



<b>Challenge and Improvement Committee</b>
<b>27 June 2017</b>

<b>Subject: Challenge and Improvement Committee Operating Methodology for 2017/18</b>
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Report by:	Mark Sturgess
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Purpose / Summary:	To: <ol style="list-style-type: none"> <li>1) Set the role of the committee when undertaking reviews</li> <li>2) Set out important considerations with regards to scrutiny and conduct</li> <li>3) Provide criteria for reviews and related processes</li> </ol>

**RECOMMENDATION(S):**

1. Members approve the proposed Operating Methodology for 2017/18 set out in the report
2. Members agree to review the operation of the Challenge and Improvement Committee (Overview and Scrutiny) utilising expertise external to the council and taking advantage of national best practice.

**IMPLICATIONS**

**Legal: None**

**Financial :**

**Staffing : None**

**Equality and Diversity including Human Rights : Not applicable**

**Risk Assessment : Not applicable**

**Climate Related Risks and Opportunities : Not applicable**

**Title and Location of any Background Papers used in the preparation of this report:**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

**i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)**    **Yes**                       **No**

**Key Decision:**

**A matter which affects two or more wards, or has significant financial implications**    **Yes**                       **No**

## 1. Background

- 1.1 In October 2014 the Challenge and Improvement Committee agreed a methodology for the first time.
- 1.2 The methodology set out criteria for when any item would be called in for scrutiny either as an ongoing project, poor performance or for pre-scrutiny.
- 1.3 The approach has worked well and allowed the Committee to invite organisations that provide services within the District for discussions around issues of concern for members.
- 1.4 Whilst these sessions have been considered successful they have not led to any recommendations to policy committees for changes to WLDC strategy or approach.
- 1.5 This report makes two recommendation that this approach is revised for 2017/18 municipal year to clarify the role of the Committee so that it has four main objectives:
1. To be able to scrutinise poor performance where ever it might be occurring within the Council – either a service or a project.
  2. To be able to call reports into the Committee for pre-decision scrutiny.
  3. To exercise part of the Council’s role as “community leader” by scrutinising the work of other organisations or agencies which deliver services to the people of the District.
  4. To act as a scrutinising committee for those decisions which have been taken by a policy committee and have been “called in” by members in accordance with the procedure outlined in the Council’s Constitution.
- 1.6 The above represents a summary of the main areas of work of the Council. A full account of the Committee’s responsibilities and functions are set out in part IV of the Constitution. They are also explained in more detail below.

## 2. Current Committee Functions

Work Area	Timing	Purpose	Source
1. Performance Management	After Policy Committees have considered performance and rectifications proposed	Scrutinise performance including any rectifications	Function 10. To maintain under review the arrangements for the performance

<b>Work Area</b>	<b>Timing</b>	<b>Purpose</b>	<b>Source</b>
		agreed by policy committees	monitoring of Council services;
<b>2. Policy or Performance Reviews</b>	Before a policy decision is made	Support the research and stakeholder analysis for proposed decisions.	By Request of another committee / proposal to establish a working group
<b>2b Policy / Performance or Service Reviews</b>	<p>Before a policy decision is made.</p> <p>To Aide this process at each meeting of the Committee they receive the full forward plan of all the Authority's business</p>	To identify any report which the Committee feels is likely to benefit from pre-scrutiny of the proposed decisions prior to those decisions being made	Article 7 – to consider the Forward Plan and comment as appropriate to the decision maker on proposed decisions which relate to services within their remit (before they are taken by the appropriate Policy Committee
<b>2c. Policy or Performance Reviews</b>	<p>After a policy decision is made (within five days of minutes publication) - Call In (see appendix 2 for the process)</p> <p>The traditional call in process</p>	To inform the relevant policy committee that, in the view of the Challenge and Improvement Committee, the evidence suggests that the policy committee(s) did not take the decision in accordance with the principles set out in Article 12.	Function 7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;
<b>3. Service and Budget Plans</b>	Prior to Policy Committee Approval	To provide pre scrutiny to service and budget plans	Function 8. To comment on the proposed annual service and budget plans for all council services before final approval by the Policy and Resources

Work Area	Timing	Purpose	Source
			Committee and Council;
<b>4. Work of other public bodies operating within its area</b>	Before decisions are taken	To understand the priorities and plans of public bodies operating within the district.	Function 9. To take an overview of the policies, forward plans and related authorities of all public bodies and agencies as they affect the council's area or its inhabitants;
<b>5. Police and Justice Act 2006</b>			Function 11. To discharge the statutory functions arising under section 19 of the Police and Justice Act 2006 relating to issues of crime and disorder and to develop and implement such procedures, protocols and criteria as deemed by the committee to be appropriate.
<b>6. Oversight Commissions</b>	Before decisions are taken	To support the work of the Policy Committees	Function 2. To conduct reviews of policy, services or aspects of service referred by a Policy Committee (or Council)

### 3. Adopted Operating Methodology

3.1 The following table sets out how the Committee fulfils each of the above functions.

Work Area	Timing	Purpose
<b>1. Performance Management</b>	After at least two consecutive periods of missed targets and appropriate time for committee action to have been implemented	Scrutinise performance including any rectifications agreed by policy committees  Process A in the appendix refers

<b>2. Policy or Performance Reviews</b>	Part way through project delivery and there are concerns the relevant committee are not taking appropriate action to deal with excessive delays to delivery or increases above budgeted costs	To review delivery to ensure that the project is delivering the desired objectives. <b>Please Note: Project delivery would not stop during the review.</b>  <b>Process B in the appendix refers</b>
<b>2. Policy or Performance Reviews</b>	After delivery	To review a project post-delivery to identify the benefits delivered against the original business case.  Process C in the appendix refers
<b>2 Policy / Performance or Service Reviews</b>	Before a decision is made	To identify any report from the Forward Plan which the Committee feels is likely to benefit from pre-scrutiny of the proposed decisions prior to those decisions being made  Process D in the appendix refers
<b>3. Service and Budget Plans</b>	Annually prior to budget / service plans being submitted to the Policy Committee	For the Committee to understand and agree the assumptions which will be made in preparing the next MTFP.
<b>4. Work of other public bodies operating within its area</b>	As and when the Committee resolves to invite a public body to attend  Further information as to how these Sessions will operate is included in Section 4 Below	To understand the priorities and plans of public bodies operating within the district.  And if appropriate make recommendations on to the relevant policy committee regarding its findings
<b>5. Police and Justice Act 2006</b>	Twice per year by means of a presentation from the Chief Inspector and his attendance at Committee	-
<b>6. Oversight Commissions</b>	Further information as to how these Sessions will operate is included in Section 5 Below	To Support the work of the Policy Committees

3.2 Proposed processes are outlined at appendix 1 and flow charts for each process are attached at Appendix 3

#### **4. External Bodies**

4.1 The Committee has had details of organisations or agencies external to the Council that deliver activities/services to people of the District.

4.2 To fulfil function area 4 above, the Committee will invite these organisations or agencies to make presentations to the Committee on how their work affects the people of the District. This will provide an opportunity for committee members to gain greater understanding of the policies, strategies and activities of those organisations and agencies and how their work supports the people of the District.

4.3 It is important that in undertaking this role members should have regard to how the Council already influences the work of these organisations or agencies through, for instance, being represented on its board. It should also be recognised that this Council cannot compel any representative of an organisation or agency operating in the District to attend a meeting of the Committee. Attendance should be on the basis of how the Council and the organisation or agency can work together to get a better outcome for the people of the District.

4.4 With this in mind it is proposed that the Committee apply the following criteria to inviting external bodies to its meetings:

- Selection of appropriate bodies is made by the Committee on the basis of current issues or new developments within service areas.
- That prior to an organisation attending, the committee receives a briefing paper from the appropriate officer/officers within the Council on current activity, collaboration and partnerships within that area of activity.
- The invite to attend is sent with a clear explanation of the reason for the invite and the questions members are seeking to answer. (it is proposed that there should be no more than five questions set out in each invite)
- Each session with an external body should be timetabled for no more than one hour. If it is considered that a longer session is required then arrangement should be made outside the normal meeting arrangements.
- To manage the time commitment of the Committee no more than two bodies should be invited in any one year.

#### **5. Oversight Commissions**

- 5.1 Part of the role of the Challenge and Improvement Committee is to provide support to the two policy committees by holding commissions on specific areas as requested by those committees.
- 5.2 This would require the Prosperous Communities Committee and/or the Corporate Policy and Resources Committee to agree the purpose, scope and terms of reference of a commission and make a formal request via the Chair of Challenge and Improvement that a commission is established to investigate in detail a particular issue from a national, regional, sub-regional and local perspective.
- 5.3 The proposed report and terms of reference for a commission should be agreed with the Chair of Challenge and Improvement Committee prior to being submitted to the commissioning policy committee for agreement.'
- 5.4 In undertaking such a commission, the Challenge and Improvement Committee may hold inquiries and investigate options for future direction in policy development. They may appoint advisers and assessors to assist in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, as specified in the Constitutional operating procedures.
- 5.4 If a budget is required this will need to be agreed by the commissioning Committee.
- 5.5 The Challenge and Improvement Committee will report back their findings to the Commissioning Policy Committee.
- 5.6 It is also open to the Committee, as part of setting its work programme to decide the forward plan at the start of the municipal year to decide, after consultation with its members, that it needs to commission work into a specific area as a result of member concerns.
- 5.7 This year as a result of member concerns around the delivery of services in the rural areas of the District the main commission will examine how the rural public realm is preserved and enhanced through the organisations and agencies responsible for delivering services throughout the District. This will be agreed as part of the work plan, set out in the forward plan, for the Committee at this meeting with detailed terms of reference and a programme of work being brought forward once this is agreed.

## **6. Membership and interests**

- 6.1 For clarity, the constitution states:
- 6.2 All councillors with the exception of the Chairman, Leader of the Council, Deputy Leader of the Council, Leader of the Opposition and a policy committee chairman or vice-chairman may be members of the Challenge and Improvement Committee.

However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

- 6.3 A member must, if he/she is involved in the consideration of a matter at a meeting of the Challenge and Improvement Committee or a sub-committee of that Committee, regard himself/herself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the Council's committees or sub-committees; or joint committees or joint sub-committees of which he/she may also be a member and took part in that decision making.

## **7 Conduct**

- 7.1 The constitution also states with regards to conduct:

*“The guiding principle for the work of scrutiny (Challenge and Improvement) is that it should be consensual and positive. The emphasis of the work should be on making an active and positive contribution to the development of policy and the discharge of the Council’s functions and roles. This is best achieved by an inclusive process covering members, partners, service users and employees.”*

### **Constitution of WLDC – Article 7 – Overview and Scrutiny**

- 7.2 The Challenge and Improvement Committee may invite people to address it, discuss issues of local concern and/or answer questions on issues within the remit of the committee. The committee may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.
- 7.3 Where the Challenge and Improvement Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

(a) that the investigation be conducted fairly and all members of the Committee given the opportunity to ask questions of attendees, to contribute and speak;

(b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and

(c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

## **8. Review 2017/18 (Recommendation)**

- 8.1 Challenge and Improvement (Overview and Scrutiny) is an activity that most fourth option councils (those without a cabinet) have struggled with.
- 8.2 In the past the council has received advice and guidance from the Local Government Association (LGA) about how best to establish and operate an

effective overview and scrutiny function. It is recommended that the committee revisits this advice and guidance and invites the LGA back to the council to offer additional training on overview and scrutiny work and the operation of the Committee. This will help make the Committee more effective and the Council decision making more robust.

**Appendix 1 to report CAI.07 16 – Proposed Criteria and Processes for new methodology**

<b>Work Area</b>	<b>1. Performance Management – PROCESS A</b>
<b>Timing</b>	1.2 After two consecutive periods of missed targets
<b>Purpose</b>	To scrutinise the reasons for off track performance and the adequacy of rectifications (Service Performance Review)
<b>Criteria</b>	<ol style="list-style-type: none"> <li>1. The performance must have been off track for at least two consecutive reporting periods,</li> <li>2. The actions of the appropriate committee have been implemented and given time to adjust performance</li> <li>3. Four members on the Challenge and Improvement Committee wish to request a Service Performance Review with a view to identifying the reasons for off track performance and the rectifications proposed</li> <li>4. No More than four Service Performance Reviews may be called with in a municipal year.</li> <li>5. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>
<b>Process</b>	<p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Service Performance Review with a view to identifying the reasons for off track performance and the rectifications proposed</p> <ol style="list-style-type: none"> <li>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</li> <li>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</li> <li>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations.</li> <li>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Service Performance Review Report is considered.</li> <li>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Service Performance Review, the decision shall be referred to Council.</li> </ol>

<b>Work Area</b>	<b>2. Policy or Performance Reviews – PROCESS B</b>
<b>Timing</b>	2.3 Part way through project delivery (Gateway Review) and there are concerns the relevant committee is not taking appropriate action. <b>Please Note: Project delivery would not stop during the review.</b>
<b>Purpose</b>	To review delivery to ensure that a project is delivering the desired objectives
<b>Criteria</b>	<ol style="list-style-type: none"> <li>1. Four members on the Challenge and Improvement Committee wish to request a Gateway Review with a view to confirming that delivery is achieving the desired objectives and outcomes:</li> <li>2. Only one Gateway Review per project may be called by the Challenge and Improvement Committee although additional reviews may be undertaken if requested by the relevant policy committee.</li> <li>3. No More than four Gateway Reviews may be called with in a municipal year.</li> <li>4. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>
<b>Process</b>	<p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Gateway Review with a view to confirming that delivery is achieving the desired objectives and outcomes:</p> <ol style="list-style-type: none"> <li>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</li> <li>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</li> <li>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations.</li> <li>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Gateway Review Report is considered.</li> <li>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Gateway Review, the decision shall be referred to Council.</li> </ol>

<b>Work Area</b>	<b>2. Policy or Performance Reviews – PROCESS C</b>
<b>Timing</b>	2.4 After delivery (Benefits Realisation Review)
<b>Purpose</b>	To review a project post-delivery to identify the benefits delivered against the original business case.
<b>Criteria</b>	<ol style="list-style-type: none"> <li>1. Four members on the Challenge and Improvement Committee wish to request a Benefits Realisation Review with a view to confirming that delivery has achieved the desired objectives and outcomes</li> <li>2. Only one Benefits Realisation Review per project may be called by the Challenge and Improvement Committee.</li> <li>3. No More than four Benefits Realisation Reviews may be called with in a municipal year.</li> <li>4. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>
<b>Process</b>	<p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Benefits Realisation Review with a view to confirming that delivery has achieved the desired objectives and outcomes:</p> <ol style="list-style-type: none"> <li>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</li> <li>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</li> <li>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations.</li> <li>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Benefits Realisation Review Report is considered.</li> <li>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Benefits Realisation Review, the decision shall be referred to Council.</li> </ol>

<b>Work Area</b>	<b>2. Policy or Performance Reviews – PROCESS D</b>
<b>Timing</b>	One cycle before a Policy Committee decision is taken
<b>Purpose</b>	To consider a report identified from the Forward Plan which the Committee feels is likely to benefit from pre-scrutiny of the proposed decisions prior to those decisions being made. These could be items that are politically sensitive for example or of high public interest
<b>Criteria</b>	<ol style="list-style-type: none"> <li>1. By Proposer, seconder and majority vote an item can be selected from the Forward Plan</li> <li>2. No More than four Reviews using this process can be undertaken with in a municipal year.</li> <li>3. The Committee cannot dictate the timeline for this decision or prevent the decision being submitted to the relevant Policy Committee within the timeframes agreed by Policy Committees</li> <li>4. A Decision given pre-scrutiny under this process can then not be called in using the traditional call process.</li> <li>5. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>
<b>Process</b>	<p>The procedure is as follows –</p> <p>The Committee at each meeting will receive the Forward Plan outlining all of the business for the Authority .</p> <p>By proposing, seconding and then by majority vote the Committee can select to see an item before it is submitted to the relevant Policy Committee</p> <p>The C and I Committee will receive the exact report which is due to be submitted to the Policy Committee , 1 cycle prior.</p> <p>The C and I Committee will make recommendations to/ raise concerns with the Policy Committee on areas where it feels further work or evidence is required to support the proposed decision.</p> <p>Following such a recommendation, the responsible report author will work with the Chairman and lead Members of the C and I Committee to revise the report where considered appropriate to address the recommendations made / concerns raised.</p> <p>The revised report together with the Minute from the C and I Committee and the original report will be submitted to the Policy Committee within the original specified timeframe, agreed by the Policy Committee.</p>

## Appendix 2 – Traditional Call in Process

<b>Work Area</b>	<b>2. Policy or Performance Reviews</b>
<b>Timing</b>	2.2 After a policy decision is made (within five days of minutes publication) - Call In
<b>Purpose</b>	To inform the relevant policy committee that, in the view of the Challenge and Improvement Committee, the evidence suggests that the policy committee(s) did not take the decision in accordance with the principles set out in Article 12.
<b>Source</b>	Function 7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;
<b>Criteria</b>	<ol style="list-style-type: none"> <li>1. Four members on the Challenge and Improvement Committee wish to call in a decision with a view to requesting that the relevant policy committee reconsiders the decision,</li> <li>2. This must be done within five working days of publication of the decision, provided the issue in question has not been recorded as urgent.</li> <li>3. Where a matter is to be referred to another committee, call-in only applies after the matter has been considered by that other committee.</li> <li>4. Call-in does not apply to recommendations to Council nor to Council decisions themselves.</li> <li>5. The call-in procedure shall not apply where the decision being taken by the policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest.</li> <li>6. Urgency in this context goes further than the urgency provisions contained in the Local Government (Access to Information) Act 1985 relating to late reports. A report may well have been submitted to the relevant committee in good time but the implementation of the decision is nevertheless considered urgent.</li> </ol>
<b>Process</b>	<p>Within five working days of the publication of the minutes:</p> <ol style="list-style-type: none"> <li>1. Identify four members on the Challenge and Improvement Committee who support the proposal to call-in the decision</li> <li>2. Draft the request to call in a decision in writing setting out: <ol style="list-style-type: none"> <li>a. the resolution to be considered,</li> <li>b. the reason(s) why the decision should be reconsidered</li> </ol> </li> <li>3. Get all four members to sign</li> <li>4. Send the notice to the Chief Executive no later than 5pm on the fifth working day following publication of the decision.</li> <li>5. The Call-in will be considered at the next meeting of the Challenge and</li> </ol>

Improvement Committee (unless the agenda for that meeting has already been published).

6. After considering the decision the Challenge and Improvement Committee may:

- (i) refer back to the relevant policy committee for further consideration, setting out in writing its recommendations; or
- (ii) not refer back to the relevant policy committee and the decision shall take effect on the date of the overview and scrutiny meeting.

7. The Chairman of the committee whose decision has been called in shall be invited to the Challenge and Improvement Committee meeting when the item is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the called-in item goes back for consideration.

8. Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee on a called-in decision, the decision shall be referred to Council.