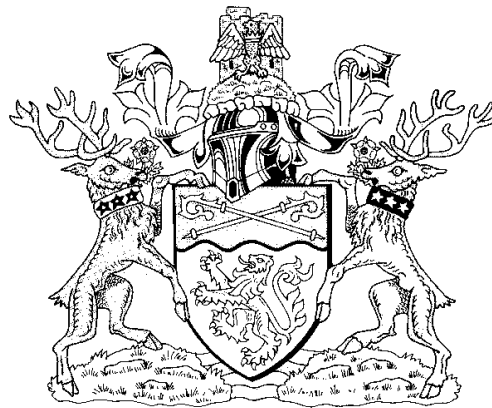
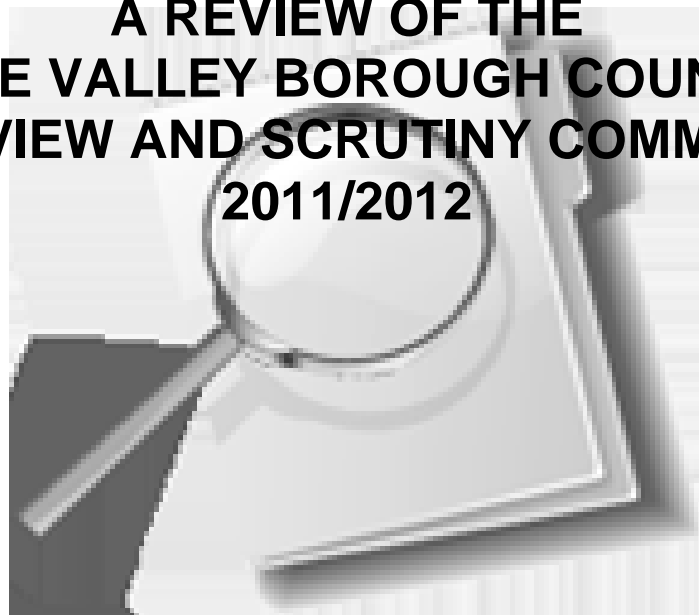


RIBBLE VALLEY BOROUGH COUNCIL



A REVIEW OF THE RIBBLE VALLEY BOROUGH COUNCIL'S OVERVIEW AND SCRUTINY COMMITTEE 2011/2012



**RIBBLE VALLEY BOROUGH COUNCIL
REPORT TO
OVERVIEW AND SCRUTINY COMMITTEE**

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1. **Executive Summary**

a. Introduction.

The remit of this overview exercise was to examine the operation of the RVBC Overview and Scrutiny (O&S) Committee in its current format and to look at the legal requirements for such a committee. To see how other similar Councils operate their O&S committees, and to examine alternatives, review the committee's membership numbers and the intervals at which the committee meet. Also to examine what action had been taken on reports issued by the committee during the last 5 years. Furthermore, to specify how the committee's work could be carried out if the O&S committee did not exist in its present format. Finally to revise the current Terms of Reference as necessary.

b. Methods Adopted.

Information was gathered from:

- i) Meetings and discussions with Council Officers.
- ii) A meeting and discussion with an LCC O&S representative.
- iii) A visit to another 4th Option Council (Richmondshire).
- iv) Examination of the documentary evidence at the Bibliography
- v) Use of nationally available information on the Internet.

c. Findings and Recommendations

It can be confirmed that currently there is a legal requirement to have a fully functioning Overview and Scrutiny Committee within the Council framework.

The Overview and Scrutiny Committee should act as an independent scrutineer for Council activities.

Most 4th Option Councils appear to operate their O&S Committees in different ways, without any common national policy.

The number of O&S Committee members should be maintained at fourteen (14), and dates of the O&S Committee meetings should be programmed as recommended in the Conclusions.

Action should be taken to determine why the recommendations from reports completed by the O&S Committee during the past five (5) years have not been acted upon, and an organisation/body should be established to ensure that future reports are followed through and reported upon in succeeding years.

Topics for O&S working groups should be an agenda item on all committees and be forwarded from these committees in advance of the new financial year, so that O&S members can agree the subjects and be allocated into working groups on the first O&S meeting of that year.

The O&S Committee should continue to examine and comment upon the Council's Quarterly Performance Indicators.

A revised set of the O&S Committee Terms of Reference (at Appendix 6) should be adopted for the 2012/13 year.

An O&S working group should be established with the task of investigating how best to involve the public in the tasking of the O&S working groups.

d. General Comment.

The current operation of the RVBC O&S Committee fulfils all legal requirements and should continue to operate in its present format. It acts as the only independent scrutineer of the Council's activities and as such should retain its independence and responsibilities.

2. The Review
a. Introduction

- i. Rationale for Review
This review has been set up to determine whether the Overview and Scrutiny Committee is a valuable asset of the Council's Committee system, whether it is a necessary entity, and how its function could be improved.
- ii. Project Phases.
Timescale (start and finish dates, etc)

Start: July 2011. Complete: 1 April 2012.

1. First meeting to agree the O&S Review Workplan and the timescales.
(Complete by **13 July 2011**) (Action **AMK, IS and MJT**).
2. Identify and allocate the resources available to complete the actions.
(Complete by **13 July 2011**) (Action by **AMK, IS and MJT**).
3. Identify and agree the parameters of the survey.
(Complete by **13 July 2011**) (Action by **AMK, IS and MJT**).
4. Place timescales and resources on each activity.
(Complete by **21 July 2011**)(Action by **AMK, IS and MJT**).
5. Identify the legal requirements to have an O&S Committee within the Council's committee system. Discuss with Diane Rice (Head of Legal Services) and Josh Mynott (LCC)
(Complete by **Aug 2011**)(Action by **MJT**).
6. To examine how other similar councils (4th Option) approach their O&S requirements.
(Complete by **Aug 2011**) (Action by **IS**).
7. Examine who, if not the O&S committee, would carry out independent work packages which do not readily fall within the remit of other RVBC committees.
(Complete by **Aug 2011**)(Action by **AMK**).
- 8. Review. (All) (Aug 2011).**
9. To examine the requirement to have an O&S committee which operates in its present format and look at other alternatives. Also to look at the number of members required on the committee.
(Complete by **Oct 2011**) (Action by **MJT**).
10. To examine the useful work that has been carried out by this committee over the past 5 years and to look at what feed back has been received from work packages previously completed during this period.
(Completed by **Oct 2011**) (Action **IS**).
11. To review and make recommendations on the future use, benefit and publication of the Quarterly Performance figures.
(Complete by **Oct 2011**) (Action **AMK**).
- 12. (Review All) (Oct 2011).**
13. To examine and revise, if necessary the committee's present Terms of Reference.
(Completed by **Dec 2011**) (Action **All**).
- 14. Review. (All) (Dec 2011).**
15. Compile draft report and circulate for agreement to all member of the team for comment
(Complete by **1 Feb 2012**). (Action **All**).
16. Produce final report and submit to the Chairman of the Overview and Scrutiny Committee.
(By **1 April 2012**)(Action by **MJT**).

17. Submission to the Policy and Finance Committee (Cllr M Ranson & Marshal Scott).
(By **16 April 2012**).

b. Terms of Reference

i. Aims

- a. To examine the need for an Overview and Scrutiny Committee as part of the RVBC organisation.
- b. To look at the legal requirement for such a committee.
- c. To examine the committee in it's current format and roles.
- d. To examine and suggest amendments to the current Terms of Reference for the committee.
- e. To look at and make comment upon the operation of other 4th Option Council's O&S Committees.
- f. To examine the useful work which has been carried out by the RVBC's O&S Committee during the past 5 years and see if recommendations made by the reports from these work packages has been acted upon!
- g. To compile a report and submit the findings to the Policy and Finance Committee.

ii. Objectives

To carry out a survey and make recommendations concerning the operation of the current RVBC Overview and Scrutiny Committee, so that the future format and membership of the committee may become more efficient and effective in order to add value to the operation of the RVBC.

c. Methodology

i. Resources

- a. The RVBC O&S Committee does not have a dedicated budget; except for limited travelling expenses. The only resources available to the Working Group were the time and efforts of the Members and Officers of the RVBC and any relevant LCC Officers where appropriate, they include, but are not exclusive to the list below.

Cllr M J Thomas. Working Group lead.
Cllr A M Knox. Working Group member.
Cllr I Sayers. Working Group member.
M Scott. Chief Executive Officer.
J Heap. Director of Community Services.
D Rice. Head of Legal and Democratic Services.
W Alker. Community Development Officer.
J Mynott. Committee Support Team Leader. (LCC).
Other relevant RVBC Members and Officers as appropriate.
Any relevant LCC Officers.

ii. Examination of Previous Studies.

In recent years, there has not been any study which has examined the operation of the O&S committee within the organisation of the RVBC.

iii. Methods

- a. Desk based Review

The workload for the review was divided up between the 3 RVBC Councillors and brought together through periodic meetings in accordance with the project plan phases at para 2a.ii. Discussions at these meetings formed the basis for the compilation of the final report, its conclusions and recommendations.

b. Interviews/Consultations

These were carried out as informal meetings within the offices of RVBC and at LCC. Much of the information on other Councils was gathered from the Internet.

3. Discussion

(a) The Legal Requirement to have at least one Overview and Scrutiny Committee operating within a 4th Option Council Organisation.

1. The Local Government Acts 2000 (in particular 21B), 2003 (section 115) and Local Authorities (Alternative Arrangements) (England) Regulations 2001 Part 1 General /6(Overview and Scrutiny Committees) require all councils to have at least one Overview and Scrutiny committee.
2. In accordance with the Act, a 4th Option Council is required to have a least one Overview and Scrutiny committee which can carry out the function of scrutinising and reviewing the other committees within that council. It is also the vital guard against issues which fall between committee remits. The main role of the Overview and Scrutiny committee is to review decisions or actions taken by the executive, thus holding the executive to account.
3. A committee cannot exist only 'on paper'. If a body is specified with nominated personnel only as a paper exercise, it would not be a committee in the legal sense. To be a committee the body must have the following:
 - i. Terms of Reference.
 - ii. Nominated committee members.
 - iii. Meet at periodic times.
 - iv. Have a Chairman/woman and a deputy.
4. The Local Government Act 2000 sets out the role of Overview and Scrutiny in 4th Option councils as;
 - i. Review policy and assist in policy development.
 - ii. Scrutinising decisions and decision making for any council function except regulatory functions such as planning and licensing.
 - iii. Investigating other matters of local concern.
 - iv. Ensuring Councils fulfil their duties relating to Best Value.
 - v. Ensuring procedures are in place for councillors to feed in community views to policy development and decision-making.
 - vi. Submitting, as appropriate, reports to the local authority or any of its committees or joint committees on any of the council's functions or any other matters that affect the area or its inhabitants.

(b) Examine and report on how other similar councils (4th Option) approach their O&S requirements.

1. Introduction

A list of 4th Option councils in England was provided by the Legal Services section of RVBC. It contained the names of 31 councils, 3 of which, it was discovered, are Cabinet in format: the remainder are operated on a Committee basis.

The review was mainly undertaken through the examination of Councils' websites, supplemented by 2 telephone conversations with the ex Chairman of South Derbyshire District Council's O & S Committee and its Principal Democratic Services Officer.

It was found that a number of web sites were difficult to manipulate, often with scant reference to either "Overview and Scrutiny " or even just " Scrutiny". In terms of user friendliness, the RVBC web site comes out well by comparison with many peer Councils. This is because of the prominent listing of Committees on the left hand side of the RVBC home page. With one "click", the Agenda, Minutes, and detailed workings of respective committees are easily revealed.

It was also evident that at the bottom end of the scale some councils were simply going through the motions in order to satisfy the statutory requirements of the Local Government 2000 Act. It is apparent that some Councils are " scratching " around for topics to investigate.

At the top end, there were 2 district Councils in particular, Richmondshire and South Derbyshire, which can be deemed to be taking the O & S requirements really seriously. They are obviously dedicated to the concept of O & S, using it as a working tool, and by publishing their reports they encourage members of the general public to participate in topic generation through the vehicle of Residents Forums. As a consequence, they seem to be deriving value from their efforts, and, on occasions, provide concrete benefits for their local stakeholders. South Ribble (although it is recognised as not being a 4th Option Council) also makes serious efforts to involve their ratepayers in O&S activities. Contact with their Scrutiny and Performance Officer has revealed that South Ribble distribute scrutiny leaflets to libraries, public buildings, and community groups. Usually about 10 useful responses are received per annum due to the leaflet. South Ribble would like more replies but they feel that the leaflets none the less are promoting the committee's work. In addition to the leaflet South Ribble also issue press releases and place articles in the Council's newspaper, 'Forward'. This also generates suggestions for the scrutiny work programme, with residents writing in with suggestions.

As might be expected the bulk of councils examined were performing their O & S function in comparable fashion to RVBC, selecting topics, and then studying them through the efforts of Task and Finish working groups

2. Topics Studied

Not surprisingly, a number of themes scrutinised were recurrent across most councils.

- Examination of Performance Indicators, and Best Value, appeared frequently. (see item 6 of our own Terms of Reference) Generally, there was no real indication as to what action is recommended from the examination. It was noted

that in some Councils O & S reports to a Strategy Committee, where presumably the decisions for action are taken.

- Crime and Disorder (Police and Justice Act 2006)
- Risk management (Steering Groups established in some cases)
- Broadband Provision (Band Width)
- Flooding (There are new scrutiny powers in relation to flooding included in the Flood and Water Management Act 2010)
- Recycling
- Members' development strategy
- Review of Polling Districts
- Climate Change
- How Services cope with bad winter weather
- Dealing with Petitions (In the Ribble Valley Borough Council's Petition Scheme, 10 means of response are itemised, one of which is to " refer the petition for consideration by the Council's O & S committee." The point is made in the document that " the Overview and Scrutiny committee has the power to hold the Council's decision makers to account". It is assumed that other councils hold the same view on this matter)
- Not surprisingly, 'The Recession' features in some councils' Agendas. One, North Warwickshire, is writing a report on the help being offered to individuals and businesses.

A couple of councils (Gosport and Purbeck) were vocal in expressing the view that unless an investigation is potentially useful, " don't do it ". Purbeck has set up a framework of consistent criteria, which necessitate robust justification of any proposed topic for examination by the O & S committee.

3. Characteristics of Councils' Overview & Scrutiny Operations

- i. Number of Committees: Several Councils started their O & S life with 2 or 3 sub committees, presumably based on advice given by the Government supported by section 21 of the 2000 Act. In almost all cases these have been reduced to one committee, probably because as John Denham, Secretary of State, put it in July 2009, " in many ways scrutiny is a lion that has failed to roar, so costs have been cut." There are, however, a few exceptions to this trend.
- ii. One or two Councils have produced Handbooks for members and officers in order to explain the role of O & S. One of these councils, Babergh District Council, has given the power to its O & S committee to scrutinise any council function apart from Planning and Licensing.
- iii. Almost all Councils produce an Annual Report.
- iv. Only one Council(Forest Heath District Council) declared that it has a budget to support O & S activity. In this case it was £2,500, which was meant to cover the costs of site visits, meeting room hire etc.
- v. Only one Council (Richmondshire) provided a comprehensive list of topics investigated.

4. Model Councils

As indicated in 3(b)1 above, two Councils have stood out above their peers.

4.1 Richmondshire District Council

- i. This Council has really set itself out to engage with the electors. It has an easy to manage web site, which yields a lot of information about immediate past and more historical O & S activities. It is essentially orthodox in its goals and behaviour , eg “ holding decision makers to account” etc.
- ii. The Council publishes a Guidance Booklet which provides tips on effective Scrutiny. It concentrates on local issues, now that the Government has given Overview and Scrutiny Committees a wide brief, allowing them to look at any issues that affect the local area and the quality of life of local residents.
- iii. There is encouragement for electors to submit ideas for Scrutiny, by dint of a simple on-line form called “ The Scrutiny Topic Suggestion Sheet”.
- iv. An organisational diagram shows that there is a Scrutiny Management Board, under which are 2 Committees; Committee 1 is entitled “ Strong, Prosperous, Improving Council”, whereas Committee 2 carries the heading “ Healthy, Green and Safe”.
- v. The Annual Report is an excellent document. It lucidly explains the functions of O & S and then lists a number of key tasks undertaken during the year. What actually was undertaken is described, leading up to a series of recommendations. Finally, the loop is closed because there is an analysis of what difference resulted from the exercise.

4.2 South Derbyshire District Council

This is another Council which has gone the extra mile in embracing the O & S ethos. Again, they have adopted the orthodox modus operandi, but have also integrated themselves into the East Midlands Scrutiny Network.

Interestingly, the Organisation has undertaken a Self Evaluation exercise to provide a mechanism for the Council to demonstrate the effectiveness of O & S and to identify potential areas and means for improvement. In tabular form several questions are posed and answers given. Two years ago the O & S group engaged itself in a “ Peer Review”, using an expert from the Cherwell District Council, who concluded that South Derbyshire were carrying out good quality, innovative, and influential scrutiny. The comment was also made that the focus has mainly been concentrated on external issues, which has enabled the function to develop and mature.

5. Enlargement of the Scope of O & S

During the course of the survey, reference was made by a variety of councils to the Acts which were underpinning O & S activity. It is evident that coming down the time line from the initiating Act of 2000, the allowed external fields for committees to examine has expanded, particularly in respect of scrutiny of local bodies. Briefly, the influential Acts are listed below:

- **The Local Government Act, 2000:** Introduced the new governance arrangements for Local Authorities. Section 21 specified that Councils must establish one or more Overview and Scrutiny committees.
- **Police and Justice Act, 2006:** Allows O & S committees to scrutinise the work of local Crime and Disorder Reduction Partnerships
- **The Local Government and Public Involvement in Health Act, 2007:** This extended certain scrutiny powers in respect of local partners. Information can be

required from partners, but attendance of representatives of such bodies is not allowed.

- **Communities in Control:** This embodied the ambition to raise the profile of O & S, making committees analogous to Select Committees at national level. It expanded the powers of O & S committees to ask for information on broader issues.
- **Local Democracy, Economic Development and Construction Act, 2009:** Included a provision to require councils to provide dedicated officer support to O & S committees. It should be noted that this provision is not actually in force.
- **Flood and Water Management Bill, 2011.** Flooding problems can now be investigated legitimately

(c) Examine who, if not the O&S Committee, would scrutinise the other committees within the council framework?

Until the Localism Bill comes into force we are still bounded by the strictures of the 2000 Local Government Act. It is also likely that the Localism Bill may not give power to vary structures until after the next local elections in 2015.

Current Legislation

Alternative Arrangements (also known as 4th Option or Committee System) are specified in Section 32 of the 2000 Local Government Act which says:

Section 32 Alternative arrangements

(1) The Secretary of State may by regulations specify arrangements by a local authority with respect to the discharge of their functions (referred to in this Part as alternative arrangements) which are arrangements of a type –

(a) which do not involve the creation and operation of an executive of the authority;

(b) which include arrangements for the appointment of committees or sub-committees of the authority to review or scrutinise decisions made, other action taken, in connection with the discharge of functions of the authority; and

(c) which the Secretary of State considers are likely to ensure that decisions of the authority are taken in an efficient, transparent and accountable way.

The full legislative description of the powers of Scrutiny are covered in Section 21 of the Act which are include by way of Appendix 2.

These powers are clearly spelled out in Section 21 (2a-e).

Therefore it would seem apparent under the Act there has to be some sort of Scrutiny Committee. One of the main reasons for this is to ensure that there is an independent committee to carry out the Call-In function.

Paragraphs 9.59 and 9.60 of the Statutory Guidance on Council constitutions make it clear that “It is a fundamental principle of accountability that a Councillor cannot scrutinise her or his own decisions”.

It should be noted that when the Overview and Scrutiny Committees were first introduced at Ribble Valley the two committees were split with Overview and Scrutiny (Services) scrutinising Community, Housing and Planning and Development

Committees and Overview and Scrutiny (Resources) scrutinising Policy and Finance and Personnel Committees. It was implicit in the membership of those committees that Members of each Overview and Scrutiny Committee would not be a Member of the committees scrutinised.

However, due to the lack of Call-Ins the need for this decreased and indeed it has never been an issue, although clearly there would be an issue if a decision was Called-In.

It can be clearly argued that in 4th Option authorities like ourselves the scrutiny function is needed less because all decisions are scrutinised in the debate in committee that precedes them, a process that does not happen in authorities with Cabinet Arrangements.

Indeed because of this, one senior Scrutiny Officer suggested that perhaps from a scrutiny point of view we should be less concerned about the structure of scrutiny and more concerned about attitudes when decisions are made.

For example, should committees just be looking at officers' recommendations and accepting (or rejecting) them, or would an alternative be that in as many instances as possible, should Committees be given a range of options that they would debate, ensuring that scrutiny of the decision by debate happens.

Finally this leaves the overview function of the committee, which is where this committee can add most value to the work of the Council.

If Members of this committee are truly engaged with the process then they can be of great assistance to other committees decision-making process by looking medium term to areas of concern or likely future relevance and researching thoroughly likely issues to provide guidance to future decision-making.

Sub-section 10 of Appendix 1 which effectively states non-elected Members can be Members of Scrutiny Committees. One way of improving future scrutiny would be to co-opt experts in the appropriate field as members of the task group. For instance with hindsight, would it not have been a good idea to co-opt a Scrutiny Officer from another authority to this task group?

Section 21 Overview and Scrutiny Committees.

(1) Executive arrangements by a local authority must include for the appointment by the authority of one or more committees of the authority (referred to in this part as Overview and Scrutiny Committees).

(2) Executive arrangements by a local authority must ensure that their Overview and Scrutiny Committee has power (or their Overview and Scrutiny Committees have power behind them) –

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;

(b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;

(c) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.

(d) in the case of the Overview and Scrutiny Committee or Committees of an authority to which Section 7 of the Health and Social Care Act 2001 applies, to review and scrutinise, in accordance with regulations under that section, matters relating to the health service (within the meaning of that section) in the authority's area, and to make reports and recommendations on such matters in accordance with the regulations;

(3) The power of an Overview and Scrutiny Committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes power –

(a) to recommend that the decision be reconsidered by the person who made it, or

(b) to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.

(4) Subject to subsection (5), an Overview and Scrutiny Committee of a local authority may not discharge any functions other than its functions under this section.

(5) If or to the extent that a local authority's function of conducting best value reviews under section 5 of the Local Government Act 1999 is not the responsibility of an executive of the authority, the authority may arrange for their Overview and Scrutiny Committee (or any of their Overview and Scrutiny Committees) to conduct such a review.

(6) A sub-committee of an Overview and Scrutiny Committee may not discharge any functions other than those conferred on it under sub-section (6)(b).

(7) Executive arrangements by a local authority must include provision which enables –

(a) any Member of an Overview and Scrutiny Committee of the authority to ensure that any matter which is relevant to the functions of the Committee is included in the agenda for, and is discussed at, a meeting of the committee, and

(b) any Member of a sub-committee of such a committee to ensure that any matter which is relevant to the functions of the sub-committee is included in the agenda for, and is discussed at, a meeting of the sub-committee.

(8) An Overview and Scrutiny Committee of a local authority, or any sub-committee of such a committee, may not include any member of the authority's executive.

(9) An Overview and Scrutiny Committee of a local authority, or a sub-committee of such a committee, may include persons who are not members of the authority, but (subject to any provision made by or under paragraphs 7 to 9 of Schedule 1) any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting.

(10) An Overview and Scrutiny Committee of a local authority, or a sub-committee of such a committee, is to be treated –

(a) as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees); and

(b) as a body to which section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

(11) Sub-sections (2) and (5) of Section 102 of the Local Government Act 1972 are to apply to an Overview and Scrutiny Committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.

(12) An Overview and Scrutiny Committee of a local authority or a sub-committee of such a committee –

(a) may require Members of the executive, and officers of the authority, to attend before it to answer questions; and

(b) may invite other persons to attend meetings of the Committee.

(13) It is the duty of any Member or officer mentioned in sub-section (13)(a) to comply with any requirement so mentioned.

(14) A person is not obliged by sub-section (14) to answer any question which he would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

(d) Examine the number of members required to successfully operate an O&S committee. How many meetings should be held and their timing?

Numbers of Members

1. The number of councillors on the committee may vary so as to take account of political bias, Member numbers available, numbers required for a quorum and the work load of the committee (numbers required in each working group). It is thought that the right balance is 14. Any less would not take account of:
 - i. Sickness.
 - ii. Holidays
 - iii. Non attendance.
 - iv. Forming a Quorum.
 - v. Sharing out the tasks within the Working groups.
 - vi. Enabling new councillors the opportunity to work on task groups, explore the mechanics and working of the council and meet its Officers in their departments. (4 Task and Finish groups would require at least 12 councillors).

Number and Intervals Between Meetings

2. From past experience, it would be better to have the majority of the O&S meetings at the start of the financial year. This front loading would allow the O&S Committee groups to identify and sanction the subjects, initiate the working groups, form them with volunteers, and carry out early reviews of the correctness and direction of the work to be carried out. This would also allow early inputs from other committees to be fed in to the O&S programme.

It is also important to have the meetings staged so that the committee can review at the correct time the Council's Quarterly Performance Indicators.

A suggested programme may look something like this;

Inputs from other committees to the O&S committee. – March/April.

1st meeting – May/June.

2nd meeting – June/July.

3rd meeting – August/September.

4th meeting – December

5th meeting – January/February.

Final meeting – Early April.

This front loading would also allow the working groups who reached their conclusions early to report in December and then move on to other topics, whilst the more intense and prolonged topics would be allowed to finish and report by 1st April. This means that the final reports could be passed to the appropriate committee before the close of the financial year and be actioned within that timescale.

Tasking the O&S committee

3. Tasking of the O&S committee by other committees should be in the format of either a Scoping document or a Review Topic, both should have a list of Objectives and Purpose for the review. Once a Task is finished by the O&S committee and has been agreed upon, it should be passed asap to the appropriate committee for their consideration, then if the recommendations are adopted / or not, feed back, including any appropriate additional action/s, should be made to the O&S committee at their next meeting.

- (e) **To look at the useful work which has been carried out by the O&S committee over the past 5 years and comment on who would perform this work if the O&S committee did not do it.**

The list of work carried out over the past 5 years can be found at Appendix 4, this shows the work completed, to which committee the report was passed, and in the final column the action that was taken. The work carried out by the O&S committee has always been based upon subjects which do not readily sit easily within the boundaries of any other committee. For example; Flood risks, Energy usage, Tourism, Member Training, Traffic Management, etc.

As pointed out in the Act it is a fundamental principle of accountability that a Councillor/s cannot scrutinise his or her own decision, therefore if an Overview and Scrutiny committee did not exist to perform a scrutiny function, then another such body would have to be found to ensure the correct degree of scrutiny still exists within the Council's organisation.

- (f) **To comment on what positive feedback has been received from these work packages?**

Feedback from past work packages can be found in the final column at Appendix 5, it should be noted that in nearly all cases, there has been little or no feedback and no effort has been made to chase and question why many of the recommendations made within these reports have not been acted upon!

As can be seen from Appendix 4 a great deal of valuable work has been done over the past 5 years and a series of reports have been written and forwarded to various authorities. It therefore begs the question as to why the recommendations in these reports have been ignored and in the majority of cases, no actions has been taken. It

also begs the question as to whether there is a robust conduit for channelling O&S reports to relevant committees.

(g) To review the other work that is currently carried out by the O&S Committee.

Apart from the work carried out by independent Working Groups formed from members of the RVBC O&S committee, the other major work of the committee is;

Firstly, to act as an independent scrutineer and ensure that the correct checks and balances are in place within the other RVBC Committees, so that their operations are policed and conform to the required standards. This work would be carried out at the request of either the Chairman of the Committee, the Leader, the CEO or the Management Committee. This ensures that there is an independent and impartial body, which is able to take an objective view regarding any area/s of concern within any committee.

To examine and report on packages of work that do not easily sit within the Terms of Reference of other committees.

To be the Council's conscience by examining and commenting on the 'health' of the Council, through scrutiny of the local Performance Indicators, as presented to the committee each quarter. To identify and highlight areas of concern within these PIs, thereby ensuring appropriate action is taken to rectify future shortfalls and bring the PI back within the limits of its target. This will be achieved either by written submission from the manager/officer responsible, or through a Performance Indicator Clinic, in which the committee responsible for the PI, the O&S Committee and the Service Manager are brought together to agree a way forward to bring the PI back to within the target limit. The importance of these local PIs is that they highlight the Council's performance and ensure that no area of the Council's business is allowed to fall outside the prescribed limits (targets). A very informative and purposeful PI Clinic was held in October 2011 to resolve the unusually low performance of three housing indicators, these were resolved by adjustments to their targets and periods of review.

The Call-in procedure is a further means for the O&S committee to have an influence upon the decisions made by the Council's committees. Although it is infrequently used, the last time being the 2005, this procedure tends to be the 'port of last resort' in a Council which is predominantly a one party council and relies upon its large majority to ensure that the ruling party's policies are adopted. Therefore any Call-in procedure is unlikely to find favour if it is outside the policies of that party. This would appear however, to be against the spirit of the 2000 Act! Further, the time limit of 5 working days does not always leave enough time for the Call-in procedure to be activated after a controversial decision has been proposed and taken. Perhaps this timescale should be reviewed?

As a large part of the work of the O&S committee concerns packages of work unrelated to other committees, it would be of great help if those committees could suggest suitable work for the O&S committee, well in advance of the first meeting of the O&S committee before the start of the fiscal year. (see timetable at 3(d)2). This would allow the suggested work to be examined, voted upon and agreed by members of the O&S committee at an early stage of the new year. The suggestions could be channelled through the Policy and Finance Committee and forwarded to the Chairman of the O&S committee well in advance of the new year. Up to six topics would seem to be appropriate and each should be given a realistic timescale for the production of a report. Also the O&S committee should have the responsibility to chase up the actions taken from reports of the previous year, once the reports

recommendations have been agreed and forwarded for implementation by the appropriate committee.

(h). To review and make recommendations on the current use and format of the Quarterly Performance Indicators presented to the O&S committee.

The Council's Performance Indicators have undergone a complete review during 2011. At the start of 2011 (February) the requirement to provide National Performance Indicators was withdrawn, so the Council took the opportunity to examine both the National and Local Indicators, and combine them to form a set of PIs which could be used to monitor the Council's performance, these became the RVBC's adopted set of Performance Indicators in April 2011. This task was completed by the Corporate Policy Officer, and then passed to the Corporate Management Team for inclusion in the Council's Corporate Strategy. A further review will take place in two to three years as a matter of course, unless there is a major change to the Corporate Strategy, which may trigger a review of the PIs. One of the functions of the O&S Committee is to review the PIs quarterly in order to monitor the health of the Council.

(j). To review and make recommendations on the current Terms of Reference for the O&S Committee.

The current Terms of Reference for the O&S Committee can be found at Appendix 5. These have been reviewed by the members of this panel and a proposed revised set of ToRs can be found at Appendix 6. Although the revised set incorporates all of the original ToRs, they also incorporate a couple of tasks done by the committee but not specified within the current ToRs. Further, the revised set has been written to better describe the functioning of the committee in all of its roles.

(k). Petitions

In the RVBC's Constitution 6.1 (6) it is stated that Overview & Scrutiny should 'consider requests by petition, which are organised for a review of the steps that the Council has taken in response to a petition and, if the O&S committee determines that the petition has not been dealt with adequately, to use its powers to deal with the matter'. This requirement thus obliges those people within the Council to alert O&S to the existence of a petition/s, and the proposed way in which they will be handled.

(l). Timescale for implementation of the Recommendations.

Once this report has been finalised and forwarded to the Policy and Finance Committee then all agreed Recommendations should be actioned as soon as possible during the new fiscal term of 2012 (ie May 2012). This will allow the newly formed O&S Committee, which will operate from this date to have a new set of Terms of Reference which have been agreed and sanctioned by the Council's Management Team.

4. Conclusions

There is a legal requirement for a 4th Option Council to have at least one fully functioning Overview and Scrutiny Committee. (Local Government Acts 2000/2003 and Local Authorities Regulations 2011.)

For the present and possibly until after 2015, the structure of the Overview and Scrutiny Committee and its role within the Council will be bound by the legislation described in the 2000 Local Government Act. The Localism Bill may change this, but it is not thought that any changes will be implemented until after the next local elections in 2015.

Throughout the majority of 4th Option Councils in England the operation of their Overview and Scrutiny Committees vary considerably in function and effectiveness, ranging from relative ineffectiveness to highly productive.

The primary function of Ribble Valley Borough Council's Overview and Scrutiny Committee is to act as an independent scrutineer to ensure the correct checks and balances are in place and are applied to the other Ribble Valley Borough Council Committees, in other words, to act at the Council's 'Policeman'.

Another important function of Ribble Valley Borough Council's Overview and Scrutiny Committee is to monitor the 'Health' of the Council by way of reviewing the Quarterly Performance Indicators and ensuring appropriate action is taken by Service Managers to address any areas of concern highlighted by the Committee.

The current set of Quarterly Performance Indicators should be reviewed and amended as necessary during the financial year 2014/15, unless a major change is made to the Council's Corporate Strategy before then.

The number of members required to serve on Ribble Valley Borough Council's Overview and Scrutiny Committee should remain at 14, for the resources listed in para (d)1 which are:

- i. Sickness.
- ii. Holidays
- iii. Non attendance.
- iv. Forming a Quorum.
- v. Sharing out the tasks within the Working groups.
- vi. Enabling new councillors the opportunity to work on Task Groups and explore the mechanics and working of the council and meet its Officers in their departments. (Four Task and Finish Groups would require at least 12 councillors).

The dates of the Overview and Scrutiny Committee meetings should be programmed as listed in (d)2 they are:

- 1st meeting – May/June.
- 2nd meeting – June/July.
- 3rd meeting – August/September.
- 4th meeting – December
- 5th meeting – January/February.
- Final meeting – Early April.

Part of the Overview and Scrutiny Committee's functions is to carry out parcels of work, through 'task and finish' working groups, that do not easily lie within the Terms of Reference of other Ribble Valley Borough Council Committees. A list of the past 5 years work is at Appendix 4. Whilst some of this work has been highly productive and has identified a variety of savings and improved efficiency, few of the reports from the working groups have been fully actioned!

The reports detailed in Appendix 4 should be examined by an independent body to establish if the recommendations of these reports are still valued, and if so appropriate action should be taken to ensure they are fully implemented. This body/person should ensure that future reports are followed through and reported upon in succeeding years as new O&S committees are formed.

The current Terms of Reference for Ribble Valley Borough Council's Overview and Scrutiny Committee, should be amended to those proposed at Appendix 6.

In order to involve the public in the tasking of the O&S Committee, a working group should be set up in the summer of 2012 to establish how best to encourage the general public to initiate suitable topics for investigation by O&S working groups.

5. Recommendations

The RVBC Overview and Scrutiny committee should be retained in it's current format until after the next Borough elections, in 2015.

The revised Terms of Reference (Appendix 6) for the RVBC O&S committee should be adopted from the start of the new financial year (2012).

All RVBC committees should be encouraged to submit topics for study by the O&S committee well in advance of the first meeting of the O&S committee in May/June.

The present number of members on the O&S committee should remain at 14.

The dates for the O&S committee meetings should be programmed as suggested at para (d)2.

The O&S committee should continue to monitor the Council's Quarterly Performance Indicators and the current set of Council Performance Indicators should be reviewed during the financial year 2014/15 or if a major change is made to the RVBC's Corporate Strategy.

A working group should be set up during 2012 to investigate and to report back to the Policy and Finance committee, the reasons why many of the reports detailed at Appendix 4 have not been actioned, and a body/person established to progress completed O&S reports to their ultimate conclusion.

An O&S working group should be formed with the task of investigating how best to involve the general public in the work of O&S working groups, this should be carried out in parallel with the activities of the Parish Council Liaison Committee, so that the O&S activities should become a regular agenda item at Parish Council meetings.

Cllr M J Thomas Cllr A M Knox Cllr I Sayers

Distribution:

Chair of the RVBC Overview and Scrutiny Committee	Copy 1
Members of the RVBC Overview and Scrutiny Committee	Copies 2-15
Leader of the RVBC	Copy 16
Chief Executive Officer of the RVBC	Copy 17
Chair of the RVBC Policy and Finance Committee	Copy 18
Director of Community Services of the RVBC	Copy 19
Head of Legal and Democratic Services of the RVBC	Copy 20
File Copy (Mr W Alker)	Copy 21

Appendices

Appendix 1.

1. Acknowledgements

During the study the following people / organisations contributed to the production of this report by providing information and opinions, without which the report could not have been successfully concluded.

Lancashire County Council
Ribble Valley Council Officers
Ribble valley Council Members
Richmondshire District Council
South Ribble District Council

Appendix 2.

2. Bibliography

During the course of the study the following documents and internet files were considered and incorporated as necessary:

1. CfPS Overview and Scrutiny in Local Government (a handbook for elected members). (July 2006).
2. www.cfps.org.uk
3. Overview and Scrutiny, Guidance for Fourth Option Councils (2004).
4. Local Government Act 2000.
5. RVBC's Constitution, Article 6. (September 2011).
6. Local Democracy, Economic Development Constitution Act 2009.
7. Ribble Valley Corporate Strategy.
8. RVBC Performance Indicators.
9. RVBC Constitution Art 6.

Appendix 3.

SCOPING CHECKLIST FOR THE STUDY INTO THE FUNCTIONING OF THE RVBC OVERVIEW AND SCRUTINY COMMITTEE IN ITS CURRENT FORMAT

Scrutiny Committee	RVBC Overview and Scrutiny Committee Review Panel.
Review Topic	This review seeks to examine the operation of the RVBC Overview and Scrutiny Committee in its current format. Examine how other similar councils operate their O&S committees. To look at the legal aspect of the requirement, to examine alternatives, review the membership numbers, to examine what useful work the committee has carried out during the last 5 years, and where the committees work would be carried out if the O&S committee were only to exist on paper. To compile a report and submit it within the given timescale.
Lead Member	Councillor M J Thomas. (MJT).
Members(O&S) Outside Co-options	Councillor A M Knox. (AMK). Councillor I Sayers. (IS).
1	Review focus. This review seeks to examine the current operation of the RVBC Overview and Scrutiny Committee in its present format.
2	Areas which are not the focus of the review. This review will not make recommendations which may affect any other council's Overview and Scrutiny Committee.
3	Objectives and purpose of the review. To carry out a survey and make recommendations concerning the operation of the current RVBC Overview and Scrutiny Committee, so that the future format and membership of the committee may become more efficient and effective in order to add value to the operation of the RVBC.
4	Looked-for outcomes of the review. A better understanding of the operation of the current RVBC O&S Committee. Identify and examine the legal requirement for such a committee. Examine how other similar council (4 th Option) approach their requirements. Examination of other methods of operation of this committee. To examine the useful work the committee has carried out over the past 5 years, and to look what feed-back has been received. Examination of the number of members required to operate the committee. To examine, review and amend as necessary the committee's current Terms of Reference. Examine who, if not the O&S committee, would carry out independent work packages which do not readily fall within the remit of other RVBC committees. Review of the current Quarterly Performance figures. A report containing recommendations for the improvements in the operation of the current RVBC O&S Committee.

5	<p>Information required. The panel will collect information from within the RVBC, through personal contact with other councils (in particularly the LCC) and by use of the Internet. Further information may be collected by visits to other outside agencies as necessary.</p>
6	<p>Format of information. Information will be gathered as necessary from contact with RVBC members and Officers, discussions with other similar council members and officers, LCC officers and other local authorities as necessary.</p>
7	<p>Methods to be employed. The majority of the Panel's work is likely to take place through informal meetings.</p>
8	<p>Witnesses and consultation, including area committees and special interest or community groups where appropriate. Relevant RVBC members Relevant RVBC officers Relevant members and officers of similar constructed councils. Relevant LCC officers Others to be determined if necessary as the review progresses.</p>
9	<p>Invitees to join review body (if any). None at the moment.</p>
10	<p>Areas of work allocated to individuals or groups of members of the O&S body undertaking the review. See below.</p>
By	<p>Timescale (start and finish dates, etc). Start: July 2011. Complete: 1 April 2012.</p> <ol style="list-style-type: none"> 1. First meeting to agree the O&S Review Workplan and the timescales. (Complete by 13 July 2011) (Action AMK, IS and MJT). 2. Identify and allocate the resources available to complete the actions. (Complete by 13 July 2011) (Action by AMK, IS and MJT). 3. Identify and agree the parameters of the survey. (Complete by 13 July 2011) (Action by AMK, IS and MJT). 4. Place timescales and resources on each activity. (Complete by 213 July 2011)(Action by AMK, IS and MJT). 5. Identify the legal requirements to have an O&S Committee within the Council's committee system. Discuss with Diane Rice (Head of Legal Services) and Josh Mynott (LCC) (Complete by Aug 2011)(Action by MJT). 6. To examine how other similar councils (4th Option) approach their O&S requirements. (Complete by Aug 2011) (Action by IS).

	<p>7. Examine who, if not the O&S committee, would carry out independent work packages which do not readily fall within the remit of other RVBC committees. (Complete by Aug 2011)(Action by AMK).</p> <p>8. Review. (All) (Aug 2011).</p> <p>9. To examine the requirement to have an O&S committee which operates in its present format and look at other alternatives. Also to look at the number of members required on the committee. (Complete by Oct 2011) (Action by MJT).</p> <p>10. To examine the useful work that has been carried out by this committee over the past 5 years and to look at what feed back has been received from work packages previously completed during this period. (Completed by Oct 2011) (Action IS).</p> <p>11. To review and make recommendations on the future use, benefit and publication of the Quarterly Performance figures. (Complete by Oct 2011) (Action AMK).</p> <p>12. (Review All) (Oct 2011).</p> <p>13. To examine and revise, if necessary the committee's present Terms of Reference. (Completed by Dec 2011) (Action All).</p> <p>14. Review. (All) (Dec 2011).</p> <p>15. Compile draft report and circulate for agreement to all member of the team for comment (Complete by 1 Feb 2012). (Action All).</p> <p>16. Produce final report and submit to the Chairman of the Overview and Scrutiny Committee. (By 1 April 2012)(Action by MJT).</p> <p>17. Submission to the Policy and Finance Committee (Cllr M Ranson & Marshal Scott). (By 16 April 2012)(Action by MJT).</p>
<p>12</p>	<p>Responsible officers. Chief Executive: Marshal Scott. Director of Community Services: John Heap. Head of Legal and Democratic Services: Diane Rice Community Development Officer: Bill Alker.</p>
<p>13</p>	<p>Resources and budget. The Overview and Scrutiny Committee does not have a budget to support member activity. However, the RVBC travel and subsistence allowance may be used for members to visit outside locations.</p>
<p>14</p>	<p>Final report. Production of a final report detailing the Panel's findings and recommendations will be submitted to the O&S Committee Chairman for presentation to and subsequent action by the Policy and Finance Committee and the appropriate Council Director(s).</p>

15	Evaluation and monitoring arrangements to be put in place. The adoption of any report recommendations will require the support and implementation by the Leader and Management Team of the Ribble Valley Borough Council. Feed back from the implementation of any of the reports recommendations should be made to the O&S committee within 6 months of the acceptance of the report.
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APPENDIX 4

Overview and Scrutiny Committee Work Packages completed during the past 5 years, and actions implemented from the reports

<u>WORKING GROUP SUBJECT</u>	<u>2007/2008 COMMITTEES TO WHICH THE REPORT WAS REFERRED</u>	<u>ACTION</u>
Housing functions and housing stock transfer		Complete
Lancashire Locals	Policy and Finance Committee	Incomplete
Beacon View Quarry, Longridge Section 106 Agreements Castle Grounds, Clitheroe	Due to be referred to committees in September 08 but did not happen Community Committee	Incomplete
Health issues	Referral to Overview and Scrutiny (Resources)	Not known
Climate change/flood risks	Ongoing	Carried forward to 2008/9
<u>WORKING GROUP SUBJECT</u>	<u>2008/2009 COMMITTEES TO WHICH THE REPORT WAS REFERRED</u>	<u>ACTION</u>
Health care in rural communities	Ribble Valley Strategic Health Improvement Group	To be revisited during 2009/10
Environmental change	Community Committee	Noted
Flood risk	Community Committee	Working group established 2009
Strategic Partnership	Policy and Finance Committee	
<u>WORKING GROUP SUBJECT</u>	<u>2009/2010 COMMITTEES TO WHICH THE REPORT WAS REFERRED</u>	<u>ACTION</u>
Traffic calming in villages	Community Committee	Passed to LCC for action
Planning enforcement	Planning and Development Committee	Complete
Waste collection	Not referred	Trip to Glass Recycling UK
Leisure services	Not referred	Ongoing discussions at officer level

<u>WORKING GROUP SUBJECT</u>	<u>2010/2011 COMMITTEES TO WHICH THE REPORT WAS REFERRED</u>	<u>ACTION</u>
Review of energy efficiency in council facilities	Community Committee	Working group to be formed (expand)
Review of Ribble Valley website	Ongoing	Ongoing
Member training – revisit in January/February 2012	Not referred	None
Olympiad and its effects on Ribble Valley	Not proceeded with	None required
Twining for Ribble Valley	Not proceeded with	None required
Trees – in particular high hedges and tree preservation orders	Not proceeded with	None required

<u>WORKING GROUP SUBJECT</u>	<u>2011/2012 COMMITTEES TO WHICH THE REPORT WAS REFERRED</u>	<u>ACTION</u>
Review of Outside Bodies	Policy & Finance January 2012	Awaited
Member training and development	Policy & Finance February 2012	Awaited
Review of the RVBS O&S committee	Policy & Finance in March/April 2012	Awaited
Safeguarding	Working group formed 2012	Ongoing
Energy Efficiency measures	Working group formed 2012	Ongoing
Review of the RVBC website	Working group formed 2012	Ongoing

NB: The O&S Resources Committee primarily looked at Performance Indicators, Crime and Disorder issues, Managing Staff Absence, Shared Service Contact Centre, Future of Overview and Scrutiny, Risk Management, Review of Partnerships Procurement Strategy, Data Quality Strategy.

Appendix 5.

Current Overview and Scrutiny Committee's Terms of Reference

- 1 To prepare the annual overview and scrutiny work programme taking into account items put forward by members, PLACE, and the Corporate Management Team ensuring that such items relate to the Council's functions and corporate priorities.
2. To establish working groups to undertake the work programme, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of the working groups.
- 3 To receive reports and other evidence from organisations, individuals and partnerships which the Committee or working groups considers relevant to their work.
- 4 To co-ordinate and monitor the annual work programme.
- 5 To deal with those decisions that are subject to the Council's Call-In Procedure for decisions made by policy committees, including those of PLACE.
- 6 To consider and review the Council's Performance Management Framework including the monitoring and evaluation of performance indicators.
- 7 To take a lead on specific improvement objectives and on the overall monitoring and review of the Council's performance.
- 8 To review the performance of specific Council functions concerned with the delivery of services and to make reports and recommendations to the relevant committee.
- 9 To review matters of local community concern including partnerships and services provided by 'other' organisations such as the National Health Service and Lancashire County Council.
- 10 To report annually to Full Council on the progress of the work programme and to make relevant recommendations.

Appendix 6.

Revised Terms of Reference for the RVBC O&S Committee

1. To act as an unbiased and independent scrutiny authority for investigation into any shortfalls within the performance of the Council.
2. To prepare the annual overview & scrutiny work programme taking into account items put forward by other committees, outside bodies (including Parish Councils) and the Corporate Management Team, ensuring that such items relate to the Council's functions and corporate priorities.
3. To establish working groups to undertake the work programmes, including setting their terms of reference, the reporting arrangements, and to co-ordinate and review the work of those working groups.
4. To receive reports and other evidence from officers, external organisations, individuals and partnerships which the committee or working groups considers relevant to their work.
5. To review matters of local community concern which are controlled and provided by other organisations such as the NHS and LCC.
6. To co-ordinate and monitor the annual work programme.
7. To report periodically (through the O&S meeting minutes) to Full Council on the progress of the work programmes and to make relevant recommendations.
8. To consider, review and comment on the Council's Performance Management Framework including the monitoring and evaluation of the Quarterly Performance Indicators
9. To review the performance of specific Council functions concerned with the delivery of services and to make reports and recommendations as necessary to the relevant committee.
10. To take the lead on specific improvement objectives and on the overall monitoring and review of the Council's performance.
11. To report annually to Full Council on the work completed by the committee's working groups, their recommendations, and to comment on the Council's annual performance by publishing the annual Performance Indicators.
12. To deal with those decisions that are subject to the Council's Call-In Procedure, for decisions made by policy committees.
13. To receive an annual report from the Complaints Co-ordinator on the number, nature and outcomes from formal complaints made to the Council about the way it operates.
14. To monitor the progress and outcome of external petition/s.