



# Your Guide to Overview and Scrutiny in Richmondshire District Council



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## Purpose of this Guide

The aim of this scrutiny guide is to provide Councillors, partners of Richmondshire District Council, District Council Officers, and members of the public with the tools to offer effective scrutiny for the District of Richmondshire. Within this guide, you will find information on how scrutiny is arranged, the process of scrutiny and useful hints and tips to enable effective scrutiny.

## Introduction

Richmondshire District Council comprises 34 elected District Councillors.

The Local Government Act 2000 introduced a new set of 'political management arrangements' for running councils which formalised an executive/scrutiny split as common at other tiers of government. In this system, the executive decision-making body could either be in the form of a leader or mayor and, cabinet or policy committee. Richmondshire retained the policy committee form, streamlining the number of policy committees it had and in May 2008 further streamlining took place leaving one policy committee known as the Strategy Board, renamed Corporate Board in 2014. This is balanced by a strong 'overview and scrutiny' function. The purpose of this change was to ensure that decision-making in local government is efficient, transparent and accountable and that the best decisions are taken in the interest of people and places. The Corporate Board takes decisions on behalf of the Council, on most major issues. The Corporate Board make their decisions within the pre-approved Council policies.

Scrutiny has a dual role; it is used to scrutinise the decisions taken by the Corporate Board and also looks at issues, researches good practice and makes recommendations based on information/evidence gathering, which can include a recommendation to the Corporate Board to revise or develop a policy. Scrutiny is an internal function of the Council but it also has the remit to look wider than that at external agencies and partners that work in partnership with the District Council.

The Centre for Public Scrutiny promotes four principles to effective public scrutiny, these are:

- To be a 'critical friend' in challenging decision makers as well as external authorities and agencies;
- To reflect the voice and concerns of local people and communities;
- To lead and own the scrutiny process on behalf of the public;
- To make an impact on the delivery of public services.

## The role of Overview and Scrutiny

This section describes how Overview and Scrutiny is organised, how it fits in with the political structure and is part of the District Council's decision making process. There are two Overview and Scrutiny Committees. It is their job to look into how effectively the District Council is serving the needs of its communities. The aims of these Committees are:

- To hold the Corporate Board to account.
- To assist the Corporate Board in ensuring the continuous improvement of services in Richmondshire, with a particular focus on outcomes for the community.
- To ensure that the experience and knowledge of businesses, community groups, service providers and service users are used to develop the District Council's services.
- To help the District Council better fulfil its community leadership role by looking beyond services provided by the District Council to consider issues affecting the wider community e.g. health services.

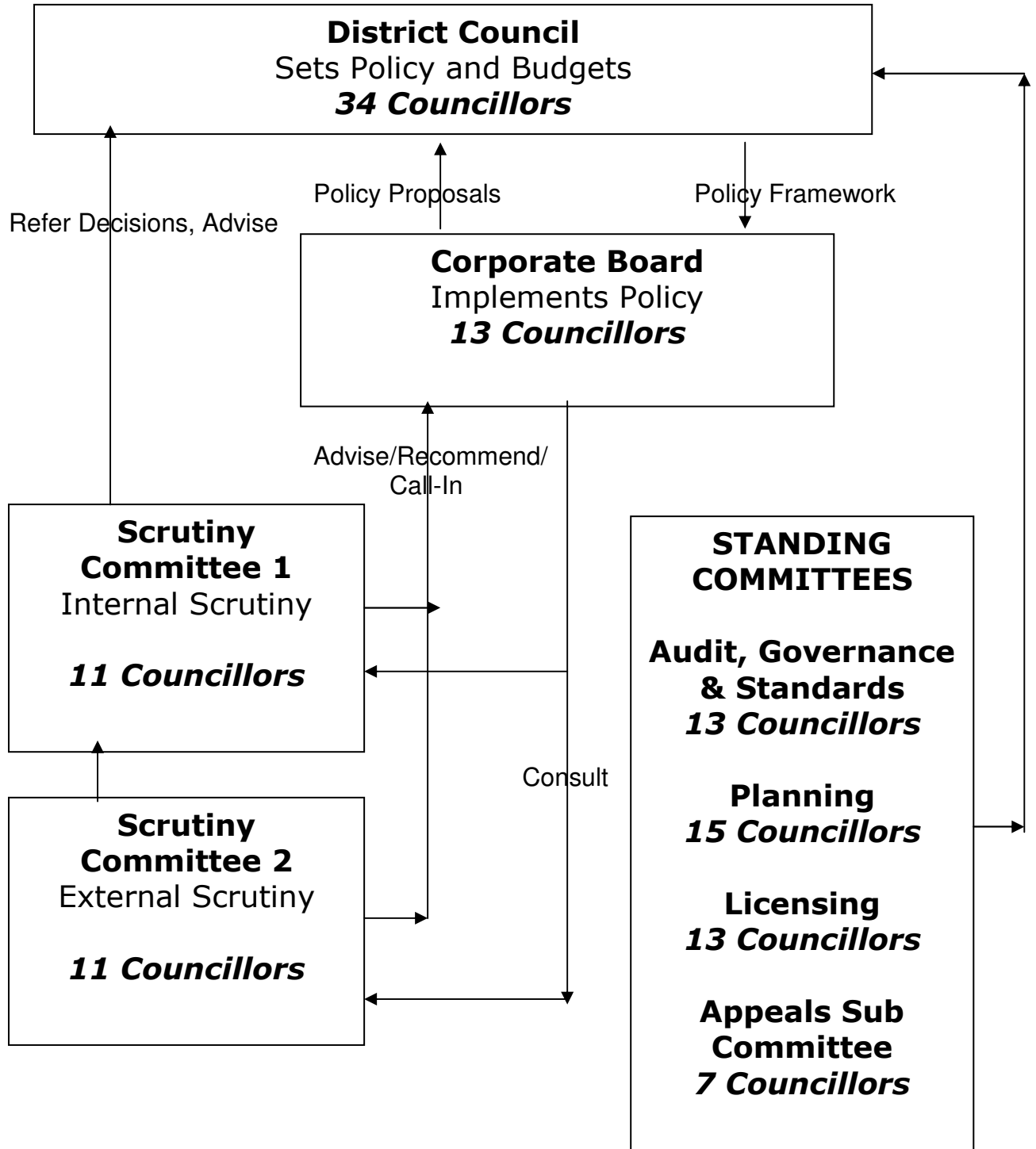
In other words, the purpose of overview and scrutiny is to examine how well the Corporate Board and the authority are performing. Wherever possible it will concentrate on outcomes for the community, not on inputs. It is a mechanism for promoting the best interests and wellbeing of the District. In-depth Scrutiny Reviews, therefore, adopt the role of 'critical friend'.

They produce reports and recommendations which advise the Corporate Board and the Council as a whole on its policies and service delivery, as well as looking at reviews of individual services to see if they provide best value for local people. Overview and Scrutiny Committees also monitor the decisions of the Corporate Board. They may also be consulted by the Corporate Board or the Council on forthcoming decisions and the development of policy. The Council's services are structured to contribute to the successful delivery of our priorities. They are clustered as follows:

- Operational Services
- Strategy & Regulatory
- Resources

<p><b>Overview &amp; Scrutiny Committee 1 (Internal Scrutiny Committee)</b> (11 Councillors) + non-voting co-optees</p>	<p><b>Overview &amp; Scrutiny Committee 2 (External Scrutiny Committee)</b> (Also acting as Crime &amp; Disorder Committee) (11 Councillors) + non voting co-optees</p>
<p><b>Role: Scrutinises council services within the following Business Groups:</b></p> <p><b>Operational Services Business Group</b> Waste, Recycling &amp; Street Cleaning, Housing including Landlord Services, Fuel Poverty, Decent Homes and Homelessness, Business &amp; Community, Area Partnerships, Younger People, Older People, Safeguarding, Leisure, Culture, Community Safety, Tourism, Car Parking, Public Conveniences</p> <p><b>Strategy &amp; Regulatory Business Group</b> Environmental Health including Licensing, Planning, Planning Policy, Private Sector and Housing Strategy, Building Control, Democratic Services including Elections, Admin Buildings, Communications, Legal, Land Charges</p> <p><b>Resources Services Business Group</b> Customer Services, Business Support, Revenues &amp; Benefits, Finance, ICT, Human Resources, Performance &amp; Improvement, Procurement, Risk Management, Asset Management, Internal Audit</p>	<p><b>Role: Scrutinises crime and disorder and external matters and partnerships providing other public services</b></p> <p><b>North Yorkshire Community Safety Partnership (partners include)</b> Richmondshire District Council National Probation Service/Community Rehabilitative Company North Yorkshire County Council North Yorkshire Fire &amp; Rescue Service North Yorkshire Police Hambleton, Richmondshire and Whitby Clinical Commissioning Group Office of the Police &amp; Crime Commissioner North Yorks Moors National Park Authority Housing Associations Northallerton &amp; District Voluntary Service Association Richmondshire Community &amp; Voluntary Action North Yorkshire Youth Justice Service Environment Agency British Transport Police Ministry of Defence Neighbourhood Watch Association</p> <p><b>External matters/services include:</b> Health Services (CCG, Ambulance, Primary Care, Secondary Care etc) Public Transport Health and Social Care Any external service area affecting the health and wellbeing of our residents</p>

## Richmondshire District Council Political Structure



## How Do Scrutiny Committees Work?

This section explains how the Overview and Scrutiny Committees undertake their work and the different styles of working.

The Overview and Scrutiny Committees undertake Scrutiny activities in several ways. Having a mixture of scrutiny activities, more searching In-depth Reviews and shorter pieces of work to look into specific problems, will allow Scrutiny to demonstrate some 'quick wins' whilst still dealing with issues of substance. It is important to remember that Overview and Scrutiny Committees, as well as making suggestions for improvements to council services, can acknowledge good practice, strong performance and commitment within the authority.

### Types of Meeting

<b>Committee</b>	<p><b>A formal District Council meeting involving members of the Committee. Items of business could vary from Officers consulting on draft council business plans, strategies etc. or Councillors asking questions of Council Officers, partner agencies and individuals. Monitoring of council performance against targets also takes place at these meetings. It is open to the public and the public may submit a question or make a statement about an item which is on the Agenda of that Committee providing it is received before 9.30am of the day of the meeting to the Democratic Service Manager.</b></p> <p><b>It is the responsibility of the Committee Members to declare an interest in any particular matter upon discussion. If further guidance is required, this can be sought from the Monitoring Officer.</b></p>
<b>Review Group or Task &amp; Finish Group</b>	<p>An informal meeting between Councillors of the Committee and stakeholders/partners or members of the public to gather information and find out facts. Review Groups meet in relation to the in depth scrutiny reviews, and Task and Finish Groups meet in relation to smaller pieces of scrutiny work.</p> <p>These meetings could either take place within the council offices or elsewhere in the district. Members of the Scrutiny Committee sometimes also make visits to other places, organisations, authorities in relation to scrutiny work.</p>
<b>Co-optees</b>	<p>Non-voting co-optees may be appointed to each Overview and Scrutiny Committee as required. This provision may be beneficial for Scrutiny Review Groups which may require some specific knowledge or expertise. Co-optees can be appointed for the period of a specific review, at the end of which the co-option will cease, or be a general non-voting co-optee and work with the Committee on a variety of scrutiny work.</p>



### **Call in: Challenging Corporate Board decisions**

To 'call in' a decision means to review a decision made by the Corporate Board before it is implemented. At least 3 Councillors need to make a request that a decision is called-in and those making the call-in should not have been involved in making the original decision. The subsequent call-in meeting of the appropriate Scrutiny Committee should involve a discussion of the reasons behind the decision, and consideration of alternatives, after which the scrutiny committee will either uphold the decision or refer the decision back to the Corporate Board for reconsideration with recommendations for an alternative course of action. There is a limited time-scale during which a Corporate Board decision can be called-in. This process should be used to make sure that the Corporate Board is making decisions based on the best available evidence, and that the outcomes will be beneficial for local people. (See Information Sheet 6 on Call-In and its Procedure)

If a decision is classed as a "key decision" it cannot be called in as after Corporate Board have considered it, it will then proceed to Full Council for all Councillors to make the decision. The definition of a "key decision" is a decision which may result in a change to one or more policies of the Council, establishes a new policy or will result incurring revenue or capital expenditure, or make revenue savings, of more than 1% of the total expenditure for the budget year

**(See Information Sheet 6 – What is Call-In and The Call-In Procedure)**

### **Review Groups**

Review Groups carry out the in-depth reviews that scrutiny undertake of a service, policy or issue and all members of the Scrutiny Committee are encouraged to be involved in such large scale reviews.

Scrutiny Reviews involve taking up issues that are important to the community, evaluating council policies and service, and measuring Richmondshire's performance against the council's own standards and the performance of other local authorities.

It does this with a view to involving local people, and responding to their concerns. This process is more time-consuming for Scrutiny Councillors than other Committee activities, and Scrutiny Reviews usually take a longer time-scale than other, less detailed Scrutiny work. Given the time involved and the limited resources at Scrutiny's disposal, it is unlikely that any given Scrutiny Committee can succeed in doing more than one or two reviews in a year. Topics for Scrutiny Reviews are therefore carefully prioritised.

**(See Information Sheet 4 Scrutiny Selection Criteria and  
4a Member Scrutiny Suggestion Form)**



Suggestions for reviews can come from a variety of sources as follows:

- from Councillors (as issues that they have picked up from undertaking their ward work)
- the public (through completing a Scrutiny Topic Suggestion Leaflet) available in all Community Offices, Libraries and also on the Council website
- from Corporate Board or Council
- from Management Team
- through performance monitoring

In order to make sure that the Review is as effective as possible, it is vital that the scope of the Review is well defined, and that the project is well run. For this reason, each Review starts with a 'scoping template', which outlines the approximate time-scale, key sources of information, principle witnesses and public involvement. Where appropriate, Committees involve other interested parties and stakeholders in determining what are the most important questions that need answering.

**(See Information Sheet 5 on Scoping a Review)**

The Review Group can interview expert witnesses and stakeholders, service users, key officers and Corporate Board Members. This questioning process is a significant element of the Review and can provide important evidence from both the 'front line', as well as a strategic overview.

**(See Information Sheets 2 for External Witnesses and 3 for Council Officers called as Witnesses)**

Members of the Review Group will undertake a variety of tasks including making visits and researching specific issues. Sometimes a smaller number of the review group may take on certain pieces of work within the review and bring back their findings and their comments to the whole of the Review Group. This is particularly useful as in-depth reviews are often detailed and lengthy pieces of scrutiny work.

The Review Group will produce a draft report and make draft recommendations which it will take to a formal Scrutiny Committee for its endorsement. The Scrutiny Committee will then submit its report to the Corporate Board or to the Council if appropriate. The report and recommendations are then considered by the Corporate Board or Council at its next available meeting. Corporate Board or Council may accept the recommendations, giving an indication as to how it wishes to implement its contents or accept part of the recommendations, giving reasons why some recommendations are not accepted or if they disagree with the report, giving reasons for this decision.

When carrying out external reviews which involve external organisations and partner agencies, the report is submitted to those organisations and agencies for their response.

### **Task and Finish Groups**

Task and Finish Groups can be the whole committee or a smaller number of members from its membership. They will consider smaller issues and short investigations on any particular topic. Task and Finish Groups report its findings back to the originating Overview and Scrutiny Committee. The Councillor who is leading the Task and Finish Group may then present a report and any recommendations to the Corporate Board, if that is needed.

Task and Finish Groups can be set up to carry out specific research into an issue as part of an in-depth review or to look into a smaller issue which will help inform the Committee's discussion at a later point. It can be useful for reviewing key documents, understanding relevant legislation and where appropriate interviewing key officers, external experts and members of the public.

### **Joint Scrutiny Task Groups with other Authorities**

There is also the opportunity for Council's to set up joint task and finish groups with other District and Borough scrutiny councillors. In each case the Task and Finish Group report its findings back to the originating O&S Committee. If this Council is the originating Overview and Scrutiny Committee, the Chairman of the O&S Committee and/or a representative of the Task and Finish Group then present the report and any recommendations to its own Scrutiny Committee followed by Corporate Board and/or Council, as well as other authority and/or partner agency.

**(See Information Sheet 11 –Joint Scrutiny Task Groups)**

### **Overview**

It is important for the Overview and Scrutiny Committees to monitor service areas within their remit, this is done through several scrutiny members attending performance clinics as well as receiving performance information as and when requested.

### **Styles of Information Gathering - Questioning in Select Committee Style**

This refers to a particular style of Scrutiny questioning, where an Overview and Scrutiny (O&S) Committee is addressing a particular issue. This could be as part of an in-depth review, or it may be as part of a smaller specific piece of work on a particular issue or a service area that Councillors want to check is performing well or to hold to account. Select Committee working can be a very effective way of gathering evidence and tackling issues of community concern in a time efficient manner.

### **Styles of Information Gathering - (Question and Answer Sessions)**

When an issue is discrete and contained, when time is short, or when initial concerns have yet to be clarified, Scrutiny Committees can choose to conduct a short question and answer session involving one or two people with a particular expertise in, or knowledge of, the topic. Committees discourage such representatives from giving stock presentations and instead concentrate on building up information through probing questions. This enables the Scrutiny Committee to conduct a relatively quick and straightforward piece of work .

### **Questionnaires**

The Scrutiny Committees use questionnaires as another useful tool for fact finding. Where a committee wishes to consult with a larger group of people and ask them the same questions it may draw up a questionnaire. Recent examples of this includes local Leisure Providers and local GP's. It is always hoped that those groups and businesses consulted in this way will engage with the process because their input and knowledge may lead to good recommendations, although there is no obligation for them to do so.

These styles of information gathering are not simply just 'fact-finding', as Committees could conclude by making specific comments and recommendations for consideration by the Corporate Board or for other relevant agencies to respond to. Questioning sessions as part of a Review Group's work will be included in the Report they produce or if part of a Task and Finish Groups work, any report and recommendations will go back to the originating Overview and Scrutiny Committee for endorsement.

**(See Information Sheet 1 – Questioning Techniques)**

### **Councillor Call for Action – (CCfA)**

New legislation in April 2009, allows for a Councillor to bring forward local issues to be considered by the relevant Overview and Scrutiny Committee if the Councillor has tried all possible avenues for a resolution with the agencies involved without success. The Scrutiny Committee will take a view on whether the matter can be included within the work programme.

**(See Information Sheet 7 – What is Councillor Call for Action)**

### **Monitoring External Agencies**

External scrutiny is regularly carried out by Scrutiny Committee 2, whether this is scrutiny looking at services where a number of partners may be involved (including this Council, in the delivery of the service to the public or where a single external organisation is involved. In all cases the scrutiny committee is committed to engaging with the organisations/partners and establishing a good relationship whilst still carrying out robust scrutiny.

**(See Information Sheet 9 – Guidance Notes for Public Sector Partners)**

**Consideration of petitions**

The Local Democracy, Economic Development and Construction Act 2009 brought in legislation around petitions.

All local authorities in England must establish a scheme for the handling of petitions which are made to the authority. From December 2010 all local authorities must provide a facility for making petitions in electronic form to the authority.

Anyone who lives, works or studies in the local authority area, including under 18's can sign or organise a petition and trigger a response.

The petition scheme must include the three following ways for a petition to come before an overview and scrutiny committee.

1. The local authority may choose to refer a petition to an overview and scrutiny committee for consideration.
2. Petitions with a defined level of support, set by the local authority, will trigger a senior local government officer to give evidence at a meeting of an overview and scrutiny committee.
3. Petitioners will be able to appeal to an overview and scrutiny committee if they feel the response from their council is not adequate.

**(See Information Sheet 10 for more on the consideration of petitions.)**

## How are the public and partners involved in scrutiny?

This section sets out how individuals and external groups can be involved with the overview and scrutiny function.

External organisations and individuals can also bring a new perspective to an issue and an In-depth day-to-day knowledge of a policy and/or service area.

Richmondshire District Council is committed to making scrutiny meetings accessible to all sections of the community wherever possible and to remove barriers to participation.

Agendas (which include the minutes of the previous meeting) are always published eight days ahead of the Committee meeting and are available on the Richmondshire District Council website or on request from Democratic Services.

If members of the public have a particular question to ask or statement to make, they are requested to inform Democratic Services by no later than 9.30 am on the day of the meeting. In exceptional circumstances, the Committee Chairman may use his discretion to allow public questions at the meeting.

There are several ways of engaging the public:

- Contributors to the work programmes;
- As participants at meetings of the committees;
- As co-opted Members;
- As experts and witnesses;

To develop effective participation we need to be:

- Clear about the goals of the scrutiny review in order to select the most appropriate participation technique;
- Let people inside and outside the authority know what we're doing;
- Invite a broad range of people to participate rather than wait for people to come forward;
- Be alert to the barriers affecting the participation of particular groups;
- Have clear and achievable timetable where participation is to play a part.

In order to make this work, participation needs to:

- Have an impact on decision-making;
- Clearly identify contributor involvement and influence;
- Ensure appropriate methods of involvement;
- Use plain English;
- Ensure equal status for participants.

Some possible approaches:

- Change the physical environment (appropriate venue or room layout)
- Encourage participation
- Greater use of press releases and media launches
- Utilise links with partner and other agencies e.g. joint working parties, workshops, research
- Site visits
- Co-option of representative.

**(See Information Sheet 9 – Guidance Notes for Public Sector Partners and Information Sheet 12 - Guidance for Co-optees on Review Groups and Task Groups**

## How is Scrutiny work Monitored?

This section explains how Scrutiny recommendations are followed up to ensure the scrutiny function is having an impact.

After a scrutiny review report has been reported to the Corporate Board (or to the Full Council or some other external body the Overview and Scrutiny Committee would expect a response from the recipient to clearly state which of the recommendations it is going to put into action. This response should also set out an explanation for any recommendations that have not been accepted. This statement can then form the basis of any follow-up work the Committee might undertake.

For Overview and Scrutiny to have credibility with local people they need to now that it leads to improvements. O&S Committees therefore track the outcome of the Scrutiny review recommendations. Each O&S in-depth review is revisited 6 to 12 months after the presentation of the final report. This allows the O&S Committee to assess what progress has been made.

We hope you find this guide to Overview and Scrutiny at Richmondshire District Council useful. If you have any suggestions about how we could improve it further please do not hesitate to contact us

## Overview and Scrutiny Information Sheets

This section lists all the additional information sheets referred to throughout this guide that contain more detailed information to better understand specific aspects of overview and scrutiny and include lots of tips and hints to make overview and scrutiny more effective.

1. Questioning Techniques
2. Guidance notes for external witnesses
3. Guidance notes for Richmondshire Council Officers called as Witnesses
4. Choosing scrutiny topics
- 4a. Member/Officer Suggestion Form for Scrutiny Review
5. Scoping an in-depth review
6. What is call-in and its Procedure?
7. What is a Councillor Call for Action?
8. Scrutiny of Crime & Disorder Matters
9. Guidance notes for public sector partners
10. Consideration of Petitions
11. Joint Scrutiny Task Groups
12. Guidance for Co-optees on Review Groups and Task Groups



## To make contact with the Scrutiny Committees:

Telephone:	01748 829100
Email:	<a href="mailto:overviewscrutiny@richmondshire.gov.uk">overviewscrutiny@richmondshire.gov.uk</a>
Post:	Overview and Scrutiny Democratic Services Richmondshire District Council Mercury House Station Road Richmond North Yorkshire DL10 4JX
Website:	<a href="http://www.richmondshire.gov.uk">www.richmondshire.gov.uk</a>

If you would like this information in another language or format such as Braille, large print or audio, please contact us using the contact information above.





# Questioning Techniques

## Introduction

This document applies particularly to In-depth Scrutiny Reviews but the principles and techniques set out can be adopted for use at all Overview and Scrutiny Committees. As 'witnesses', Members, officers and interest groups may be called on to respond to questions from the Overview and Scrutiny Committee (or the Task Group on their behalf), which aims to collect evidence relevant to the In-depth Scrutiny Review. The focus of this paper is on the principles and techniques to be employed when considering what questions are appropriate for witnesses, to ensure that the interview session is useful and effective.

## The Fundamentals of Communication

- Put yourselves and others at ease
- Engage with others
- Consider the most appropriate setting for involving a cross-section of stakeholders
- Choose appropriate styles of communication to engage with different people and groups
- Think about the venue, the layout of the room, and the format of the event/activity
- Listen to what is said and what is not said
- Listen broadly and with specific focus
- Think about how to get people talking
- Work on ways you encourage and support witnesses, and avoid alienating them

## Preparation

- Read the relevant papers
- Establish what you want to achieve from your questioning.
- Structure your questions into blocks
- If questioning in a large group, try to obtain agreement in advance about the questions to ask, how you are going to raise them and whether to allocate questions to committee members in advance.

Before 'witnesses' are called they will be sent a copy of the relevant guidance for witnesses and be given an idea of the questions they will be asked.

The purpose of questioning is to elicit useful information and not to try and catch people out. Councillors ask questions and pursue a point but there should be no hostility in the process. Questioning needs to be probing but not destructive- inclusive but constructive. The most powerful questions can often be the simplest and provoke the most interesting response.

## The Styles of Questioning

When questioning witnesses, different techniques can be used to elicit the most useful responses. For easy reference, these have been divided into "do's" and "don't's".

### The Do's

#### Do ask

**Open Questions** (helps the person being questioned to identify the issue and to explore it)

Open questions have the greatest potential. Information is requested in a neutral way and the witness is encouraged to do most of the talking and to expand on relevant points. Try to ensure that your questions are engaging.

- Q. What do you consider is best about .... e.g., the service?
- Q. How did you establish x, y priority(ies) in the service?
- Q. How did you decide which aspects of the service to delegate/ to focus on as a key priority etc?

The key prefixes are What? How? Who? When? Why? The following phrases are also useful:-

- Q. Tell me about a time **when** ...
- Q. Explain to me about **how** you ...

Build questions on the preceding answers. Use probing questions to elicit more information or clarification. Follow up with supplementary questions where necessary for greater clarity. This technique can also be used to help you get beyond superficial or rehearsed answers to questions. It may even be necessary to help you to form a balanced picture by seeking contrary evidence. Probing questions use the answer received for one question as the basis for taking the discussion further with your next question/ For example:-

- Q. You say that you did ... Can you give me a specific example of how you carried that out?
- Q. I was interested to hear you say ... can you tell me more about that?
- Q. Can you enlarge on the statement you made about ... ?

**Do ask** **Hypothetical Questions**

This can be useful in obtaining good evidence for the Review, as well as testing possibilities to formulate new ideas and solutions. They can be valid in testing knowledge such as whether someone is familiar with a certain procedure or process.

**Q.** How would you set about changing your/Council's strategy for doing X?

**Do ask** **Behavioural Questions**

This sort of question can provide guidance as to how a service provider or an organisation might do a task (which may be central to the Review) in future. The question obtains an accurate example of past behaviour.

**Q.** What did your organisation do on this issue before, to ensure outcomes x, y, z ?

**Do ask** **Reflective Questions**

These enable the scrutineer to clarify what has been said and to get the respondent to talk freely and in depth. Reflecting questions call for the scrutineer to engage in 'active listening'. Using their own words you encourage further information. Reflecting questions often begin:

**Q.** You said that.... You sound as if ... I get the feeling that ....

**Do ask** **Comparitive Questions**

These are useful where the scrutineer may need to compare a situation on a before and after basis:

**Q.** What has it been like since ....? What difference has ....?

**Do** **Rephrase or paraphrase**

This is useful when the scrutineer is not clear what the respondent means. This allows you to play back what has been said.

**Q.** Are you saying that ....? Let me see if I understand the problem completely .....

## The Don't's

**Don't ask**

**Closed Questions** (unless you are just checking a fact or as a summary. If they are not used sparingly the scrutineer could end up doing too much of the talking, with the respondent providing very little information

**Q.** Did you know/ are you aware that x priority identified in this service was achieved/ will be achieved ?

**Don't ask**

### Leading Questions

These questions are phrased in such a way to make it clear to the responder what answer is expected. The technique is poor because it may force people into a false position because they are aware of how they are expected to respond.

**Q.** Presumably, from knowledge of your organisation's position, you agree that service/ policy x successfully achieves ... ?

**Don't ask**

### Double Headed Questions

These ask more than one question at a time and should be avoided as they are confusing. Moreover, they offer witnesses an easy strategy to defend themselves by simply selecting the bit of the question they are comfortable answering whilst ignoring the rest.

**Q.** In your role/ your organisation's role there is a responsibility for doing/achieving/monitoring etc X, Y, ... and what is the system for communicating these to the authority in relation to the service or policy under review?

Whilst these "two questions in one" might both be valid lines of enquiry, they would be more productive if presented one at a time.

**Don't ask**

### Multiple Choice Questions

The witness is presented here with not only a question but also two possible answers, neither of which may provide a real explanation.

**Q.** Do you or does your organisation believe/ do etc x, y or do you/ your organisation instead do x, y, z,?

## **Don't ask** Discriminatory Questions

**Q.** How would you react to this service being managed by women only?

As well as being a leading question, it runs counter to equal opportunity considerations, and this type of question is unacceptable.

## **Don't ask** Tag Questions

**i.e. Questions that end with 'wasn't it/won't they/isn't it'. With these you could be making an assertion in order to gain agreement or compliance**

- **Don't make speeches and avoid using acronyms (all those present must be able to understand the question being asked)**
- **Avoid making assumptions in your questioning**
- **Avoid making statements that might vaguely have a question at the end. Short and precise questions are much better**

## **Five ways to ask difficult questions**

Asking challenging questions is a skill that comes from practice and experience and works best when you can simultaneously create a relaxed and comfortable environment. The following pointers may help you probe what people actually say to uncover the real meaning behind it.

### **1) Open Wide and Close in**

When you begin to ask questions make them as open as possible. The object of an open question is to get the other person to say as much as possible. Ask it in an open and friendly way. Then use subsequent questions to focus in on the detail.

### **2) Listen for avoidance words**

One way people deal with difficult questions is to use phrases to duck the question and avoid answering it fully. Examples include, 'we are looking into', 'we are considering', 'we will do this in the future'. Focus on these avoidance techniques and force the other person to define what they mean by each of the phrases they use- when are you looking into this, how, who is doing it, how will you know, etc.

### **3) Listen for doubt**

One of the reasons people avoid difficult questions is that they expose the truth. Moreover the truth is often that we say one thing and really think another. It takes a very polished performer to avoid giving away true feelings about a subject. It is just a question of actively listening and carefully watching.

### **4) Be Charming**

Recognising the hard work that people do can help create a rapport. Disarming techniques will open up people keen to keep certain issues at a distance. We are more likely to reveal our true feeling when we can empathise with the questioner.

### **5) Repeat the Question & be silent**

Two very powerful techniques are repetition and silence. Repeating the question says, "I am not prepared to take no for an answer and I will keep on asking this until I get a reasonable answer to my question". Be careful, as this technique is likely to annoy or intimidate the other person. And finally using silence can be golden. Ask a question and say nothing. Just listen and wait. What you will find (probably after practice) is that the other person will speak, stop, speak some more, stop, and then say all sorts of interesting things that they probably hadn't planned to say.

## **Key Questions for Scrutiny Work**

The following issues provide a list of some of the potentially key points to consider when formulating questions for witnesses. This list is in no way comprehensive and will not fit for all Scrutiny work. Before any witness session ask yourself two questions: (i) What information do I want? (ii) What questions do I need to ask to get it?

## **Good listening behaviour**

Messages are conveyed not only with words but also through non-verbal cues. Reading body-language means you are much more likely to get the whole message. Active listening builds rapport and involves:

- Looking Attentive - the Task Group will need to show that they are listening through appropriate "body language".
- Giving Encouragement – give appropriate verbal and non-verbal responses.
- Keeping an Open Mind- Councillors should seek not to over-react to initial responses! Continue to pay attention as the witnesses develop their responses and probe as necessary.
- Controlling the Flow - when sufficient information has been received.
- Not thinking Ahead - everyone thinks more quickly than they can talk. Good listeners listen carefully to hear what the witnesses say rather than allow themselves to run ahead and make assumptions.



- Checking it Out - effective listening involves not only listening to the words but also to the way that they are said and to the feelings behind them. This will lead to a clearer understanding of the responses.
- Summarising - at the end of the main element of a response to a question the Task Group may find it useful to summarise the main points that the witness had made.

## **Summary of Guidelines for Questioning**

1. Decide what type of question will get the information you want.
2. Think about the specific question that you need to ask
3. Establish lines of questioning prior to a meeting.
4. Ask specific, clear open or closed questions - probably using the former more often.
5. Avoid leading, multiple and judgemental questions.
6. Give the other person time to hear and understand the question, and think of the response.
7. Live with the silence, a silence is often an indication that a thoughtful question has been asked.
8. Concentrate on listening to answers rather than thinking of you next question. It is often very effective to summarise the response as a way of checking understanding.
9. Remember the power of- How? Where? What? Why? When? Who?



## Guidance Notes for External Witnesses

### What are witnesses?

Being asked to meet Scrutiny Councillors as a 'witness', simply means coming to talk to some Councillors. This is because they feel that you have valuable opinions and/or expertise that will help them gain a better understanding of an issue they are looking at. Councillors are lay members of the community and need to hear contributions from a wide range of people with a connection to the topic being scrutinised, if they are to come to a well considered decision. Being a 'witness' simply means coming along to answer some questions and to tell the Councillors what you think about a particular issue. Such sessions usually last for an hour, although they can sometimes be a bit shorter or a bit longer.

### What are Scrutiny Committees?

- Scrutiny Committees assist the Corporate Board in improving and developing Richmondshire District Council's services.
- Scrutiny Committees can examine all functions and responsibilities of the Council.
- To fulfil the Council's community leadership role Scrutiny Committees look at issues affecting the wider community, e.g. health services.
- Scrutiny Committees consist of elected Members (Councillors) who are not members of Richmondshire's decision making Strategy Board.

### What are the aims of Scrutiny Committees?

- To hold the Corporate Board to account and to examine specific areas with a view to influencing the development of policies (it is important to understand that it is the Corporate Board that takes the policy decisions).

- To ensure the continuous improvement of services in Richmondshire, with a particular focus on outcomes for the community.
- To ensure that the experience and knowledge of businesses, community groups, service providers and service users are used to develop the District Council's services.

Scrutiny is about increasing **accountability**, improving **performance** and **engaging local people** in the organisations whose decisions and actions shape their communities.

## How do Scrutiny Committees work?

Scrutiny Committees collect evidence from a wide variety of sources, including:

- Questioning 'witnesses'/ experts
- Conducting Literature reviews and undertaking surveys
- Taking written submissions from professionals, businesses and community groups.

For convenience, these guidance notes assume all Scrutiny work is done by the whole Committee, in fact sometimes it is a smaller number of the Councillors carrying out a piece of work. This guide also refers to 'witnesses' and the 'giving of evidence', but this does not imply that Scrutiny Committees are courts or bodies convened with any legal power over those who attend them although, as Scrutiny Committees perform an essential function on behalf of the people of Richmondshire in looking at council policy and practice. It is hoped that those invited to give evidence will agree to do so in the interests of the community which is intended to benefit by the activity of the Scrutiny Committees. At times the Scrutiny Committees will have difficult questions to ask they are always grateful for the help and co-operation they receive. '

Witnesses' can include:-

- Voluntary sector representatives
- Professional experts
- Service users
- Community Groups
- Local Employers
- Councillors and Officers

The Committees consider all the evidence they have collected before making recommendations to the Corporate Board on how services could be improved or developed to best meet the needs of Richmondshire's residents and businesses

### **If I am asked to attend what will Councillors ask me?**

You will receive a written invitation to the meeting and this will include details of the areas you will be asked questions on. Some Scrutiny Committees will prepare lists of questions in advance but witnesses should not expect the Scrutiny Committee to restrict itself to these. The committee will have invited you along to provide them with information that will help them make evidence based recommendations on the further development of services. You won't have to answer questions which you feel unhappy answering and it's fine to tell the committee when you don't know the answer to a question. The meeting is sometimes open to the public but at other times they may hold the discussions informally. If for any reason you want to give some or all of your evidence in private please contact one of the Scrutiny Review Officers or speak to the Chairman of the Scrutiny Committees to discuss.

### **How should I prepare to be a Scrutiny Committee 'witness'?**

Following these easy steps will mean you use your time at the meeting to maximum effect:-

- If papers are provided for the Scrutiny Committee meeting you have been invited to, please read them fully. This will ensure that you have knowledge of the key concerns or developments being explored by the Committee.
- Prepare a list of information you would like to provide to the Committee, but do not bring prepared presentations (unless the Committee has specially requested one)
- As time for oral evidence may be limited, all witnesses are invited to submit written evidence beforehand. This helps to make oral evidence more productive, as Members have the witnesses' statements in front of them. Written evidence should be restricted to any factual information they have to offer from which the Scrutiny Committee might be able to draw conclusions (or which could be put to other witnesses for their reactions).
- Recognise that Committee Members may not be experts in your area. Try to avoid jargon/ professional speak when giving answers.
- Talk to officers supporting the Committee. These officers will be able to tell you the Committee's expectations of you.
- Remember attending a Scrutiny Committee offers a good opportunity to present your organisation's knowledge and experiences directly to District Councillors.

## Further information

There are several pages relating to **Scrutiny** on the District Council website.

These pages not only describe the role of the Scrutiny function and the individual **Scrutiny Committees**, but provide links to **completed Scrutiny reports**. Scrutiny Committees meet in public 4 times a year. If a member of the public wishes to come to any of these meetings, they can check the **schedule of meetings** to find out when and where they take place. The web pages also make **agendas** available for downloading.

The District Council website provides information about how members of the public can address council meetings and **get involved with Scrutiny** both in terms of the issues it is examining currently, and by **suggesting an item for future Scrutiny** work.

When we invite you to attend please let us know if there is anything we can do to make it easier for you to attend and participate.

If you want any further information on Scrutiny Committees please contact Democratic Services in the following ways:

### To get in touch about Scrutiny:

Telephone	01748 829100 Ext <b>44015</b> or <b>44016</b>
Email	<a href="mailto:overviewscrutiny@richmondshire.gov.uk">overviewscrutiny@richmondshire.gov.uk</a>
Post	Scrutiny (Democratic Services) Richmondshire District Council Mercury House Station Road Richmond North Yorkshire DL10 4JX
Visit	<a href="http://www.richmondshire.gov.uk/council-democracy/councillors-and-committees/overview-and-scrutiny">http://www.richmondshire.gov.uk/council-democracy/councillors-and-committees/overview-and-scrutiny</a>



## Guidance Notes for Richmondshire District Council Officers called as Witnesses

### What are the aims of Overview and Scrutiny Committees?

- To hold the Corporate Board, as the political managers of the Council, to account.
- To assist the Corporate Board in ensuring the continuous improvement of services in Richmondshire, with a particular focus on outcomes for the community.
- To ensure that the experience and knowledge of businesses, community groups, service providers and service users are used to develop the District Council's services.
- To help the Council better fulfil its community leadership role by looking beyond services provided by the Council to consider issues affecting the wider community, e.g. health services etc.

In other words, the purpose of scrutiny is to examine how well the Corporate Board and the Authority are performing. Wherever possible, it will concentrate on outcomes for the community, not on inputs. It is a mechanism for promoting the best interests and wellbeing of the District. Scrutiny Reviews should, therefore, adopt the role of 'critical friend'.

### How do Overview and Scrutiny Committees work?

Overview and Scrutiny Committees collect evidence from a wide variety of sources, including:-

- Questioning 'witnesses'/experts
- Literature searches/ deskbound reviews
- Undertaking surveys and utilising focus groups
- Taking written submissions from professionals, businesses and community groups.

Overview and Scrutiny Committees perform an essential function on behalf of the people of Richmondshire looking at policy and practice, which often have a vital part to play in services provided to the community.

It is hoped that those called to give evidence will do so in a non-offensive manner in the interests of the community, which it is intended to benefit by the debate that ensues. Indeed many Managers and Chief Officers may welcome the opportunity provided by a Scrutiny Review to learn more about service performance and may find it instructive to hear how it is perceived by others. Indeed reviews are key to meeting the local authority agenda of continuous improvement. The Scrutiny committees consider all the evidence they have collected before preparing a formal report making recommendations to the Corporate Board on how services could be improved or developed to best meet the needs of Richmondshire's residents.

For convenience these guidance notes assume all Scrutiny work is done by the whole Committee, but in fact sometimes work is delegated to a smaller number of Councillors from the Committee who then report back to the whole committee.

## **How will I know when an Overview and Scrutiny Committee is looking at a service I manage?**

During the scoping process the Scrutiny Officer will have approached the relevant Corporate Director/Managers. This will provide an opportunity to obtain some background information and clarify any misconceptions and ensure that Members involved are aware of some of the views of the service at the outset. Moreover, Overview and Scrutiny Committees will periodically agree work programmes and copies of these work programmes will be forwarded to the relevant Corporate Directors and Managers. The Scrutiny Officer can act as a conduit for exchanging information, and is available to have a chat with too.

## **What information will I be asked to provide?**

For convenience this guide refers to 'witnesses' and the 'giving of evidence', but this does not imply that Scrutiny Committees are like courts. They are simply seeking information. However, it should be emphasised that Scrutiny Committees do have powers to compel the giving of evidence or requiring the production of documentation from employees of the District Council, specifically the Constitution states that:

"any Overview and Scrutiny Committee... may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member, any Director or Manager of a Service to attend before it to explain matters within their remit".

- Any particular decision or series of decisions
- The extent to which the actions taken implement Council policy; and/or
- The performance of a service or function

And it is the duty of those persons to attend if so required.



Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, at least five working days' notice of the meeting at which he/she is required to attend will be given.

The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or Officer concerned, arrange an alternative date for attendance.

Scrutiny Committee Members will identify the people they wish to hear from at their meetings. Officers attending Scrutiny Committees must abide by the Code of Conduct in the Constitution governing Officers of the Council.

Members should always conduct their relations with courtesy and respect for officers and are reminded to interrogate the information not the officer. Scrutiny Committee Meetings are ordinarily open to the public but sometimes Members have their discussions with officers informally in a Task Group setting. It is inappropriate for Members to criticise individual officers personally in public forums where officers have no opportunity to respond. All parties are expected to conduct their relations in a way which promotes objectivity, accountability and openness (with the permitted expectations around disclosure of confidential information).

### **If I am asked to attend what will Members ask me?**

Your invitation will be arranged with the agreement of the relevant Corporate Director. Some Scrutiny Committees will prepare lists of questions in advance but witnesses should not expect the Scrutiny Committee to restrict itself to these. The committee will have invited you along to provide them with information that will help them make evidence based recommendations on further development of services. Employees must use their best endeavours to answer questions as fully as possible. Where information which would assist the Scrutiny Committee is not immediately available, the employee should draw the attention of the Chairman to the existence of information, or another person, which might or who may be able to answer the question posed if this is known to them.

Sometimes the meetings are held in public and at other times the Members will be working in Task Group mode which is when they are speaking to Officers informally. At both events they will be asking questions and gathering in information which will be useful to them in formulating their evidence-based recommendations. If you want to give some or all of your evidence in private because you feel confidential or exempt information is likely to be disclosed please contact the Scrutiny Officer to discuss this.

## How should I prepare to be a 'witness'?

Following these few steps will ensure that you use your time at the meeting to maximum effect:-

- If papers are provided for the Scrutiny Committee meeting you have been invited to, please read them fully. This will ensure that you have knowledge of the key concerns or developments being explored by the Committee.
- Check with other officers in your department working on similar areas to ensure that the views you are bringing to the Committee are representative of your department's work.
- Do not bring prepared presentations (unless this has been specially requested).
- As time for oral evidence may be limited, all witnesses are invited to submit written evidence beforehand. This helps to make oral evidence more productive, as Members have the witnesses' statements in front of them. Written evidence should be restricted to any factual information they have to offer from which the Scrutiny Committee might be able to draw conclusions (or which could be put to other witnesses for their reactions).
- Be prepared to give your views honestly and with integrity.
- Recognise that Committee Members may not be experts in your area. Try to avoid jargon/ professional speak when giving answers.
- Remember that attending an Overview and Scrutiny Committee offers a good opportunity to present your department's knowledge and experiences directly to District Councillors.

## Further information

There are several pages relating to **Scrutiny** on the District Council website. These pages not only describe the role of the Scrutiny function and the individual **Scrutiny Committees**, but provide links to **completed Scrutiny Reports**. Scrutiny Committees meet in public 4 times a year. If a member of the public wishes to come to any of these meetings, they can check the **schedule of meetings** to find out when and where they take place. The web pages also make **agendas** available for downloading.

If you want any further information on Scrutiny Committees please contact Democratic Services by the following ways:

### To get in touch about Scrutiny:

Telephone 01748 829100 Ext **44015 & 44016**

Email [overviewscrutiny@richmondshire.gov.uk](mailto:overviewscrutiny@richmondshire.gov.uk)

Post Scrutiny (Democratic Services)  
Richmondshire District Council  
Mercury House  
Station Road  
Richmond  
North Yorkshire DL10 4JX

Visit <http://www.richmondshire.gov.uk/council-democracy/councillors-and-committees/overview-and-scrutiny>



## Choosing Scrutiny Topics

Proposed items are subject to a number of criteria before they are included in the Work Programme. The criteria are used to ensure that pieces of scrutiny work will add value to the activities of the Council, that they are timely and that they address significant issues of concern to local people.

Potential Criteria for Selecting Items	SCORE Yes 1 Maybe ½ No -1
<ul style="list-style-type: none"> <li>▪ Is this topic a key priority for the Council, as identified in the Community Strategy and Corporate Plan?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Does this issue come under any Targets?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Does the Council spend a significant proportion of its budget on this issue?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Is there a pattern of budgetary overspends?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Does this issue have a potential impact for one or more section(s) of the population of Richmondshire?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Is it a service ranked as important by the Community (identified through surveys/residents panels)</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Is there a high level of user/general public dissatisfaction with service?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Is it a poor performing service? (evidence from performance indicators/benchmarking)</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Is it an issue raised by External Audit Reports?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Will the scrutiny activity add value to the Council's, and/or its partners' overall performance?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Is it likely to lead to effective outcomes?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ It is an issue of concern to partners and stakeholders?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ Is the scrutiny activity timely?</li> </ul>	
<ul style="list-style-type: none"> <li>▪ New government guidance or legislation</li> </ul>	

The following criteria will be used as possible reasons for rejection and should be considered when proposing potential review items.

<b>Considerations before proceeding</b>	<b>Please tick</b>
▪ Is the issue being examined by an Officer Group? (Changes imminent)	
▪ Is the issue being examined by another internal body?	
▪ Will the issue be addressed as part of any best value review or other review within the next year or so?	
▪ Is there new legislation or guidance expected within the next year?	



## Member/Officer Suggestion Form for Future Scrutiny Reviews

<b>What is your proposal for a scrutiny review?</b>
<b>What is your reason for this proposal?</b>
<b>Can you answer any of the following questions regarding your proposal as this will help in the assessment process?</b>
<b>Is this topic a key priority for the Council as identified in the Council's latest Business Plan?</b>
<b>Does the issue come under any National Targets?</b>
<b>Does the Council spend a significant proportion of its budget on this issue?</b>
<b>Is there a pattern of budgetary overspends?</b>
<b>Does this issue have a potential impact for one or more sections of the population of Richmondshire?</b>

**Is it a service ranked as important by the Community (identified through surveys/residents panels)?**

--

**Is it a poor performing service? (as evidenced from performance indicators/benchmarking)**

--

**Is it an issue raised by External Audit Reports?**

--

**Will the scrutiny activity add value to the Council's and/or its partners' overall performance?**

--

**Is it likely to lead to effective outcomes?**

--

**It is an issue of concern to partners and stakeholders?**

--

**Are you aware of any related work either within or outside of the Council?**

--

**What review work should be undertaken to address this issue?**

--

**Signed..... Dated.....**





# Scoping an In-Depth Review

(this information sheet will help you scope any scrutiny work as it gives you prompts you through the scoping process)

<p><b>Review Topic:</b> <i>(name of review)</i>  <i>The Review needs a working name that relates to the topic. The final report can have a catchy title which gets people's attention.</i></p>	<p><b>Parent Scrutiny Committee:</b>  <i>This helps Members, officers and members of the public know which committee has commissioned the review.</i></p>
<p><b>Lead Member of Review:</b>  <i>The Members who volunteer to lead the Review are agreed by the Scrutiny Committee.</i></p>	<p><b>Other Members of Review Group:</b>  <i>To see who the other Members are.</i></p> <p><b>Possible Co-Options:</b>  <i>To consider the co-option of either an expert or interested person to assist with the review</i></p>
<p><b>Strategy Board Spokesperson/Assistant Director link to Review:</b></p>	
<p><b>Linked to Corporate or Central Government Priority:</b></p>	
<p><b>Officer Support:</b> <i>(Scrutiny Review Officer lead)</i>  <i>Scrutiny needs dedicated officer support to make sure that Reviews run smoothly. One officer will take the lead co-ordination role for each Review. The officer supporting the process will act as a project manager, clarifying tasks and keeping to timetable, acting as a facilitator and advisor to witnesses; and reflecting back to Members on an ongoing basis the thinking and ideas being developed, based on evidence gathered.</i></p>	
<p><b>Summary of Enquiry:</b> <i>e.g. To consider the service/policy/performance/ etc.</i></p>	
<p><b>Rationale:</b> <i>(Key issues and/or reasons for doing the Review)</i>  <i>Each Review needs to have a clear rationale behind it, which explains why the Review is so important to the Scrutiny Committee. A clear rationale will also help to identify the indicators of success. Rationales are likely to include some of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Identified by Members as key issue for public (through surgeries or other contact)</i></li> <li>• <i>Poor performing service (evidence from performance indicators/benchmarking)</i></li> <li>• <i>Service considered important by community (e.g. through surveys/citizens panels)</i></li> <li>• <i>Management identified key pressures in this area</i></li> <li>• <i>High level of user/general public dissatisfaction with service (e.g. through surveys/complaints)</i></li> <li>• <i>Public interest issue covered in local media</i></li> <li>• <i>High level of budgetary commitment to the service/policy area (as % of total spend)</i></li> </ul>	

- Pattern of budgetary overspends
- Issue raised by external Audit Management Letters/Reports
- New government guidance or legislation
- Opportunity to make a distinctive impact

**Purpose of Review/Objective:** (specify exactly what the Review should achieve)  
 It is essential that the scoping process clearly identifies exactly what the Review hopes to achieve. **It is vital to distinguish between that which will be included and achievable, and that which though desirable must fall outside the scope of this Review.** The more specifically this is done the easier the rest of the Review will be. Some possible examples are listed below:-

- To review Performance Indicators relating to x, y or z
- Identify gap between provision and need around x y or z (i.e. quantify unmet need)
- To compare our policies for x, y or z with those of a similar authority.
- Formulate a 'balanced scorecard' evaluation of x, y or z
- To assess the environmental and social impacts of x, y or z
- Benchmark current service provision
- To find out community views on x, y or z

**Potential Outcomes/ Indicators of Success:**

For each Review identify two or three key indicators which will be used to tell you if the Review is achieving its purpose. Having an idea in advance of what a successful Review would look like can help to show what the Review is really about. It can also help to avoid the potential danger of straying off the topic. Indicators of success are likely to include:-

- Will have identified local needs and wishes
- Will have evaluated alternative ways of doing x, y or z
- Become aware of any contractual, economic, legal or structural constraints on Council's approach
- Formulated recommendations for the Policy Committees
- Will have identified how a service could be improved

**Methodology/Approach:** (what types of enquiry will be used to gather evidence and why)

This requires thinking about what kind of enquiry will be most suitable for this Review. This will be influenced by several factors including the actual topic itself, the need for expert advice or training, and the ease or difficulty with which certain methods can be pursued. Some sample ways of working are listed:-

- Desk-based review of papers
- Site visits/observations
- Comparisons with other authorities
- Process mapping/client journeys
- Workshops/focus groups
- Seminars/public meetings
- Commissioned research
- Interviewing officers
- Calling 'witnesses'/experts to give evidence

**Witnesses/Experts:**

An important part of the scoping process includes deciding what people should be asked for interview. Members and Senior Officers are required by the Constitution to attend to explain: decisions, the extent to which actions taken implement council

policy, and their performance. Other people may be invited to discuss issues of local concern and/or answer questions but are not required to attend. It may be worth considering whether more evidence would be gleaned by visiting such people for a more informal chat, however, this should be balanced against the considerations for Scrutiny to be open, public and transparent. The witness list should consider:-

- Corporate Directors/Managers of Services
- Service users
- Members
- Frontline staff
- Trade union representatives
- External partners and business representatives
- Voluntary sector and community groups
- Professional experts

#### **Evidence Sources for Documents:**

Part of the scoping process is to determine which sort of documents may need to be considered before writing any report, and can take a variety of forms as illustrated below:-

- Government guidance or legislation
- Relevant service plans
- Relevant performance indicators
- Evidence from existing consultation exercises
- Budgetary data and activity
- Minutes of meetings
- Independent research articles and papers

#### **Site Visits:**

Parliamentary Select Committees value visits as a key tool for effective work. Local authorities similarly recognise that visits to observe how things are working elsewhere can be very instructive and can help the Review Group collect evidence from 'expert witnesses' or service users. It is always important to make clear that any information they give may ultimately form part of a public report. The Review Group can also use observation and/or 'mystery shoppers' to provide a 'reality check' on theoretical claims.

#### **Evidence Sources for View of Stakeholders:** (Consultation/workshops/focus groups/public meetings)

It is important to consider if there are stakeholders or interest groups whose views the Review Group want to hear. This also entails thinking about the best way to go about collection evidence from them. Traditional question and answer formats may not suit all groups or stakeholders or clients. Approaches may include:-

- Consultation with 'hard to reach' groups led by a specialist advisor
- Focus groups
- Public meetings
- Questionnaires

It is also essential that the Review keeps a balanced perspective. This means, for example, the views of an activist group should be weighed in consideration of the conclusions of an independent audit of the same services.

**Publicity Requirements:** *(What is needed – fliers, leaflets, radio broadcast, press-release etc;)*

*It is important to agree what publicity methods are appropriate to the Review. It is an issue that will grip the public imagination – should a public meeting be arranged for anyone interested to give their views, and if so, should a newspaper advert be taken out? It is worth noting that Parliamentary Select Committees put out a call for written submissions of evidence at the beginning of their inquiries. Consider if a radio interview is desirable, if a publicity leaflet should be produced, or a flyer circulated.*

*Publicity is a key component to the influencing role that scrutiny plays in the political process. It is, therefore, also worth thinking about how the results of the Review once it has been completed will be made public?*

**Resource requirements:**

*A rough estimate of person hours the review is likely to take and what additional costs may be involved, for example, paying witnesses expenses or commissioning any research from outside the Council*

**Barriers/dangers/risks:** *Identify any weaknesses and potential pitfalls)*

*Scrutiny Committees need a work programme that relates to the priorities of the Council, reflects the concerns of local people and is achievable. To be effective, Scrutiny Committees must focus attention where they can make a real difference. This section of the template is a chance to record any issues or obstacles that threaten the chances of this happening. For example if the Review is over-ambitious in scope, it may not keep to the projected time-table. Or if the Review is too focused on a service area agenda, it may miss the more hidden service users priorities.*

**Projected start date:**

**Meeting frequency:**

**Draft Report Deadline:**

**Projected completion date:**

*It is a vital component of good project management to specify when things must happen. This enables those involved to obtain a clear picture of whether things are progressing to plan – it allows them to monitor progress. Questions to consider include:*

- How frequently will the Review Group need to meet?*
- What are the key deadlines to be met?*
- Who needs to see any analysis and who needs to contribute to the report?*
- When will the Review Group report back to the Scrutiny Committee?*

**When to evaluate impact and response:**

*Scrutiny is about influencing others to take action, and must therefore decide at the outset when it proposes to return to a review topic to gauge the effectiveness of the response to its recommendations. When the report and recommendations go to the Policy Committee and the recommendations are either accepted or rejected this should be followed by a written response from the Policy Committee on those recommendations, which recommendations they agree to and the reasons why any recommendations are not agreed. This could typically be between 6 and 12 months after the Review was first published.*



## What is “Call-In” and The Call-In Procedure?

A key element of the scrutiny function is to hold the Corporate Board (the Decision Makers) to account for the ‘discharge’ of its functions’. This can be achieved by a “Call-In” facility that allows for Corporate Board decisions to be scrutinised prior to their implementation. This is to ensure transparency of the decision making process of the Corporate Board.

### **Publication of Corporate Board Decisions**

When a decision is made by Corporate Board or under joint arrangements, the decision shall be published and shall be available at the main offices of the Council within 2 working days of it being made. All Members of the Council are sent copies of the records electronically within the same timescale.

The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days following the publication of the decision, unless any 3 members of the Council who were not involved in making the decision, object to it and call it in. The form for calling in the decision is attached to the decision notice.

### **Eligibility Criteria**

3 or more Members of Council who were not involved in making the decision can request that a decision be called-in giving reasons relating to that decision which suggests that the decision taker did not take a decision in accordance with the principles set out in Article 12 of the Council’s Constitution.

An Overview and Scrutiny Committee cannot change the decision, it can either uphold it or refer it back to the decision maker for reconsideration with recommendations for an alternative course of action.

### **NOTE:**

If a decision is classed as a “key decision” it cannot be called in as after Corporate Board have considered it, it will then proceed to Full Council for all Councillors to make the decision. The definition of a “key decision” is a decision which may result in a change to one or more policies of the Council, establishes a new policy or will result incurring revenue or capital expenditure, or make revenue savings, of more than 1% of the total expenditure for the budget year. Key decisions are denoted by an diamond (◆) on the Corporate Board Agenda.

## Procedure for Consideration of a Call-In Request

1. At the start of the meeting the Chairman will welcome all to the meeting, explain the background to the call in request and outline the procedure for the meeting
2. The Chairman will:-
  - (i) Invite any members of the public present to speak about the decision under consideration and explain to the public that this will be their only opportunity to speak on the matter.
  - (ii) Invite any Members who are not on the Committee and in attendance to speak.
3. The Chairman will introduce the call in request and invite the Members submitting the request to explain their reasons for the request.
4. The Chairman will invite Members of the Scrutiny Committee to ask questions of the Members submitting the request.
5. The Chairman will then invite any witnesses who have been requested to attend to give evidence.
6. The Chairman and the Members of the Scrutiny Committee may then ask questions of the witnesses.
7. Members who are not members of scrutiny may ask questions of witnesses through the Chairman.
8. The Chairman will then invite the members submitting the call in request to make any final representations.
9. The Chairman will then invite the Scrutiny Committee to debate and determine the call in request.
10. The Chairman will announce the Scrutiny Committee's decision and thank all in attendance for their contribution.



## What is Councillor Call for Action (CCfA)?

Councillor Call for Action empowers Councillors to bring forward local issues to be considered by an appropriate overview and scrutiny committee.

### Criteria for Councillor Call for Action (CCfA)

The CfPS guidance on CCfA maintains that:

- *CCfA is about helping councillors to resolve issues and problems on behalf of their residents.*
- *CCfA should not be regarded as merely a “scrutiny process”*
- *CCfA will be a means of “last resort” in a broad sense, with issues being raised at committee after all other avenues have been exhausted.*

District and/or County Councillors will use informal ways of resolving an issue brought to them by a member of the public. However, if all avenues to solve the issue have been exhausted, and a referral to overview and scrutiny (O&S) is being considered, then Councillors and Scrutiny Officers will work together to ensure that the appropriate District Councillor refers the matter to a District level O&S and, similarly, the appropriate County Councillor refers the matter to a County level O&S (Local Government & Public Involvement in Health Act 2007).

Listed below are the criteria that will be applied by the scrutiny functions of the District/Borough and County Councils in North Yorkshire when considering a CCfA referral.

1. Is it an ‘excluded matter’ included in the list below?
  - Individual complaints concerning personal grievances or commercial issues.  
*(However if a number of complaints have been received on a particular matter and this is evidence that there may have been a systemic failure the matter may be considered for a CCfA.)*
  - Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:

- ❖ Planning and licensing applications and appeals
  - ❖ Council Tax/Housing Benefits complaints and queries
  - ❖ Issues currently under dispute in a court of law.
- Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the relevant scrutiny committee or any of its sub-committees.
2. Have all reasonable attempts at resolution been made by the councillor?
  3. Is it an issue in the Councillor's ward / division?
  4. Has the committee considered a similar issue recently?
  5. Are there projects, reviews, audits or inspections already underway that are already considering the concern?
  6. Is it a crime & disorder issue?
  7. In the case of a crime & disorder issue, has the matter been referred to the CDRP?
  8. Has it been the subject of a petition?
  9. Has the Councillor tried to address the issue through an Area Committee / Area Forum?
  10. Has the relevant Portfolio Holder, Cabinet Member, Member Spokesperson been consulted?
  11. Have relevant partners or council service areas been informed and not responded?
  12. Has the matter been referred to the complaints procedure of any agency or local authority?
  13. Is there a more complex/strategic issue at the heart of it that could not be resolved at a lower level?
  14. Has consideration been given to whether the matter is better dealt with initially at District or County level?
  15. Is it an individual case or a wider service or policy matter?



# Councillor Call for Action (CCfA) Checklist

The Centre for Public Scrutiny guidance on CCfA maintains that:

- *CCfA is about helping councillors to resolve issues and problems on behalf of their residents.*
- *CCfA should not be regarded as merely a “scrutiny process”.*
- *CCfA will be a means of “last resort” in a broad sense, with issues being raised at committee after all other avenues have been exhausted.*

This checklist is designed to act as an aide memoir for Councillors when dealing with an issue brought to them by a member of the public. It will also be helpful in supporting (and providing background information for) any request for the issue to be taken forward as a Councillor Call for Action for consideration by a scrutiny committee. District and/or County Councillors will use informal ways of resolving an issue brought to them by a member of the public. However if all avenues to solve the issue have been exhausted, and a referral to overview and scrutiny (O&S) is being considered, then Councillors and scrutiny officers will work together to ensure that the appropriate District Councillor refers the matter to a District level O&S Committee and similarly the appropriate County Councillor refers the matter to a County level O&S Committee (Local Government & Public Involvement in Health Act 2007).

1	<p><b>Is it an ‘excluded matter’? In general these would not be considered for CCfA.</b></p> <p>➔ Individual complaints concerning personal grievances or commercial issues. (<i>However if a number of complaints have been received on a particular matter and this is evidence that there may have been a systemic failure the matter may be considered for a CCfA.</i>)</p> <p>➔ Any matter which is vexatious or discriminatory</p> <p>➔ A quasi judicial matter for example:</p> <ul style="list-style-type: none"> <li>○ Planning and licensing applications and appeals</li> <li>○ Council Tax/Housing Benefits complaints and queries</li> <li>○ Issues currently under dispute in a court of law.</li> </ul>	
2	Have you made all reasonable attempts to resolve the issue?	
3	Does the matter refer to an issue in your Ward / Division?	
4	Has the committee considered a similar issue recently?	
5	Are there projects, reviews, audits or inspections already underway that are already considering the concern?	
6	Is it a crime & disorder issue?	
7	In the case of a crime & disorder issue, has the matter been referred to the Crime & Disorder Reduction Partnership?	
8	Has it been the subject of a petition?	
9	Have you tried to address the issue through an Area Committee / Area Forum?	
10	Have you consulted with the relevant Portfolio Holder / Cabinet Member / Member Spokesperson etc?	
11	Have relevant partners or council service areas been informed and not responded?	
12	Has the matter been referred to the complaints procedure of any agency or local authority?	
13	Is there a more complex/strategic issue at the heart of it that could not be resolved at a lower level?	
14	Have you considered whether the matter is better dealt with initially at District or County level?	
15	Is it an individual case or a wider service or policy matter?	

# Councillor Call for Action Request Form

Councillor name .....

Give a brief outline of the issue you are bringing forward as a CCfA.

Give a brief outline of the actions you have taken to resolve the issue. (Refer to Councillor checklist)

List below anyone you have been in contact with about this issue, include contact details and organisation.

Signed .....

Date .....

Please return this completed form to: Democratic Services,, Richmondshire District Council, Mercury House, Richmond, North Yorkshire DL10 4JX

Date request received by Democratic Services Officer .....

Received by .....

For official use.

## OUTCOME

## FEEDBACK



## Scrutiny of Crime & Disorder Matters

The bullet points below set out the Crime & Disorder (Overview and Scrutiny) Regulations (April 2009) and the local approach of the District, Borough and County Councils in North Yorkshire to the scrutiny of crime & disorder matters and also reflects the changes in 2012 when an elected Police and Crime Commissioner replaced Police Authorities.

- Each Local Authority will have a designated crime and disorder committee (in the case of Richmondshire Overview and Scrutiny Committee 2 (O&S2))
- O&S2 will meet to consider crime and disorder matters at least once a year. This will involve a report from the Local Delivery Team for Richmondshire (Safer Richmondshire) of the countywide North Yorkshire Community Safety Partnership (NYCSP).
- The Local Delivery Team comprises the operational managers from the responsible partners, as follows:
  - North Yorkshire County Council (Officer level only)
  - Richmondshire District Council
  - North Yorkshire Police
  - North Yorkshire Fire and Rescue Service
  - Hambleton, Richmondshire and Whitby Clinical Commissioning Group
  - North Yorkshire Probation Trust
  - Community Rehabilitative Company (when in place)

Representatives (operational managers) of other relevant organisations (for example the voluntary and community sector) may be co-opted to the Local Delivery Team, as agreed by the core membership to include (but not exclusive):

- Youth Justice Services
- Voluntary Service organisations
- Housing Associations
- Northallerton Magistrates
- Catterick Garrison
- NHW –Richmondshire area
- Age UK, North Yorkshire
- Victim Support
- Independent Domestic Abuse Services

- Scrutiny will be focused on the Local Delivery Team as a whole and if issues arise which relate specifically to a particular responsible partner organisation, it may be appropriate to refer the issue to the governing body of that organisation and the NYCSP.
- O&S2 may 'require the attendance' of an officer or employee from any of the partner organisations and will give reasonable notice to attend. Unless there is a compelling reason to do so, the committee will not require the attendance of specific officers (eg the Chief Constable or the Police and Crime Commissioner). If a named individual is required to attend, the committee will give reasons.
- When requesting information in writing, the Democratic Services Officer, will liaise with the responsible authorities, persons or bodies (as applicable) on behalf of the committee to agree when the response is required. The Democratic Services Officer will remind partner organisations that any information should be de-personalised and not include anything that might prejudice current or future legal proceedings.
- Where a final report of the Scrutiny Committee makes recommendations for the responsible authorities, persons or bodies, they must respond in writing and submit it within 28 days. If there are circumstances where adhering to this timescale is impossible, the Democratic Services Officer (on behalf of the Committee) will liaise with the partner organisation/Corporate Board to make suitable arrangements for the response as soon as it is practicable.
- Consideration of a Councillor Call for Action (CCfA) on a crime & disorder matter will be undertaken by the Scrutiny Committee at the most appropriate level. This would mean a local issue would be dealt with at district level with strategic matters being dealt with at County level.
- When an issue affects more than one district/borough and/or the County the opportunity to work collaboratively (Joint Task Groups) will be used where appropriate.
- The first point of contact for the Democratic Services Officer on crime & disorder matters will be the Council's Local Delivery Team Manager (currently under the remit of the Business and Community Manager).



## Guidance Notes for Public Sector Partners

### Introduction

The Local Government and Public Involvement in Health Bill 2007 extended the powers that local authorities have to scrutinise health services within their areas, to the activities of a number of partners, as part their wider community leadership role for the country.

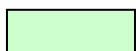
The purpose of this guide is to provide advice and develop a common understanding from how scrutiny of statutory public sector partners will operate in Richmondshire when the new powers are enacted. This guidance was drawn up during the early stages of the new arrangements and may be amended and further developed as the relationship between overview and scrutiny and public sector partners develops. The aim is for all parties to help ensure that the process of overview and scrutiny is a positive yet challenging experience. It is important that scrutiny is regarded as a critical friend from the outset and wherever possible it should be based on advanced notification and discussion of the issues it wishes to review.

### What is the role of Overview and Scrutiny?

It is a mechanism for promoting the best interests and wellbeing of the people who live, work and visit Richmondshire. The aims of Scrutiny are:

- To hold the District Council's Corporate Board to account
- To assist the District Council's Corporate Board in ensuring the continuous improvement of services in Richmondshire, with a particular focus on outcomes for the community.
- To ensure that the experience and knowledge of businesses, community groups, service providers and service users are used to develop Richmondshire's services.
- To help Richmondshire better fulfil its community leadership role by looking beyond services provided by the District Council to consider issues affecting the wider community.

## Public Sector Partners



The public sector partners outlined in the Local Government and Public Involvement in Health Act, 2007, covered by this guidance are listed below:-

- Arts Council
- The Boards Authority
- Chief Officer of Police
- County Authorities
- English Heritage
- The Environment Agency
- Health and Safety Executive
- The Highways Agency
- Fire and Rescue Authorities
- Jobcentre Plus
- Joint waste authorities
- Joint waste disposal authorities
- ~~The Learning and Skills Council in England~~ **(abolished in 2010)**
- Local Probation Boards
- Metropolitan Passenger Transport Authorities
- Museums, libraries and archives council
- Natural England
- National Park Authorities
- NHS Foundation Trusts
- NHS Health Trusts
- ~~Police Authorities~~ **(replaced in 2012 by elected Police & Crime Commissioner)**
- ~~Primary Care Trusts~~ **(replaced in 2013 by Clinical Commissioning Groups)**
- Probation Trusts and other providers of probation services
- ~~Regional Development Agencies~~ **(replaced in 2012 with Local Enterprise Partnerships)**
- Sport England
- Transport for London
- Youth Offending Teams
- Any other organisations added by an order under section 104(7) of the Act

Scrutiny of the partners in North Yorkshire will cover activities undertaken by them to deliver improvement targets for local communities. This includes the planning, provision and operation of services commissioned and provided by the partners.

Overview and Scrutiny (O&S) Committees will not inspect, audit or manage the performance of the partners in Richmondshire, although performance information may be requested by a Committee to inform a scrutiny review.

Arrangements for inspection, audit and performance management of partners will continue to be carried out by the appropriate regulatory bodies or agencies and will not be affected by the scrutiny function of the District Council. O&S Committees will not duplicate advocacy arrangements on behalf of customers, clients or other service users for the partners.

## **How do Overview and Scrutiny Committees work?**

O&S Committees collect evidence from a wide variety of sources, including:-

- Public, Private and Voluntary Sector Partners
- Questioning 'witnesses'/ experts
- Literature searches/ desk top reviews
- Undertaking surveys and utilising focus groups
- Taking written submissions from professionals, businesses and community groups.

O&S Committees perform an essential function on behalf of the people of Richmondshire in looking at policy and practice, which will often have a vital part to play in services provided to the community. It is hoped that those called to give evidence will do so in an open manner in the interests of the community that it is intended to benefit.

## **What information will I be asked to provide?**

The Government sees the extension of scrutiny powers to overview and scrutiny of partners as a way of enhancing community leadership and improving outcomes in local areas.

The work of the O&S Committees will involve a combination of maintaining an overview and developments with the district; being aware of the activities of the partner bodies and undertaking in-depth or short scrutiny reviews.

To support and enable this work, O&S Committees will require the information from the partners. The information expected by the O&S Committee will need to be of sufficient detail to enable the Committee to discharge its scrutiny duties. Some of this may include information currently covered by the Freedom of Information Act 2000. Usually a written report will be required by the Committee. This will provide a basis for discussion between representatives of the partners and members of the Committee. The Democratic Services Officer can advise you on particular information required.

Scrutiny Reviews have agreed terms of reference outlined in a scoping document. This document identifies the subject areas members of the Committee wish to pursue. These will be used to inform you of the emphasis of a particular inquiry. The Democratic Services Officer will liaise with you during the preparation of scoping document to ensure that the focus of the inquiry is relevant and the timing of it appropriate.

For convenience this guide refers to 'witnesses' and the 'giving of evidence', but does not imply that O&S Committees are like courts.

They are simply seeking information in a reasonably informal setting. Indeed many partners welcome the opportunity provided by an in-depth Scrutiny Review to inform Councillors and the public about their services performance and may find it instructive to hear how others perceive it.

O&S Committees do not have decision-making powers but are able to make recommendations to partners and other organisations as well as the District Council. O&S Committees monitor the decisions made by the District Council's Corporate Board

and Officers as well as contribute to the development of policies and scrutinise the work of the Council., partners and local NHS bodies. The Committee will continue to build its relationship with the newly established local Hambleton, Richmondshire & Whitby Clinical Commissioning Group (HRWCCG) which replaced the Primary Care Trust and monitor its work and any proposed changes that will affect the wellbeing of the residents of Richmondshire, as well as have close contact with Healthwatch (North Yorkshire) which has taken the place of the Local involvement Network (LINKs) whom this Committee had been working quite closely with for a number of years.

Scrutiny Committees have an important function in providing checks and balances on performance and decision-making and act as a critical friend to all of the above.

### **Confidentiality**

In keeping with the spirit of transparency and openness O&S Committees will often meet in public and occasionally more informally. Where confidential information has been requested by an O&S Committee, you should take all reasonable steps to anonymise this information. Where it is not possible the public will be excluded from the meeting whilst the Committee considers confidential information provided.

If you want to give some or all of your evidence in private because it is confidential, or exempt from publication please contact the Democratic Services Officer to discuss this.

### **If I am asked to attend what will Councillors ask me?**

Although matters sometimes arise at short notice, each O&S Committee has a forward work programme. Where information or attendance of a partner at an O&S Committee meeting is requested, the Democratic Services Officer will make every effort to provide a reasonable notice period. Where attendance will require the partner to produce a report, sufficient notice will be given for the preparation of that report to comply with the publication deadline of the Committee's public agenda. Partners may also be requested to attend as a witness during an inquiry in the services of another partner agency.

Some O&S Committees will prepare lists of questions in advance but partners should not expect the Committee to restrict itself to these. The Committee will have invited you along to provide them with information that will help them make evidence-based recommendations. Where information that would assist the Committee is not immediately available, you should draw the attention of the Chairman to the existence of information, or another person, which might or who may be able to answer the question posed. If you do not immediately know the answer to the question you are asked, the Chairman will be happy to receive a written response at a later date.

### **How should I prepare to be a 'witness'?**

Following these few easy steps will ensure that you use your time at the meeting to maximum effect :-

- Remember that attending an Overview and Scrutiny Committee offers a good opportunity to present your organisation's knowledge and experiences directly to District Councillors.



- Read all the papers for the Overview and Scrutiny Committee meeting you have been invited to. This will ensure that you have knowledge of the key concerns or developments being explored by the Committee.
- Be prepared to give your views candidly and openly, to contribute to the debate or discussion and to bring forward ideas and suggestions of your own.
- Recognise that Committee Members may not be experts in your area. Try to avoid jargon/professional speak when giving answers.

## Final Report and recommendations

At the conclusion of a Scrutiny Review, O&S Committees usually produce a final report. This will contain a summary of the evidence submitted and the Committee's conclusions and recommendations.

Once an O&S Committee has completed its review, it may make recommendations to the partner. The partner will then have two months to respond to any recommendations. In addition, the O&S Committee will publish and circulate its report and make it available to the public.

The O&S Committee will ask the partner to set out their response to the recommendations made, including :-

- The views of the partner; and
- Proposed action and timescales; or
- Reasons for not progressing recommendations

This response will be published by the O&S Committee and the implementation of any agreed scrutiny recommendations will be monitored within a timescale agreed with the partner.

### To get in touch about Scrutiny:

Telephone	01748 829100 Ext <b>44015/44016</b>
Email	<a href="mailto:overviewscrutiny@richmondshire.gov.uk">overviewscrutiny@richmondshire.gov.uk</a>
Post	Democratic Services (Scrutiny) Richmondshire District Council Mercury House Frenchgate Richmond North Yorkshire DL10 4JX
Visit	<a href="http://www.richmondshire.gov.uk/council-and-democracy/overview-and-scrutiny.aspx">www.richmondshire.gov.uk/council-and-democracy/overview-and-scrutiny.aspx</a>



## Consideration of Petitions

### Petitions

The Local Democracy, Economic Development and Construction Act 2009 legislates that all local authorities must have a petition scheme.

Richmondshire District Council welcomes petitions and recognises that petitions are one way in which people can let the council know their concerns. All petitions sent or presented to Richmondshire District Council will receive an acknowledgement from the Council within 10 working days of receipt.

Petitions can be in paper form and the details of all the petitions submitted to the council will be published on the council website, except in cases where this would be inappropriate.

From December 2010 the legislation states that councils must also have the facility for people to create electronic petitions which they can submit and from that date these e-petitions if received would be available for signature and would be available to be seen on the website.

When an e-petition has closed for signature, it will automatically be submitted to the Head of Democratic Services. In the same way as a paper petition, e-petitions can be presented to a meeting of the Council of which there are 5 a year.

Petitions can be on any subject of local community interest and not just matters limited to the Council's specific powers however there are some limitations on what can and cannot be considered.

Anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response.

The council can respond to petitions in a number of ways depending on what the petition asks for and how many people have signed it.

Find out more information on the Petitions Scheme at Richmondshire District Council through the council website:  
[http://www.richmondshire.gov.uk/council-and-democracy/petitions scheme](http://www.richmondshire.gov.uk/council-and-democracy/petitions%20scheme).

**When a petition has been presented, if the Council has not found it possible to take the action requested in the petition, this is how Scrutiny gets involved?**

1. If the petition contains more than 50 signatures but less than 250, a relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee.

The Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant Councillor to attend the meeting.

Committee Members will ask the questions at this meeting, but people would be able to suggest questions to the Chair of the Committee by contacting the Senior Democratic Services Officer up to three working days before the meeting.

2. For petitions over the size of 250, if the petitioner feels that the petition has not been dealt with properly the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to the petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine that the Council have not dealt with your petition adequately it may use any of its powers to deal with the matter. These powers include instigating an investigation, and arranging for the matter to be considered at a meeting of the Full Council.

Once the review has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the Council website.



## Joint Scrutiny Task Groups

In order to assist the running of any joint scrutiny task groups:

- The Council O&S Committee that establishes the joint task group will retain 'ownership' of the scrutiny review, therefore, on completion of the review, the Task Group will present a final report to the Committee.
- The originating O&S Committee will present the report and any recommendations to the responsible authorities, persons or bodies.
- The Chairmanship of the Task Group will be taken from the originating O&S Committee.
- The support and resources for the Task Group would ordinarily remain with the originating authority but with the scope to share the workload between Democratic Services Officers where appropriate.
- There will be a process of nomination for representation on the Task Group from other authorities. The nominees will claim any expenses they incur from their own authority.
- The Task Group meetings are informal and any decisions will take account of the opinions of the membership.
- Agreement by consensus will be encouraged rather than 'taking a vote' however, if no consensus can be reached a minority report will be prepared and also presented to the originating Committee.

### Joint Committees

Once the necessary Regulation is passed, two or more Councils may agree to set up a joint committee to scrutinise a particular issue. As the Regulation and Government guidance on the arrangements for joint committees are still awaited, this section will be completed when they are received.



# Guidance for Co-optees on Scrutiny Committee Review Groups and Task Groups

Co-optees can be appointed to an Overview and Scrutiny Committee for 2 main reasons:

1. A co-optee may be appointed to an Overview and Scrutiny Committee Review or Task Group for a time-limited period, in a non-voting capacity, to assist the committee with a particular piece of work, after which they are no longer a co-optee.
2. A co-optee may be appointed to an Overview and Scrutiny Committee, in a non-voting capacity, to work alongside the Committee in whatever work they are undertaking with no time limit restrictions.

Becoming a co-optee is a position of trust and responsibility. You have access to the same information as Councillors and can fully contribute to discussions, questioning and making recommendations.

Richmondshire District Council recognises the valuable contribution that co-optees can make to the scrutiny process.

Outlined below is further information about the role, the expectations of co-optees and the skills and qualities required.

## 1. Key Roles

- To act as an independent voice for those who live and/or work in the District of Richmondshire.
- To bring specialist knowledge and skills to the Overview and Scrutiny process and/or to bring an element challenge by representing the public
- To take an interest in, attend and contribute to the task group which you are appointed
- To establish good relations with members, officer and other co-optees
- To observe the same standards of conduct expected of Members of the Council as detailed in the General Obligations of the Members' Code of Conduct (see Appendix 1)
- At all times seek to promote awareness, understanding and interest in the work of overview and scrutiny.

## 2. What Specifically will you be expected to do?

- Attend meetings of the task group to which you have been appointed
- Prepare for each meeting by reading the background papers and any additional information to familiarise yourself with the issue under scrutiny
- At the meetings you will need to listen carefully, ask questions in a way which is non-judgemental, respect confidentiality and help the task group to make practical and constructive suggestions for improvements in the service.
- Assist in the preparation of reports and the formulation of recommendations, bearing in mind that information is provided to you in confidence upto the point that the task group determine to publish the report (for more details about disclose of confidential information see Point 5 in the Appendix)

## 3. Person Specification- what skills and qualities do you need?

Co-optees should possess some of the following skills:

- A keen and genuine interest in achieving improvements in public services for local people
- The ability to work effectively within a team
- The ability to communicate effectively and build good relations with members and officers
- A respect for confidentiality
- The ability to deal with issues of a sensitive nature in a diplomatic manner
- To respect the views of others and consider issues in a fair and non-judgemental way
- The ability to problem solve and look for innovative new ways of working that will achieve improvements in services
- An awareness of the key priorities for the District and the range of agencies involved in providing services to local people, including the private and voluntary sector

### To get in touch about Scrutiny:

Telephone 01748 829100 Ext **44015/44016**  
Email [overviewscrutiny@richmondshire.gov.uk](mailto:overviewscrutiny@richmondshire.gov.uk)  
Post Scrutiny Office  
Richmondshire District Council  
Mercury House  
Frenchgate  
Richmond  
North Yorkshire DL10 4JX  
Visit [www.richmondshire.gov.uk/council-and-democracy/overview-and-scrutiny.aspx](http://www.richmondshire.gov.uk/council-and-democracy/overview-and-scrutiny.aspx)

## MEMBERS' CODE OF CONDUCT

This Code sets out the standards of behaviour required of you whenever you are acting as a Councillor of Richmondshire District Council. This Code also applies to any person appointed as a co-opted member with voting rights on any Committee of the District Council.

You must sign an Undertaking to comply with this Code of Conduct before acting as a Councillor or voting co-opted Member.

The Code has been adopted by the District Council and also requires compliance with the general principles of public life set out at the end of the document. The Council has established an Audit, Governance and Standards Committee, consisting of Members of the Council, to deal with any allegations of breaches of the Code.

1. You must not treat others with disrespect.
2. You must not do anything which may cause the District Council to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Authority, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
  - You have the permission of a person authorised to give it; or
  - You are required by law to disclose the information; or
  - You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Council to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Head of Paid Service.

6. You must not prevent another person gaining access to information which that person is entitled to by law.

7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council into disrepute, or your position as a District Councillor into disrepute.

8. You must not use your position as a District Councillor improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.

9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process. For the purposes of this paragraph you do not ‘take part’ in a scrutiny process if you simply offer evidence or opinion to the scrutiny body and do not participate in its decision.

10. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Council, or upon yourself as a District Councillor, If you do accept any gift or hospitality which might be attributable to your membership of the Council (other than the refreshments which might usually be expected at a Council meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.

11. You must act in accordance with the Council’s guidance or requirements when using the resources of the Council (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.

12. You must have regard to relevant advice given by the Council’s Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Council.

### **Disclosable Pecuniary Interests**

13. Subject to paragraph 15 you must register in the Council’s Register of Members’ interests information regarding your personal interests within 28 days of becoming a Member or co-opted Member or within 28 days of becoming aware of any change to the details you have already registered. In this Code of Conduct “your personal interests” means any disclosable pecuniary interest as defined by statutory regulations in force from time to time as set out in Appendix 1.

14. You must register information regarding your personal interests by giving written notice to the Monitoring Officer who maintains the Register and you must give such notice by using the form supplied by the Democratic Services Team.

15. Where you consider that disclosure of the details of any of your disclosable pecuniary interests could lead to you or a person connected with you being subject to violence or intimidation you may so inform the Monitoring Officer and if the Monitoring Officer agrees a note will be made in the Register to the effect that you have a disclosable pecuniary interest details of which are withheld



under Section 32 of the Localism Act 2011.

16. You must comply with any Standing Order or Procedure Rules adopted by the Council which requires a Member to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

17. You should be aware that any failure to register a disclosable pecuniary interest, failure to disclose such an interest at a meeting or participation at a meeting where such an interest has been disclosed are potentially criminal offences as set out in Appendix 2

### **Non Pecuniary Interests**

18. In addition to the requirements of Paragraphs 13 - 17, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent

19. You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –

(a) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected, or

(b) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

### **Definition of Meeting**

“Meeting” means any meeting organised by or on behalf of the authority, including –

- 1) any meeting of the Council, or a Committee or Sub-Committee of Council
- 2) in taking a decision as a Ward Councillor
- 3) at any briefing by officers; and
- 4) at any site visit to do with business of the authority

## DISCLOSABLE PECUNIARY INTERESTS

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

### SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

For these purposes:-

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act (the corresponding provisions in this Code are paragraphs 15(1) and 16(6));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act namely:

- ❖ M’s spouse or civil partner;
- ❖ a person with whom M is living as husband and wife; or
- ❖ a person with whom M is living as if they were civil partners;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## OFFENCES

(1) You commit a criminal offence if, without reasonable excuse, you:-

- a) fail to notify the Monitoring Officer of any disclosable pecuniary interests within 28 days of becoming a Member
- b) fail to disclose a disclosable pecuniary interest at a meeting even if it is not entered on the Council's register
- c) fail to notify the Monitoring Officer of any disclosable interest not on the register (which is not the subject of a pending notification) within 28 days of the disclosure
- d) participate in any discussion or vote at a meeting where you have disclosed a pecuniary interest unless you have a dispensation
- e) provide information relating to disclosable pecuniary interests that is false or misleading or if you are reckless as to whether the information is true and not misleading

(2) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**