

Scrutiny and Overview Guide

Borough Council of
King's Lynn &
West Norfolk



**A Guide for Councillors, the public and officers
Borough Council of King's Lynn and West Norfolk**

1. Introduction

Scrutiny and overview allows Councillors and the public to contribute to how things are done in West Norfolk. It enables them to hold the Executive and other organisations to account and ensure that decisions taken are well informed and transparent.

This guide provides information on how Councillors, officers and the public can get the most out of the scrutiny process. It should be read in conjunction with the borough council's Constitution and other guides which have been produced.

2. What is Scrutiny and Overview?

The aim of Scrutiny and Overview is to ensure that the decision making process is open, accountable and transparent

Scrutiny and Overview are two different things:

Scrutiny

Scrutiny takes place after a decision has been made. It is an opportunity to question why the decision was taken, ensure that all other options were explored and if necessary propose an alternative. It also allows for the monitoring of decisions.

Overview

Overview is carried out before a decision is made. At King's Lynn this is often referred to as Policy Development. The Panels should be involved at an early stage so that they can help influence forthcoming policies and decisions which affect the residents of the Borough.

Why have it?

The borough council operates Executive arrangements. This means that the majority of decisions, with the exception of those that are required to be made by the Council as a whole, are made by the Executive (also known as the Cabinet).

It is therefore important that these decisions are checked and the Executive is held to account. This is where the Scrutiny and Overview comes into play. It works to check that decisions made, or forthcoming decisions are made properly and that all options have been considered. Scrutiny Panels do not have the power to make decisions but they have the power of influence and can work to shape and develop

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council policy, review decisions and challenge the performance of Cabinet and the council.

Scrutiny can examine decisions at any point; they can monitor decisions which have been made to ensure that they are working properly and make recommendations if they are not.

Scrutiny and Overview provides a forum where issues and policies can be debated fully and where Councillors can have a say on issues that affect them and their wards.

3. How does Scrutiny and Overview work in West Norfolk?

Meeting Structure

At the Borough Council there are currently three Policy Review and Development Panels:

Corporate Performance Panel

This Panel monitors performance of the council. It also undertakes post implementation reviews and deals with any matters which have been called in (more information on the call in process is set out below and available in the borough councils Constitution).

Environment and Community Panel Regeneration and Development Panel

The Environment and Community Panel and Regeneration and Development Panels Terms of Reference are the same. As well as carrying out Scrutiny, both of these Panels carry out Policy Development and Reviews.

The remit of the Panels are aligned with the Portfolio and Service areas of the Council.

Panels are made up of 12 Members and are politically proportional. The Chair is nominated by the Leader and then appointed by Full Council on an annual basis and the Panels appoint their own Vice Chairs.

The Panels meet on approximately a six weekly basis. Special meetings and Joint Meetings to consider issues that cut across the remit of all Panels, such as the Budget can also be called if required.

The Policy Review and Development Panels represent both the proactive and reactive sides of scrutiny and overview.

Call in process

The call in process enables a group of Councillors to 'call in' an Executive decision once it has been taken. It must be called in by 12 noon on the fifth working day after the decision has been published and must be supported by four Councillors. Reasons for the call in must be given, as set out in the councils Standing Order 12. The Chief Executive of the Council will then check the reasons given against the

criteria in Standing Orders and determine if the call in is valid. If the call in is valid it will be considered by the Corporate Performance Panel who will determine the course of action to be taken.

Work Programmes

Scrutiny Panels are responsible for setting their own Work programme, but should take into account:

- Information from officers and Cabinet Members relating to forthcoming plans and policies
- The Cabinet's Forward Plan of Key Decisions
- High impact items which the Panels can positively contribute towards
- Items and decisions coming forward which relate to the Corporate Business Plan and Corporate Priorities of the Council.
- High profile issues affecting the residents of West Norfolk that the Panel can influence and scrutinise
- Scrutiny of external organisations.

They should work to examine key issues which will have an impact on the residents of West Norfolk.

At each meeting the Panels will review their Work Programme and suggest additional items for possible consideration. They will also review the Cabinet's Forward Plan and can identify issues which should be brought before the Panel for consideration prior to them being taken to Cabinet. Recommendations from the Panel can then be presented to the Cabinet meeting.

4. Scrutiny Meetings

The Policy Review and Development Panels at King's Lynn and West Norfolk deal with Scrutiny and Overview. They can look at decisions before they have been taken, monitor decisions which have been taken and get involved in policy development.

The Panels also receive updates and information to assist them in their work, this can be carried out in formal meetings, informal briefing sessions or update notes.

They can invite external organisations and individuals to meetings to receive information and scrutinise their performance.

The Panels can make recommendations to the Cabinet on items that they have considered. It is encouraged that when the Panel make a recommendation to Cabinet that the Chair, Vice Chair or a representative of the Panel attend the Cabinet Meeting to present the Panel recommendations.

The role of the Chair

The Chair should ensure that the meeting runs smoothly and efficiently by:

- Preparing prior to the meeting, reading all paperwork and asking for clarification if required.
- Meeting in advance with Members of the Panel to co-ordinate their line of questioning or encouraging Members to provide questions in advance of the meeting, so that full answers can be provided at the meeting.
- Ensuring that the meeting is not unnecessary and agenda items/discussions focus on high profile items and do not revolve around trivial issues or issues which Members have no influence.
- Outlining the purpose of the meeting and remind members why they are there.
- Controlling the meeting and ensuring that all business is discussed and everyone's views are heard, whilst avoiding repetition.
- Summarise and wrap up the discussion once all Members have had the opportunity to put forward their views. Review what has been proposed and take a vote if required. Ensure that what has been agreed is clear to all present.

At the beginning of the municipal year the Chair and the Panel should look to set their work programme for the year by drawing on information from officers and Cabinet Members so that high profile items and policy development can be undertaken in detail by the Panel, and officers and Cabinet Members have sufficient notice of items requested for consideration by the Panel so that they can adequately prepare.

The role of Members

Members can suggest items for inclusion on the Work Programme. They do not have to be a Member of the Panel to do this. Members can do this by raising the item under the Work Programme Agenda item at the meeting. The Chair may ask the Member to provide further detail on how the Council can influence the issue and how the matter links to the Corporate Priorities of the Council.

The Chair and Vice Chair of the Panel will then look at the suggestions and decide if they contribute towards the Corporate Priorities of the Council, are issues that the Panels can influence or are matters that affect the residents of the Borough and schedule these on the Work Programme as appropriate.

The Chair may suggest that items put forward by Members which are purely for noting or information purposes be provided to Members by other means. For example a briefing note could be prepared and circulated, or information could be provided via the Members Bulletin. Time at meetings is precious and Members should prioritise items which the Council can influence or that have a wider impact.

Further information on how Councillors can add items to Work Programmes is set out in the Constitution at Article 6.01.

To ensure an effective meeting all Members should:

- Prepare prior to the meeting, reading all paperwork and seek further information if required.

- Submit complex questions in advance, so that a full response can be provided at the meeting.
- Keep an open mind and listen to the opinions of others.
- Avoid dominating the proceedings and avoid conflict.
- Avoid side conversations which can be distracting to others.
- Ask probing questions, questions to clarify understanding and challenge the decision makers and positively contribute to policy development

The role of officers

Officers play an important role at the Panel meetings and in the scrutiny and overview process. They may be required to present information and reports to the Panel to inform Member discussions and can explain why a course of action was taken. They can also play a consultative role, especially in policy development, by providing information to the Panel.

Officers can also suggest that a Panel should scrutinise a specific matter on their behalf to assist them in reviewing or creating policy.

Officers should consider the importance of making the Panels aware of forthcoming decisions, projects or policies of importance so that they can be looked at by the relevant Panel. The Panel Chair and Vice Chair meet in advance of meetings to look at forthcoming items, identify items for consideration and receive briefings from officers.

Each Panel has a Senior Officer representative, who works with the Panel and the Democratic Services Team to assist with identifying issues for consideration. The Senior Officer is the lead officer at the meeting.

The role of Cabinet Members

Portfolio Holders are invited to attend any Scrutiny Meeting where a decision or proposed decision falling within their Portfolio is to be considered.

Portfolio Holders should be prepared to present their report to the Panel and be prepared to be questioned and held accountable for their decision or proposed decision.

Cabinet Members should not be taking part in the Scrutiny process at Panel meetings when Executive decisions are being scrutinised, other than to present their report and respond to questions from the Panel. They can however play an important role at the meeting by explaining why a certain decision was made and answering questions from the Panel Members

Cabinet Members should be prepared for constructive challenge at the meeting as to why a particular decision has been made or proposed, providing reasoning for why a proposal has been put forward and answer questions.

Cabinet members can also work with Chairs to bring forward items that the Panel may like to consider, ask them to scrutinise a certain policy or assist them with policy development.

In terms of Policy Development, it is important for the Cabinet Member to be involved in the process, so that they are fully aware of how the Panel wants to shape the policy and can also provide expert advice in their portfolio area.

Further information on Cabinet Members involvement in Panel meetings is available in the Scrutiny and Executive Protocol.

The role of the Democratic Services team

Officers from the Democratic Services team administer the Panels. Their role includes keeping the Chair and Vice Chair up to date with the status of reviews and reports, informing officers of what might be expected of them, preparing reports and agendas, ensuring that the relevant people are invited to each meeting, undertaking investigatory work on behalf of the Panel and ensuring that recommendations from the Panel are taken forward to Cabinet.

Task Groups and Informal Working Groups

The Panels can set up Task Groups or Informal Working Groups so that detailed work can be carried out by a small group of Councillors. Their findings will then be reported back to the Panel and a course of action will be determined which could include making recommendations to the Cabinet or working with the Portfolio Holder to implement certain things.

The benefit of these groups is that it frees up time at main Panel meetings and affords the opportunity for subjects to be investigated in depth.

Task Groups and Informal Working Groups are two separate things. A Task Group is required to be politically balanced and group leaders appoint Members to the Task Group. An Informal Working Group is more informal, does not have to be politically balanced and is usually made up of a small group of members who have a particular interest in the subject being considered.

Terms of reference for Task Groups and Informal Working Groups will usually be agreed by the Panel and the Panel can ask for regular updates on the work of the group.

5. How the meetings work

Agendas for meetings are published on the borough council's website five clear days in advance of the meeting. The agenda will list the items to be considered at the meeting and include copies of reports if required.

Meetings are open to the public, unless the Panel is considering confidential information.

There is no provision for public speaking or asking questions at the meetings. The opportunity for the public to ask questions is provided at full council meetings. Members of the public can, however, send correspondence to the Chair if they have

comments to make on a particular item which is due to be considered at a meeting, or if they have a specific issue that they think the Panel should look at.

The Chair and Vice Chair of the Panel will meet with officers in advance of the meeting to discuss the Panel's Work Programme and identify items for consideration at the Meeting.

Members of the Panel are encouraged to contact the Chair of the Panel and the Democratic Services Officer if they have an item which they feel should be considered by the Panel. The Opposition has a right to place one item on an agenda for discussion.

At the meeting items will usually be considered by way of a presentation by the Portfolio Holder, then a debate by Members, including the opportunity to question the relevant Portfolio Holder and officers. Members will be required to come up with recommendations which can be taken forward to Cabinet.

Following the meeting a set of minutes will be produced which will set out a summary of debate and detail any recommendations or actions which have been agreed by the Panels. Recommendations will usually then be submitted to the next Cabinet or full Council meeting for consideration.

6. How Members of the Public can get involved

The public can be involved in the scrutiny and overview process in several different ways including:

- Attending a meeting or viewing the meetings via the live stream to YouTube to hear Members debate topics.
- Lobbying their ward Member.
- Submitting correspondence to the Chair of the relevant Panel.
- Responding to questionnaires or other requests for information to assist Members in their reviews.

If required, the Chair of the relevant Panel can call in experts, third parties, witnesses and members of the public to address the Panel and answer questions from the Panel where it may assist them with Scrutiny and Policy Development.

7. Good Scrutiny

Scrutiny should:

- Act as a critical friend – question how decisions have been made and provide a 'check and balance' to the decision makers
- Scrutinise the impact of decisions.
- Ensure that Cabinet Members and officers perform properly and that the council is delivering high quality services.
- Develop and review policy to see if it is fit for purpose and meets the public needs.
- Monitor the performance of the Council to ensure that it is delivering its objectives and that risks are being managed.

- Scrutinise the budget and monitor spending.
- Conduct independent inquiries
- Make clear recommendations.

8. Bad Scrutiny

- Political opposition
- Adversarial challenge
- Interrogating officers
- Conducting a witch hunt
- Championing a personal agenda
- Involving itself in minor issues or ward related problems that should be dealt with by other means.

9. External Scrutiny

Scrutiny and overview does not have to concern itself solely with the actions of the Council. There are a range of organisations which can be scrutinised if they are offering a public service and their actions would have an impact on the residents of West Norfolk.

The Scrutiny of Health Services is the responsibility of Norfolk County Council as the Social Services provider. There is a representative from West Norfolk on the County Committees. You can find out more about Health Scrutiny on Norfolk County Councils website.

10. Further Resources

Borough Council Constitution - <https://democracy.west-norfolk.gov.uk/ieListDocuments.aspx?CId=429&Mid=2220&Ver=4&bcr=1&info=1>

Scrutiny and Executive Guide – add link

Centre for Public Scrutiny – www.cfps.org.uk

Local Government Association - www.local.gov.uk

Local Government Information Unit – www.lgiu.org.uk

Practical Public Governance - <https://www.publicgov.co.uk/>

11. Contact Information

Contact details for the Chair and Vice Chair of each Panel is available on the borough council's website.

Democratic Services can be contacted at democratic.services@west-norfolk.gov.uk