

PART 6

Accountability

This Part sets out how the Leader and Cabinet are assisted but also held to account in fulfilling their responsibility for the exercise of executive functions.

PART 6 – ACCOUNTABILITY

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Section 1

1 INTRODUCTION

This Part sets out the role and functions of the Council's overview and scrutiny committees. These committees have a responsibility for holding the Cabinet to account for its decisions. They also have a responsibility to look at matters of importance to the area and the area's inhabitants.

The Council's scrutiny committees can require the attendance of Cabinet members and certain senior Council officers – they can also require the attendance of certain NHS staff. They can also require that certain information held by the Council is provided to them. Finally, scrutiny committees can require a response from the Cabinet and certain NHS bodies to the recommendations that it makes.

The agendas of scrutiny committees are developed entirely independently of the Council's Cabinet, and are based on a transparent process of prioritisation which is set out in this Part in more detail, and separately in the Executive-Scrutiny Protocol.

At Northumberland, scrutiny committees have a range of core tasks. These include:

- 1.1** To contribute to policy development on critical matters;
- 1.2** To investigate matters of interest and concern to the wider community – particularly if they relate to complex, cross-cutting and high profile challenges;
- 1.3** To keep under review the performance and financial position of the authority, and the authority's performance in engaging with partners, especially with regard to its commercial activity.
- 1.4** In carrying out these tasks, scrutiny also looks at how the Council works with its external partners.

Some scrutiny business is carried out in formal committees, but committees can also set up informal "task and finish" groups to investigate certain issues in more detail.

The meetings of scrutiny committees are held in public – the detailed rules for how these meetings are run are set out in [Part 9, Section 5](#)

There are two Protocols which set out more detail on scrutiny's roles:

- 1.5** The Executive-Scrutiny Protocol, which provides more detail around how the scrutiny function will work with Cabinet in such a way that its independence is maintained;

- 1.6** A Protocol on Financial Oversight, Financial Management and Scrutiny. There are duties for scrutiny committees, the Audit Committee, and other parts of the Council in ensuring that financial matters are subject to rigorous and consistent oversight. This Protocol provides detail on how that works in practice – in particular, ensuring that the duties of various councillor bodies with regard to this issue do not overlap. There are also a set of Financial Procedure Rules relevant to this issue.

Section 2

2 THE ROLE OF OVERVIEW AND SCRUTINY AT NORTHUMBERLAND

Northumberland has adopted a set of core tasks for its scrutiny function which reflect both the statutory powers set out above and the specific needs of the Council's governance framework. These core tasks are:

- (a) To contribute to policy development on critical matters;
- (b) To investigate matters of interest and concern to the wider community – particularly if they relate to complex, cross-cutting and high profile challenges;
- (c) To keep under review the performance and financial position of the authority, and the authority's performance in engaging with partners, especially with regard to its commercial activity.

2.2 To contribute to policy development on critical matters

This means that scrutiny committees will identify, through the work programming process described below, critical priorities for the Council and the area that it serves, and seek to undertake work to inform future decision-making on that topic.

2.3 To investigate matters of interest and concern to the wider community

Councillors will use their unique insight as elected representatives, supported by officer advice and information, as well (where necessary) as direct input from the public, to identify those issues which may be of significant interest and concern to a large number of people across the area, or a small proportion of people who have particular vulnerabilities and/or possess protected characteristics under the Equality Act.

Matters of interest and concern to those living within a small geographical area will usually be considered by Local Area Councils, unless the relevant scrutiny and the relevant LAC agree that those matters highlight a wider systemic issue that requires a corporate response.

2.4 To keep under review the performance and financial position of the authority

Scrutiny committees will have a shared responsibility with Cabinet, Council and the Audit and Accounts Committee for review and monitoring of the Council's financial position, particular with regard to how financial performance has an impact on service performance. Scrutiny committees will, in selecting items for consideration on agendas, have regard to financial and performance information in line with [Section 8](#) below.

More information can be found in the Protocol on Financial Oversight, Financial Management and Scrutiny.

2.5 The powers held by overview and scrutiny committees

In order to carry out its role and “core tasks”, scrutiny has various powers, provided by legislation.

Sections 9F (and the following sections) of the Local Government Act 2000 require that councils operating “executive arrangements” have at least one overview and scrutiny committee. Northumberland has chosen to appoint 4 overview and scrutiny committees, whose structure is set out in [section 5](#) below.

Scrutiny has the power to make reports or recommendations on matters which affect the area or the inhabitants of the area. In fulfilling this broad function – which is clarified in the section below on scrutiny’s role – scrutiny has various powers in relation to the Council and Cabinet, and in relation to other partner organisations.

2.6 Powers in respect of the Council

Overview and scrutiny committees have the power to scrutinise decisions made by the Council or Cabinet. In Northumberland, they will carry out this function in accordance with the role set out in the next section.

In carrying out its role and functions, scrutiny committees may:

- 2.6.1 Require the attendance of members and officers to attend. In Northumberland, this means that, where notice is given, the Leader, members of Cabinet, and members of the Council’s Senior Leadership Team will attend meetings of overview and scrutiny committees where this is required.
- 2.6.2 Require the provision of information held by the authority. In Northumberland, this means that:
- 2.6.3 officers will draft reports for submission to scrutiny committee meetings which meet requirements set out by the Chair of the relevant committee;
- 2.6.4 officers will provide information to individual members of scrutiny committees which reflects the rights laid out in the Member Access to Information Protocol.
- 2.6.5 Require a response from Cabinet to recommendations. Where a committee makes recommendations the Cabinet is under an obligation to respond within eight weeks. The response will be made at a meeting of Cabinet and will take the form specified by the scrutiny committee itself.

- 2.6.6 An overview and scrutiny committee has the right to scrutinise decisions which have been made, but not implemented. This power is called “call-in”. It is described in more detail in [Part 9](#).

2.7 Powers in respect of other partners

The Council works with a range of other local and national organisations. More information on these partners can be found in [Part 8](#) of the constitution. Scrutiny has powers and obligations in relation to some of these partners. They include:

- 2.7.1 The power to carry out review and scrutiny of the health service in the local area, as set out in Chapter 3 of the National Health Service Act 2006 and relevant Regulations and guidance. The officers of certain health and care bodies are obliged to attend before an overview and scrutiny committee to answer questions;
- 2.7.2 The obligation to carry out scrutiny of the county’s Community Safety Partnership, which is carried out by the Communities and Place Overview and Scrutiny Committee, as set out in sections 19 and 20 of the Police and Justice Act 2006, and statutory guidance;
- 2.7.3 The power to undertake review of flood risk management, which includes the power to make requests for information from risk management authorities. These powers are set out in s9FH of the Local Government Act 2000.
- 2.7.4 Scrutiny may invite any person to give evidence but other than those specified above, invitees are not obliged to attend.

Section 3

3 VALUES AND BEHAVIOURS FOR SCRUTINY

Scrutiny's role at Northumberland is also informed by the Council's values and behaviours. This means that scrutiny committees, in carrying out their work, will pay a keen regard to the way in which people in positions of authority carry out their work, and will exhibit these behaviours in how scrutiny operates as well. In practice this means that scrutiny committees, and in particular their chairs, will:

- 3.1** Have a focus on customers / residents, by seeking to listen to and understand their needs and ensuring that the scrutiny function is responsive to those needs by centring them in recommendations that scrutiny makes;
- 3.2** Frame their work around ensuring that they contribute to the Council's success – recognising that strong and robust scrutiny is a way of strengthening the quality of decision-making;
- 3.3** Contribute – through policy development in particular – to a clear and compelling vision and ambition for the council which is focused on long term, strategic thinking;
- 3.4** Problem solve, providing independently-led insight for the benefit of the authority on complex matters, using scrutiny's innate ability to cut through complexity and find the decisions right for the Council and area even if they are politically challenging;
- 3.5** Support the council to be open and honest about the Council's challenges and decisions, in a no-blame atmosphere – and following through by supporting officers and members to tackle difficult business issues and to develop and maintain self-awareness, and to reflect upon shortcomings where necessary;
- 3.6** Focus on the importance of culture, relationships and collaboration – within, and outside, the council – in investigating topics and delivering recommendations.
- 3.7** These values are variously built into the ways of working for scrutiny committees laid out below.

Section 4

4 THE PARTY WHIP

Scrutiny is a political space, where matters of political contention are discussed. It is appropriate and expected that councillors will express opinions and views that reflect their political standpoint and therefore the agreed standpoint of the political party of which they may be a member.

The express use of the “party whip”, as a tool of political management, is however strongly discouraged. The “whip” is a mechanism by which a member can be instructed to vote in a specific way where non-compliance with that instruction can render the member subject to a sanction imposed within the political group of which they are a member.

If such an instruction is given the member must declare the existence of the “whip” and the nature of it before the commencement of the committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

Section 5

5 THE STRUCTURE OF NORTHUMBERLAND'S OVERVIEW AND SCRUTINY COMMITTEES

The Council has four overview and scrutiny committees. Their titles and terms of reference are set out below. The presence of a given subject in the terms of reference is not meant to indicate that the committee is obliged to take reports on those topics on an annual, or otherwise regular, basis.

Name of committee	Terms of reference
Corporate Services and Economic Growth Overview and Scrutiny Committee	<ul style="list-style-type: none"> <li data-bbox="791 248 1394 389">(a) To maintain an overview of the Council's Annual Budget and Budgetary Management via the Medium Term Financial Plan <li data-bbox="791 412 1394 553">(b) To review the state of Northumberland and the County Council's activity in delivering its Corporate Plan <li data-bbox="791 575 1394 761">(c) To maintain an overview of the Council's performance management arrangements, highlighting areas of poor performance and monitoring recovery delivery plans <li data-bbox="791 784 1394 1032">(d) To maintain an overview of the Management Agreements in place between the Council and Advance Northumberland, in co-ordination with Cabinet and Audit Committee and further to the information on company governance in Part 8 <li data-bbox="791 1055 1394 1120">(e) To monitor, review and make recommendations about: <li data-bbox="791 1142 1394 1391">(f) Corporate Services: Organisational Development, Health and Safety, ICT Strategy, Corporate Governance, Financial Services, Procurement Strategy, Risk Strategy, Shared and Traded Services <li data-bbox="791 1413 1394 1478">(g) Partnership development co-ordination with local organisations <li data-bbox="791 1500 1394 1532">(h) Relationships with external bodies <li data-bbox="791 1554 1394 1619">(i) Regeneration and Economic Development <li data-bbox="791 1641 1394 1706">(j) Strategic Transport Network and Infrastructure <li data-bbox="791 1729 1394 1794">(k) Employability, Skills, and removing barriers to work <li data-bbox="791 1816 1394 1881">(l) Capital Programme and Asset Management <li data-bbox="791 1904 1394 2004">(m) Support to VCS organisations and the Council's relationship with town and parish councils

Name of committee	Terms of reference
Communities and Place Overview and Scrutiny Committee	<p>To monitor, review and make recommendations about:</p> <ul style="list-style-type: none"> (a) Development planning (b) Neighbourhood Planning (c) Conservation (d) Housing (e) Climate Change (f) Countryside, Biodiversity and landscape quality (g) Waste Management and Energy Use (h) Public and community transport network and travel to school (i) Highway maintenance, Streetscape, and the local environment (j) Local and Neighbourhood services (k) Crime, Community Safety, and fear of crime, including CONTEST, Prevent and Channel (l) Antisocial behaviour and domestic violence (m) Fire and rescue (see Part X) (n) Emergency services and Emergency planning (o) Customer Services (p) Provision of cultural and leisure facilities (q) Improving quality of life through access to culture and leisure (r) Supporting economic growth in the arts, culture, and leisure sectors (s) In co-ordination with Cabinet and the Council's Audit Committee, to maintain an overview and the Management Agreements in place between the County Council and any outside bodies relating to the above functions.

Name of committee	Terms of reference
Family and Children's Services Overview and Scrutiny Committee	<p>To monitor, review and make recommendations about:</p> <ul style="list-style-type: none"> (a) Early Years (b) Education and Schools (c) Special education needs and disability (d) Adult and Community Education (e) Training and Vocational Education (f) Lifelong Learning (g) Youth Offending (h) Social Services for Children and Young People (i) Children's Health (j) Teenage Sexual Health (k) Looked After Children (l) Safeguarding – Children (m) Youth Services (n) Family Services (o) Children's Centres <p>To oversee and monitor school improvement:</p> <ul style="list-style-type: none"> (a) To receive feedback on the Ofsted inspection of schools. (b) To support the work of the County Council and the progress of schools on the School Intervention and Support Programme in specified categories. (c) To receive an annual report about the number of schools that have been on the School Intervention and Support Programme, the reason(s) for their inclusion, the support given by the Council and the success of this support. (d) To receive an annual report on the performance of schools

Name of committee	Terms of reference
Health and Wellbeing Overview and Scrutiny Committee	<ul style="list-style-type: none"> (a) To promote well-being and reduce health inequality, particularly in supporting those people who feel more vulnerable or are at risk. (b) To discharge the functions conferred by the Local Government Act 2000 of reviewing and scrutinising matters relating to the planning, provision and operation of health services in Northumberland (c) To take a holistic view of health in promoting the social, environmental and economic well-being of local people. (d) To act as a consultee as required by the relevant regulations in respect of those matters on which local NHS bodies must consult the Committee. (e) To monitor, review and make recommendations about: (f) Adult Care and Social Services (g) Adults Safeguarding (h) Welfare of Vulnerable People (i) Independent Living and Supported Housing (j) Carers Well Being (k) Mental Health and Emotional Well Being (l) Financial inclusion and fuel poverty (m) Adult Health Services (n) Healthy Eating and Physical Activity (o) Smoking Cessation (p) Alcohol and drugs misuse (q) Community Engagement and Empowerment (r) Social Inclusion (s) Equalities, diversity and community cohesion

Rules of procedure have been drafted which lay out how scrutiny committees will be convened, arrangements for attendance and speaking rights for

councillors, council officers and members of the public. These are set out in [Part 9](#) of the Constitution.

5.1 Frequency of meetings

These committees will meet at least 6 times a year. The Chair of an overview and scrutiny committee may call an extraordinary meeting of a committee if they consider it necessary or appropriate, in the context of scrutiny's role and core tasks and having regard to the advice of the Monitoring Officer.

5.2 Joint committees

From time to time cross-border issues may be of such importance that they demand the establishment of temporary or permanent scrutiny arrangements with another council. In considering the necessity of this work, chairs of scrutiny committees will have regard to:

- 5.2.1 The advice of the Monitoring Officer;
- 5.2.2 The need for such work to add clear value for the people of Northumberland;
- 5.2.3 The presence of other cross-border scrutiny arrangements, such as the Northumbria Police and Crime Panel and the overview and scrutiny committee of the North of Tyne Combined Authority.
- 5.2.4 In the case of a substantial variation to local health and care services which, by law, is of such a nature that requires the establishment of a joint committee, the Monitoring Officer will advise councillors on the operating arrangements for that committee, including facilitating agreement on hosting arrangements and the nomination of councillors to sit on it.

5.3 Task and finish groups

Task and finish groups may be established to investigate and explore future policy options for a topic or issue for which the council has whole or partial responsibility.

When agreed as part of the scrutiny function's work programming arrangements, and when the allotted time for the establishment of the task and finish group arrives, the procedure should be as follows:

- 5.3.1 The agreement by the committee of the scope of the review and the membership of the group. The scope will set out the question or questions to be answered, the way in which evidence will be gathered to reach that outcome (and from whom), the councillors nominated to form part of the group, the names of any co-optees and officer support arrangements;
- 5.3.2 Evidence-gathering, following the methods set out in section xx below. Task and finish work may be carried out both in private and in public;

- 5.3.3 The preparation of a report, and recommendations, for submission to the commissioning committee. Reports will be short and contain a limited number of recommendations. The report submitted by the task group to the committee will be the one agreed to by the majority of members of that group;
- 5.3.4 Consideration of the report by the commissioning committee and submission of the report and recommendations to the relevant recipients. The committee should not normally make any amendment to the report submitted to them.

The membership of task and finish groups can include any member of the Council not currently a Cabinet member, or a Cabinet Assistant. Groups will usually number no more than six councillors, as far as possible politically balanced. The committee commissioning the review will determine if non-councillors should be invited to participate as co-optees. This may be relevant if certain individuals can bring recognised expertise to the work of a task and finish group. Co-optees may be individuals who have publicly campaigned on a given issue, but in their role on a task and finish group they will be expected to act with an open mind, and to conform to behavioural expectations similar to those put to members.

Arrangements for the scoping and membership of task and finish groups will in all cases be determined by the committee which commissions them.

Section 6

6 WHO SITS ON THE OVERVIEW AND SCRUTINY COMMITTEES

The membership, and Chairs, of overview and scrutiny committees will be determined by Council at its Annual General Meeting, subject to any in-year changes and substitutions confirmed by the Monitoring Officer.

6.1 Councillors

All councillors, except members of the Cabinet, may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved.

6.2 Co-optees

The power exists for scrutiny committees to “co-opt” people who are not councillors to sit on scrutiny committees.

With the exception of statutory education co-optees, described below, any person co-opted to sit on a scrutiny committee will be a member of that committee, but without the right to vote. Co-option may take place only in accordance with a scheme agreed by Council.

The Family and Children’s Services Committee will have among its membership five co-optees, who may exercise the right to vote on any matter that relates to the Council’s education functions, but not on any other matter. These five co-optees will be representatives of the following groups and organisations:

- 6.2.1 The Church of England Diocese of Newcastle;
- 6.2.2 The Roman Catholic Diocese of Hexham and Newcastle;
- 6.2.3 Two parent governor representatives, elected by the parent governors of maintained primary and secondary schools serving children residing in the county council’s area. The Monitoring Officer will arrange for the periodic election of these individuals in line with Government guidance;
- 6.2.4 One representative of other faiths and denominations, to be determined by the Monitoring Officer in consultation with the Council’s Standing Advisory Council on Religious Education (SACRE).

Section 7

7 THE ROLE OF CHAIRS OF OVERVIEW AND SCRUTINY COMMITTEES

Chairs of overview and scrutiny committees have a role, individually and collectively, to:

- 7.1** Preserve and champion the independence of the scrutiny function from the executive;
- 7.2** Ensure that scrutiny is looking at the right things, in the right way, at the right time;
- 7.3** Ensure that scrutiny is a collaborative working environment which benefits from the experience and viewpoints of a range of councillors;
- 7.4** Ensure that scrutiny activity is planned and carried out in a way which conforms to the Council's agreed values and behaviours;
- 7.5** Ensure that scrutiny is visible to the public and drawing on public insight and views;
- 7.6** Ensure that councillors sitting on scrutiny committees individually and collectively have the skills and capabilities to carry out their roles;
- 7.7** Work in a mutually supportive manner with officers, in accordance with the Member-Officer Protocol and the Council's agreed values and behaviours.

Section 8

8 THE WAYS IN WHICH THE OVERVIEW AND SCRUTINY FUNCTION WILL WORK

The work of the Council's scrutiny function will be focused and directed to those areas where the function's unique capabilities are best able to add value to the work of the Council and the lives of its residents.

To that end, scrutiny committees between them have adopted the following ways of working.

8.1 Carrying out work on subjects where member-led scrutiny can add value

This objective will be met through the delivery of a comprehensive and focused work programme.

Scrutiny committees will individually agree a rolling work programme, which will be aligned across the whole scrutiny function through liaison between committee chairs. The work programme will be informed by scrutiny's "core tasks"

Scrutiny committees will agree a common set of criteria that will be used to determine where an issue should be placed on a future agenda with reference to available evidence on the matter in question. These criteria may change from year to year to ensure that scrutiny's work reflects the council's, and local people's, priorities.

Overall, the work programme for committees individually and collectively will focus on:

8.2.1 Forthcoming policy development, with such matters usually being identified well ahead of time;

8.2.2 Review of performance, and finance, issues in-year, with particular matters of concern being escalated to committee by exception.

Committees will not usually carry out the scrutiny of decisions shortly before they are submitted to Cabinet ("pre-decision scrutiny"). Chairs will however have the discretion to place such matters on the work programme where the subject matter is high profile and contentious.

8.3 Carrying out work using methods most likely to deliver a consistent high impact

Scrutiny committees have a range of methods at their disposal to conduct their work, and to gather evidence.

Where the work programme is being developed, decisions as to whether certain items are placed on the programme will need to bear in mind what method or methods will deliver the greatest impact.

Usual methods will include:

8.4.1 Considering an item on an ordinary agenda of a scrutiny committee meeting. This may be one of several items or the sole item on the agenda. The rules of procedure on scrutiny at Part 9 set out the arrangements for this form of evidence-gathering in more detail;

8.4.2 Convening a joint meeting with another scrutiny committee of the county council. If the work programme demands it, joint meetings of multiple committees may be convened to review cross-cutting topics. Joint meetings with scrutiny committees of other authorities may also be convened – and joint committees of more than one authority may also be established, subject to rules set out in Part 6 Section 5.2

8.4.3 Establishing a standing sub-committee to take responsibility for a portion of the parent committee's terms of reference. The establishment of sub-committees will happen further to the advice of the Monitoring Officer and will be subject to the agreement of full Council given the overall effects on overall political proportionality;

8.4.4 Establishing a task and finish group. Task and finish groups are informal, time limited bodies established by a committee to undertake a specific, defined investigation and to report back to that committee before being disbanded. Detailed arrangements for the establishment of task and finish groups are set out in Part 9

8.4.5 Establishing a standing panel. The Corporate Services and Economic Growth Overview and Scrutiny Committee may, at the start of the municipal year, determine whether to establish a standing panel to transact duties relating to the scrutiny of the budget development process. This panel will operate further to arrangements set out in the Protocol on Financial Oversight, Financial Management and Scrutiny and the Executive-Scrutiny Protocol;

8.5 Gathering evidence from a wide range of sources so as to gain as full an understanding as possible of an issue prior to making recommendations

Evidence to support scrutiny activity may derive from:

8.6.1 Desktop research. Officers supporting scrutiny committees may undertake research on behalf of those committees, and councillors may also be tasked by the committee to undertake research;

8.6.2 Officer reports. Reports on matters for information, or for noting, will not be submitted to scrutiny committees for consideration. Where an officer report is proposed or requested for a given meeting it should be to answer a specific question and/or to support the scrutiny committee to reach, or recommend, a specific outcome. General reports "for information" can be submitted to councillors directly, outside of the ordinary committee cycle, and used in support of the work programming process described above;

8.6.3 Officer or executive member attendance at formal meetings. Officers or executive members may be required to attend meetings to give evidence and/or to be held to account for decisions, or performance, for which they are responsible. "No blame" does not mean "no accountability", and scrutiny committees should carry out

this work constructively but vigorously. More information on this power is set out in the Executive-Scrutiny Protocol;

8.6.4 Public meetings. In order to investigate a matter on the work programme a scrutiny committee may convene a meeting to take evidence directly from the public. The design of this process should have regard to the need to maximise accessibility for those identified as key stakeholders for such evidence-gathering;

8.6.5 Site visits. In transacting work (particularly task and finish groups) councillors will want to carry out in-person visits to places within, and occasionally outside, the county.