



# SCRUTINY

---

**Scrutineyes and Scrutinears**

*Epping Forest District Council*  
[www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk)

a guide for  
**Officers, Members and the General Public**



# OVERVIEW &

## Contents

Introduction and contacts	3
What is Overview and Scrutiny?	3
What does the Overview and Scrutiny Committee Do?	4
What do the Scrutiny Panels do?	4
How does Overview and Scrutiny work?	
● Work programme	5
● Planning the work	5
● Collecting evidence	6
● Written evidence	6
● Oral evidence	6
● Site visits	6
Conduct of meetings	
● Style	6
● Chairmanship	6
● Contributions	7
After an Investigation	7
Checklist for Overview and Scrutiny	7
Checklist for Contributions to Overview and Scrutiny	8

# & SCRUTINY

## Introduction and Contacts

The Local Government Act 2000 requires Councils to set up new structures to replace the old committee system. This includes developing Overview and Scrutiny Committees that are able to hold the Cabinet to account and to help in developing new policies.

The aims of this leaflet are to act as a guide to all who may be involved with the overview and scrutiny process at Epping Forest District Council, be they Members, officers or representatives of partner organisations, and to provide an explanation of the process for the general public.

Further information can be obtained from the District Council's Scrutiny Officer or other members of the Research and Democratic Services Team by e-mailing [scrutiny@eppingforestdc.gov.uk](mailto:scrutiny@eppingforestdc.gov.uk) or by phoning the team on one of the following numbers:

**01992 564607**  
(Scrutiny Officer)

**01992 564244**  
(Democratic Services Manager)

**01992 564249**  
(Senior Research and Democratic Services Officer)

or in writing at the following address:

Scrutiny Officer  
Epping Forest District Council  
Research and Democratic Services  
Civic Offices  
High Street  
Epping  
Essex  
CM16 4BZ

## What is Overview and Scrutiny?

Following the Local Government Act of 2000, as part of the modernisation of the way it is managed, the District Council established a Cabinet system to manage the Council's business. A Council Leader plus eight other cabinet members (known as Portfolio Holders) are directly accountable for all the services provided by the Council.

In addition to the Cabinet, an Overview and Scrutiny process was set up. This process has been enhanced following a recent review and now consists of the main Overview and Scrutiny Committee and a number of Panels which investigate matters in depth and report their findings to the Committee.

The Overview and Scrutiny Committee and Panels consider and, where necessary, question decisions made by the Cabinet. They monitor the way services are provided and make recommendations on whether new policies or changes to existing policies are needed. Issues of public concern are considered and changes to improve matters are recommended. Put simply they have been set up to look at the way the Council does its work and, where considered appropriate, make suggestions for improvement.

Members of Overview and Scrutiny Committee identify issues of concern to the residents of Epping Forest District and, where the Committee agrees, instigate a scrutiny investigation. At the heart of all the work is consideration of what impact the Cabinet's plans will have on the local community. However, the overview and scrutiny function is not meant to be confrontational or seen as deliberately set up to form an 'opposition' to the Cabinet. Rather, the two aspects should be regarded as 'different sides of

# OVERVIEW &

the same coin'. The two should complement one another and work in tandem to contribute to the development of the authority.

## **What does the Overview and Scrutiny Committee do?**

The Council appoints the Overview and Scrutiny Committee consisting of 11 Councillors at its Annual Meeting in May each year. Because the Committee reviews decisions made by the Cabinet, the Councillors appointed to the Committee cannot be Cabinet Members as this might amount to a 'conflict of interest'. The Councillors appointed to the Committee are selected from amongst the 49 Councillors not on the Cabinet.

The responsibilities of the Committee include the following:

- Questioning the Cabinet, other Committees and officers about their decisions and performance either generally or in relation to particular initiatives or projects
- Monitoring and scrutinising the Council's performance including finance, and making recommendations in relation to annual capital and revenue guidelines, bids and submissions
- Scrutiny of decisions made by the Cabinet referred to the Committee under the call-in procedure
- Review and scrutiny of the performance of other public bodies active in the District and requesting them to address the Committee and local people about their activities and performance

- Ensuring that the decisions of the Cabinet accord with the Council's policies and budget
- Review of the Council's plans and strategies
- Receipt of reports on Service Business Plans as requested by Members
- Monitoring the effectiveness of the call-in procedure and making recommendations for its improvement
- Receipt of reports on the implications of Government consultation documents
- Monitoring and scrutiny of the Forward Plan
- Receipt of presentations from the Leader and other Portfolio Holders outlining their plans for each Council year

## **What do the Scrutiny Panels do?**

There are two types of Panel. These are, namely, Standing Panels and 'Task and Finish' Panels. Both types are set up by and responsible to the Overview and Scrutiny Committee, which also sets their terms of reference. Both types of Panel are required to regularly report to the Committee on progress with the work they are carrying out.

Standing Panels cover issues of a recurring or cyclical nature requiring a long-term involvement by Members. The membership on Standing Panels and the number of Councillors appointed to them may vary to reflect the need for cross party representation and to achieve the agreed work programme. Although they have no powers to make decisions (unless granted delegated powers by the

# & SCRUTINY

Overview and Scrutiny Committee), they can put forward recommendations for consideration. The Overview and Scrutiny Committee reviews the need for the continuation of Standing Panels prior to the end of the Council year.

"Task and Finish" Panels are set up to deal with ad hoc projects, particularly matters requiring in-depth review. They cover activities which are issue-based, are time-limited and non-cyclical. To provide additional flexibility, there is no restriction on the number of Members and co-option can be used in appropriate instances. The outcome of their work is a report summarising their findings and an action plan including suggestions for improvement where deemed appropriate.

## How does Overview and Scrutiny work?

### Work Programme

The Overview and Scrutiny Committee puts together an annual programme of work that is presented to the Council. The programme contains a mixture of projects, some of which require an overview to be kept of an area of the Council's activity (e.g. monitoring the progress of a major statutory plan), some of which scrutinise a particular policy or area of work (e.g. the Council housing waiting list policy or the way the Council works with external partners) and other parts which deal with issues which may be particularly topical or pressing (e.g. development in the green belt).

In determining which of the Council's activities should be reviewed as part of the programme the Committee will have regard to what is known as the 'PICK' System when setting its priorities. The 'PICK' System is a recognised methodology used in prioritisation which takes account of the following factors.

**Public Interest:** the concerns of local people should influence the issues chosen;

**Impact:** issues which make the biggest difference to the social, economic and environmental wellbeing of the district;

**Council Performance:** areas in which the Council and other agencies are not performing well;

**Keep in Context:** need to avoid duplication and wasted effort in identifying issues.

The programme may also review the way that outside bodies deal with issues of relevance to Epping Forest District residents, e.g. the way that the Environment Agency works with the Council to combat flooding or the County Council's handling of highways matters.

In addition to the agreed work programme, any Member is able to request that a particular issue is looked at if they feel it warrants examination. The Overview and Scrutiny Committee will then decide whether, taking account of current priorities and resources, the matter should be investigated. Topics can be added to or removed from the work programme as priorities change.

### Planning the work

Whilst each review may be approached in a different way as appropriate, generally they will follow this framework:

- Identify the key reasons for doing the review
- Spell out what the review is expected to achieve
- Agree measures for identifying a successful outcome for the review
- Identify constraints

# OVERVIEW &

- Specify how evidence will be gathered. For example:
- Officers/Members/external contributors/"experts" etc may be invited in to the Panel
- Site visits can take place
- Questionnaires could be used
- Comparisons may be made with other local authorities
- Documentary sources can be used
- Agree what consultation will be undertaken (workshops, focus groups, public meetings, questionnaires, etc.)
- Evaluate any resource requirements
- Set a timetable for completion
- Notify the appropriate Cabinet Member and lead officer of a review's start date and anticipated completion date

## Collecting evidence

Panels can collect evidence in a variety of ways, for example:

**Written evidence:** This may be gathered from a wide variety of people, one source being the general public. At the very start of a review, notice should be given in the local press of the project that is to be undertaken and a request made for the public to write or e-mail with their views. Other written evidence could be obtained from partner bodies and other external sources as necessary. Requests for evidence should allow reasonable time for a full and informed response to be made. Consideration should also be given to whether other ways of collecting evidence may be appropriate. For instance:

**Oral evidence:** This is often a more useful way to gather information as it enables questions to be asked and clarification sought. Panels have the power to require Cabinet Members and officers to appear before them and can invite any other people to appear who may be able to help them with their research. It will generally be helpful to combine such oral

evidence with a written brief that Members can study in advance of the meeting. This assists Members in identifying questions they wish to ask and makes for a more productive meeting. Oral evidence can also be gathered by:

**Site visits:** If Panel members wish to get information about specific aspects of an area of work under review it is often beneficial to talk to the people who are actually doing a job or are recipients of a service. Panel members may therefore wish to undertake site visits to see at first hand what is happening and to talk to the people concerned.

## Conduct of Meetings

**Style:** Meetings of the Overview and Scrutiny Committee are open to the public unless confidential matters are being discussed. To facilitate in depth review of issues and speed of decision-making, Panel meetings are conducted in private. Both the Committee and Panel meetings are less formal than old style committee meetings, with considerable discussion between officers and Members. Both officers and Members should see the process as a partnership. Members are expected to ask probing questions to get the information they need. Officers are expected to respond openly. They should not limit themselves to just answering questions but provide any further information they feel would be useful.

**Chairmanship:** Because of the relative informality of the meetings and the evidence gathering nature of much of the discussion, chairing the meeting involves different skills from those required by traditional committee meetings. The Chairman should ensure all Members are clear about the purpose of the meeting, are given the opportunity to follow a line of questioning (via a number of supplementary questions if necessary),

# & SCRUTINY

are clear about what the meeting has achieved and agree the next steps.

**Contributors:** A wide range of people may be asked to contribute to an investigation. They could be asked to provide written or oral evidence or a combination of both. Representatives from other organisations may be invited to attend and they should be given reasonable notice. Other contributors will not be expected to recommend a course of action but will be expected to provide facts that are relevant to the questions or a written brief in a concise, clear, jargon free manner.

Prior to the meeting all contributors should be briefed on what the Committee or Panel is seeking to achieve and what is expected from them. They should be in a position that enables them to feel part of the meeting. Following the meeting feedback should be provided on how their contribution was viewed. Their feedback on the style and effectiveness of the meeting should be sought.

## After an Investigation

In most instances, in-depth investigatory work is carried out by Panels. The conclusion of the investigation into a particular issue will be a report summarising the evidence collected and setting out the conclusions and recommendations. The final report will be considered by the Overview and Scrutiny Committee which can, in turn, accept or reject the report and recommendations in whole or in part and agree amendments as it deems appropriate.

The Chairman of the Overview and Scrutiny Committee or appropriate Panel presents the final report to the Cabinet and the Cabinet decides which recommendations it will accept and explains why some may not be

acceptable. It is the Cabinet's responsibility to ensure that a resource assessment is undertaken and an implementation plan produced. The Committee should ensure that a timetable for monitoring progress on implementation is built into the recommendations.

Subsequently, copies of the report should be sent to all contributors and any other interested bodies. A press release should go to all local media.

## Checklist for Overview and Scrutiny

The work programme should be based on live issues with input from as wide a range of sources as possible.

All Members of the Council should be canvassed for their comments on each main review.

Planning a project carefully is vitally important and time should be taken to ensure it is done properly.

Written evidence can be gathered from a wide variety of sources and not just from Council employees. The project should be advertised widely and views sought from the public.

Oral evidence is often a more useful way to gather information as it enables questions to be asked and clarification sought.

Whenever people are to be asked to visit an Overview and Scrutiny Committee or Panel meeting, they should be given as much notice as possible and provided with copies of all available papers.

It will often be helpful to request a contributor to produce a written brief that can be combined with their oral evidence.

Before interviewing a visitor it would be helpful for the Committee or Panel to have identified the areas to be covered and the questions to be asked.

Supplementary questions are an important and useful way of gathering information from speakers.

As a courtesy a copy of the final report should be sent to all participants.

Site visits are a good way to gather evidence by seeing at first hand what is happening and by talking to the people who are actually doing a job.

Members need to be clear about the purpose of meetings, should be given the opportunity by the Chairman to follow a line of questioning - via a number of supplementary questions if necessary - and, at the end of the meeting, should be clear about what the meeting has achieved and have agreed the next steps.

All contributors to meetings should be briefed fully and treated courteously. Following the meeting they should be given feedback on how their contribution was viewed. Their feedback on the meeting should also be sought.

It is the Panel's responsibility to identify and put forward recommendations for the report for the Overview and Scrutiny Committee's final approval.

The Overview and Scrutiny Committee or appropriate Panel Chairman presents the report to Cabinet whose responsibility it is to identify the resource implications for the agreed recommendations.

Following this stage, a copy of the report should go to all contributors and other interested bodies and the local media should be contacted.

## **Checklist for contributors to Overview and Scrutiny**

It is not the role of overview and scrutiny to trip people up, "grill" them, apportion blame or to make their life difficult. Rather it is to understand issues affecting the District Council and its residents and make recommendations for improvement.

Provided a minimum of three days notice has been given District Council employees should make every effort to attend.

Representatives of other organisations, members of the public etc, can be invited to provide evidence.

All contributors will be briefed on what is being sought and what is expected from them.

Visitors to the Committee or Panels may be asked to provide a written brief in advance of the meeting.

To help the Committee and Panels do their job, contributors should present their evidence, whether written or oral, in a concise, clear, jargon free manner. Initials and acronyms should be avoided wherever possible.

Questions should be answered in an open and honest way. Information that would be helpful to the Committee or Panels should be volunteered even if not asked for.