Redditch Borough Council

Overview and Scrutiny Procedures Document

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Aims and objectives of Overview and Scrutiny

The Local Government Act 2000 required every Council to set up new structures to replace the old Committee system. Redditch Borough Council established a "Cabinet with Leader" system to manage the Council's business.

The Cabinet, which at Redditch Borough Council is called the Executive Committee, is directly accountable for the day to day management of services provided by the Council (within the overall policy and budgetary framework agreed by full Council). In addition, the Council has appointed one Overview and Scrutiny Committee.

The Overview and Scrutiny function is designed to:

- consider, and where necessary, question decisions made by the Executive Committee to promote open and transparent decision making and democratic accountability;
- monitor the effectiveness of policy and budget making processes;
- monitor the way the Council's services are provided and their impact on communities;
- make recommendations on whether new policies or changes to existing policies are needed to improve performance. These can be referred to the Executive committee or to full council;
- · consider issues of public concern;
- scrutinise the way that the Council and other organisations do their work;
- ensure decisions and policies are right for Redditch Borough; and
- research and provide innovative thinking on particular issues.

The value of Overview At the heart of Overview and Scrutiny is the principle that it should be Member-led. Effective and Scrutiny Overview and Scrutiny supports community leadership where it:

- complements strategy and policy development;
- helps tackle cross-cutting issues;
- enables investigation below the surface of policies and strategies;
- encourages public involvement in the policy process;
- stimulates a more reflective, evaluative and evidence-based culture within the Council;
- provides useful oversight and "challenges" Best Value and Service Planning processes;
- remains aware of national developments in Best Value and scrutiny;
- supports performance management and continuous improvement;
- maintains awareness of existing council policies and community priorities; and
- develops well informed and highly skilled Members and Officers;

The remit of the Overview and Scrutiny Steering Committee

Redditch Borough Council has one Overview and Scrutiny Committee. Eight non-executive members can vote on the Overview and Scrutiny Committee, mirroring the number of councillors on the Executive Committee.

The Overview and Scrutiny Committee is designed to act as a commissioning body to:

- •manage the overview and scrutiny work programme;
- •commission scrutiny work from task and finish groups, setting the terms of reference for each review, time managing completion of each project, and finalising report recommendations;
- •consider requests from ward councillors to scrutinise issues subject to community calls for action;
- •receive annual reports from Executive Committee members about the service they champion;
- •liaise with members of the Executive Committee, submitting final overview and scrutiny reports and co-ordinating overview and scrutiny's response to the Executive Committee's Forward Plan;
- manage overview and scrutiny finances and resources;
- •receive quarterly budget and performance reports; and
- •initiate call-in proceedings in response to key decisions made by the Executive Committee*.
- *The call-in procedure is detailed in Appendix 1.

The Principles of Overview and Scrutiny Task and Finish Groups

At Redditch Borough Council Task and Finish groups are commissioned by the Overview and Scrutiny Committee to undertake short, focused reviews.

The Overview and Scrutiny Committee will undertake the initial scoping exercise to guide the work of Task and Finish Group reviews. The selection of subjects for Task and Finish Group work should take the following considerations into account:

- •the contents of the overview and scrutiny work programme and other existing overview and scrutiny commitments;
- •requests for review that have been referred to overview and scrutiny by the Executive Committee and/or full Council.
- •the subjects of existing task and finish groups;
- •the likelihood that valuable outcomes will be produced by the review;
- •who is likely to be be affected by a review;
- •how long the review is expected to take;
- what resources are available;
- •the availability of expert witnesses and independent sources; and
- whether it would be more appropriate for another body to consider the issue.

Overview and Scrutiny Procedures Full Council Overview and Steering Committee: Comprising eight leading members, including the Chair. Co-ordinates Overview and Scrutiny business; Task and Finish Groups; and response to corporate issues. Task and Finish Group Task and Finish Group Task and Finish Group Task and Finish Group

Overview and Scrutiny Structure at Redditch Borough Council

Who can be a member of the Overview and Scrutiny Committee?

Eight non-executive councillors can sit as voting members on the Overview and Scrutiny Committee. All councillors, except members of the Executive Committee, are eligible to become voting members on the Overview and Scrutiny Committee. These eight members, including the Chair, are selected by full Council at the annual meeting.

Who can be a member of a Task and Finish group?

All non-executive members can sit as members of Task and Finish Groups. The Overview and Scrutiny Committee will appoint members to sit on Task and Finish Groups. All expressions of interest made by any non-executive members to participate on particular Task and Finish group reviews will be appropriately considered by the Steering Committee. In addition, all task and finish groups will be chaired by a member of the Steering Committee. Task and Finish groups are entitled to appoint a number of people as non-voting co-optees.

No Member may be involved in scrutinising a decision in which he/she has been directly involved.

Frequency of Overview and Scrutiny meetings

The Overview and Scrutiny Committee will meet approximately every three weeks. Meetings will be scheduled to take place a week after Executive Committee meetings to enable Overview and Scrutiny Committee members to consider the Executive Committee's activities and, where necessary, the need to call-in key decisions. Additional meetings will be called as and when appropriate.

Task and Finish Groups meet on a more ad hoc basis. Task and Finish Group members will determine these arrangements, although sufficient meetings will need to be arranged to ensure that the group's review is completed according to schedule.

Work programmes

The Overview and Scrutiny Committee manages the Overview and Scrutiny work programme. Additional items may be added by the full Council, Executive or any other Committee if:

- a particular activity, policy or plan requires investigation;
- · priorities change;
- •an urgent matter needs to be included at short notice; or if
- •A recent decision taken by the Executive Committee is to be investigated or has been called-in.

How to add an item to a Committee work programme

Any member of the council is entitled to request that the Proper Officer (Borough Director) includes an item on the Overview and Scrutiny Committee's agenda. If the item is not suggested for inclusion by at least seven working days in advance of the meeting it will be addressed at the following Committee meeting.

The Forward Plan

All members of the Council receive a copy of the Forward Plan. The Forward Plan lists all the Key Decisions which it is anticipated the Executive Committee will take in the forthcoming four months. The Overview and Scrutiny Committee may request to be given the opportunity to consider and provide input on a subject before it is considered by the Executive Committee.

Items which the Council and Executive Committee request to be investigated

The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and the Executive Committee to investigate particular issues. The Overview and Scrutiny Committee shall report its findings and any recommendations back to the Executive Committee and/or Council.

Policy review and development

The Overview and Scrutiny Committee's role in the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules within the Council's Constitution. A copy of the Council's Constitution may be obtained from the Council's Monitoring Officer. It is also available on the Council's website, www.redditchbc.gov.uk

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The Overview and Scrutiny Committee, within its terms of reference, may make proposals to the Executive Committee on other matters not forming part of the Council's policy and budget framework. The Overview and Scrutiny Committee may also hold enquiries and commission Task and Finish Groups to investigate the available options for future direction in policy development.

The scoping process

While each review or scrutiny exercise may be approached in a different way, the Overview and Scrutiny Committee will undertake what is known as the "scoping process" on behalf of any Task and Finish Group. A number of questions should be considered during the scoping process*. The scoping process identifies what it is the Task and Finish Group will look at, how it will look at that issue, who can assist it in its investigation and how it should come to a conclusion on what recommendations, if any, it may wish to make. The scoping process will be used to guide the scrutiny exercise as it progresses.

*Details of these questions and the criteria for rejecting an item can be found in Appendix 2.

Collecting evidence As the complexities of a scrutiny review may not be envisaged at the outset, it is recommended that an initial period of research informs a review.

The Overview and Scrutiny Committee may decide to delegate a review to a Task and Finish Group, which is empowered to look at a subject in detail before reporting back to the main Committee. Task and Finish Group members will address a number of considerations before beginning their task to ensure that the scrutiny work is appropriately focused on the selected issue. However, if the subject matter under scrutiny affects an area beyond the boundaries of the Borough, then the Overview and Scrutiny Committee may decide to set up a joint Overview and Scrutiny Committee with an adjoining Council or they may wish to invite a representative of that authority to be co-opted on to the Committee whilst the scrutiny exercise is being carried out.

Evidence may be gathered from a wide variety of people. Such requests for evidence should allow reasonable time for a full and informed response to be made. However, before any decision is made to use such written evidence, consideration should be given as to whether other ways of collecting evidence may be preferable or may enhance the evidence already received.

A Task and Finish Group may investigate whether any other Councils around the Country have carried out a similar scrutiny exercise. This can be a useful exercise as members can consider the conclusions of any work undertaken by other authorities and whether any external councils' recommendations would be transferable to the Redditch Borough area.

^{*} These considerations are listed in Appendix 3.

Oral evidence is often a useful way to gather evidence as it enables questions to be asked and clarification to be sought. Overview and Scrutiny Committees have the power to require Executive Committee members, Officers, and representatives of organisations who provide local public services to appear before them. In addition, the Committees can invite any other people to appear who may be able to help them with their enquiries, such as trained professionals or neighbourhood representatives. However, external witnesses who are not involved in providing local services, cannot be compelled to attend .

It is helpful to combine such oral evidence with a written brief that Task and Finish Group members can study in advance of a meeting. This assists Members in identifying the questions they wish to ask and makes for a more productive meeting.

If Task and Finish Group members wish to obtain information about specific aspects of the issue they are reviewing it can be beneficial to talk to the people who are doing a relevant job or are recipients of a service. Committee members may, therefore, wish to undertake site visits in order to develop first hand knowledge of the subject. The Committee may also wish to carry out a public consultation exercise involving public meetings. Public consultations are useful for overview and scrutiny because they create a forum for receiving the views of a large number of people in a relatively short space of time.

Overview and Scrutiny Committee Co-optees

A number of co-optees may attend Overview and Scrutiny Committee and Task and Finish Group meetings when relevant items are under review. The co-optees at Redditch include three Trade Union representatives, two from UNISON and one from UCATT and two tenant's panel representatives.

Members and Officers giving evidence

As well as reviewing documentation, in fulfilling the scrutiny role, the Task and Finish Group may require any Officer with due regard to their position/seniority in the Authority to attend before it, either in a supporting role or to give evidence as necessary for the Group's review. The Overview and Scrutiny Committee may also require any member of the Executive Committee to attend a Task and Finish Group meeting. It is the duty of those persons to attend if so required.

Where any Member or Officer is required to attend a Overview and Scrutiny Committee or Task and Finish Group meeting, the Member or Officer will be informed in writing giving at least 5 working days notice of the meeting at which he/she is required to attend. The letter will state the nature of the item on which s/he is required to give account and whether any papers will need to be produced for the Committee or Task and Finish Group.

Where the Overview and Scrutiny Committee or Task and Finish Group requires an Officer or Member to produce a report that Member or Officer will be given sufficient notice to allow for preparation of the documentation.

Evidence provided by All non-executive members have the right to attend Overview and Scrutiny Committee meetings **others** and to speak at the invitation of the Chair. Only members of the Overview and Scrutiny Committee can vote at Committee meetings.

> Executive members who wish to contribute at a Overview and Scrutiny Committee meeting will need to consult with the Chair, or Vice-Chair, for permission to arrange formal attendance. The appropriate officer will need to be informed of the Executive member's attendance at the committee meeting at least two days before the meeting for administrative purposes. These arrangements do not apply to the Leader of the Cabinet who is able to attend and to contribute to Overview and Scrutiny meetings without requesting the Chair or Vice-Chair's consent.

> Any Executive member who is permitted to formally attend an Overview and Scrutiny Committee meeting is able to speak during the proceedings but is not able to vote. All other Executive members may attend Overview and Scrutiny Committee meetings but are not able to contribute to proceedings and must sit in the public gallery.

> The Overview and Scrutiny Committee and Task and Finish Groups may invite other people to make presentations, to discuss issues of local concern and/or to answer questions. They may, for example, wish to hear from residents, stakeholders and Councillors or Officers from other parts of the public sector and can invite such people to attend.

Procedure at Overview and Scrutiny meetings

When non-executive members know what topic is going to be the subject of a scrutiny exercise, they may wish to conduct their own research into the matter. This might include preparing questions to ask witnesses who have been invited to attend Overview and Scrutiny meetings. It is also possible that a non-executive member may wish to conduct independent research to enable him/her to persuade the Overview and Scrutiny Committee that a particular topic should be included on the work programme.

Where either the Overview and Scrutiny Committee or a Task and Finish Group conducts investigations and invites witnesses to attend to give evidence the investigations will be conducted in accordance with the following principles:

- the investigation will be conducted fairly, with all members of the Committee/Group given an opportunity to ask questions of the attendees, and to contribute to the discussion;
- any witnesses, officers or members assisting an Overview and Scrutiny meeting by giving evidence is to be treated with respect and courtesy; and
- the conduct of any investigation should aim to be as efficient as possible.

Procedure for Expert Witness attendance at Overview and Scrutiny meetings

The procedure at any meeting where Expert Witnesses are asked to address an Overview and Scrutiny meeting will progress as follows:

- the Chair will introduce each witness to any persons present at the meeting;
- the Expert Witness will be asked to make a short presentation and/or be asked a series of set questions that the witness has received in advance;
- Councillors may ask Expert Witnesses to expand on any answers they have made or ask them further questions based on their answers and a general discussion may ensue;
- if more than one Expert Witness is present, witnesses may be asked to comment on each other's answers:
- the Chair will summarise the main findings of the meeting;
- at the end of the meeting there shall be a full debrief; and
- after the meeting, Expert Witnesses shall be given a copy of the minutes to approve, a copy
 of the report; and will be kept updated of the outcomes of the review.

After the investigation: Once all the evidence has been collected, a Task and Finish Group should agree a set of Task and Finish Groups recommendations to be included in a draft report and should identify who will draft the final report on its behalf. If a Task and Finish Group cannot agree on a single final report then not more than one draft minority report may be prepared for submission to the Overview and Scrutiny Committee alongside the draft majority report.

> The Task and Finish Group should then forward its draft report(s) to the Overview and Scrutiny Committee. The Overview and Scrutiny Committee will consider any recommendations and may choose to favour either the majority report or the minority report or to confirm both versions. The Overview and Scrutiny Committee will agree a final report based on this assessment.

Consideration of **Overview and Scrutiny** reports by the Executive Committee

Once finalised the Overview and Scrutiny Committee will determine whether to forward a copy of the report to the Executive Committee, full Council or the relevant external organisation for consideration.

The Executive Committee will then have the opportunity to consider the Overview and Scrutiny Committee report at its subsequent two meetings. After these two meetings have occurred the Overview and Scrutiny Committee may request the attendance of a representative of the Executive Committee. The Executive Committee's representative could be asked to explain the Committee's response to the report and whether any of the recommendations will be implemented. If the recommendations are not to be implemented the Overview and Scrutiny Committee may request an explanation from the Executive Committee's representative. If the Overview and Scrutiny Committee is not satisfied with the Executive Committee's response they may refer the issue to full Council for consideration.

Monitoring the implementation of Overview and Scrutiny recommendations

Monitoring is an important part of the Overview and Scrutiny process. Monitoring the implementation of Overview and Scrutiny recommendations can highlight the constructive contributions generated by the process. Alternatively, monitoring can reveal consequences of implementation that have had a detrimental impact on service quality or may reveal a need to further address a subject through additional scrutiny work.

When submitting a final report to the Executive Committee the Overview and Scrutiny Committee may attach a timetable, with specific targets, for monitoring the implementation of recommendations. The dates of this timetable will be left to the discretion of Overview and Scrutiny members and support officers as some activities might take longer to have a measurable impact on services than others.

During monitoring proceedings the Overview and Scrutiny Committee can request that a member of the Executive Committee attend the session to discuss any progress in implementing recommendations and the perceived impact on the quality of relevant services. The Overview and Scrutiny Committee may also invite stakeholder representatives and any relevant Expert witnesses who participated in the original scrutiny work to attend the monitoring proceedings. These external representatives could be asked to comment on their experience of the impact of the scrutiny exercise upon relevant services.

Every year an annual report of Overview and Scrutiny work is issued to all members. The annual report will address the outcomes of the monitoring process.

Reviewing the Overview and Scrutiny process – continuing improvement: The Overview and Scrutiny Discussion Forum

The Overview and Scrutiny Discussion Forum is intended to be an informal arrangement providing non-executive members with an opportunity to discuss how to improve Overview and Scrutiny arrangements at Redditch Borough Council. The Forum will meet biannually, although additional meetings could be initiated by the Chair if considered necessary.

The Chair, and/or Vice-Chair of the Overview and Scrutiny Committee and at least one of the Overview and Scrutiny Support Officers will be expected to attend meetings of the Overview and Scrutiny Discussion Forum. In addition, members representing Task and Finish Groups that have recently or are currently addressing local concerns may wish to attend to contribute to the discussions.

The Discussion Forum will contribute to the continuous review and improvement of Overview and Scrutiny at Redditch Borough Council. Members and Officers attending the Forum are expected to discuss recent experiences of best (and worst!) practice in Overview and Scrutiny work. Members and Officers could also use the Forum as an opportunity to highlight exemplary practices encountered in other authorities. At the end of the forum all suggested improvements will be recorded by the appropriate officer.

The Chair, or Vice-Chair, may decide to take further action by addressing any concerns raised in the discussion forum at a formal Overview and Scrutiny Committee meeting. Alternatively, the Chair, or Vice-Chair, may recommend that any significant issues raised are addressed in a Task and Finish Group review.

Following any review work the Overview and Scrutiny Committee may choose to make recommendations either via the Executive Committee or, directly, to full council (where improvements cannot be adopted without reference to the council).

Community Calls for Action (CCAs/CCfAs)

C a I I s

Community Calls for Action (CCAs) were originally introduced in the Police and Justice Act 2006. The CCA is intended to provide members of the public with an opportunity to trigger action on a community crime and disorder issue that they feel has not yet been adequately addressed. As part of this legislation Councillors were provided with the authority to question representatives of partner organisations on the local Crime Disorder and Reduction Partnership (CDRP) and to consult with other interested parties over resolving the issue.

The remit of this activity was extended further in October 2006 in 'Strong and Prosperous Communities – The Local Government White Paper'. This white paper produced a vision of CCAs that focused on providing ward Councillors with the power to address issues of local concern that might not be a crime and disorder matter.

As a consequence there are two forms of Community Call for Action. The CCA addresses crime and disorder issues and is initiated by constituents. The CCfA addresses other community issues and only becomes a Community Call for Action when a Councillor chooses to respond to it as such. The CCA/CCfA will not become an obligatory part of local government until spring 2008. However, CCAs/CCfAs could be addressed by Councillors and Overview and Scrutiny under existing arrangements.

CCAs and CCfAs were introduced primarily as a ward councillor responsibility. Councillors are expected to respond to constituents' CCfAs, although they may use their discretion to determine whether to pursue a complaint as a CCfA.* It is intended that most CCAs/CCfAs should be resolved by the Councillor alone or, where relevant, in consultation with the CDRP and other partner organisations. If these negotiations failed to resolve the issue a CCfA must be referred to the Executive Committee. As such, Overview and Scrutiny will only be involved in a CCA/CCfA as a last resort.

* See Appendix 3 for considerations determining whether a complaint should be treated as a CCA/CCfA.

The role of Overview and Scrutiny in CCAs/CCfAs

If the Executive Committee chooses to refer a CCfA to the Overview and Scrutiny Committee the procedure will progress as follows:

- the Steering Committee will consider whether to address the CCfA in more detail. To assist
 the committee in making a decision about the CCfA the ward councillor will be expected to
 make a presentation explaining their constituent's concerns;
- if a decision is taken to address the CCfA, the Overview and Scrutiny Committee may choose to set up a Task and Finish Group to scrutinise the issue. Alternatively, the Overview and Scrutiny Committee will schedule a meeting date to look at the issue in more detail;
- Overview and Scrutiny may then request representatives of partner bodies who have already been involved in the process as Expert witnesses. These witnesses are obliged to attend;
- Overview and Scrutiny can also request copies of any briefing papers already prepared by partner organisations on the issue;
- the Overview and Scrutiny members will then produce a report with a list of recommendations on the issue. This report can be forwarded to the Executive or to full council for consideration; and
- a copy of the report will be made available to the relevant ward councillor. S/he will be expected to relay the report's recommendations back to his/her constituents.

The Call-in Process Overview and Scrutiny members have the power to call-in a decision that has been made by the Executive Committee and refer it back for further consideration.

> When the Executive Committee makes a decision, it is published in a Decision Notice as soon as possible after the meeting, each decision then comes into effect after seven working days of the publication date unless it is called-in.

Within the seven day period, the Committee or any three Members of the Council may call-in the decision if they have reason to suspect that any of the principles of decision making as laid out in Article 13 of the Constitution has been contravened; that is, proportionality; due consultation; respect for human rights; openness; clarity of aims and outcomes; giving reasons for the decision and explaining what other options were considered.

Within five days of the call-in, a meeting of the Overview and Scrutiny Committee shall be held to review the decision. If it is decided that the decision should be referred back to the decision maker, it must be addressed at the next appropriate meeting on the Executive Committee.

Call-in may also challenge the exercise of authority of the Executive Committee, in terms of its acting within the Council's Policy and Budget Framework.

Although not technically a "call-in", which relates to decisions taken by the Executive Committee (i.e. RESOLVED items), Overview and Scrutiny may require to scrutinise any proposals for policy change being submitted to the Council.

Scrutiny Scoping checklist

When scoping a review, the Committee will need to address the following questions:

- 1. Is their a clear objective for scrutinising this topic?
- 2. Are you likely to achieve a desired outcome?
- 3. What resources are available and what timetable do you need to comply with?
- 4. What are the potential risks?
- 5. Is this issue strategic and significant?
- 6. Is the scrutiny activity timely?
- 7. To what extent is this matter important for local people? For stakeholders? For the Electorate?
- 8. Does this issue correspond with the council's corporate priorities?
- 9. How long is it since this issue was last the subject of a review?
- 10. Is there evidence of real, perceived or imminent failure to a service or policy in this area?
- 11. What are likely to be the benefits to the council and its customers of this review?
- 12. What do other members think about this issue?
- 13. Is there media interest in the issue?

Criteria to reject items for review

Items which have been suggested for review can be rejected if:

- the issue was dealt with less than two years ago;
- the issue is already being examined elsewhere in the council (e.g. by full council);
- new legislation relevant to this issue is expected within the year;
- there is no scope for scrutiny to add any value, or to make any real difference to the service or

policy that is being reviewed; and

• the objective(s) of the review are unlikely to be achieved in the specified timescale.

Task and Finish Group checklist

Task and Finish Group members should address the following to ensure that their review is conducted efficiently:

- the general subject area to be scrutinised;
- what baseline background information is required by the Committee;
- the specific subjects to be scrutinised (terms of reference);
- who should be invited to give evidence, for example, the relevant Portfolio Holder(s), Council Officers and/or external witnesses;
- if the Committee wishes to receive evidence from sources other than witnesses;
- if a period of public consultation should form part of the scrutiny exercise and on what the public should be consulted;
- if other authorities have carried out similar scrutiny exercises, their conclusions and detail any lessons that could be learnt;
- if the scrutiny exercise crosses the Borough boundary and identify if any other authorities should be invited to participate;
- if it is appropriate to co-opt anyone onto the Committee whilst the scrutiny exercise is being carried out:
- the timetable for the scrutiny exercise and when witnesses will be interviewed;
- how many meetings of the Committee the interviews will take;
- when it is anticipated the final draft report will be considered by the Committee;
- if the Committee is to make recommendations to the Executive Committee, who will present the report on behalf of the Committee; and
- when the Committee will review the effectiveness of any decision taken by the Executive Committee.

CCfA checklist for Councillors

When determining whether a constituent's concern should be treated as a CCfA Councillors should determine answers to the following questions:

- is the constituent concerned about a neighbourhood or community issue? If so their concerns may be relevant to address as a CCfA;
- is the constituent's concern relevant to the quality of local public service provision? CCfAS
 can address the quality of services provided not only by the council but also by other local
 public service organisations;
- is the constituent's concern an individual complaint? If so it may be relevant to refer the constituent to the relevant service department in the council to consider their complaint;
- does the constituent's concern relate to an individual quasi-judicial decision? (E.g. planning or licensing). If so the constituent should be referred to the appropriate committee; and
- is the constituent's concern an individual hobby horse? Members have the authority to reject any complaints which they consider to be persistent, vexatious or trivial.

For additional copies of this report, or to find out more about Overview and Scrutiny at Redditch Borough Council please contact:

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