



## **Nottingham City Council Overview and Scrutiny Committee**

**Date:** Wednesday, 9 March 2022

**Time:** 2.00 pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG

Please see information at the bottom of this agenda front sheet about arrangements for ensuring Covid-safety.

**Councillors are requested to attend the above meeting to transact the following business**

**Director for Legal and Governance**

**Governance Officer:** Laura Wilson

**Direct Dial:** 0115 876 64321

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|----------|---|-----------|
| <b>1</b> | <b>Apologies for absence</b>  |           |
| <b>2</b> | <b>Declarations of interests</b>  |           |
| <b>3</b> | <b>Minutes</b><br>To confirm the minutes of the meeting held on 9 February 2022                                   | 3 - 8     |
| <b>4</b> | <b>Together for Nottingham Plan - Progress update by the Leader</b><br>Report of the Head of Legal and Governance | 9 - 10    |
| <b>5</b> | <b>Scrutiny Action Plan Update</b><br>Report of the Head of Legal and Governance                                  | 11 - 64   |
| <b>6</b> | <b>2022/23 Work Programme Development</b><br>Report of the Head of Legal and Governance                           | To Follow |
| <b>7</b> | <b>Work Programme</b><br>Report of the Head of Legal and Governance   | 65 - 70   |

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## **Nottingham City Council Overview and Scrutiny Committee**

**Minutes of the meeting held in the Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on Wednesday 9 February 2022 from 2:00pm to 3:27pm**

### **Membership**

#### **Present**

Councillor Anne Peach (Chair)  
Councillor Patience Uloma Ifediora  
Councillor Corall Jenkins  
Councillor Gul Nawaz Khan  
Councillor Jane Lakey  
Councillor Sajid Mohammed (items 58-59)  
Councillor Angharad Roberts  
Councillor Andrew Rule  
Councillor Audra Wynter

#### **Absent**

Councillor Carole McCulloch  
Councillor Toby Neal  
Councillor Georgia Power

### **Colleagues, partners and others in attendance**

Beth Brown	- Head of Legal and Governance
Titu Hayre-Bennett	- Head of Transformation
Richard Henderson	- Director of Human Resources and Equality, Diversity and Inclusion
Adrian Mann	- Governance Officer
Councillor David Mellen	- Leader of the Council
Councillor Sam Webster	- Portfolio Holder for Finance and Resources
Laura Wilson	- Senior Governance Officer

### **54 Apologies for Absence**

Councillor Carole McCulloch	-	personal reasons
Councillor Georgia Power	-	Council business

### **55 Declarations of Interests**

None.

### **56 Minutes**

The Committee confirmed the minutes of the meeting held on 5 January 2022 as a correct record and they were signed by the Chair.

### **57 Together for Nottingham Plan - Progress Update by the Leader**

Councillor David Mellen, Leader of the Council, provided an update on the progress made towards the priorities set out in the Together for Nottingham Plan (TNP). The following points were discussed:

- (a) there are eight themes for improvement identified in the TNP. The implementation of the new Council Plan is being monitored closely, and an update on the progress made will be provided to the March meeting of the Committee. Improvements to organisational culture continue to be developed and a great deal of work has been carried out to implement a better performance management process for staff, so that individual targets link directly to the priorities as set out in the Council Plan. The new Council Constitution is in place, and further training is planned for councillors and officers;
- (b) the Council's levels of borrowing have reduced significantly due to the adoption of a borrowing cap, so new capital projects are being funded through grants and capital receipts. Asset rationalisations to generate the needed receipts are progressing well, including both small and very high value sales, with measures in place to ensure that all commercial disposals achieve the best value possible. Work continues to make sure that Council-owned companies are being managed effectively;
- (c) individual Service Plans are being produced, so that there is effective service design and delivery within the resources available. Currently, the Service Plans are being fully costed, and this will be reflected within the overall budget. The recent budget consultation process received around 700 responses, with 17 direct engagement events carried out with various groups of people representing a broad range of ages. A significant number of the responses focused on the future of children's centres and youth provision, as this represents a major concern for citizens. All of the responses are being considered fully and the budget proposals are being reviewed to explore what viable changes can be made as a result of the consultation process;
- (d) a full response to the latest formal quarterly report of the Improvement and Assurance Board (IAB) has not yet been received from the Government, but the IAB is keen to move forward with the delivery of the TNP, particularly in the context of establishing an achievable four-year budget plan, with clear business cases in place for the delivery of the full programme of transformation within the period. The IAB has been positive about the budget consultation carried out, and the progress to date of the asset rationalisation process;
- (e) Finance officers are working extremely hard to ensure that the IAB is provided with everything that it requires to carry out a full assurance process. The IAB has met once already in February, ahead of the publication of the Council's proposed Medium Term Financial Plan, and will do so again at the end of the month. Ultimately, the Council is making progress in all of its improvement areas, but there is a great deal of work still to do over the next three years.

The Committee noted the update, and that a further update will be brought to its next meeting, in March.

## **58 Culture Change at Nottingham City Council**

Councillor Sam Webster, Portfolio Holder for Finance and Resources; Richard Henderson, Director of Human Resources and Equality, Diversity and Inclusion; and

Titu Hayre-Bennett, Head of Transformation, presented a report on the work undertaken to date in relation to Theme 6 of the Together for Nottingham Plan, and how this is driving culture change at the Council. The following points were discussed:

- (a) a mapping process has been carried out to help understand the current organisational culture, to inform how the positive aspects can be built upon and any negative aspects mitigated against. The Council has a predominantly 'networked' and 'communal' culture, where staff have a strong commitment to public service. However, this can produce too much of a focus on maintaining relationships at the expense of driving objective performance in some cases, and there can be a lack of constructive challenge as part of the process of planning and delivery. It is important that a strong behavioural culture is in place to help drive change, established through clear frameworks for performance and individual development;
- (b) it should be noted that, just because work is required to drive culture change, this does not mean that the organisational culture at the Council is or was predominantly negative. Most of the Council's service delivery and other activity is carried out well by officers working in difficult circumstances. However, there is scope for more improvements to be made. There is low morale in the public sector currently due to the challenging nature of the environment over a number of years. As such, it is important to build on what is good in the current culture, and to invest further in people and improve confidence;
- (c) ultimately, an organisation needs an empowering culture to assist processes of structural change. A top-tier officer restructure is planned and a new leadership framework has been put in place for a simplified model of leadership at the strategic, Service and individual levels, with two-way communication between each. Leadership at the strategic level sets the Council's vision and priorities, while service delivery is driven at the Service level. The number of tiers required for an effective management system is being explored, to create the right structure for effective service delivery, in alignment with the requirements of the Council Plan;
- (d) the current focus is on developing managers and a Leading and Managing Together programme is in place for completion by October, to ensure that managers have the time and capacity to do development work while also carrying out their regular duties. There is a well-established process for how managers are managed, from the top down, with very clear objective setting. However, individually, all staff should be empowered in making the decisions that they need to at their level of responsibility;
- (e) the new 'Performing Well' approach to individual performance review focuses on how staff should be set targets that link clearly to the objectives of the Service and Council Plans, to show how those plans are being delivered. This will also assist in identifying the right development needs, and this should form the basis of regular conversations between managers and staff – rather than focussing on performance management as a purely a periodic, process-driven exercise. However, measures have also been developed to enable managers to engage

with and address under-performance effectively, with the right support structures in place from the organisation as a whole;

- (f) ultimately, the Chief Executive has the responsibility for ensuring that culture change is delivered, working alongside senior officers and executive councillors. The performance management process is reported on at a strategic level on a quarterly basis, to provide assurance that progress is being made towards the delivery of the Council Plan and the Council's statutory duties. A quantitative update on progress is also provided to the Improvement and Assurance Board (IAB) on a quarterly basis, and performance and risk management processes in place and are reported on. The IAB has been positive about progress, and considers that there should be a strong focus on developing the workforce. The IAB needs to be assured that the underpinning structures to achieve culture change are in place and that this is done 'at pace', but it acknowledges that broad culture change itself will take time to achieve;
- (g) a Transformational Leadership Programme is in place, along with an Accelerated Development Programme to ensure that members of staff with protected characteristics have access to the skills that they need to progress, and grow representation at all levels of the organisation. There is a fundamental expectation for managers to implement inclusion effectively, and to address any entrenched inequalities in the workforce. The Change Academy scheme is intended to support the transformation process. Officer development schemes will be introduced, with an all-employee development programme launching in March, and further development needs for councillors are being explored;
- (h) the Council is seeking to simplify its structure and improve decision-making, with new standards being established for personal responsibility and accountability. Work has been carried out with the Local Government Association on embedding the new Constitution effectively, to be completed in March, and e-learning modules are in place, alongside applied training sessions;
- (i) there is a close focus on cross-cutting transformation activity across the Council, intended to improve service delivery to be as efficient and as possible and lead to real change. The culture change process is progressing well, but the primary challenge is in supporting staff to understand and embed behaviour change, and to embrace the delivery of services in new ways. A key messaging system is in place for all staff, and is also delivered through engagement groups and team meetings. There is a particular focus on frontline teams, as how they understand and apply culture change is vital, with sense-checking measures in place. Providing services differently has led to a need for some restructuring work, and every effort has been made to ensure that required voluntary redundancy processes were carried out as sensitively as possible;
- (j) a great deal of work remains to be done, and organisational culture shift requires time to implement effectively. There is a four-year planning period in place for service transformation, so it is clear what changes are upcoming, and the right capacity is in place. The direct costs of the work to deliver culture change are relatively low and have provided good value for money, with much of the development training to be provided in-house. Citizens should experience the real

benefit of culture change as services become more efficient and effective, through delivery by an engaged and productive workforce;

- (k) the progress of culture changes will be tested by both qualitative and quantitative measures, including staff opinion surveys and further culture mapping. The expected behaviours and the need for an environment of positive challenge has been set out clearly. Detailed work will be required to ensure a full of understanding of how and where there new measures are working effectively;
- (l) the Committee considered that it will be vital to review what the outcomes and impacts of the new performance management system are, and that an assessment should be made and reported to the Committee after the first year of its operation.

The Committee noted the report, and requested that the outcomes and impacts of the new performance management system are reported to the Committee after the first year of its operation.

## **59 Work Programme**

Laura Wilson, Senior Governance Officer, presented the Committee's work programme for the 2021/22 municipal year. The following points were discussed:

- (a) the Committee noted that an update on the progress made on the implementation of the new Council Plan will be provided to its March meeting. It requested that an item is scheduled to receive a report on the outcomes and impacts of the new performance management system, after the first year of its operation;
- (b) an informal session will be held for the Committee to discuss the development of the work programme for the 2022/23 municipal year, with an aim to maintain the focus on recovery and improvement.

The Committee noted the work programme.

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**Overview and Scrutiny Committee  
9 March 2022**

**Together for Nottingham Plan – Progress update by the Leader**

**Report of the Head of Legal and Governance**

**1 Purpose**

- 1.1 To consider a verbal update from the Leader on progress made on the priorities in the Together for Nottingham Plan.

**2 Action required**

- 2.1 The Committee is asked to
- a) consider the information provided and use it to inform questioning and discussion
  - b) make recommendations if appropriate
  - c) make any necessary amendments to the work programme as a result of the information provided.

**3 Background information**

- 3.1 At its meeting on 9 June the Committee resolved to invite the Leader to attend each Overview and Scrutiny Committee meeting for approximately 15 minutes to provide a very brief update on key issues in relation to improvement and recovery, to aid work programme planning. These updates have been scheduled into the work programme in line with the Leader's availability.
- 3.2 The Leader will present information on the Council's current progress in relation to priorities in the Together for Nottingham Plan to support the Committee to identify appropriate items for scrutiny at future meetings, in addition to items already agreed.
- 3.3 Following questioning and discussion, the Committee should use the information acquired in its discussions under the Work Programme item of the agenda.

**4 List of attached information**

- 4.1 None.

**5 Background papers, other than published works or those disclosing exempt or confidential information**

5.1 None.

**6 Published documents referred to in compiling this report**

6.1 Reports to and discussion at Overview and Scrutiny Committee meetings since June 2021.

6.2 Together for Nottingham Plan.

**7 Wards affected**

7.1 All

**8 Contact information**

8.1 Laura Wilson  
Senior Governance Officer  
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**Overview and Scrutiny Committee  
9 March 2022**

**Scrutiny Action Plan Update**

**Report of the Head of Legal and Governance**

**1 Purpose**

- 1.1 To consider the update on progress against the Scrutiny Action Plan, including the completion of the Scrutiny Protocol.

**2 Action required**

- 2.1 The Committee is asked to
  - (a) note and comment on the progress made to date on delivering the outcomes in the Scrutiny Action Plan
  - (b) approve the Scrutiny Protocol.

**3 Background information**

- 3.1 At its meeting on 6 October 2021 the Committee approved the Scrutiny Action Plan in response to the Centre for Governance and Scrutiny's report and recommendations following its review of scrutiny at Nottingham City Council earlier in the year.
- 3.2 The Action Plan is attached to the report, with a progress column included, to update the Committee on the progress made to date, as well as a finalised version of the Scrutiny Protocol for approval, and Beth Brown, Head of Legal and Governance, and Statutory Scrutiny Officer, will expand on this at the meeting.

**4 List of attached information**

- 4.1 Scrutiny Action Plan progress update
- 4.2 Scrutiny Protocol

**5 Background papers, other than published works or those disclosing exempt or confidential information**

- 5.1 None.

**6 Published documents referred to in compiling this report**

- 6.1 Centre for Governance and Scrutiny report on the review of scrutiny of Nottingham City Council.

- 6.2 Scrutiny Action Plan report and minutes at the Overview and Scrutiny Committee on 6 October 2021.

## **7 Wards affected**

- 7.1 All.

## **8 Contact information**

- 8.1 Laura Wilson  
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### Improvement Action Plan to respond to the recommendations of the Centre for Governance and Scrutiny Review of the Scrutiny Function

As part of the Council's recovery and improvement activity, the Centre for Governance and Scrutiny (CfGS) was commissioned to review the Council's overview and scrutiny function to identify areas for improvement and make recommendations on how those improvements could be made. Council accepted the CfGS report at its meeting on 13 September 2021, and delegated responsibility to the Overview and Scrutiny Committee to develop and oversee implementation of an action plan to respond to the recommendations and address the issues raised in the report. This action plan sets out the actions to be taken to respond to those recommendations.

To succeed, the action plan is dependent on the Council having a culture which welcomes and is open to scrutiny, alongside scrutiny itself being more effective in how it works. The Action Plan encompasses actions which will support Executive and Scrutiny Members and senior officers in owning and driving these improvements. Accountability for delivering the Action Plan should be viewed as a whole Council responsibility.

It is proposed that alongside regular progress reports to Overview and Scrutiny, progress is reviewed as part of the Council's overall improvement plan.

Review points are suggested in March 2022 and September 2022.

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
1. Repurpose Scrutiny	To be effective, Scrutiny needs to be put on a recovery footing to fully align and integrate into the corporate plans for recovery. This	Scrutiny Chairs Leader Executive Chief Executive	A review of the existing work programme will be undertaken immediately.  Work programmes for 2021/22 were	Scrutiny Chairs Scrutiny Support Officers	Ongoing but initial review of work programmes to be carried out prior to October 2021 committee meetings.	The Scrutiny work programme was repurposed to focus on emerging themes from the Recovery and

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
	should last for twelve months, then subject to further review. We believe this recovery can be achieved within the existing scrutiny structure of three committees. It will however require a refresh of scrutiny's purpose and role. This should entail a twelve month focus on financial, and commercial challenges confronting the Council, service delivery within a tighter financial envelope and the risks involved achieving this at pace. It will also require a realignment between Audit and Scrutiny.		<p>developed with knowledge of the findings of the CfGS review, the work programmes will now be reviewed to have a clear focus on the Council's recovery and improvement activity, including transformation, financial challenges and the impact on citizens.</p> <p>Work programmes kept under ongoing review, with regular input sought from the Leader/ Executive, CLT and Chair of Audit Committee to help identify opportunities to add the greatest value and inform decisions about the specific focus for scrutiny.</p> <p>Key points for financial scrutiny identified</p>	With support from: Executive CLT	<p>Immediate and ongoing</p> <p>Timescales and focus for MTFP scrutiny agreed with Corporate Director and</p>	<p>Improvement Plan (now the Together for Nottingham Plan). The Overview and Scrutiny Committee have received regular updates from the Leader of the Council about the progress to date, have scrutinised (amongst other things) the budget; the refreshed Strategic Council Plan; the Council's transformation Programme; Council Commercial Ventures and; Culture Change.</p> <p>The Chair, Statutory Scrutiny Officer</p>

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
			<p>throughout the year, including proposals for savings, in-year delivery, financial management.</p> <p>Scrutiny chairs co-ordinate financial scrutiny activity across the committees.</p>		<p>Portfolio Holder in September, and co-ordination between committees agreed by chairs in September.</p>	<p>and Senior Governance Officer meet monthly with Leadership. The Statutory Scrutiny Officer attends CLT monthly to report on the work of the Committee and horizon scan.</p> <p>A robust and comprehensive training programme has been developed with the CfGS, with a number of these sessions having been delivered and positive feedback received.</p> <p>A Scrutiny Protocol for Nottingham has been developed with input from</p>

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
						the Executive, Senior Leadership and O&S committee members.
2. Openness to Scrutiny	The current fault lines within Scrutiny include culture and behaviour, governance and structure, capacity and capability. These all need to be addressed as a whole Council matter. Change needs to impact further on culture and behaviours. Officers and Members need to be completely confident that sharing information in an open and transparent way, or challenge and constructive criticism is accepted and without reproach. This may be	Leader Executive  Supported by: Chief Executive, CLT	New Scrutiny Protocol developed in line with the new Constitution and newly adopted Councillor/ Officer Protocol. Protocol to include access to information; expectations in relation to engagement with scrutiny, provision of information and attendance at meetings; expectations in relation to response to, and implementation of recommendations; and referrals to scrutiny.	Scrutiny Chairs Scrutiny Officers Executive CLT	Draft protocol to be taken to the Overview and Scrutiny Committee meeting on 5 January 2022	A Scrutiny Protocol for Nottingham has been developed and is before the committee for adoption at this meeting.

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
	helped by a new protocol that sets out expectations and norms, including access to information.					
3. Prioritisation	Scrutiny work programmes need to be refocused almost exclusively on topics that address and support the Council's recovery plan. For the foreseeable future we would recommend that the Scrutiny work programme focuses on finance, the improvement plan and service transformation. Additional items should only be added where the Members are confident of scrutiny making an impact through their	Scrutiny chairs  Supported by: Executive and CLT and scrutiny officers	Scrutiny work programmes to be re-reviewed immediately to ensure a focus on the Council's recovery and improvement activity, including transformation, financial challenges and the impact on citizens. Each meeting of the Overview and Scrutiny Committee to focus on a specific aspect of the Recovery and Improvement Plan.  Regular meetings set up between scrutiny chairs and scrutiny support officers, officer leadership, and the lead Portfolio Holder to oversee engagement	Scrutiny Chairs  Supported by: regular engagement with the Executive and CLT	Ongoing but initial review of work programmes to be carried out prior to October 2021 committee meetings.  CLT already receive the scrutiny work programmes for information/consideration	See update at 1.

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
	recommendations. Whilst maintaining Scrutiny's independence, work programmes should not entirely reflect Member preference, but be designed in consultation with the Council. For transparency and to provide further oversight, we recommend that the work programme is shared with the Improvement and Assurance Board (IAB), during the period that the Board is in place.		<p>of the scrutiny committees with key corporate issues and 'trouble shoot' any barriers or challenges.</p> <p>Scrutiny Chairs and Scrutiny officers to be invited to attend Executive Panel on a regular basis for a discussion on how recent scrutiny items have impacted and added value and to identify future areas that Scrutiny could support.</p>		<p>Oversight and engagement meetings to commence from October 2021</p> <p>To commence from December 2021</p>	
4. Meeting Agendas	Scrutiny committee agendas (across all committees) should be limited to two substantive items with recovery and service transformation as the focus –	Scrutiny chairs	Committee meetings limited to two substantive items, where possible. Each meeting of the Overview and Scrutiny Committee focused on a specific aspect of the Recovery and	<p>Scrutiny Chairs</p> <p>With input from: Scrutiny committee members Executive CLT</p>	Immediate and ongoing	Agendas are now limited to two substantive items, allowing the committee to prioritise and spend time looking at significant

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
	informed by a clear understanding of the Council's current financial situation and ongoing plans. This requires a change of emphasis and 'parking' many of the current issues. This is particularly important for areas of high spend and high risk, such as health and care, children and oversight of external commercial interests. To accommodate this, health scrutiny needs to gain a greater focus on social care and a stricter prioritisation of health-related scrutiny topics.		<p>Improvement Plan and/or financial scrutiny. This will be achieved via the re-reviewing of work programmes and regular engagement with the councillor and officer leadership (see recommendation 1).</p> <p>The committee responsible for health scrutiny renamed the 'Health and Adult Social Care Scrutiny Committee' to highlight its remit in relation to adult social care.</p> <p>Regular meetings between Chairs of Committees and Portfolio Holders to ensure awareness of priorities and where scrutiny can add value, informing the work programme.</p>	Senior officers	<p>Change of name of the health scrutiny committee agreed to commence from 1 October 2021.</p> <p>Immediate and ongoing</p>	<p>issues in more detail.</p> <p>Work programmes were reviewed and the focus for the time being is supporting the Together For Nottingham plan.</p>
5. Parity of Esteem	We suggest that Scrutiny needs to	Whole Council	The development of the Scrutiny Protocol	Leader Executive	Internet and intranet pages	See attached Scrutiny

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
	be elevated in its role and should be led by Scrutiny Chairs having greater authority within the council. This could partially be achieved through a rebalancing of Special Responsibility Allowances (SRAs) between Executive Members and Scrutiny Chairs to signal a change in recognised parity. This would give a clear indication that Scrutiny is an equal partner in the governance process. It would diminish the often-held view that scrutiny is inferior to Executive positions.	<p>Leader Chief Executive Statutory scrutiny officer</p> <p>Supported by: Cabinet, Scrutiny Chairs</p> <p>Involving: All councillors, officer leadership and scrutiny support officers</p>	<p>will provide an opportunity to set a culture which values scrutiny and the value that it adds. It will set out how this will be demonstrated through the actions of the Leader and Executive.</p> <p>The Council does not agree that a review of SRA's is appropriate at this time. Parity of esteem is about more than this.</p> <p>Action will be taken internally to ensure scrutiny forms a visible part of council policy making and oversight including how items are subject to scrutiny review, liaison between officers and executive members and how scrutiny recommendations are presented and considered by the Executive.</p>	<p>Scrutiny Chairs Statutory Scrutiny Officer Scrutiny support officers</p>	<p>reviewed by end of November 2021</p> <p>Review of presentation of scrutiny recommendations to form part of development of Protocol – to be completed by January 2022 (see recommendation 2).</p>	<p>Protocol and recommendation 1.</p>

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
			<p>Increased visibility of the Statutory Scrutiny Officer amongst councillors and CLT, achieved through attendance at meetings, via training and intranet presence etc.</p> <p>Scrutiny Chairs and Scrutiny officers to be invited to attend Executive Panel on a regular basis for a discussion on how recent scrutiny items have impacted and added value and to identify future areas that Scrutiny could support.</p>		<p>Statutory Scrutiny Officer to attend CLT and Leadership once a month to discuss the work programme and identify any forthcoming matters. From October onwards.</p> <p>From December 2021 onwards</p>	
6. Democratic Accountability	Committee meetings should comprise mainly of holding Executive Members, or where appropriate, the Leader to account,	<p>Lead accountability: Leader</p> <p>Involving: Executive Members</p>	On request, Executive Members to attend scrutiny committee to be held to account and involved in discussions on their portfolio.	Scrutiny Chairs Scrutiny Support Senior Officers	Executive Members invited to attend appropriate items with immediate effect	Executive members have continued to attend Scrutiny when requested.

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
	supported by officers. The emphasis is therefore on a strategic holding to account for progress and executive decisions that are driving essential change and recovery. Scrutiny's motive needs to be focused on helping to drive and improve, or to test the management of risk and quality of intended outcomes. Care will need to be taken that this political accountability does not become a space for generalised questioning – preparation and focus is essential.		Expectations of informal and formal engagement to be developed as part of the Scrutiny Protocol.		Protocol by January 2022	See attached Scrutiny Protocol.
7. Chair and Member skills	Scrutiny Members needs to be upskilled and have	Lead accountability:	Job descriptions to be co-designed with	Statutory Scrutiny Officer	Job descriptions to be written by December 2021	Job Descriptions have been prepared and

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
	greater confidence to challenge, explore and intercede. We recommend that a job description is prepared for the Chair, Vice Chair and Committee Member roles and that Chairs receive specialised 1-2-1 coaching and mentoring to build skills, experience, confidence and capacity in leading Scrutiny. For all Committee Members, there should be mandatory development and training. The aim should be for scrutiny to be a credible, sought after position, particularly from Members with the necessary	Statutory Scrutiny Officer  Group Leaders	Executive, Scrutiny Members and officers.  To be shared with political groups to support identification of individuals for specific roles and, where appropriate, identify skill gaps.  Programme of bespoke mandatory training reflecting the current position in terms of improvement and recovery including: <ul style="list-style-type: none"> <li>• Purpose of scrutiny during improvement period</li> <li>• Scrutiny skills training e.g. questioning skills; understanding of scrutiny powers; making evidence-based recommendations</li> <li>• Develop bespoke scrutiny chair development plan</li> </ul>	Scrutiny Support Officers  With input from: Scrutiny Chairs and Executive Members	Initial training delivered within three months, and ongoing support for chairs	circulated for comment.  Initial training has been delivered and a comprehensive programme of training that will be delivered over the next six months has been developed with the CfGS. All members will be invited to attend sessions to widen the understanding of the role Scrutiny plays. Bespoke training is being delivered to Chairs. Sessions have been carried out with the Executive and workshops have been delivered to develop the Scrutiny

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
			<p>which could include coaching and mentoring</p> <ul style="list-style-type: none"> <li>Funding for external training and support to deliver this procured from the Transformation and Improvement Fund.</li> <li>Engagement of Scrutiny Chairs and member in national and regional scrutiny networks and activities</li> </ul>			<p>Protocol for Nottingham.</p> <p>The Chairs and Scrutiny Officers attended the National CfGS conference in December.</p>
8. Executive and Officer Skills	Executive Members would benefit from additional training and support regarding their role in working with Scrutiny, opening themselves to scrutiny and getting the best out of the scrutiny and accountability experience. Reinforcing the	<p>Leader</p> <p>Executive councillors and senior/ key officers</p>	<p>Executive members and CLT to be involved in the development of the protocol and training needs agreed and identified through this facilitated process.</p> <p>Training developed and delivered to relevant officers, linked to the new Scrutiny Protocol and</p>	<p>Statutory Scrutiny Officer/ Scrutiny support officers</p> <p>Supported by: Executive Members CLT</p>	<p>To be linked to development of Protocol – to be completed by January 2022 (see recommendation 2)</p> <p>Facilitated workshop to take place November 2021</p>	<p>See protocol attached.</p> <p>Training needs are being addressed through the programme of training developed with the CfGS.</p>

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
	whole council approach to scrutiny, training and briefings should also be considered for officers.		wider training to improve governance and decision making.			
9. Information and expertise	Scrutiny needs to build greater expertise and insight, especially on the more technical aspects of finance, commercial activities and transformation. We suggest Scrutiny makes greater use of independent experts and more officer 'masterclass' style events to build Member knowledge, expertise and confidence. It might also extend its capacity through the managed use of a wider range of scrutiny methods,	Statutory Scrutiny Officer	<p>Each Committee to consider its information and expertise requirements when setting the work programme, or if gaps are recognised.</p> <p>Appropriate action to be taken which could include briefings, requesting expert input at meeting, co-opting members etc.</p> <p>Scrutiny Protocol and job descriptions will set out expectations in this area.</p>	<p>Statutory Scrutiny Officer</p> <p>Supported by: Scrutiny support officers Scrutiny chairs</p> <p>Involving: engagement from senior and lead officers for identified issues</p>	<p>Job descriptions to be written by December 2021</p> <p>Immediate and ongoing (see recommendation 1)</p>	See item 7.

Recommendation	Analysis of the issue by the CfGS	Accountable	Action	Delivery of Actions	Timescale	Progress
	such as task groups and single-issue inquiry style sessions. To ensure satisfactory access to information, there may need to be a refresh of scrutiny's powers.					
10. Scrutiny Support Capacity	Scrutiny relies on effective support from officers, particularly as investment is made to repurpose and raise standards. Currently there are inherent risks in the size of the officer core and the Council should consider increasing officer capacity and considering if training and development is needed.	Statutory Scrutiny Officer Chief Executive CLT	Decision to be taken on whether funding is available for additional scrutiny resource.  Opportunities for re-establishing joint health scrutiny arrangements with Nottinghamshire County Council to share, and make best use of available resource to be explored.	Statutory Scrutiny Officer Scrutiny support officers  Involving: Chair of Health Scrutiny Committee and scrutiny support officer	Decision on additional scrutiny resource by December 2021  Enable any agreed arrangements to be in place for municipal year 2022/23	Business Case for scrutiny officer support is being developed.

## **Overview and Scrutiny Protocol**

### **Vision for Overview & Scrutiny in Nottingham**

Overview and Scrutiny in Nottingham will ensure effective democratic accountability and support effective scrutiny. This will support and add real value to decision making. This will be achieved by a Councillor-led Overview and Scrutiny function which is held in high regard by its partners and stakeholders and which will add value for the citizens of Nottingham.

This vision recognises that Overview and Scrutiny is a core component of the governance structure of the Council, and that Scrutiny Councillors, the Executive and senior officers will all work to create the right culture and lead the way in making the vision a reality. Ensuring good Scrutiny in Nottingham is a whole council responsibility.

To achieve this Scrutiny will follow the nationally agreed 'Four Principles of Good Scrutiny';

- a. Provides constructive "critical friend" challenge;
- b. Amplify public voice and concerns;
- c. Be led by 'independent minded people' who take responsibility for their role
- d. Drives improvement in public services;

<https://www.cfgs.org.uk/revisiting-the-four-principles-of-good-scrutiny/>

### **Conditions for Success**

To succeed, the Council recognises that the following conditions need to be present:

#### **1. Parity of Esteem between the Executive and Scrutiny**

Scrutiny is a whole Council responsibility. The Council recognises that Overview and Scrutiny Committees have an important role to play in supporting high quality decision-making and policy development. There is collective responsibility to enable Overview and Scrutiny to function effectively.

Parity of Esteem means that the value and benefit of Overview and Scrutiny is recognised and held in high regard. This means creating a strong organisational culture that recognises the critical role of independent Scrutiny in the governance process is essential to adding value and creating efficient and effective services. Without recognition of this, Councillors and officers involved in Scrutiny are not empowered to exercise their duties as they should, resulting in poor accountability.

The Council will strive to encourage and support a mix of more experienced and new Councillors as members of the Overview and Scrutiny committees.

#### **2. Clear Purpose and Focus**

Scrutiny activities should be well planned and timely. The focus of items coming before the Overview and Scrutiny Committees should be sufficiently focused so that the Committee are clear what they are looking at and there is an understanding about what they are hoping to achieve. There must be clarity on what Scrutiny wants to do and confidence in it being a good use of the Committees' valuable time, that it can add value, that it can influence outcomes and make an impact.

The Council recognise that good topics for Overview and Scrutiny to consider are those that;

- are critical to the effectiveness of the Council
- are a big priority or concern to their communities
- pose a significant risk or threat to the Council and the community
- present a significant opportunity for Overview and Scrutiny to make a meaningful contribution

The Chair of Overview and Scrutiny, the Statutory Scrutiny Officer and a Senior Governance Officer will meet with the Leader, Deputy Leader and Chief Executive on a monthly basis to identify new and emerging areas where Scrutiny can support Executive decision making in relation to emerging priorities and policy. Where appropriate meetings with Portfolio holders and other relevant stakeholders will be convened to support and inform the development of matters that have come to the attention of the Committee or are on the work programme. This will ensure that the Overview and Scrutiny Committees are focussing their attention on matters where they can add most value and provide valuable support to policy development and executive decision making.

The Statutory Scrutiny Officer will attend CLT on a monthly basis to update Senior Leadership team on the work being undertaken by the Committees and to receive suggestions on future areas that the Overview and Scrutiny committees may wish to factor in to their work programme.

When considering and setting the work programme, including making changes the Committee will have regard to the flow chart attached at appendix 1 to ensure that the Committee's work is prioritised effectively.

Overview and Scrutiny Committees are in charge of its own work programme and there will occasionally be times when Scrutiny and the Executive do not agree on which items the Overview and Scrutiny Committees should consider but with meaningful engagement such occasions will be rare.

Scrutiny Committees must review work programmes to identify a clear order of priority for all topics being considered. It is acknowledged that it is not possible for Scrutiny to look at all items of interest, and it is important that committees do not overreach.

The Chair is responsible for ensuring that that the Committee remains focussed on the items in the work programme and that prioritisation is appropriately apportioned.

Once the work programme is established it must be published and shared with internal and external organisations, so they are clear on upcoming topics and have plenty of time to prepare.

### **3. Evidence Based Questioning, Conclusions and Formulating Recommendations that Add Value**

The Scrutiny process should be impartial and driven by the evidence. Scrutiny should focus on the big issues facing the Council and the Communities they serve. Items before the Overview and Scrutiny Committees should not be politically motivated, parochial, repetitious or used as an opportunity to showcase. At the conclusion of an item the Chair should summarise the representations made and draw together the conclusions of the committee based on the evidence available to it and, where appropriate, set out the recommendations of the committee based on those conclusions and evidence that are clear, feasible, deliverable and provide value for money by securing benefits that outweigh the costs of implementation.

It should be noted that the Scrutiny process is not meant to be an “expert” review. If expert input is required that should be sought by the Committee as part of their evidence gathering process.

When Scrutiny is making recommendations, it must consider the impact that they will have and the resource implications, obtaining advice from relevant Executive Councillors and officers where necessary.

Recommendations will be sent to the relevant decision maker and I

Recommendations made by the Overview and Scrutiny Committees will be recorded to enable it to be reviewed, tracked and assurance sought about what action has been taken as a result. In accordance with the spirit of the legislation when asked the individual or body who the recommendation has been directed to is responsible for responding with reasons for why they have/have not accepted recommendations and if the recommendations are accepted to provide evidence of how the recommendations have been implemented.

Scrutiny must add value and not duplicate the other forms of performance management, review or inspection. Equally, decision-makers must seek to ensure that Scrutiny is involved in a timely manner, at a point where the outcome can be influenced, to ensure and to ensure any involvement is meaningful. Decision makers should give meaningful consideration to recommendations made by Overview and Scrutiny Committees.

### **4. Councillor Leadership and Engagement**

Councillors have a unique perspective to bring to the Overview and Scrutiny process, a different point of view which brings something distinct to both policy development and scrutiny of Executive decisions.

Committee Members set their own work programmes, work on a cross party basis and can look at things from angles that might not be apparent to Executive Councillors or senior officers.

To be successful, Councillors and officers must engage with Scrutiny in a positive way. In order to support this presentations and supporting information should be provided to the Committee at least 48 hours in advance so that committee members can come fully prepared and ready to ask questions/explore issues.

## **5. Reflecting the Concerns of Residents**

When carrying out its work Scrutiny should take into account the concerns of residents, and where they can add value and make an impact. This may include, if appropriate and at the discretion of the Chair, speaking at a formal meeting of a Committee, or by way of an informal meeting, visit, submission of written information etc established for the Committee to gather evidence to inform their thinking and scrutiny.

The views and ideas of citizens, service providers and other agencies with an interest in the subject under review are all valuable in effective Scrutiny. Scrutiny should involve stakeholders and take account of views of service users and the public, with particular efforts to engage groups that are harder to reach. Constructive engagement and clear lines of communication should enable a two-way flow of information between Scrutiny and all those involved, including feedback of results.

Reflecting citizens' concerns will entail Scrutiny taking a wider view than Council policies and services. In particular, Scrutiny has a legitimate interest in scrutinising organisations and projects that receive public funding to deliver goods and services, including Council owned companies. This should be recognised by the Council and, where relevant, consider the need to provide assistance to Scrutiny Councillors to obtain information from organisations the Council has contracted to deliver services.

## **6. Mutual Respect and Good Faith**

While Scrutiny should be constructive and challenging, it will only be successful if all partners work together considerately, within a climate of non-partisan working. To support non-partisan working political groups should respect the independence of Scrutiny and must not seek to influence its work.

Scrutiny must be forensic and challenging but Councillors must also collaborate to support decision-makers to do their work better. Councillors must listen and engage constructively, irrespective of political group, putting the values of Scrutiny into practice.

Decision-makers have to be open to scrutiny and create a culture which enables effective scrutiny to happen.

## **7. Clear Roles, Responsibilities and Relationships**

To facilitate good Scrutiny, the roles of all participants in the scrutiny process must be clear and understood by all.

In summary:

Overview and Scrutiny Chairs are responsible for leading and co-ordinating the work of the Scrutiny Committee so that Scrutiny functions in a positive, constructive and

non-partisan manner which provides a good environment for the constructive challenge of decision-makers.

Overview & Scrutiny Councillors must contribute time and effort to the development of the Scrutiny work programme to ensure that the items selected adequately reflect of the needs of the Citizens of Nottingham, focus on the bigger picture, and are prioritised effectively.

Overview and Scrutiny Committee members are required to attend Committee meetings, come prepared and be ready and willing to contribute to committee meetings by asking meaningful questions; they must be independent minded and not pre-judge issues coming to Scrutiny nor use the meeting to promote narrow or parochial interests. Overview and Scrutiny Committee members are also expected to prioritise associated training, briefing and evidence gathering sessions.

The senior political leadership of the Council set the tone of how successfully Overview and Scrutiny will be able to work. Executive Councillors should act as a champion for the work of the Overview and Scrutiny Committees both within and outside the organisation. They will create a culture which enables effective Scrutiny to happen, and will ensure that any recommendations of an Overview and Scrutiny Committee are responded to and agreed recommendations implemented. In accordance with the legislation Executive members, and executive assistants on sufficient notice will provide requested information and prioritise and make themselves available to attend Overview and Scrutiny Committees and come prepared and willing to answer questions.

Officers should provide impartial and high quality advice and evidence to Scrutiny Committees and may be asked to provide information and/or attend Overview and Scrutiny Committees to explain policies or to answer questions on service delivery. Where officers are asked to appear at Overview and Scrutiny Committees they are there to answer questions and their evidence should, as far as possible, be about questions of fact and explanation relating to policies and decisions.

All Councillors are expected to act in accordance with the highest standards of probity in public life, and in accordance with the Councillor Code of Conduct at all times.

## **8. Transparency of the Scrutiny Process and Access to Information**

Scrutiny should be a transparent process and encourage open and honest discussion. Processes and reports should be clear and accessible to the public. Formal meetings of Overview and Scrutiny Committees are subject to Access to Information Procedure Rules as set out in Article 13 of the Constitution.

All formal Committee agendas published on the Council's website. Work programmes are published on each O&S Committee's agenda.

An annual Scrutiny Report will be presented to Full Council outlining Scrutiny activity in accordance with the Overview and Scrutiny Committee terms of reference, as set out at Article 9 of the Constitution. The Chairs of Overview and Scrutiny Committees

may by exception request additional reports be taken to Council to highlight areas of specific concern or make recommendations about particular issues.

To be effective, a Scrutiny Committee must receive relevant information in a timely manner. This is supported by legislation which gives the Committee rights to access information that relates to Scrutiny work, even where information is exempt from publication. The legislation is attached at Appendix 2 and reference in Article 13 of the Constitution.

## **9. Training and Development**

All Councillors and Senior Officers will be required to attend training in relation to Overview and Scrutiny to ensure that the role of Overview and Scrutiny is understood and the role and value that Overview and Scrutiny plays in supporting good decision making and policy development.

If training for specific matters due to come before the Overview and Scrutiny Committees is required and sufficient notice is provided this will be arranged.

## Local Government Act 2000 c. 22

### s. 9F Overview and scrutiny committees: functions



Law In Force

Version 2 of 2

27 March 2012 - Present

#### Subjects

Local government

#### Keywords

Executive arrangements; Local authorities; Overview and scrutiny committees; Powers rights and duties

[

#### 9F Overview and scrutiny committees: functions

(1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Chapter as overview and scrutiny committees).

(2) Executive arrangements by a local authority must ensure that its overview and scrutiny committee has power (or its overview and scrutiny committees, and any joint overview and scrutiny committees, have power between 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 the responsibility of the executive,

(c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,

(d) 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,

(e) 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 [.]<sup>2</sup>

[...] <sup>2</sup>

(3) In subsection (2) "*joint overview and scrutiny committee*", in relation to a local authority ("the authority concerned"), means—[...] <sup>3</sup>

(c) a joint overview and scrutiny committee within the meaning of [section 123](#) of the [Local Government and Public Involvement in Health Act 2007](#) (joint overview and scrutiny committees) appointed by two or more local authorities including the authority concerned.

(4) 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.

(5) An overview and scrutiny committee of a local authority may not discharge any functions other than—

(a) its functions under this section and [sections 9FA to 9FI](#), [...]<sup>4</sup>

(b) its functions under [section 19](#) of the [Police and Justice Act 2006](#) (local authority scrutiny of crime and disorder matters) [, or]<sup>4</sup>

[

(c) any functions which may be conferred on it by virtue of regulations under [section 244\(2ZE\)](#) of the [National Health Service Act 2006](#) (local authority scrutiny of health matters).

]<sup>4</sup>

]<sup>1</sup>

## Notes

- 1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)
- 2 Repealed by Health and Social Care Act 2012 c. 7 [Pt 5 c.2 s.190\(10\)\(a\)](#) (March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise)
- 3 Repealed by Health and Social Care Act 2012 c. 7 [Pt 5 c.2 s.190\(10\)\(b\)](#) (March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise)
- 4 Added by Health and Social Care Act 2012 c. 7 [Pt 5 c.2 s.190\(10\)\(c\)](#) (March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2  
EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9F Overview and scrutiny committees:  
functions*

## Table of Amendments



- 2 Pt 1A c. 2 s. 9F(3)(a)-(b) Repealed by [Health and Social Care Act 2012 c. 7, Pt 5 c. 2 s. 190\(10\)\(b\)](#)  
*March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise*
- Pt 1A c. 2 s. 9F(5)(c) Added by [Health and Social Care Act 2012 c. 7, Pt 5 c. 2 s. 190\(10\)\(c\)](#)  
*March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise*
- Pt 1A c. 2 s. 9F(2)(f) Repealed by [Health and Social Care Act 2012 c. 7, Pt 5 c. 2 s. 190\(10\)\(a\)](#)  
*March 27, 2012 for the purpose of enabling the exercise of any power to make an order or regulations or give directions; April 1, 2013 subject to savings and transitional provisions specified in SI 2013/160 arts 5-9 otherwise*
- 1 Pt 1A c. 2 s. 9F Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## Extent

Pt 1A c. 2 s. 9F(1)-(5)(c) England, Wales

## Modifications

Pt 1A c. 2 s. 9F Modified in relation to the Common Council of the City of London by [National Health Service Act 2006 c. 41, Pt 12 c. 3 s. 247](#)

Modified in relation to the committee established by a local authority under 2006 c.41 s.247A(2) by [National Health Service Act 2006 c. 41, Pt 12 c. 3 s. 247A\(3\)\(b\)](#)

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## s. 9FA Overview and scrutiny committees: supplementary provision



Law In Force

Version 1 of 1

3 December 2011 - Present

### Subjects

Local government

### Keywords

Appointments; Delegation; Executive arrangements; Local authority committees; Overview and scrutiny committees; Powers rights and duties

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### 9FA Overview and scrutiny committees: supplementary provision

(1) An overview and scrutiny committee of a local authority—

(a) may appoint one or more sub-committees, and

(b) may arrange for the discharge of any of its functions by any such sub-committee.

(2) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (1)(b).

(3) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive.

(4) An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority.

(5) Subject to any provision made by or under [paragraphs 6 to 8 of Schedule A1](#) and to [section 20\(6\) of the Police and Justice Act 2006](#), any persons who are not members of the local authority are not entitled to vote at any meeting of its overview and scrutiny committee, or any sub-committee of such a committee, on any question which falls to be decided at that meeting, unless permitted to do so under [paragraphs 11 and 12](#) of that Schedule.

(6) 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 5A](#) 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.

(7) [Subsections \(2\) and \(5\) of section 102](#) of the [Local Government Act 1972](#) 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.

(8) 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,

(b) may require any other member of the authority to attend before it to answer questions relating to any function which is exercisable by the member by virtue of [section 236](#) of the [Local Government and Public Involvement in Health Act 2007](#) (exercise of functions by local councillors in England), and

(c) may invite other persons to attend meetings of the committee.

(9) It is the duty of any member or officer mentioned in paragraph (a) or (b) of subsection (8) to comply with any requirement mentioned in that paragraph.

(10) A person is not obliged by subsection (9) to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

(11) In exercising, or deciding whether to exercise, any of its functions an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, must have regard to any guidance for the time being issued by the Secretary of State.

(12) Guidance under subsection (11) may make different provision for different cases or for different descriptions of committee or sub-committee.

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## Notes

- 1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2  
EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FA Overview and scrutiny committees:  
supplementary provision*

## Table of Amendments



1 Pt 1A c. 2 s. 9FA

Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## Extent

Pt 1A c. 2 s. 9FA(1)-(12)      England, Wales

## Modifications

Pt 1A c. 2 s. 9FA	Modified in relation to the Common Council of the City of London by <a href="#">National Health Service Act 2006 c. 41, Pt 12 c. 3 s. 247</a>  Modified in relation to the committee established by a local authority under 2006 c.41 s.247A(2) by <a href="#">National Health Service Act 2006 c. 41, Pt 12 c. 3 s. 247A(3)(c)</a>
Pt 1A c. 2 s. 9FA(1)	Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by <a href="#">Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)</a>
Pt 1A c. 2 s. 9FA(2)	Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by <a href="#">Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218, Pt 4 reg. 30(2)</a>
Pt 1A c. 2 s. 9FA(3)	Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22

s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(4)      Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(5)      Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(6)      Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(7)      Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(8)      Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(9)      Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(10)      Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(11)      Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Pt 1A c. 2 s. 9FA(12)      Modified in relation to an overview and scrutiny committee within the meaning of 2000 c.22 s.9F by [Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013/218, Pt 4 reg. 30\(2\)](#)

Regulations 2013/218, Pt 4 reg. 30(2)

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## s. 9FB Scrutiny officers



Law In Force

### Version 1 of 1

3 December 2011 - Present

### Subjects

Local government

### Keywords

Designation; Executive arrangements; Local authorities' powers and duties; Local government officers; Overview and scrutiny committees

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### 9FB Scrutiny officers

- (1) Subject as follows, a local authority must designate one of its officers to discharge the functions in subsection (2).
- (2) Those functions are—
  - (a) to promote the role of the authority's overview and scrutiny committee or committees,
  - (b) to provide support to the authority's overview and scrutiny committee or committees and the members of that committee or those committees,
  - (c) to provide support and guidance to—
    - (i) members of the authority,
    - (ii) members of the executive of the authority, and
    - (iii) officers of the authority,in relation to the functions of the authority's overview and scrutiny committee or committees.
- (3) An officer designated by a local authority under this section is to be known as the authority's "*scrutiny officer*".
- (4) A local authority may not designate any of the following under this section—
  - (a) the head of the authority's paid service designated under [section 4](#) of the [Local Government and Housing Act 1989](#);

(b) the authority's monitoring officer designated under [section 5](#) of that Act;

(c) the authority's chief finance officer, within the meaning of that section.

(5) The duty in subsection (1) does not apply to a district council for an area for which there is a county council.

(6) In this section, references to an overview and scrutiny committee include any sub-committee of that committee.

]

## Notes

- 1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2  
EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FB Scrutiny officers*

## Table of Amendments



1 Pt 1A c. 2 s. 9FB

Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## Extent

Pt 1A c. 2 s. 9FB(1)-(6) England, Wales

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## s. 9FC Reference of matters to overview and scrutiny committee etc



Law In Force

Version 1 of 1

3 December 2011 - Present

### Subjects

Local government

### Keywords

Executive arrangements; Local authority committees; Overview and scrutiny committees; References

[

### 9FC Reference of matters to overview and scrutiny committee etc

- (1) Executive arrangements by a local authority must include provision which—
  - (a) enables any member of an overview and scrutiny committee of the authority to refer to the committee any matter which is relevant to the functions of the committee,
  - (b) enables any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to the functions of the sub-committee, and
  - (c) enables any member of the authority to refer to an overview and scrutiny committee of the authority of which the member of the authority is not a member any matter which is relevant to the functions of the committee and is not an excluded matter.
- (2) For the purposes of subsection (1), provision enables a person to refer a matter to a committee or sub-committee if it enables the person to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.
- (3) In considering whether to exercise the power which a member of an authority has by virtue of subsection (1)(c) in any case, the member must have regard to any guidance for the time being issued by the Secretary of State.
- (4) Guidance under subsection (3) may make different provision for different cases.
- (5) In subsection (1)(c) “*excluded matter*” means any matter which is—
  - (a) a local crime and disorder matter within the meaning of [section 19](#) of the [Police and Justice Act 2006](#) (local

authority scrutiny of crime and disorder matters), or

(b) a matter of any description specified in an order made by the Secretary of State for the purposes of this section.

]

## Notes

- 1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2 EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FC Reference of matters to overview and scrutiny committee etc*

## Table of Amendments



1 Pt 1A c. 2 s. 9FC

Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## Extent

Pt 1A c. 2 s. 9FC(1)-(5)(b) England, Wales

## SIs Made Under Act

**Pt 1A c. 2 s. 9FC(5)**

[Overview and Scrutiny \(Reference by Councillors\) \(Excluded Matters\) \(England\) Order 2012/1022](#)

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## s. 9FD Dealing with references under section 9FC(1)(c)



Law In Force

Version 1 of 1

3 December 2011 - Present

### Subjects

Local government

### Keywords

Executive arrangements; Overview and scrutiny committees; Powers rights and duties; References

[

### 9FD Dealing with references under section 9FC(1)(c)

(1) This section applies where a matter is referred to an overview and scrutiny committee by a member of a local authority in accordance with provision made pursuant to [section 9FC\(1\)\(c\)](#).

(2) In considering whether or not to exercise any of its powers under [section 9F\(2\)](#) in relation to the matter, the committee may have regard to—

(a) any powers which the member may exercise in relation to the matter by virtue of [section 236](#) of the [Local Government and Public Involvement in Health Act 2007](#) (exercise of functions by local councillors in England), and

(b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers under [section 9F\(2\)](#) in relation to the matter.

(3) If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of—

(a) its decision, and

(b) the reasons for it.

(4) The committee must provide the member with a copy of any report or recommendations which it makes to the authority or the executive under [section 9F\(2\)](#) in relation to the matter.

(5) Subsection (4) is subject to [section 9FG](#) (confidential and exempt information).

]

## Notes

- 1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2  
EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FD Dealing with references under section  
9FC(1)(c)*

## Table of Amendments



1 Pt 1A c. 2 s. 9FD

Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## Extent

Pt 1A c. 2 s. 9FD(1)-(5) England, Wales

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## s. 9FE Duty of authority or executive to respond to overview and scrutiny committee



Law In Force

Version 1 of 1

3 December 2011 - Present

### Subjects

Local government

### Keywords

Executive arrangements; Local authorities' powers and duties; Overview and scrutiny committees; Recommendations; Reports

[

### 9FE Duty of authority or executive to respond to overview and scrutiny committee

(1) This section applies where an overview and scrutiny committee of a local authority makes a report or recommendations to the authority or the executive, otherwise than—

(a) by virtue of [subsection \(1\)\(b\) of section 19](#) of the [Police and Justice Act 2006](#) (local authority scrutiny of crime and disorder matters), or

(b) by virtue of [subsection \(3\)\(a\)](#) of that section.

(2) The overview and scrutiny committee may publish the report or recommendations.

(3) The overview and scrutiny committee must by notice in writing require the authority or executive—

(a) to consider the report or recommendations,

(b) to respond to the overview and scrutiny committee indicating what (if any) action the authority, or the executive, proposes to take,

(c) if the overview and scrutiny committee has published the report or recommendations under subsection (2), to publish the response, and

(d) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the authority under [section 9FD\(4\)](#), to provide the member with a copy of the response.

(4) The notice served under subsection (3) must require the authority or executive to comply with it within two months beginning with the date on which the authority or executive received the report or recommendations or (if later) the notice.

(5) It is the duty of an authority or executive to which a notice is given under subsection (3) to comply with the requirements specified in the notice.

(6) Subsections (2) and (5) are subject to [section 9FG](#) and to any provision made under [section 9GA\(8\)](#) (confidential and exempt information).

(7) In this section—

(a) references to an overview and scrutiny committee include references to a sub-committee of such a committee;

(b) references to “*the authority*” or “*the executive*”, in relation to an overview and scrutiny committee, or a sub-committee of such a committee, are to the authority by which the overview and scrutiny committee is established or to the executive of that authority.

1<sup>1</sup>

## Notes

- 1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2  
EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FE Duty of authority or executive to  
respond to overview and scrutiny committee*

## Table of Amendments



1 Pt 1A c. 2 s. 9FE

Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## **Extent**

Pt 1A c. 2 s. 9FE(1)-(7)(b)      England, Wales

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## s. 9FF Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities



Law In Force With Amendments Pending

[View proposed draft amended version](#)

### Version 2 of 2

1 April 2013 - Present

### Subjects

Local government

### Keywords

Executive arrangements; Notice; Overview and scrutiny committees; Powers rights and duties; Public authorities; Recommendations; Reports

[

### 9FF Reports and recommendations of overview and scrutiny committees: duties of certain partner authorities

(1) This section applies where—

(a) a relevant committee makes a report or recommendations to the authority or the executive, otherwise than—

(i) by virtue of [subsection \(1\)\(b\) of section 19](#) of the [Police and Justice Act 2006](#) (local authority scrutiny of crime and disorder matters), or

(ii) by virtue of [subsection \(3\)\(a\)](#) of that section, and

(b) the report or any of the recommendations relates to functions of a relevant partner authority so far as exercisable in relation to—

(i) the authority's area, or

(ii) the inhabitants of that area.

(2) The relevant committee may by notice in writing to the relevant partner authority require the relevant partner authority to have regard to the report or recommendation in question in exercising its functions.

(3) A notice under subsection (2) must be accompanied by a copy of the report or recommendations.

(4) It is the duty of a relevant partner authority to which a notice is given under subsection (2) to comply with the requirement specified in the notice.

(5) Subsection (2) does not apply if—

(a) the relevant partner authority is a health service body, and

(b) either—

(i) the relevant committee is a non-unitary district council committee, or

(ii) by virtue of [section 244](#) of the [National Health Service Act 2006](#), the report was, or the recommendations were, made to the health service body (as well as to the authority or the executive).

(6) In subsection (5) “*health service body*” means—[

(za) a clinical commissioning group,

(zb) the National Health Service Commissioning Board,

]²

(a) a National Health Service trust,[ or]³

(b) an NHS foundation trust [.]⁴

[...]⁴

(7) Subsections (2) and (3) are subject to [section 9FG](#) (confidential and exempt information).

(8) In this section—

“*the authority*” , in relation to a relevant committee, means—

(a) in the case of an overview and scrutiny committee, the local authority by which it is established, and

(b) in the case of a sub-committee of an overview and scrutiny committee, the local authority by which the overview and scrutiny committee is established,

“*the executive*” , in relation to a relevant committee, means the executive of the authority,

“*non-unitary district council committee*” means—

(a) an overview and scrutiny committee of a district council for a district in a county for which there is a county council,  
or

(b) a sub-committee of such a committee,

“*relevant committee*” means an overview and scrutiny committee or a sub-committee of such a committee,

“*relevant partner authority*”, in relation to a relevant committee other than a non-unitary district council committee, means any person who is a partner authority in relation to the authority for the purposes of [Chapter 1 of Part 5](#) of the [Local Government and Public Involvement in Health Act 2007](#), other than a chief officer of police, and

“*relevant partner authority*”, in relation to a relevant committee that is a non-unitary district council committee, means—

- (a) the county council for the county concerned, or
- (b) any person (other than the district council concerned) who is a partner authority in relation to that county council for the purposes of [Chapter 1 of Part 5](#) of the [Local Government and Public Involvement in Health Act 2007](#), other than a chief officer of police.

]<sup>1</sup>

Notes

- 1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)
- 2 Added by Health and Social Care Act 2012 (Consequential Amendments) Order 2013/594 [art.5\(a\)](#) (April 1, 2013)
- 3 Word inserted by Health and Social Care Act 2012 (Consequential Amendments) Order 2013/594 [art.5\(b\)](#) (April 1, 2013)
- 4 Repealed by Health and Social Care Act 2012 (Consequential Amendments) Order 2013/594 [art.5\(c\)](#) (April 1, 2013)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2  
EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FF Reports and recommendations of  
overview and scrutiny committees: duties of certain partner authorities*

Table of Amendments



- 2 Pt 1A c. 2 s. 9FF(6)(c) Repealed by [Health and Social Care Act 2012 \(Consequential Amendments\) Order 2013/594, art. 5\(c\)](#)  
*April 1, 2013*

Pt 1A c. 2 s. 9FF(6)(a) Word inserted by [Health and Social Care Act 2012 \(Consequential Amendments\) Order 2013/594, art. 5\(b\)](#)  
*April 1, 2013*

Pt 1A c. 2 s. 9FF(6)(za)-(zb) Added by [Health and Social Care Act 2012 \(Consequential Amendments\) Order 2013/594, art. 5\(a\)](#)  
*April 1, 2013*

1 Pt 1A c. 2 s. 9FF Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## Proposed Draft Amendments



N/A Pt 1A c. 2 s. 9FF Words substituted by [Health and Care Bill 2021-22 \(HL Bill 114\) Sch. 1 para. 1\(1\) \(Lords' Report Stage, March 1, 2022\)](#)  
*date to be appointed*



N/A Pt 1A c. 2 s. 9FF(6)(za) Substituted by [Health and Care Bill 2021-22 \(HL Bill 114\) Sch. 4 para. 61 \(Lords' Report Stage, March 1, 2022\)](#)  
*Not yet in force*

## Extent

Pt 1A c. 2 s. 9FF(1)-(8) definition of "a relevant partner authority" (b) England, Wales

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## s. 9FG Publication etc of reports, recommendations and responses: confidential and exempt information



Law In Force

Version 1 of 1

3 December 2011 - Present

### Subjects

Local government

### Keywords

Confidential information; Executive arrangements; Exempt information; Overview and scrutiny committees; Publication; Recommendations; Reports

[

### 9FG Publication etc of reports, recommendations and responses: confidential and exempt information

(1) This section applies to—

(a) the publication under [section 9FE](#) of any document comprising—

- (i) a report or recommendations of an overview and scrutiny committee, or
- (ii) a response of a local authority to any such report or recommendations, and

(b) the provision of a copy of such a document—

- (i) to a member of a local authority under [section 9FD\(4\)](#) or [section 9FE](#), or
- (ii) to a relevant partner authority under [section 9FF](#),

by an overview and scrutiny committee or a local authority.

(2) The overview and scrutiny committee or the local authority, in publishing the document or providing a copy of the document to a relevant partner authority—

- (a) must exclude any confidential information, and
- (b) may exclude any relevant exempt information.

(3) The overview and scrutiny committee or the local authority, in providing a copy of the document to a member of the local authority, may exclude any confidential information or relevant exempt information.

(4) Where information is excluded under subsection (2) or (3), the overview and scrutiny committee or the local authority, in publishing, or providing a copy of, the document—

(a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and

(b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.

(5) Subsection (6) applies if, by virtue of subsection (2), (3) or (4), an overview and scrutiny committee, in publishing or providing a copy of a report or recommendations—

(a) excludes information, or

(b) replaces part of the report or recommendations with a summary.

(6) The overview and scrutiny committee is nevertheless to be taken for the purposes of [section 9FE\(3\)\(c\) or \(d\)](#) to have published or provided a copy of the report or recommendations.

(7) In this section, references to relevant exempt information are references to—

(a) in relation to a report or recommendations of an overview and scrutiny committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under [section 100A\(4\)](#) of the [Local Government Act 1972](#) which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered, and

(b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered.

(8) In this section—

*“confidential information”* has the meaning given by [section 100A\(3\)](#) of the [Local Government Act 1972](#) (admission to meetings of principal councils),

*“exempt information”* has the meaning given by [section 100I](#) of that Act and, in relation to—

(a) any report or recommendations of an overview and scrutiny committee which has functions under [section 9F\(2\)\(f\)](#) (national health service functions), or

(b) any response to such a report or recommendations, also includes information which is exempt information under

section 246 of the National Health Service Act 2006, and

“relevant partner authority”, in relation to an overview and scrutiny committee which is a relevant committee within the meaning of section 9FF, has the same meaning as in that section.

(9) In this section, references to an overview and scrutiny committee include references to a sub-committee of such a committee.

]¹

## Notes

- 1 Added by Localism Act 2011 c. 20 Sch.2(1) para.1 (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2  
EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FG Publication etc of reports,  
recommendations and responses: confidential and exempt information*

## Table of Amendments



1 Pt 1A c. 2 s. 9FG

Added by Localism Act 2011 c. 20, Sch. 2(1) para. 1  
December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise

## Extent

Pt 1A c. 2 s. 9FG(1)-(9) England, Wales

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## s. 9FH Overview and scrutiny committees: flood risk management



Law In Force

Version 1 of 1

3 December 2011 - Present

### Subjects

Local government

### Keywords

Coastal erosion; Executive arrangements; Flood risk; Local authorities' powers and duties; Overview and scrutiny committees; Risk management

[

### 9FH Overview and scrutiny committees: flood risk management

- (1) This section applies to a local authority that operates executive arrangements and that is a lead local flood authority.
- (2) The arrangements required under [section 9F\(2\)](#) include arrangements to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.
- (3) A risk management authority must comply with a request made by an overview and scrutiny committee, in the course of arrangements under subsection (2), for—
  - (a) information;
  - (b) a response to a report.
- (4) The Secretary of State may make regulations about the duty under subsection (3) which may, in particular, include provision—
  - (a) about the procedure to be followed in relation to requests and compliance with them,
  - (b) about notices to be served in relation to requests,
  - (c) for exemptions from the duty,
  - (d) requiring persons to attend to give information orally,

(e) about the nature of the information and responses that may be requested, and

(f) about the publication of requests, information and responses.

(5) A risk management authority must have regard to reports and recommendations of an overview and scrutiny committee made in the course of arrangements under subsection (2).

(6) Regulations under [section 123](#) of the [Local Government and Public Involvement in Health Act 2007](#) may make provision about the application of this section in relation to joint overview and scrutiny committees.

(7) Expressions used in this section have the same meaning as in [Part 1](#) of the [Flood and Water Management Act 2010](#).

]

## Notes

- 1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2  
EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FH Overview and scrutiny committees:  
flood risk management*

## Table of Amendments



1 Pt 1A c. 2 s. 9FH

Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## Extent

Pt 1A c. 2 s. 9FH(1)-(7)      England, Wales

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## s. 9FI Overview and scrutiny committees: provision of information etc by certain partner authorities



Law In Force

Version 1 of 1

3 December 2011 - Present

### Subjects

Local government

### Keywords

Executive arrangements; Overview and scrutiny committees; Provision of information; Public authorities; Statutory instruments

[

### 9FI Overview and scrutiny committees: provision of information etc by certain partner authorities

- (1) The Secretary of State may by regulations make provision, in relation to a relevant committee—
  - (a) as to information which relevant partner authorities must provide to the relevant committee, and
  - (b) as to information which may not be disclosed by a relevant partner authority to the relevant committee.
- (2) In subsection (1), references to information do not include information in respect of which provision may be made in exercise of the power conferred by—
  - (a) [section 20\(5\)\(c\) or \(d\) of the Police and Justice Act 2006](#) (guidance and regulations regarding crime and disorder matters), or
  - (b) [section 244\(2\)\(d\) or \(e\) of the National Health Service Act 2006](#) (functions of overview and scrutiny committees).
- (3) For the purposes of subsection (1), “*relevant committee*” and “*relevant partner authority*” have the meanings given by [section 9FF](#).
- (4) Regulations under this section may make different provision in relation to different persons or committees or descriptions of person or committee.
- (5) The power conferred by subsection (4) does not affect the power conferred by [section 105\(2\)\(b\)](#).

]¹

## Notes

- 1 Added by Localism Act 2011 c. 20 [Sch.2\(1\) para.1](#) (December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise)

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*Part 1A ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND > Chapter 2  
EXECUTIVE ARRANGEMENTS > Overview and scrutiny committees > s. 9FI Overview and scrutiny committees:  
provision of information etc by certain partner authorities*

## Table of Amendments



1 Pt 1A c. 2 s. 9FI

Added by [Localism Act 2011 c. 20, Sch. 2\(1\) para. 1](#)  
*December 3, 2011 for the purpose specified in SI 2011/2896 art.2(e); January 15, 2012 for purposes specified in SI 2012/57 art.4(1)(b) subject to transitional and savings provisions specified in SI 2012/57 arts 6, 7, 9, 10 and 11; March 9, 2012 for purposes specified in SI 2012/628 art.2(a); May 4, 2012 otherwise*

## Extent

Pt 1A c. 2 s. 9FI(1)-(5) England, Wales

## SI Made Under Act

**Pt 1A c. 2 s. 9FI**

[Local Authorities \(Overview and Scrutiny Committees\) \(England\) Regulations 2012/1021](#)

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**Overview and Scrutiny Committee  
9 March 2022**

**Work Programme 2021/22**

**Report of the Head of Legal and Governance**

**1 Purpose**

- 1.1 To consider the Committee's work programme for 2021/22.

**2 Action required**

- 2.1 The Committee is asked to consider the work programme for the remainder of the municipal year and make any amendments as required

**3 Background information**

- 3.1 The purpose of the Overview and Scrutiny Committee is to ensure all statutory and other roles and responsibilities are fulfilled to the required standard, covering review and development of key strategic issues, policies and strategies relevant to Nottingham and its residents, and adding value through the examination of issues of local importance and concern.
- 3.2 The Committee is responsible for setting and managing its own work programme to fulfil this role.
- 3.3 In setting a programme for scrutiny activity, the Committee should aim for an outcome-focused work programme that has clear priorities and a clear link to its roles and responsibilities. The work programme needs to be flexible so that issues which arise as the year progresses can be considered appropriately.
- 3.4 Where there are a number of potential items that could be scrutinised in a given year, consideration of what represents the highest priority or area of risk will assist with work programme planning. Changes and/or additions to the work programme will need to take account of the resources available to the Committee.
- 3.5 The Committee has agreed to focus much of its scrutiny in 2021/22 on the Council's recovery and improvement, including implementation of the recommendations from the Report in the Public Interest concerning the Council's governance arrangements for Robin Hood Energy Ltd (PIR) and the Non-Statutory Review of Nottingham City Council (NSR), both of which took place in 2020. In order to ensure that scrutiny is timely and relevant, the Committee will need to regularly consider its scheduling of recovery and improvement items for scrutiny at future meetings.
- 3.6 The Committee's current work programme is included at Appendix 1.

**4 List of attached information**

4.1 Overview and Scrutiny Committee Work Programme 2021/22.

**5 Background papers, other than published works or those disclosing exempt or confidential information**

5.1 None

**6 Published documents referred to in compiling this report**

6.1 Reports to and discussion at Overview and Scrutiny Committee meetings throughout 2021/22.

**7 Wards affected**

7.1 All

**8 Contact information**

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## Overview and Scrutiny Committee Work Programme 2021-22

Date	Items
9 March 2022	<ul style="list-style-type: none"> <li>• <b>Together for Nottingham Update from the Leader</b> 10-15-minute update from the Leader on progress against priorities in the Together for Nottingham Plan Improvement</li> <li>• <b>Asset Rationalisation</b> To consider the effectiveness of the work being undertaken in the Asset Rationalisation workstream of the recovery and improvement work</li> <li>• <b>Scrutiny Action Plan Update</b> To receive an update on the progress made in implementing the Action Plan and working towards the targets</li> <li>• <b>Work Programme 2022-23 Development</b> To work on ideas for inclusion on the work programme for the next municipal year, maintaining the focus on recovering and improvement</li> <li>• <b>2021-22 Work Programme</b></li> </ul>
6 April 2022	<ul style="list-style-type: none"> <li>• <b>Together for Nottingham Update from the Leader</b> 10-15-minute update from the Leader on progress against priorities in the Together for Nottingham Plan Improvement</li> <li>• <b>Customer Service Transformation</b> To consider the effectiveness of the transformation work underway within Customer Service</li> <li>• <b>2021-22 Work Programme</b></li> </ul>

Space has been left in the work programme to retain flexibility in order to accommodate timely scrutiny of issues in relation to recovery and improvement, ie items scheduled may need to be moved to later meeting dates to facilitate this. The items below may be scheduled if there are gaps in the work programme or if they become priorities.

Items still to be considered for work programme/ Reserve items	
<ul style="list-style-type: none"> <li> <b>Workforce Reorganisation and Restructure</b>  To consider workforce reorganisation and restructure in the light of the need to achieve recovery and the impact on policy and essential services; and in the light of the impact of Covid and reinstatement of the workforce. </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Governance</b>  To consider the impact of constitutional and other governance changes introduced in response to recommendations for improvement and recovery </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Planning Enforcement</b>  To consider the effectiveness of the Planning Enforcement process, including resourcing (finance and workforce arrangements), with particular reference to retrospective planning applications, especially in student areas. </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Citizenship/ immigration service provision and support</b>  Focus to be determined </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Houses of Multiple Occupation and selective licensing</b>  Focus to be determined </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Student Accommodation</b>  To consider whether the number of developments meet demand and free up family housing </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Scooter Pilot</b>  To consider the success of the wind scooter trial, including the illegal use of scooters and enforcement, measures of success, evaluation and plans for the future </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Crime and Drugs Partnership</b>  To consider information on the current work of the Crime and Drugs Partnership (focus to be agreed; suggestion is ASB, including domestic violence and neighbourhood disputes and impact on community policing and protection) and performance against the Crime and Drugs Partnership Plan </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Digitalisation and Transformation</b>  Focus to be agreed  <u>Referral from CYPSC</u>  To look at current digital access across the city; how this impacts on access to services particularly given the likelihood that there will be continued emphasis on virtual/ online provision for the foreseeable future; and what can be done to address these issues </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Nottingham's Carbon Neutral Policy</b>  To explore the impact of the budget, delays because of COVID, schemes/ engagement with other bodies and partners on achievement of carbon neutral targets </li> </ul>	
<ul style="list-style-type: none"> <li> <b>Library Services Transformation Programme</b>  To consider whether the consultation on the Library Service redesign proposals has been fair, transparent and robust, and whether the draft proposals have adequately taken account of the consultation responses </li> </ul>	

Items still to be considered for work programme/ Reserve items	
<ul style="list-style-type: none"> <li>• <b>Leisure Centre Transformation Programme</b> To consider whether the consultation on the Leisure Centre redesign proposals has been fair, transparent and robust, and whether the draft proposals have adequately taken account of the consultation responses</li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Budget Consultation responses and methodology</b></li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Housing Revenue Account Investigation outcome</b></li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Municipal Waste Strategy</b></li> </ul>	
<ul style="list-style-type: none"> <li>• <b>Council Plan Progress Monitoring</b></li> </ul>	

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