

## EXTRACT AND SUMMARY – STATUTORY GUIDANCE ON OVERVIEW AND SCRUTINY IN LOCAL AND COMBINED AUTHORITIES

Item No.	Ref	Guidance – Summary/Extract	Current Arrangements	Recommendations
		Culture		
1.	Para 11 Page 8	<p>How to establish a strong organisational culture by</p> <p>a) Recognising scrutiny's legal and democratic legitimacy.</p> <p>All Members and officers should recognise and appreciate the importance and legitimacy of the scrutiny function is afforded by the law.</p>	<p>The overview and scrutiny function embeds the Centre for Public Scrutiny's established principles of good scrutiny within the constitution and is an integral part of the Council's decision making arrangements.</p> <p>All scrutiny members receive training on their role and responsibilities as part of the overview and scrutiny function.</p> <p>The role of scrutiny is also well understood amongst senior officers.</p>	It is proposed that no changes are required.
2.	Para 11 Page 8	<p>b) Identifying a clear role and focus</p> <p>Authorities should take steps to ensure scrutiny has a clear role and focus within the organisation i.e. a niche within which it can clearly demonstrate it adds value.</p> <p>Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function.</p>	<p>A challenge for local authorities is to ensure the overview and scrutiny arrangements provide an opportunity for engagement by non-executive members in activity which generate revelatory findings and recommendations that make a difference. This can be accomplished by setting up Task and Finish Groups to look at specific issues and report back to Cabinet with recommendations as appropriate.</p> <p>There is a clear division of responsibilities between the scrutiny function and the audit function as set out in the terms of reference for the committees contained in the Constitution.</p>	It is proposed that no changes are required.

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3.	Para 11 Page 9	The findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications.	<p>These have not previously been considered by overview and scrutiny.</p> <p>There is a Whistleblowing Policy in place and any wider implications of an investigation would be addressed by the appropriate forum.</p>	It is proposed that no changes are required.
4.	Para 11 Page 9	<p>c) Ensuring early and regular engagement between the executive and scrutiny</p> <p>The executive should not try to exercise control over the work of the scrutiny committee.</p> <p>The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting.</p>	<p>The overview and scrutiny committees set their own work programme and consider this at each meeting.</p> <p>Currently portfolio holders attend overview and scrutiny committee meetings to support officers presenting reports within their remit and when invited by the committee to do so. The Chairman of the Committee controls who is allowed to speak and when, including portfolio holders.</p>	It is proposed that no changes are required.

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5.	Para 11 Page 9	<p>d) Managing disagreement</p> <p>It is the job of both the executive and scrutiny to work together to reduce the risk of disagreement and authorities should take steps to predict, identify and act on disagreement.</p> <p>One way in which this can be done is via an ‘executive-scrutiny protocol’ which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways.</p>	<p>Managing disagreement effectively relies on the healthy overview and scrutiny/executive relationship more generally, based on the agreed principles of good scrutiny.</p> <p>Members are always advised that scrutiny should be apolitical, to keep an open mind, examine the relevant evidence and take into account officer advice and the views of stakeholders when making recommendations.</p> <p>There is not currently an Executive /Scrutiny protocol in place. There is a well-established culture in which overview and scrutiny is an integral part of decision making.</p>	<p>Consideration could be given to producing an Executive/Scrutiny Protocol to clearly define the roles of the executive and scrutiny and reduce the risk of conflict between the two.</p>
6.	Para 11 Page 10	<p>e) Providing the necessary support</p> <p>While the level of resources allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority’s own scrutiny committee(s) and the scrutiny function as a whole.</p> <p>Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies.</p>	<p>In common with all local authorities there has been an unprecedented reduction in resources and capacity over recent years. However, political leaders and senior officers continue to recognise the value of the scrutiny function. The scrutiny function has been recognised at a national level winning the CfPS Good Scrutiny Award – Scrutineers Choice in 2013.</p> <p>The lead officers for the scrutiny committees are Heads of Service and each committee has a dedicated democratic services officer to provide administrative support.</p>	<p>It is proposed that no changes to the current arrangements are required.</p>

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7.	Para 11 Page 10	<p>f) Ensuring impartial advice from officers</p> <p>Authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by ‘statutory officers’ – Head of Paid Service, Monitoring Officer and Section 151 Officer. These individuals have a particular role in ensuring that timely, relevant and high quality advice is provided to scrutiny.</p>	<p>The Corporate Management Team advise the Leader and Cabinet and also support the overview and scrutiny committees in their deliberations, providing information and answering questions as required.</p> <p>There may be a range of options and a difference of political opinion about the way forward on a particular matter, but overview and scrutiny members are able to request factual information and advice from officers and are often supported in key lines of enquiry which may culminate in a range of alternative points of view being presented to the Cabinet.</p> <p>All member level reports, including those to overview and scrutiny are produced in accordance with a corporate template which requires the inclusion of available options, policy, risk, equality, legal and financial implications.</p>	<p>It is proposed that no changes to the current arrangements are required.</p>

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8.	Para 11 Page 10	<p>g) Communicating scrutiny's role and purpose to the wider authority</p> <p>Authorities should take steps to ensure all members and officers are made aware of the role the scrutiny committees play in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.</p>	<p>An overview and scrutiny annual report is submitted to council each year setting out the work undertaken in the past year giving detail of work to be carried out in the coming year. The report contains information on the impact of the scrutiny reviews and recommendations made.</p> <p>The annual report is published on the Council' website and contains details of the officers providing the support function.</p> <p>Overview and scrutiny is featured on the Council's website with links to individual committees and membership. A scrutiny handbook is also produced.</p> <p>The induction programme for new members includes a comprehensive introduction to overview and scrutiny.</p>	<p>It is proposed that no changes to the current arrangements are required.</p>

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9.	Para 11 Page 10/11	<p>h) Maintaining the interest of Full Council in the work of the scrutiny committee</p> <p>Authorities should take steps to ensure full Council is informed of the work the scrutiny committees are doing.</p> <p>This can be done by reports and recommendations being submitted to full council rather than just Cabinet.</p>	<p>Recommendations from overview and scrutiny are a standing item on the Cabinet agenda and the relevant Chairmen are invited to attend Cabinet to present the committees views as part of the Cabinet decision making process.</p> <p>The overview and scrutiny function reports annually to full council on its work during the year.</p> <p>A more regular report could be submitted to council setting out the wide range of work that is undertaken by overview and scrutiny members, possibly on a quarterly basis; alternatively only when Full Council originally requested the review in question.</p> <p>Care would need to be taken to ensure the separate legal roles of executive and full council were understood and observed.</p> <p>Any changes in reporting processes to council will be subject to the council's procedures as set out in the Constitution.</p>	<p>To consider if changes are required to the council's reporting procedures to facilitate more regular reports being submitted to full council on the overview and scrutiny committees work programmes.</p>

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10.	Para 11 Page 11	<p>i) Communicating scrutiny's role to the public</p> <p>Consideration should be given to how and when to engage the authority's communication officers, and any other relevant channels to understand how to get that message across.</p>	<p>The Council's website explains overview and scrutiny purpose and processes as well as hosting work programmes, reports and minutes.</p> <p>The annual overview and scrutiny report is a public document highlighting key pieces of overview and scrutiny work through the year.</p> <p>Public participation in meetings tends to be when an issue of local concern is on the agenda.</p>	<p>Consider harnessing digital technology to generate more coverage of overview and scrutiny activity.</p>
11.	Para 11 Page 11	<p>j) Ensuring scrutiny members are supported in having an independent mindset.</p> <p>Formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.</p> <p>Inevitably, some committee members will come from the same political group as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them.</p> <p>Scrutiny members should bear in mind, however, that adopting an independent mind set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.</p>	<p>There is nothing specifically addressing familial links in relation to conflicts of interest involving scrutiny of executive members, though members are required to abide by the Code of Conduct. To an extent at small authorities there is always likely to be potential for there to be family links between members of the overview and scrutiny committee and of the executive.</p> <p>The importance of scrutiny acting as a 'critical friend' is dealt with as part of the member induction programme.</p>	<p>It is proposed that no changes to the current arrangements are required.</p>

Item No.	Ref	Guidance – Summary/Extract	Current Arrangements	Recommendations
		<b>Resourcing</b>		
12.	Pages 13/14	<p>Resources allocated to the scrutiny function play a pivotal role in determining how successful that function is and the value it can add to the work of the authority.</p> <p>Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function.</p> <p>Effectively resourced scrutiny</p> <ul style="list-style-type: none"> <li>- Adds value to the work of authorities, improving their ability to meet the needs of local people.</li> <li>- Helps policy formulation and so minimises the need for call in of executive decisions.</li> </ul> <p>Authorities should ensure that, officers providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided.</p>	<p>Administrative support for the overview and scrutiny committees is provided from within the democratic services team. All Democratic Services Officers have an in depth knowledge of the law of meetings and the constitution.</p> <p>The lead officers for the overview and scrutiny committees are Heads of Service, and for every task and finish review a lead officer from the relevant service area is assigned to work alongside the Democratic Services Officer to support members.</p>	It is proposed that no changes to the current arrangements are required.

Item No.	Ref	Guidance – Summary/Extract	Current Arrangements	Recommendations
		<b>Selecting Committee Members</b>		
13.	Paras 27/28/29 Pages 15/16	<p>While there are proportionality requirements that must be met, the selection of the chair and other committee members is for each authority to decide for itself.</p> <p>An authority must consider when forming a committee that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.</p> <p>Authorities should articulate in their constitutions how conflicts of interest, including familial links, between executive and scrutiny responsibilities should be managed, including where members stand down from executive and move to a scrutiny role, and vice-versa.</p> <p>When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.</p> <p>Authorities should not take into account a member's perceived level of support for or opposition to a particular political party, notwithstanding the wider legal requirement for proportionality referred to above.</p>	<p>It is a function of full council to decide at the annual meeting which committees to establish, their size and allocation of seats in accordance with political balance rules and council procedure rules. The overview and scrutiny committee have cross party membership.</p> <p>The political groups should pay due regard to the requirements for selecting committee members to fill their allocated seats on overview and scrutiny.</p> <p>The code of conduct for members forms part of the Constitution which sets out the conduct all members are expected to follow. This includes the registration of interests, the disclosure of pecuniary interests and other relevant interests.</p> <p>The code of conduct reflects the standards in public life and the expectations on members in relation to integrity, objectivity, openness and honesty.</p>	It is proposed that no changes to the current arrangements are required.

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		<b>Selecting Committee Members</b>		
14.	Paras 30/31/32 Page 16	<p>Selecting a Chair</p> <p>The attributes authorities should and should not take into account when selecting individual committee members also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.</p> <p>Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, care should be taken to avoid the committee being viewed as a de facto opposition to the executive.</p> <p>Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives.</p> <p>The method for selecting a chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot.</p>	<p>Chairmanship training is included within the member induction programme.</p> <p>The overview and scrutiny chairmen positions are appointed at the annual meeting of the council in accordance with the requirements of the council's constitution.</p> <p>The election of chairs in a meeting open to the press and public ensures that decision making is transparent and accountable to the public.</p> <p>The adoption of a secret ballot for the selection of committee chairs may be interpreted as a mechanism to avoid public scrutiny of the process and appears at odds with the principles which all council members follow and are enshrined in the member code of conduct.</p> <p>An alternative option would be to allow the overview and scrutiny committees to appoint their own chairmen at the first meeting of the municipal year. This would require changes to be made to the constitution.</p>	<p>To consider if the process for appointing chairs of overview and scrutiny committees should be reviewed.</p>

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		<b>Selecting Committee Members</b>		
15.	Paras 33-36 Page 16/17	<p>Training for committee members</p> <p>Authorities should ensure committee members are offered induction when they take up their role and on-going training so they can carry out their responsibilities effectively.</p> <p>Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.</p> <p>Co-option and technical advice</p> <p>While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.</p> <p>There are two principal ways to procure this:</p> <p>Co-option – formal co-option is provided for in legislation. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and</p> <p>Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence.</p>	<p>Training for overview and scrutiny is included in the Member Induction Programme. For 2019 this was delivered via video with a face to face question and answer session. The session is available on-line for Members to view to refresh knowledge as required.</p> <p>Further training may be provided based on need identified by the member's personal development plan process.</p> <p>Informal inquiry sessions are used to look at specific subjects in detail and as a training aid.</p> <p>Whilst there is no formal co-option scheme, the Audit and Governance Committee has a co-opted lay member.</p> <p>Technical advisers have previously been invited to present evidence at Task and Finish Group meetings.</p>	It is proposed that no changes to the current arrangements are required.

Item No.	Ref	Guidance – Summary/Extract	Current Arrangements	Recommendations
		Power to Access Information		
16.	Paras 37-44 Pages 18/19	<p>A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.</p> <p>Members of scrutiny committees enjoying powers to access information – regulations give enhanced powers to a scrutiny member to access exempt or confidential information.</p> <p>Scrutiny members should have access to a regular available source of key information about the management of the authority, particularly on performance management and risk.</p> <p>Whilst each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.</p> <p>Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.</p> <p>Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions.</p>	<p>Members have access to reports from a wide range of officers within the council.</p> <p>Each scrutiny committee receives quarterly reports on performance management, budget monitoring and risk.</p> <p>Links to all committee papers are sent to all members on publication.</p> <p>There is a culture of conducting as much business as possible in open session, the provisions to enable Cabinet and committees to go into closed session are used sparingly, as are the provisions for executive decisions to be taken urgently.</p> <p>The objective is always to facilitate overview and scrutiny engagement prior to decisions being taken, with relevant reports being provided as evidence or using Member Briefing sessions.</p> <p>Refusal of information requests is an unusual occurrence.</p> <p>By convention, executive members and CMT engage with overview and scrutiny and are held to account for their decisions. The powers available to overview and scrutiny committees to require information and attendance by witnesses at meetings is fairly limited. However, local</p>	It is proposed that no changes to the current arrangements are required.

		<p>Seeking information from external organisations.</p> <p>Scrutiny members should also consider the need to supplement any authority held information they receive with information and intelligence that might be available from other sources and should note, in particular, their statutory powers to access information from certain external organisations.</p> <p>Following the Council pound</p> <p>Overview and scrutiny committee will often have a keen interest in 'following the council pound' i.e. scrutinising organisations that receive public funding to deliver goods and services.</p> <p>Authorities should recognise the legitimacy of this and consider the need to provide assistance to scrutiny members and support staff to obtain information from organisations the council has contracted to deliver services.</p> <p>When agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a requirement for them to supply information or to appear before scrutiny committees.</p>	<p>experience has been positive. Invitations to a range of organisations to attend task and finish groups over a number of years have invariably been accepted and constructive input provided.</p> <p>Service contracts provide information for performance monitoring and it is considered this is adequate to service the purposes of scrutiny oversight.</p> <p>The principal witness and object of challenge remains the Executive.</p>	
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Item No.	Ref	Guidance – Summary/Extract	Current Arrangements	Recommendations
		Planning Work		
19.	Paras 48 and 52 Page 21	<p>Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact scrutiny committees need to plan their work programme i.e. draw up a long term agenda and consider making it flexible enough to accommodate any urgent, short term issues that might arise during the year.</p> <p>Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.</p> <p>When thinking about scrutiny's focus, members should be supported by key senior officers to take a leading role to clarify the role and function of scrutiny.</p>	<p>Overview and scrutiny committee work programmes are determined by overview and scrutiny members based upon a variety of factors including the Cabinet's Forward Plan of Key Decisions, the Corporate Plan and associated actions, government legislation, outcomes from quarterly performance reports and other plans and strategies including those of key partners.</p> <p>The work plans are considered at each meeting of the committees and recognises the capacity of officers and members whilst maintain the flexibility to accommodate matter which may arise in year.</p> <p>The Lead Officers for overview and scrutiny are Head of Service level.</p>	It is proposed that no changes to the current arrangements are required.
20.	Para 53 Page 21	<p>Who to speak to – the public</p> <p>Asking individual scrutiny members to have conversations with individuals and groups in their own local areas.</p>	<p>Amplifying the voice of the public is one of the four principles of good scrutiny practice.</p> <p>A number of topics considered by scrutiny have generated a god deal of public interest and engagement.</p>	It is proposed that no changes to the current arrangements are required.

Item No.	Ref	Guidance – Summary/Extract	Current Arrangements	Recommendations
		Planning Work		
21.	Para 53 Page 22	<p>Who to speak to – the authority’s partners</p> <p>Relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items.</p>	<p>The authority maintains comprehensive links with a wide range of partners e.g. police, local health service providers, clinical commissioning groups, registered social landlords, environment agency, voluntary organisations.</p> <p>The work programme is informed by plans and strategies of key partners in addition to the Corporate Plan and other relevant documents.</p>	It is proposed that no changes to the current arrangements are required.
22.	Para 53 Page 22	<p>Who to speak to – the Executive</p> <p>A principal partner in discussions on the work programme. The executive should not direct scrutiny’s work but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority’s wider work.</p>	The executive are the principal partner in the overview and scrutiny work planning process.	
23.	Para 54/55 Page 22	<p>Information sources</p> <p>Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include</p> <p>Performance information from across the authority and its partners</p> <p>Finance and risk information from across the authority and its partners.</p>	<p>The council’s performance management information is reported regularly to the relevant scrutiny committees whilst the executive receives the complete performance report to enable it to take an overview of the council’s performance.</p> <p>Corporate complaints information is included within quarterly performance monitoring reports. There are no formal arrangements for reporting information from member surgeries.</p>	

		<p>Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries.</p> <p>Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny.</p> <p>Reports and recommendations issues by relevant ombudsmen, especially the local Government Ombudsman.</p> <p>Scrutiny members should consider keeping this information under regular review.</p>		
24.	Para 55 Page 23	<p>Shortlisting Topics</p> <p>Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:</p> <p>Do we understand the benefits scrutiny would bring to this issue?</p> <p>How could we best carry out work on this subject?</p> <p>What would be the best outcome of this work?</p>	The overview and scrutiny committees consider topics for inclusion on the work programme at each meeting.	It is proposed that no changes to the current arrangements are required.

		<p>How would this work engage with the activity of the executive and other decision makers, including partners?</p> <p>Some authorities use scoring systems to evaluate and rank work programme proposals, others take a looser approach.</p> <p>A committee should be able to justify how and why a decision has been taken to include certain issues and not others.</p>		
25	Para 58 Page 23/24	<p>Carrying out work</p> <p>Selected topics can be scrutinised in several ways, including:</p> <p>As a single item on a committee agenda;</p> <p>At a single meeting;</p> <p>At a task and finish review of two or three meetings;</p> <p>Via a longer term task and finish review;</p> <p>By establishing a 'standing panel'</p>	<p>The overview and scrutiny committees use all of these methods for carrying out scrutiny work apart from the use of a standing panel.</p> <p>Member Working Groups and Inquiry Sessions are also used to support reviews.</p> <p>There are no proposals to change as these methods work well.</p>	<p>It is proposed that no changes to the current arrangements are required.</p>

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		<b>Evidence Sessions</b>		
26	Para 59/60 Page 25	<p>Evidence sessions are a key way in which scrutiny committees inform their work.</p> <p>Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.</p> <p>Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans.</p> <p>Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.</p>	<p>Good planning and preparation takes place for evidence sessions organised by scrutiny task and finish groups for all in-depth scrutiny reviews. A clear scope and key lines of enquiry are established and clearly explained to those invited to give evidence.</p> <p>Scrutiny skills training is provided as part of the Council’s member induction programme including how to ask questions and provide effective challenge.</p>	It is proposed that no changes to the current arrangements are required.
27	Para 66 Page 26	<p><b>Developing Recommendations</b></p> <p>The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however members should have due regard to advice received from officers, particularly the Monitoring Officer.</p>	Processes and procedures in place generally reflect the guidance.	It is proposed that no changes to the current arrangements are required.

		<p>Recommendations should be evidenced based and SMART i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.</p> <p>Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.</p> <p>Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should however, provide an opportunity for errors to be identified and corrected and for a more general sense-check.</p>		
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