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## SCRUTINY COMMITTEE THURSDAY, 26TH FEBRUARY, 2015

A MEETING of SCRUTINY COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on THURSDAY, 26TH FEBRUARY, 2015 at 10.00 AM. THE MEETING WILL BE FOLLOWED BY A TRAINING SESSION FOR SCRUTINY MEMBERS ON PERFORMANCE MONITORING AND THE USE OF COVALENT SOFTWARE. MEMBERS ARE REQUESTED TO BRING THEIR IPADS WITH THEM FOR USE IN THIS SESSION.

J. J. WILKINSON,  
Clerk to the Council,

20 FEBRUARY 2015

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<b>Minute.</b> (Pages 1 - 6)  Minute of the meeting of held on 29 January 2015 to be noted and signed by the Chairman. (Copy attached).	2 mins
5.	<b>Scrutiny Reviews</b> (Pages 7 - 12)  To Consider:-  (a) Text for Scrutiny Review Requests (b) Text for Website page (Draft texts attached).	10 mins
6.	<b>Date of Next Meeting.</b>  Thursday, 26 March 2015.	
7.	<b>Any other Items Previously Circulated.</b>	
8.	<b>Any Other Items which the Chairman Decides are Urgent.</b>	

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## NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

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**Membership of Committee:-** Councillors G Logan (Chairman), W Archibald, K Cockburn, A Cranston, I Gillespie, S Mountford, A J Nicol, R Stewart and J Torrance

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**SCOTTISH BORDERS COUNCIL**  
**SCRUTINY COMMITTEE**

MINUTE of MEETING of the SCRUTINY  
COMMITTEE held in Committee Room 2,  
Council Headquarters, Newtown St. Boswells  
on 29 January 2015 at 11.05 a.m.

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Present: - Councillors J. Torrance (Chairman), W. Archibald, K. Cockburn (from para.5), S. Mountford (from para.5), A. Nicol, R. Stewart.  
Apologies:- Councillors G. Logan, W. McAteer, S. Marshall.  
In Attendance:- Service Director Strategy and Policy, Corporate Transformation and Services Director, Chief Financial Officer, Clerk to the Council, Democratic Services Officer (P Bolson).

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**CHAIRMAN**

1. Due to the absence of the Chairman and a Vice-Chairman, Councillor Stewart, seconded by Councillor Nicol, proposed that Councillor Torrance chair the meeting. This was unanimously agreed and Councillor Torrance assumed the Chair.

**WELCOME**

2. The Chairman welcomed those present to the first meeting of the Scrutiny Committee established under the new Scheme of Administration.

**DECISION  
NOTED.**

**PERFORMANCE MONITORING ROLE OF SCRUTINY AND CODE OF PRACTICE**

3. There had been circulated copies of a report by the Service Director Strategy and Policy detailing the performance role of the Scrutiny Committee in relation to the Council's Executive Committee and seeking approval for a proposed Code of Practice for Scrutiny. The report explained that under the new Scheme of Administration approved at Council in November 2014, Executive and Scrutiny roles were different in terms of performance monitoring and that it was important that these functions were clearly delineated. The report went on to explain that the Executive Committee's focus would be on performance management, namely the way in which services and resources were managed. Scrutiny Committee would be responsible for holding the Executive Committee to account and its focus would be on monitoring and review. Defining these roles in this way would ensure that the Executive Committee could satisfy itself that services were being delivered and managed effectively, and determine what actions were required in the event of any concerns whilst Scrutiny Committee could satisfy itself that standards of performance or measures for assessing performance were realistic and/or rigorous. The report identified ways in which Scrutiny Committee could carry out its role, namely by ensuring that no issues had been overlooked or marginalised; and by making sure that the Executive Committee and Services had accomplished what they said they would and/or that intended actions had been achieved. The report also noted that Scrutiny Committee's function included monitoring the impact of Council services on the wider Borders Community. In order to assist Scrutiny Committee in carrying out its role, a Code of Practice setting out a set of principles and characteristics was proposed, details of which were contained in the report. Discussion followed and further clarification about the differing roles of the Executive and Scrutiny Committees was provided to Members. Members requested that RAG (Red, Amber, Green) status be included in reports presented to Scrutiny Committee to assist in its monitoring role.
4. With reference to the proposed Code of Practice, the Clerk to Council explained that this was based on the model used by Scrutiny in its previous form and emphasised that the focus of

Scrutiny should be on substantive issues and that all recommendations from Reviews and Hearings should be evidence-based. The principles and characteristics of the new Code were detailed in the report and it was noted that the Committee was accountable at all times to the Council and the wider community. The report advised of the functions referred to the Scrutiny Committee under the amended Scheme of Administration and Members noted the procedure for Call-In of decisions made by the Executive Committee. Members requested that training be delivered to Scrutiny Members on how officers used Covalent as part of performance monitoring.

#### **DECISION**

- (a) NOTED the different roles between the Council's Scrutiny and Executive Committees with regard to performance monitoring.**
- (b) APPROVED the proposed Code of Practice for the Scrutiny Committee as detailed in Appendix I.**
- (c) AGREED that:-**
  - (i) RAG (Red, Amber, Green) status be included in reports presented to Scrutiny Committee in its monitoring role; and**
  - (ii) training on how officers used Covalent in performance monitoring be delivered to Members of the Scrutiny Committee.**

#### **MEMBERS**

Councillors Cockburn and Mountford joined the meeting during discussion of the following item of business.

#### **SCRUTINY COMMITTEE**

5. There had been circulated copies of a report by the Service Director Strategy and Policy providing details of previous Scrutiny reviews and seeking approval for the criteria and processes for future Scrutiny reviews. The report explained that Scrutiny Committee's remit included reviewing the effectiveness of the Council's work against agreed standards, targets and budgets for the level of services provided; acting as a focus for value for money and service quality exercises; and consideration of any matter referred to it by Council or the Executive Committee. In practice, the Scrutiny Committee would be likely to seek proposals for areas of further review for inclusion in its work programme from Elected Members, other Council committees, Community Councils, partner organisations and the public. The report further explained the ways in which Scrutiny could proceed with reviews, namely through information hearings, more in-depth hearings and working groups. Members were advised that when developing a work programme for Council approval, it was essential to develop a set of criteria against which each individual proposal could be assessed in order to demonstrate objectivity at all times. It was proposed that this could be a two-stage process, the first of which would include one or two threshold criteria such as whether the scope of the review was clear and concise; and whether the proposed review was within the scope of the Council and its objectives. If these threshold criteria were met, the second stage could then be launched with further criteria, such as detailed at paragraph 4.3 of the report, being considered at this juncture. Members noted that the potential scale of any review should be considered at the outset to ensure that the required resources would be available to complete the review. The Appendix to the report detailed the actions taken and those outstanding from the work programme of the previous Scrutiny and Members were asked to consider how the new Scrutiny Committee would wish to take forward its future programme of work. The report noted that reviews could be in the form of an information Hearing where officers, Members and other relevant representatives could be invited to speak on a particular subject thus enabling the Scrutiny Committee to decide whether to investigate further by means of a more detailed Hearing or the setting up of a Working Group. A more detailed Hearing would require that representatives attending the meeting be given questions in advance to enable a full response to be considered by Scrutiny Committee. Recommendations could be made at that stage or could be referred to a Working Group for further investigation and these Working

Groups could comprise Members of Scrutiny, other Elected Members and representatives from other agencies, with experts with specialist knowledge of the subject matter being invited as appropriate.

6. Discussion followed and Members discussed a number of items from the previous work programme and whether these be carried forward for consideration in the new work plan but confirmed these would only be considered if raised again at a future date. Members were advised that Heart of Hawick finances had recently been considered and taken forward by the Executive Committee. Members requested additional information in respect of how Community Councils were supported in meeting the challenges of accessing funding from the sources from within and out-with the Council. Members also requested an analysis of the spend by Area Fora on small schemes and quality of life projects. With regard to planning a future programme of work, a number of options were considered in terms of public engagement. It was agreed that Area Fora would be asked to include an Agenda item requesting suggestions for consideration for Scrutiny reviews. It was further agreed that Community Councils would be contacted to ask for ideas for Scrutiny reviews and in this regard, officers would draft a letter for approval by members of the Committee prior to issue. Members also requested further information in terms of using the Council website to submit suggestions for reviews and were mindful of the volume of work that the Committee could undertake in its work programme.

#### **DECISION**

**(a) NOTED the details of the previous Scrutiny reviews.**

**(b) AGREED:-**

- (i) to bear in mind the criteria detailed in Appendix II when assessing any proposals for reviews;**
- (ii) that further information on use of small schemes and quality of life funding be considered at the next meeting of the Scrutiny Committee;**
- (iii) that details of the funding accessed by and available to Community Councils from sources within and out-with the Council be considered at a future meeting of the Scrutiny Committee; and**
- (iv) the following methods of public engagement be progressed:-**
  - (1) an item be placed on each Area Fora agenda requesting suggestions for consideration for Scrutiny reviews;**
  - (2) officers draft a letter - for prior approval by members of the Scrutiny Committee - to Community Councils asking for ideas for Scrutiny reviews and giving details of the context for such reviews; and**
  - (3) further information be provided in terms of using the Council website to submit suggestions for reviews.**

#### **NEXT MEETING**

7. The next meeting of the Scrutiny Committee was scheduled to be held on 26 February 2015.

#### **DECISION**

**NOTED the date of the next meeting.**

*The meeting concluded at 11.50 a.m.*

**SCRUTINY COMMITTEE**  
**29 JANUARY 2015**

**APPENDIX I**

**SCRUTINY CODE OF PRACTICE**

- 1.0 The following principles and characteristics form a Code of Practice to which Scrutiny will comply in its work going forwards.
- 2.0 Scrutiny Committee's function will encompass the following principles:
  - (a) maintaining a focus on substantive issues;
  - (b) maintaining an apolitical, non-partisan approach to its investigations;
  - (c) being proactive and innovative in its work, not solely reactive;
  - (d) ensuring flexibility in the way it works;
  - (e) using an inclusive and corporate approach, drawing in appropriate elements out-with the members of Scrutiny themselves;
  - (f) carrying out reviews and investigations in a manner that is intensive, thorough, proportional, and – above all – objective and informed;
  - (g) any findings and conclusions of reviews and investigations being presented in a constructive manner that helps to drive improvement; and,
  - (h) remaining accountable at all times to the Council and to the wider public.
- 2.0 Members of Scrutiny will demonstrate the following characteristics individually and collectively when carrying out their work:
  - (a) being honest and open with each other, with colleagues in the Council, and with the wider public;
  - (b) demonstrating courage in the objectivity and the integrity of their work;
  - (c) ensuring that their conclusions are shaped solely on the facts and therefore that their work is carried out in a manner which ensures that all the relevant information is available to them;
  - (d) working to achieve a relationship of mutual respect with other sectors of the Council;
  - (e) demonstrating integrity in relationships with individuals or groups who may be asked to give evidence or provide information to Scrutiny;
  - (f) promoting a non-adversarial manner of working;
  - (g) ensuring that confidentiality is maintained as appropriate;
  - (h) ensuring that all conclusions, findings and recommendations are realistic and capable of being actioned in practice; and
  - (i) ensuring that open communication is maintained, both from and to, stakeholders.

**SCRUTINY COMMITTEE**  
**29 JANUARY 2015**

**APPENDIX II**

**SCRUTINY CRITERIA FOR ASSESSING PROPOSALS FOR REVIEW**

- 1.0 In devising a programme of work for approval by Council, the Scrutiny Committee will be mindful of the need to demonstrate objectivity by using a set of criteria against which individual proposals can be assessed.
- 2.0 The first stage relates to two threshold criteria. If these are not met then the theme or issue being proposed would not be considered further. This would avoid abortive time being spent on issues or themes which were either inappropriate for review or where review would not be productive. The two threshold criteria are:
  - Is the scope of the review clear and concise?
  - Is the proposed review within the scope of the Council and its objectives?
- 3.0 If the threshold criteria are met, then further points are taken into consideration –
  - Is it expected that the outcome of the review will be that services improve?
  - To what extent could the review lead to a reduction in costs of a service?
  - To what extent could the review lead to an increase in income for the Council?
  - How much budget is involved?
  - How important to the public is the topic proposed for review?
  - Does the scope of the review take into account equalities for minority and other groups or particular sections of the Borders community?
  - Is there any performance deficit associated with the topic proposed for review?
  - Is the review business critical to the Council's strategic objectives?
- 4.0 Other factors to be taken into consideration may include the potential scale of any review and the resources needed to take the review forward. Members can also consider other points for assessing topics for review.

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### **Scrutiny Committee – Proposal of Subjects for Review**

As part of the changes made to the Council's decision making structure, which came into effect on 1 January 2015, the Council has brought back the Scrutiny Committee. The Committee can scrutinise areas for which the Council is responsible. To this end, the Scrutiny Committee is seeking proposals for subjects for review from Elected Members, Community Councils, other local groups, and members of the public.

In devising a programme of work for approval by Council, the Scrutiny Committee is mindful of the need to demonstrate objectivity by using a set of criteria against which individual proposals can be assessed. To this effect there are 2 threshold criteria which must be met -

- Is the scope of the review clear and concise?
- Is the proposed review within the scope of the Council and its objectives?

If the threshold criteria are met, then further points are taken into consideration, relating to the expected outcome of a review, costs, scale, and scope, before a decision is made by the Committee whether to take a review forward. The individual or group which proposed the review will be advised of the decision and if the review is not to proceed, then a reason for this will be given.

In taking forward any review, the Scrutiny Committee will consider any background information and invite individuals to attend meetings to answer questions and provide further information.

Therefore, if you have any subjects you wish the Scrutiny Committee to consider as part of its future review programme, I would be pleased to hear details from you.

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## **Scrutiny Website Pages – Proposed Text**

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

The Scrutiny Committee's role is to examine various functions of the Council, to question how some key decisions have been made, and to investigate issues of local concern to residents. For this to happen effectively, the Scrutiny Committee needs the help of local residents, users of services, community organisations, and – where relevant – local businesses.

The Scrutiny Committee's role is –

1. To monitor the performance of the Council towards achieving its policy objectives and priorities in relation to Council services.
2. To review the effectiveness of the Council's work against agreed standards, targets and budgets for the levels of services provided.
3. To act as a focus for value for money and service quality exercises.
4. To manage the "call-in" procedure for the examination of decisions of the Executive.

The Scrutiny Committee works alongside the Executive Committee in the Council's decision making structure. The Executive Committee manages the services of the Council, and the Scrutiny Committee monitors that management.

### **Scrutiny Code of Practice**

The Scrutiny Committee has agreed a code of practice for its work going forwards –

- Maintaining a focus on substantive issues
- Maintaining an apolitical, non-partisan approach to its investigations
- Being proactive and innovative in its work, not solely reactive
- Ensuring flexibility in the way it works
- Using an inclusive and corporate approach, drawing in elements out-with the members of Scrutiny themselves
- Carrying out reviews and investigations in a manner that is intensive, thorough, proportional, objective and informed
- Any findings and conclusions of reviews and investigations being presented in a constructive manner that helps to drive improvement
- Remaining at all times accountable to the Council and to the wider public.

Members of the Scrutiny Committee will demonstrate the following characteristics individually and collectively when carrying out their work:

- Being honest and open with each other, with colleagues in the Council, and with the wider public
- Demonstrating courage in the objectivity and the integrity of their work
- Ensuring that their conclusions are shaped solely on the facts and therefore that their work is carried out in a manner which ensures that all relevant information is available to them
- Working to achieve a relationship of mutual respect with other sectors of the Council

- Demonstrating integrity in relationships with individuals or groups who may be asked to give evidence or provide information to Scrutiny
- Promoting a non-adversarial manner of working
- Ensuring that confidentiality is maintained as appropriate
- Ensuring that all conclusions, findings and recommendations are realistic and capable of being actioned in practice, and
- Ensuring that open communication is maintained, both from and to, stakeholders.

### **What is a Scrutiny Review?**

Reviews provide the opportunity to take a hard look at services, policies, and any other areas of concern in which the Council has control or input.

Care is taken that reviews are balanced and that any recommendations for change to any service or policy are achievable. Although every review is different, the approach to them is similar. The Committee will decide exactly what the review will look at (the scope); gather information through background research, inviting "expert witnesses" to attend meetings to answer questions and provide evidence; analyse that information and evidence; make recommendations. Reviews can either be undertaken by the full Scrutiny Committee at one of its regular meetings, or the Committee can choose to set up a Working Group to undertake the review. A Working Group will comprise members of Scrutiny, other Councillors who are not on the Executive Committee, and sometimes people from outside the Council if they have experience or knowledge of the subject under review. Working Groups do not make decisions but report their findings and recommendations to the full Scrutiny Committee, which will then decide what recommendations to make to the Executive Committee.

### **How to request a Scrutiny Review**

If you would like to suggest a topic or issue for the Scrutiny Committee to look into, then please click here [link]. You need to clearly state what you would like Scrutiny to investigate and your reasons for this. You can click here to submit your request [link], or ask one of your local Councillors [link] or Community Councillors to put forward your suggestion.

You should note:

- Your suggestion should not be an individual concern or complaint. If you do have such a concern or complaint, then please click here [link]
- The Scrutiny Committee will not hear petitions or deputations, those matters are dealt with through the Petitions and Deputations Committee [link]

### **Checking on Executive Decisions – the "call-in" process**

A decision made by the Executive Committee can be "called-in" by any 5 Councillors, who must give a clear and specific reason for wishing the decision to be reviewed. It is the job of the Scrutiny Committee to investigate the reasons for the call-in and make any recommendations on the original decision back to the Executive Committee. If the Executive Committee does not accept the

recommendations of the Scrutiny Committee, then the matter will be referred for a final decision to full Council.

### **Scrutiny Committee meetings**

The Scrutiny Committee meets about once per month. All the dates of meetings, agendae, reports and minutes are available in the Council's Committee section of the website [\[link\]](#).

### **Scrutiny Committee Membership**

Councillor Gavin Logan (Chairman) [\[link\]](#)

Councillor Rory Stewart (Vice Chairman) [\[link\]](#)

Councillor Willie Archibald [\[link\]](#)

Councillor Alastair Cranston [\[link\]](#)

Councillor Keith Cockburn [\[link\]](#)

Councillor Iain Gillespie [\[link\]](#)

Councillor Simon Mounford [\[link\]](#)

Councillor Alec Nicol [\[link\]](#)

Councillor Jim Torrance [\[link\]](#)

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