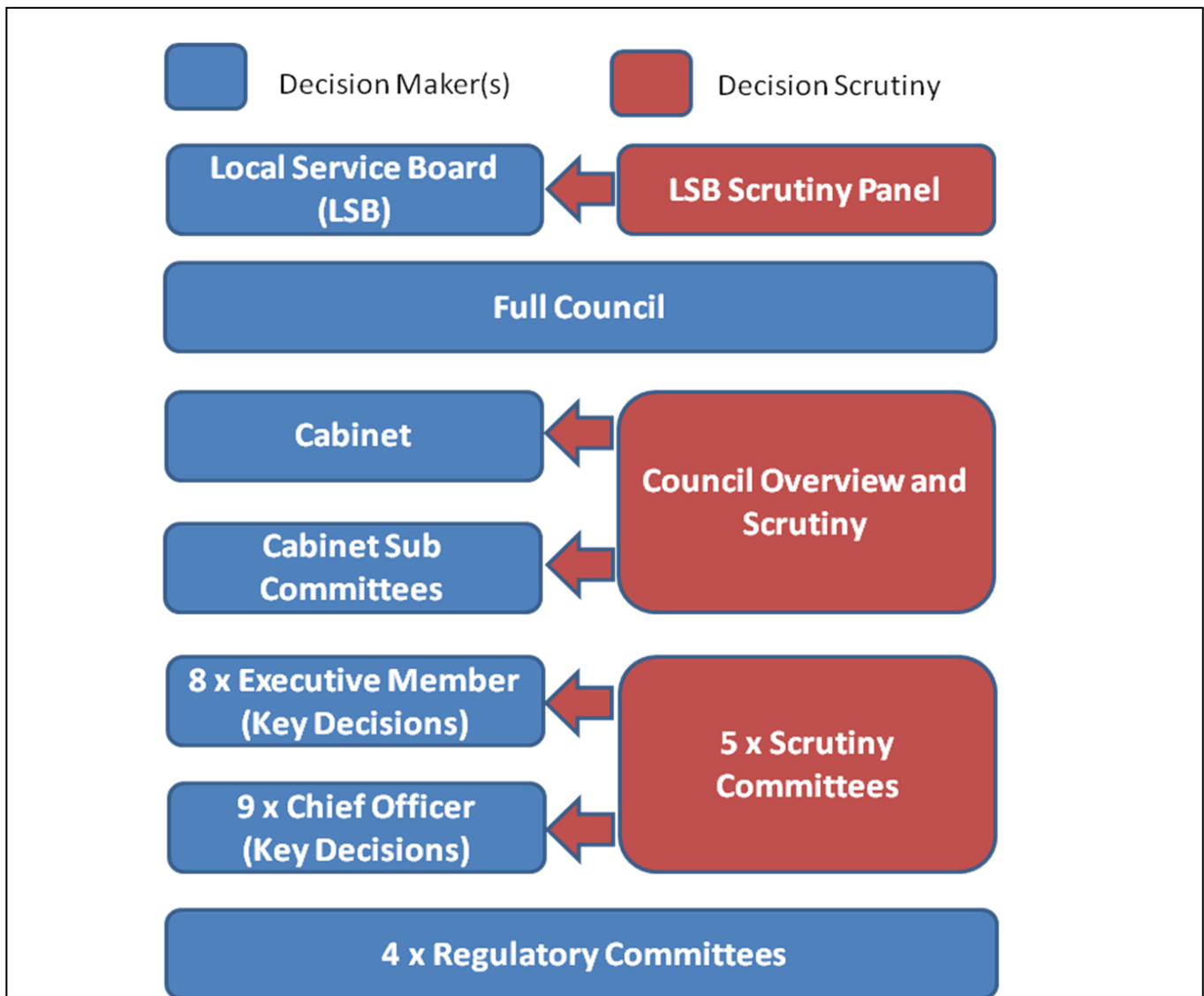
Improvement and Development Agency

<http://www.idea.gov.uk>

Welsh Local Government Association

<http://www.wlga.gov.uk/english/>

## Appendix A – Council’s Decision Making Structure



### Overview and Scrutiny Committees:

Cleaner Communities  
 Healthier Communities  
 Learning Communities  
 Safer Communities  
 Cross Cutting & Resources Business  
 PSB SCutiny

*Council Overview and Scrutiny Committee*

### Executive Members:

Leader  
 Deputy Leader  
 Education & Lifelong Learning  
 Children & Young People  
 Performance Improvement & Corporate Governance  
 Communities, Housing & Anti-Poverty Environment  
 Business, Tourism, Leisure & Culture

### Regulatory Committees:

Audit  
 Licensing  
 Pensions  
 Planning

### Chief Officers:

Chief Executive  
 Assistant Chief Executive (Communities)  
 Assistant Chief Executive (Resources)  
 Head of Education Servicer  
 Chief Legal and Monitoring Officer  
 Chief Officer Neighbourhood Services  
 Chief Officer Planning and Public Protection  
 Chief Officer Social Care and Housing  
 Chief Officer, Technology led Transformation

## Appendix B –Portfolios of the Council’s five Overview and Scrutiny Committees

<b>Cleaner Communities Overview &amp; Scrutiny Committee</b>	
<b>Policy and Operational Area</b>	<b>Responsible Executive Member</b>
<ul style="list-style-type: none"> <li>▪ Strategic Regeneration including Economy and Enterprise and the development &amp; implementation of the Council’s Economy &amp; Enterprise Strategy</li> <li>▪ Employment Generation Strategy &amp; Services</li> </ul>	<b>LEADER OF THE COUNCIL</b>
<ul style="list-style-type: none"> <li>▪ Waste Management &amp; Recycling</li> <li>▪ Street Scene</li> <li>▪ Countryside / Ecology</li> <li>▪ Grounds Maintenance &amp; Environmental Cleansing</li> <li>▪ Energy Management</li> <li>▪ Active Travel and Wellbeing</li> <li>▪ Parks &amp; Open Spaces</li> <li>▪ Cemeteries</li> <li>▪ Allotments</li> </ul>	<b>EXECUTIVE MEMBER FOR THE ENVIRONMENT</b>
<ul style="list-style-type: none"> <li>▪ Business and Enterprise</li> <li>▪ Tourism</li> <li>▪ Blaenavon Partnership / Local Authority World Heritage Forum (LAWHF)</li> <li>▪ Implementation of Regeneration Projects including Heads of the Valley and</li> <li>▪ Delivery of Regeneration Services including Blaenavon World Heritage Centre, Pontypool, Cwmbran and Blaenavon strategy implementation</li> <li>▪ Strategy for the North</li> <li>▪ Libraries</li> <li>▪ Arts &amp; Culture</li> <li>▪ Torfaen Local Authority Partnership Agreement (LAPA)</li> <li>▪ Management / Commission of Greenmeadow Community Farm</li> </ul>	<b>EXECUTIVE MEMBER FOR BUSINESS, TOURISM, LEISURE &amp; CULTURE</b>
<ul style="list-style-type: none"> <li>▪ Community Economic Development</li> <li>▪ Grants to the Voluntary Sector (including the Welsh Church Fund)</li> <li>▪ Voluntary Sector engagement</li> <li>▪ Community Halls</li> </ul>	<b>EXECUTIVE MEMBER FOR COMMUNITIES, HOUSING &amp; ANTI-POVERTY</b>

## Learning Communities Overview & Scrutiny Committee

Policy and Operational Area	Responsible Executive Member
<ul style="list-style-type: none"> <li>▪ Education of children and young people including the improvement of school and educational outcomes</li> <li>▪ Education / Business links</li> <li>▪ Out of School Activities</li> <li>▪ Schools Catering &amp; Cleaning Service</li> <li>▪ Education Psychology Service</li> <li>▪ Inclusion Service / Pupil Referral Unit</li> <li>▪ Early Years Education</li> <li>▪ Education Welfare Service</li> <li>▪ Schools Admissions / Home to School Transport</li> <li>▪ Commission of the Education Achievement Service</li> <li>▪ Adult &amp; Community Learning</li> <li>▪ Torfaen Training and Skills</li> </ul>	<p><b>EXECUTIVE MEMBER FOR EDUCATION AND LIFELONG LEARNING</b></p>
<ul style="list-style-type: none"> <li>▪ Youth Service / Play Service</li> <li>▪ Children's Rights / Citizenship for Children and Young People</li> <li>▪ Engagement with Young People / Youth Forum</li> <li>▪ Youth Engagement and Progression Framework</li> </ul>	<p><b>EXECUTIVE MEMBER FOR CHILDREN AND YOUNG PEOPLE</b></p>

## Healthier Communities Overview & Scrutiny Committee

Policy and Operational Area	Responsible Executive Member
<ul style="list-style-type: none"> <li>▪ Adults Social Care</li> <li>▪ Protection &amp; Support for Vulnerable Adults</li> <li>▪ Safeguarding Adults</li> <li>▪ Carers for Adults</li> <li>▪ Older Persons Strategy (including being the Older Persons Champion)</li> <li>▪ Disabled Facilities Grants</li> </ul>	<p><b>DEPUTY LEADER OF THE COUNCIL</b></p>
<ul style="list-style-type: none"> <li>▪ Children's Social Care</li> <li>▪ Protection &amp; Support for Children</li> <li>▪ Safeguarding Children &amp; Young People</li> <li>▪ Carers of Children and Young People</li> <li>▪ Torfaen Young Peoples Support Service (TYPSS)</li> </ul>	<p><b>EXECUTIVE MEMBER FOR CHILDREN &amp; YOUNG PEOPLE</b></p>
<ul style="list-style-type: none"> <li>▪ Early Intervention &amp; Prevention</li> <li>▪ Families First / Flying Start / Supporting People</li> <li>▪ Communities First / Anti-Poverty / Welfare Rights &amp; Welfare Reform / Social Inclusion</li> </ul>	<p><b>EXECUTIVE MEMBER FOR COMMUNITIES, HOUSING &amp; ANTI-POVERTY</b></p>
<ul style="list-style-type: none"> <li>▪ Commission of the Leisure Trust</li> <li>▪ Sports Development</li> <li>▪ Armed Forces Covenant (and Armed Forces Champion)</li> </ul>	<p><b>EXECUTIVE MEMBER FOR BUSINESS, TOURISM, LEISURE &amp; CULTURE</b></p>



**Safer Communities Overview & Scrutiny Committee**  
**(also the Council's Crime and Disorder Scrutiny Committee)**

<b>Policy and Operational Area</b>	<b>Responsible Executive Member</b>
<ul style="list-style-type: none"> <li>▪ Trading Standards and Environmental Health (excluding licensing matters within the remit of the Licensing Committee)</li> <li>▪ Development Control (excluding planning matters within the remit of the Planning Committee)</li> <li>▪ Building Control</li> <li>▪ Local Development Plan (including the development &amp; implementation of the Council's Local Development Plan, including supplementary planning guidance)</li> <li>▪ Transportation / Highways &amp; Traffic (including the development &amp; implementation of the Council's Local Transport Plan)</li> <li>▪ Property Construction</li> <li>▪ Property Maintenance &amp; Management / Civic Buildings / Car Parks</li> <li>▪ Architectural / Engineering / Surveying Services</li> <li>▪ Fleet Management</li> <li>▪ Highways Engineering &amp; Maintenance / Winter Maintenance &amp; Gritting</li> </ul>	<p><b>EXECUTIVE MEMBER FOR THE ENVIRONMENT</b></p>
<ul style="list-style-type: none"> <li>▪ Crime &amp; Disorder / Community Cohesion / Community Safety / Domestic Violence / Social Justice</li> <li>▪ Housing Strategy (including Strategic Housing Forum)</li> <li>▪ Housing Grants &amp; Renewal Areas</li> <li>▪ Social Housing Investment</li> <li>▪ Affordable Homes / Homelessness</li> <li>▪ Public Health</li> <li>▪ Resettlement of Refugees</li> </ul>	<p><b>EXECUTIVE MEMBER FOR COMMUNITIES, HOUSING &amp; ANTI-POVERTY</b></p>
<ul style="list-style-type: none"> <li>▪ Emergency Management &amp; Business Continuity</li> </ul>	<p><b>EXECUTIVE MEMBER FOR PERFORMANCE IMPROVEMENT &amp; CORPORATE GOVERNANCE</b></p>

**Cross-Cutting Resources & Business Overview & Scrutiny Committee (Membership  
– All Scrutiny Members)**

<b>Policy and Operational Area</b>	<b>Responsible Executive Member</b>
<ul style="list-style-type: none"> <li>▪ Development and Implementation of the Corporate Plan</li> <li>▪ Corporate Performance Assessment (CPA)</li> <li>▪ Medium &amp; Long Term Service Planning (including Financial Planning, Budgeting/ Financial Management / Capital and Asset Planning and Procurement)</li> <li>▪ Public Service Reform</li> <li>▪ Cardiff Capital Region City Deal</li> <li>▪ Externally Funded Projects</li> <li>▪ Trade Union Engagement / Workforce Plan / Pay Policy Statement / Strategic HR</li> <li>▪ Transformation and Digital</li> <li>▪ Shared Resources Service</li> <li>▪ External Relationships / Communications / Citizen Engagement</li> </ul>	<p><b>LEADER OF THE COUNCIL</b></p>
<ul style="list-style-type: none"> <li>▪ Operational Human Resources, Employee Services and Health and Safety</li> <li>▪ Legal &amp; Land charges</li> <li>▪ Operational Asset Management</li> <li>▪ Complaints / Freedom of Information Requests</li> <li>▪ Customer Care</li> <li>▪ Collaborative Arrangements</li> <li>▪ Revenues &amp; Benefits</li> </ul>	<p><b>EXECUTIVE MEMBER FOR PERFORMANCE IMPROVEMENT &amp; CORPORATE GOVERNANCE</b></p>
<ul style="list-style-type: none"> <li>▪ Well-Being of Future Generations Act</li> <li>▪ Equalities &amp; Diversity / Welsh Language (including the development &amp; implementation of the Council's Equality Improvement Framework for Wales &amp; Welsh Language Scheme)</li> </ul>	<p><b>EXECUTIVE MEMBER FOR COMMUNITIES, HOUSING &amp; ANTI-POVERTY</b></p>

**Public Services Board Overview & Scrutiny Committees**

<b>Policy and Operational Area</b>	<b>Responsible Executive Member</b>
<ul style="list-style-type: none"><li>Public Service Board / Community Leadership / Single Integrated Plan / Local Well-Being Plan (including the development and implementation of the Council's contribution to Torfaen's Single Integrated Plan / Local Well Being Plan</li></ul>	<b>LEADER OF THE COUNCIL</b>

# Appendix C – Role descriptions for overview and scrutiny members

## Overview and Scrutiny Chair - Role Description

### 1. Accountabilities

- Full Council
- The Public

### 2. Role purpose & activity

#### ➤ Providing leadership and direction

- To provide confident and effective management of the member team.
- To promote the role of overview and scrutiny within and outside the council, liaising effectively both internally within the council and externally with the Council's partners.
- To demonstrate an objective and evidence based approach to overview and scrutiny.
- To evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement.

#### ➤ Managing the work programme

- To develop a balanced work programme of the committee this includes pre decision scrutiny, policy development and review, investigative scrutiny, and holding the executive to account including performance monitoring.
- To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues.
- To ensure that the work programme is delivered.
- To report on progress against the work programme to Council, and others as appropriate.
- To liaise with officers, other members and community representatives to resource and deliver the work programme.

#### ➤ Effective meeting management

- To set agendas containing clear objectives and outcomes for the meeting.
- To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to.
- To ensure that the necessary preparation is done beforehand.
- To ensure that all participants have an opportunity to make an appropriate contribution.

#### ➤ Community leadership

- To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function
- To build understanding and ownership of the overview and scrutiny function within the community.
- To identify relevant community based issues for scrutiny.

- To promote the full involvement of external stakeholders for example, service users expert witnesses and partners in scrutiny activity.

➤ **Involvement and development of committee members**

- To encourage effective contributions from all committee members in both committee and task and finish groups.
- To assess individual and collective performance within the committee and facilitate appropriate development.
- To champion the importance of learning and development.

**3. Values**

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

**Overview and Scrutiny Member - Role Description**

**1. Accountabilities**

- Chair of the appropriate scrutiny committee
- Full Council
- The public

**2. Role purpose & activity**

- To participate fully in the activities of the Overview and Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups

➤ **Reviewing and developing policy**

- To assist in the creation, development, improvement and refinement of council policy
- To challenge policies on a sound basis of evidence for example against legislation or local political priority
- To assess impact of existing policy

➤ **Holding the Executive to Account, Monitoring performance and service delivery**

- To monitor the performance of internal and external providers against standards and targets including questioning of executive and senior officers over time
- To contribute to the identification and mitigation of risk
- To investigate and address the causes of poor performance
- To evaluate the validity of executive decisions and challenging decisions through call in where appropriate

➤ **Promoting the work of Overview and Scrutiny**

- To promote the role of overview and scrutiny within and outside the council, developing effective internal and external relationships
- To demonstrate an objective and evidence based approach to overview and scrutiny
- To add value to the decision making and service provision of the authority through effective scrutiny

➤ **Community leadership**

- To use scrutiny as a means to address community issues and engage the public
- To encourage stakeholders to participate in the work of the authority
- To develop locally viable and acceptable policy solutions
- To build a dialogue around priorities, objectives and performance, among communities and stakeholders

➤ **Meeting participation**

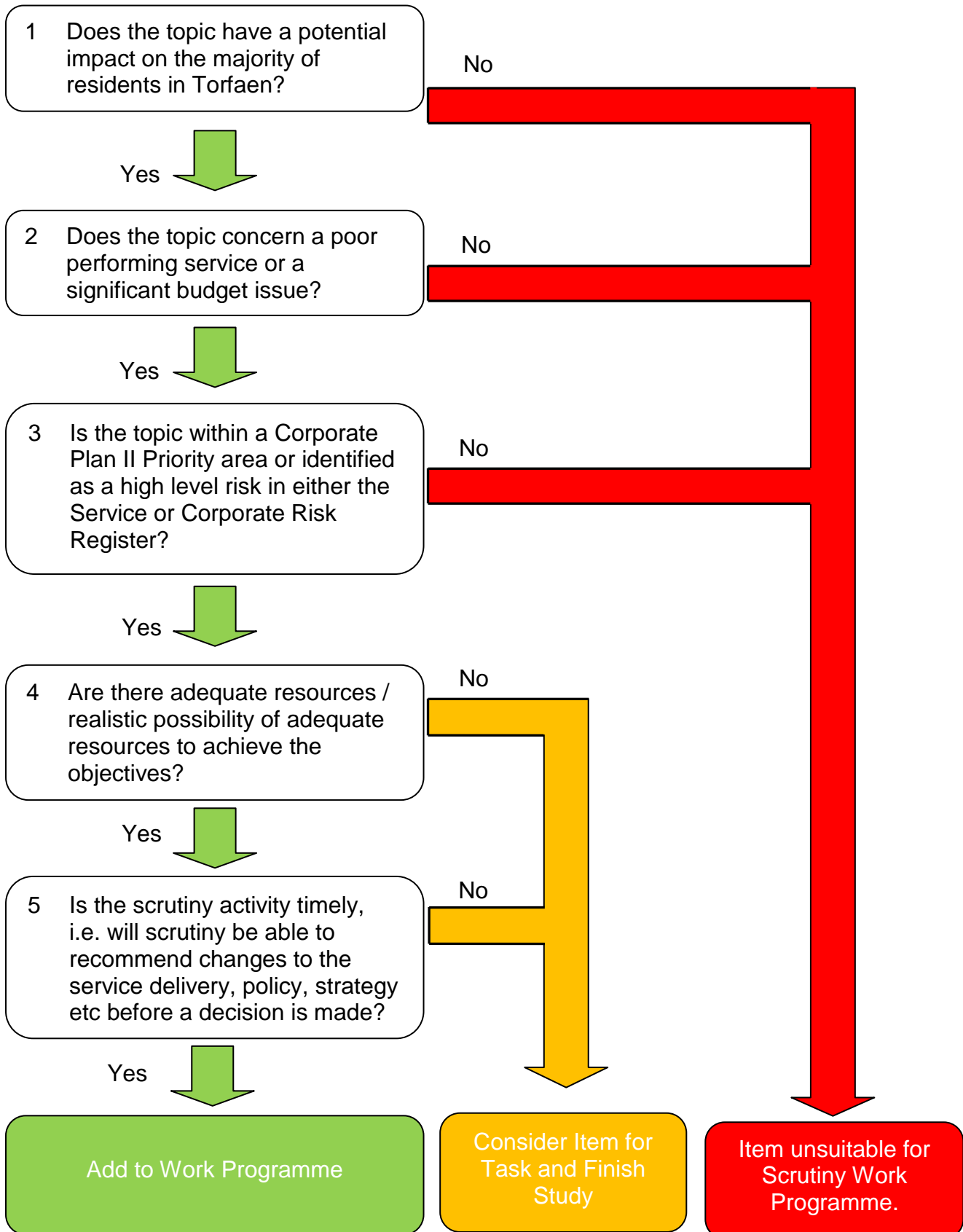
- To make adequate and appropriate preparation for meetings through research and briefings
- To participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements

**3. Values**

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability
-

## Appendix D – Criteria to be considered when choosing topics for an overview and scrutiny work programme



# Appendix E - Public Engagement in Scrutiny Strategy

## Public Engagement in Scrutiny

### 1. Background

Scrutiny plays a pivotal role in the Council's corporate governance framework, providing checks and balances to the work undertaken by the Council, challenging what the Council does and what is planned for the future. In order for scrutiny to be relevant, the people who the Council delivers services to need to be integral to the process from beginning to end.

The 'Public Engagement in Scrutiny Strategy' has been produced as it has been recognised there's a need to do more to involve the people who will ultimately be affected by the decisions taken by the Council's Executive. By unifying the overview and scrutiny committees' public engagement activity under one strategy we aim to ensure our scrutiny is effective, consistent and fair.

Public engagement is a critical process in enabling us to better inform and understand our *stakeholders*. By embedding it into our scrutiny processes the overview and scrutiny committees will be better equipped to provide stronger challenge and more meaningful recommendations.

### 2. Aims and objectives of the Public Engagement in Scrutiny Strategy

- To set best practice guidelines for the scrutiny committees to follow when undertaking public engagement
- To raise the profile of scrutiny in the public consciousness
- To inform stakeholders of the processes the scrutiny committees will follow when undertaking public engagement
- To confirm the scrutiny committees commitment to effective public engagement
- To provide an opportunity for citizens to be able to engage on scrutiny issues

### 3. What do we mean by public engagement?

Public engagement is the exchange or distribution of information between the scrutiny committee and its stakeholders. Where possible stakeholder involvement will be sought in any aspect of a scrutiny committee's work.

**Stakeholder – A stakeholder is anyone – individual, group or organisation who can affect or be affected by the work of the scrutiny committee. This includes residents and members of the general public**

### 4. Why is public engagement necessary?

Scrutiny's role is to hold service areas and the Executive to account. In order to do this effectively the committee must engage with its stakeholders for the following reasons:

- To inform stakeholders of the committee's role in Torfaen and the work it is undertaking;
- To consult stakeholders in relation to the work undertaken by the committee;
- To enable stakeholders to feel connected to the scrutiny process in Torfaen.



- To enable stakeholders to influence and shape policy development at an early stage

## 5. National Welsh Characteristics of Good Scrutiny - Outcomes and characteristics for effective local government scrutiny

Contributing to Wales Audit Office's 2013 "Improving Scrutiny" Study, scrutiny officers from across Wales worked with the Centre for Public Scrutiny to devise 15 core characteristics demonstrating effective scrutiny. This consisted of identifying what local cultures, circumstances and arrangements are in place (Appendix F). The 15 characteristics were separated into 3 core outcomes for consideration, the third being, 'Better Engagement'.

**Core Outcome Three – The public is engaged in democratic debate about the current and future delivery of public services (“Better engagement”)**

The core characteristics underpinning 'Better Engagement' are defined below and provides the template to help us improve public engagement within the scrutiny process:

### i. Environment:

- Overview and Scrutiny is recognised by the Executive and corporate management team as an important council mechanism for community engagement, which will facilitate greater citizen involvement in governance.

### ii. Practice:

- Overview and Scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.
- Scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.
- Overview and Scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.

### iii. Impact:

- Overview and Scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.
- Each year the exact activities we will undertake to develop public engagement in scrutiny will be outlined in the Improvement and Scrutiny Team Plan.

## The Public Engagement Process in Torfaen

### A. Developing Public Awareness and Understanding of Scrutiny

**If the Council's stakeholders are not aware of what scrutiny is and do not understand why it is important they can not possibly be expected to actively participate.**

This stream of work is key to ensuring the *general public* are aware of and value the role of scrutiny, enough to want to get involved in the process.

General and targeted awareness raising will be undertaken in Torfaen to explain the role scrutiny plays in ensuring better services in Torfaen. This will include working with Torfaen's People Panel, as the group of residents who have put themselves forward as willing to give their views on topical issues. However scrutiny will continue to be more widely promoted to ensure it is accessible to all.

In the short term, the following activities will be undertaken to help develop the profile of scrutiny and encourage citizen interaction and engagement:

- Details of all scrutiny committees will be posted on the Council's Facebook page and the scrutiny Twitter feed with appropriate calls to action
- All scrutiny committee meeting dates will be listed in Torfaen Talks;
- The scrutiny webpage will list all scrutiny meetings with dates and provide details of the items to be considered;
- All scrutiny Committees will be webcast, and the link to this webcast will be featured on the Council's Facebook page and the scrutiny Twitter feed with appropriate calls to action
- Awareness raising sessions to be held with Torfaen People's Panel

The impact of these activities undertaken will be reviewed annually, before determining how best to improve engagement processes in the following year.

## **B. Public Engagement in the Visioning Process:**

**Without meaningful input from the public, committees can not be sure they are scrutinising the items that of interest to the general public**

At the start of the municipal year, each Overview and Scrutiny committee must set and publish its work programme of items to be scrutinised for the year ahead. This process allows members of each committee to identify all the issues they want to consider, to discuss these issues with relevant Executive Members, Chief Officers and others so they are able to arrive at a collective decision regarding the nature of key issues most important within the remit of their scrutiny portfolio for the year ahead.

This process is known as "visioning". There are a number of key feeders for "visioning" designed to help members prioritise and programme their activity for the coming twelve months, including suggestions from the public/ residents of Torfaen.

In the short term, the following activities will be undertaken to help raise the profile of scrutiny and encourage people to participate in the visioning process:

- Press release to feature in the local press informing citizens of the visioning process and explaining the impact their views could have on the scrutiny process;
- Details of the visioning process will be posted on the Council's Facebook and Twitter pages outlining how the public can be involved;
- An article in the Council newspaper Torfaen Talks will be featured well in advance of the visioning sessions, asking residents to get in touch and suggest items they think should be considered by scrutiny committees;
- Torfaen People's Panel, Youth Forum and Older Person Forums will be engaged in a pre-visioning groups;

- Throughout the year a link to the ‘Suggest an Item for Scrutiny Form’ will be available on the scrutiny webpage and promoted on Facebook and Twitter to remind citizens of the opportunity to request an issue to be scrutinised, at any time throughout the year.

The impact of these activities undertaken will be reviewed annually, before determining how best to improve engagement processes in the following year.

### C. Public Engagement in the Scrutiny Meeting Process

**A rigorous scrutiny process with more robust recommendations can only be achieved through drawing on the experiences of service users and other stakeholders who are effected by what we do.**

Each scrutiny item will be different in its nature and will therefore lend itself to differing methods and levels of public engagement. There is no intention to be prescriptive through this section but rather to list potential methods of securing a valuable insight into each scrutiny item.

There is no definitive order to planning a public engagement exercise, but the following aspects will be considered by each committee:

- **Stakeholder analysis**

Each committee will identify and target its stakeholders and recognise these may and will differ depending on the issue being scrutinised. Due to the wide ranging subjects each committee can consider, its stakeholders, and their interests will vary depending on the matter being scrutinised. For each engagement exercise, the committee will identify and target stakeholders relevant to the specific issue under scrutiny.

Identifying barriers and making it as easy as possible for people to participate will be critical to ensuring successful engagement. These barriers may be professional, cultural or physical, therefore, it is important that this is identified as part of the stakeholder analysis process.

- **Clear objectives**

The committee will be clear on its objectives when engaging with stakeholders.

All overview and scrutiny committees will prepare report pro-formas to request reports from officers, which includes the “key question” that the committee wishes to answer through their scrutiny activity.

The “key question” will help members to narrow the focus of the reports requested and to provide a clear emphasis for their questioning strategy, and is assisting officers to understand the specific areas that members wish to scrutinise and prepare their reports accordingly.

- **Well communicated**

The committee will use simple and accessible language when engaging and will use a range of communication methods including video and design.

- **Clear timeframes**

Those engaged will be informed of how long they have to participate and when they can expect feedback from the relevant committee. People will be told the impact of their contribution in a timely manner.

## **Defining the Level of Public Engagement**

The committee will determine the intended levels of engagement for each scrutiny item it considers.

## **Setting the objectives of the Public Engagement Exercise**

Defining:

- **WHO** to engage?
- **WHAT** to engage on?
- **WHY** engage?
- **WHEN** to engage?, and
- **HOW** to engage?

## **Other considerations**

Key elements the committee should always address:

- Resource implications of undertaking the public engagement exercise;
- Consider time frames involved

The committee will welcome any viewpoints made by citizens, including from those not in the target groups.

There are numerous methods of communication available to assist the committee in its engagement exercises. The appropriate method of communication will vary depending on:

- The level of engagement required:
- The subject matter under scrutiny; and
- The stakeholder(s) being targeted.

For each engagement exercise, the committee will select the appropriate communication method(s) to ensure accessibility for the relevant stakeholders. Engagement methods available to the committee include:

- Invitees – through the committee, the pre-agenda or conference call
- Feedback receive through Social Media channels (Facebook and Twitter pages)
- Focus Groups – Torfaen People’s Panel, Youth Forum, Older Persons forums
- Site visits
- Workshops
- Staff meetings
- Visiting other local authorities
- Visiting other private and/ or voluntary organisations
- Visits to service providers
- Research publications
- Public meetings

We will review the impact of these activities undertaken annually before determining how best to improve engagement processes in the following year. Committees may take different approaches and any particularly successful engagement work will be shared in an attempt to improve the scrutiny process further across all committees.

**Feeding back to the stakeholders who have engaged:**

The committee will communicate the outcomes of its public engagement exercises to those that took part, as well as make the results public to the wider community.

The committee will evaluate the public engagement exercises that it undertakes and will draw out, and take forward, any lessons learned.

## Appendix F – Outcomes & Characteristics for Effective Local Government Overview & Scrutiny

### Outcomes and characteristics for effective local government overview & scrutiny agreed by Scrutiny Officers across Wales in 2013 as part of the Wales Audit Office “Improving Scrutiny” Study

<b>Outcome</b> <i>What does good scrutiny seek to achieve?</i>	<b>Characteristics</b> <i>What would it look like? How could we recognise it?</i>
<p><b>Democratic accountability drives improvement in public services.</b></p> <p><i>“Better Outcomes”</i></p>	<p><b>Environment</b></p> <p>i) Overview &amp; scrutiny has a clearly defined and valued role in the council's improvement and governance arrangements.            ii) Overview &amp; scrutiny has the dedicated officer support it needs from officers who are able to undertake independent research effectively, and provides councillors with high-quality analysis, advice and training.</p> <p><b>Practice</b></p> <p>iii) Overview &amp; scrutiny inquiries are non-political, methodologically sound and incorporate a wide range of evidence and perspectives.</p> <p><b>Impact</b></p> <p>iv) Overview &amp; scrutiny regularly engages in evidence based challenge of decision makers and service providers.            v) Overview &amp; scrutiny provides viable and well evidenced solutions to recognised problems.</p>
<p><b>Democratic decision making is accountable, inclusive and robust.</b></p> <p><i>“Better decisions”</i></p>	<p><b>Environment</b></p> <p>i) Overview &amp; scrutiny councillors have the training and development opportunities they need to undertake their role effectively.            ii) The process receives effective support from the council’s corporate management team who ensures that information provided to overview &amp; scrutiny is of high quality and is provided in a timely and consistent manner.</p> <p><b>Practice</b></p> <p>iii) Overview &amp; scrutiny is councillor-led, takes into account the views of the public, partners and regulators, and balances the prioritisation of community concerns against issues of strategic risk and importance.            iv) Overview &amp; scrutiny meetings and activities are well-planned, chaired effectively and make best use of the resources available to it.</p> <p><b>Impact</b></p> <p>v) Decision makers give public account for themselves at overview &amp; scrutiny committees for their portfolio responsibilities.</p>

<p><b>The public is engaged in democratic debate about the current and future delivery of public services.</b></p> <p><b><i>“Better engagement”</i></b></p>	<p><b>Environment</b></p> <p>i) Overview &amp; scrutiny is recognised by the executive and corporate management team as an important council mechanism for community engagement, and facilitates greater citizen involvement in governance.</p> <p><b>Practice</b></p> <p>ii) Overview &amp; scrutiny is characterised by effective communication to raise awareness of, and encourage participation in democratic accountability.</p> <p>iii) Overview &amp; scrutiny operates non-politically and deals effectively with sensitive political issues, tension and conflict.</p> <p>iv) Overview &amp; scrutiny builds trust and good relationships with a wide variety of internal and external stakeholders.</p> <p><b>Impact</b></p> <p>v) Overview and scrutiny enables the 'voice' of local people and communities across the area to be heard as part of decision and policy-making processes.</p>
---	--



**Produced by Torfaen County Borough Council  
June 2012  
Updated: September 2017**

For further information, please contact:

The Corporate Improvement & Scrutiny Team  
Civic Centre,  
Pontypool,  
Torfaen  
NP4 6YB

Telephone: 01495 742158