

## **Scrutiny Task and Finish Panel Agenda**



### **Overview and Scrutiny Review Task and Finish Panel Thursday, 6th December, 2012**

You are invited to attend the next meeting of **Overview and Scrutiny Review Task and Finish Panel**, which will be held at:

**Committee Room 2, Civic Offices, High Street, Epping  
on Thursday, 6th December, 2012  
at 7.00 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

Adrian Hendry, Office of the Chief Executive  
email: [ahendry@eppingforestdc.gov.uk](mailto:ahendry@eppingforestdc.gov.uk) Tele: 01992 564246

#### **Members:**

Councillors K Angold-Stephens (Chairman), Mrs R Gadsby (Vice-Chairman), Mrs A Grigg, Mrs M Sartin, D Stallan and Mrs J H Whitehouse

THE DEADLINE FOR THE SUBMISSION OF SUBSTITUTES TO THIS MEETING IS  
18:00 HOURS

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**1. APOLOGIES FOR ABSENCE**

**2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Assistant to the Chief Executive) To report the appointment of any substitute members for the meeting.

**3. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive). To declare interests in any items on the agenda.

In considering whether to declare a personal or a prejudicial interest under the Code of Conduct, Overview & Scrutiny members are asked pay particular attention to paragraph 11 of the Code in addition to the more familiar requirements.

This requires the declaration of a personal and prejudicial interest in any matter before an OS Committee which relates to a decision of or action by another Committee or Sub Committee of the Council, a Joint Committee or Joint Sub Committee in which the Council is involved and of which the Councillor is also a member.

Paragraph 11 does not refer to Cabinet decisions or attendance at an OS meeting purely for the purpose of answering questions or providing information on such a matter.

**4. TERMS OF REFERENCE**

“(a) To examine and make recommendations on the reporting arrangements between the Cabinet and Overview & Scrutiny; and

(b) To examine and review other operational aspects of Overview and Scrutiny.

**5. OVERVIEW & SCRUTINY REVIEW -SCOPING REPORT (Pages 3 - 72)**

(Assistant to the Chief Executive) To consider the attached scoping report.

**6. DATE OF NEXT MEETING**

To consider the date of the next and future meetings.

## **Report to the Overview and Scrutiny Task and Finish Scrutiny Panel**



**Date of meeting:**           **6 December 2012**

**Report of:**                   Assistant to the Chief Executive

**Subject:**                    Overview and Scrutiny Review – Scoping Report

**Responsible Officer:**           I Willett (01992 564243)  
Assistant to the Chief Executive

**Democratic Services Officer:**   Adrian Hendry (01992 564246)  
Democratic Services Officer

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### **Recommendations:**

- (1) That the background information circulated with this report be considered in order to agree the scope of the proposed review of Overview and Scrutiny, taking account of the conclusions reached on the review set out in the notes of the meeting between the Chairman of the Panel and other members and officers;**
- (2) That the Panel indicate those areas relating to Cabinet/Overview and Scrutiny Committee relations and Overview and Scrutiny operations generally which should be the subject of further review;**
- (3) To agree a timescale for the completion of the review and notify the Overview & Scrutiny Committee;**
- (4) To seek the views of the Director of Finance & ICT on the role of Overview & Scrutiny in budget monitoring and review; and**
- (4) To consider a request by one member of the Council to discuss his ideas which have been submitted as part of the consultation exercise directly with the Panel.**

### **Report:**

#### **1. Introduction**

At its meeting on 7 April 2012 the Overview and Scrutiny Committee (OSC) decided to establish a new Task and Finish Scrutiny Panel to review Overview and Scrutiny operations generally within the Council with particular reference to relations between the Cabinet and Overview and Scrutiny. This decision was made following attendance by a number of members at a joint training session on Overview and Scrutiny convened jointly with Harlow Council.

2. The purpose of this report is to present certain background information to members so as to allow the scope of this review to be agreed by the Panel indicating any issues which should be investigated further.

### **Background Information:**

3. A number of Appendices are attached to this report which are listed below:

- (a) meeting held on 23 July 2012 between the Chairman of the Overview and Scrutiny Committee and the Chairman and Vice-Chairman of this Panel with certain officers;
  - (b) a statement of the 10 principles for Overview and Scrutiny of the Centre for Public Scrutiny;
  - (c) a schedule showing the various statutory powers relating to Overview and Scrutiny and how these are reflected in the Council's Constitution;
  - (d) a schedule showing case summaries for other local authorities who achieved Overview and Scrutiny recognition from the Centre for Public Scrutiny;
  - (e) a schedule showing details of the review of Overview and Scrutiny conducted in 2005 and subsequent developments;
  - (f) a digest of points raised in consultation conducted by the Assistant to the Chief Executive with members and officers of the Council regarding Overview and Scrutiny; and
  - (g) a copy of the current version of the Overview & Scrutiny Procedure Rules.
4. These documents had been provided to the Panel in order that they may review current arrangements and comments from members of the Council as a way of scoping the review which is now to be conducted.

#### **Further Work and Timescale**

6. The scope of the review will determine the time required to carry out further consultations and consider any constitutional changes. It would be sensible to aim at completing this review so that any changes sought can be implemented at the commencement of the 2013/14 Council year. To achieve this timetable, it will be necessary to complete the review and report to the Council on 23 April 2012. As no timescale has been set, the preferred deadline should be notified to the Overview & Scrutiny Committee.

#### **Consultations**

7. The digest of comments made on Overview and Scrutiny arise from approximately 15 face-to-face interviews with members and officers and a limited number of returns from a questionnaire which was circulated in the Council Bulletin earlier in the year. In order to assist the progress of the review, a training course is being run by the Assistant to the Chief Executive on 27 November 2012 and it may be that further comments will arise from that session which need to be taken into account.
8. In addition, one member who was interviewed concerning Overview and Scrutiny is particularly interested in attending a future meeting of the Panel to discuss directly his ideas regarding the link between Overview and Scrutiny and the Leader of the Council/Cabinet and also arrangements for questioning Portfolio Holders within the Council on their work programmes and decisions. The Panel may wish to interview further individuals within the Council on the review.
9. One area which has attracted interest is the role of the Overview and Scrutiny Committee on budget monitoring. As members will see from the digest, there have been a number of comments about the effectiveness of the current arrangements. It is recommended that the Director of Finance & ICT might be asked to comment on this.

## Conclusion

10. The Panel is asked at this meeting:
  - (a) to give an indication of the areas of Overview and Scrutiny activities they wish to pursue in more detail;
  - (b) to ask the Assistant to the Chief Executive to produce a programme for the review designed to achieve the deadline of the April Council meeting; and
  - (c) to seek the views of the Director of Finance & ICT on budget monitoring and to indicate any further consultations to be carried out.
  
11. The Panel should also consider whether they require any further information on Overview and Scrutiny in order to assist them in the review and in particular whether members themselves should, in any way, be involved in the process of compiling information.

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## ***Process Meeting: Overview and Scrutiny Review Task and Finish Panel***

### ***File Note.***

***23<sup>rd</sup> July 2012.***

**Place:** Office of the Chief Executive.

**Time:** 14:00 – 15.30 hrs

#### **Present:**

Councillors R. Morgan (Chairman of Overview and Scrutiny Committee), K. Angold-Stephens (Chairman of Overview and Scrutiny Review Task and Finish Panel), R. Gadsby (Vice-Chairman of Overview and Scrutiny Review Task and Finish Panel).

#### **Supporting Officers:**

Derek Macnab (Acting Chief Executive), Ian Willett (Assistant to the Chief Executive), Simon Hill (Senior Democratic Services Officer), Connor Lattimer (Summer Intern in Democratic Services).

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### **1. Purpose of Meeting**

- (a). To understand the views and opinions of the Chairman and Vice-Chairman of the Overview and Scrutiny Review Task and Finish Panel and the Chairman of the Overview and Scrutiny Committee (OSC) towards a review of scrutiny at the Council. Furthermore, this information would support the preparation work for the Overview and Scrutiny Review Task and Finish Panel's consultation.
- (b). To approve the terms of reference for the Overview and Scrutiny Review Task and Finish Panel for 2012-2013.
- (c). To explore the views and opinions of the Chairman and Vice-Chairman of the Task and Finish Panel, and the Chairman of OSC towards the current and future consultation process on a review of overview and scrutiny (OS).
- (d). To agree a timetable for the review.

### **2. Introduction**

- (a). Assistant to the Chief Executive, Mr. Ian Willett introduced Mr. Connor Lattimer who had undertaken OS and OSC research to develop the preparatory information for Councillors.
- (b). Mr. Willett emphasised that the OS review was a matter for Members of the Council and that Officers would provide support required by councillors.

(c). Mr Willett noted the key features of the [preparatory information pack](#) and that its main focus was outward-looking strategies and public engagement.

(d). Mr. Willett drew attention to the file note from a meeting with the former Chairman of the OSC, Councillor Bassett who agreed with the focus of the preparatory information pack.

(e). Finally Mr. Ian Willett recommended that the Task and Finish Panel should complete all their work by April 2013, which was subsequently agreed by the Members present.

### **3. Terms of Reference**

#### **3a. Overview and Scrutiny Committee**

(a). All councillors and officers present agreed OSC needed to be reviewed to refresh the OS process at Epping Forest District Council.

(b) Councillor Angold-Stephens was concerned that some Members, in particular the new Members of OSC, had not been trained sufficiently to maintain impartiality during the OS process. Furthermore, Councillor, Angold-Stephens had noted in OSC meetings some Members were reticent to speak on issues at OSC as they were worried about compromising the beliefs of their political party. Councillor Angold-Stephens informed all present at the meeting that OSC should act as a “critical friend” and all Members at OSC should speak their mind.

#### **3b. Chair and Vice-Chair**

(a) All Members present agreed to adopt the terms of reference specific to exploring whether the Chair and Vice-Chair receive adequate support from the Council’s resources as well as questioning the selection process of the Chairman. Furthermore, a review of the election process of the Chair and Vice-Chair of OSC was also agreed.

#### **3c. Cabinet**

(a) Mr. Willett referred to the meeting with Councillor Bassett on 16<sup>th</sup> July 2012 where it was agreed that OSC needed to feedback to Cabinet on a regular basis. Subsequently, Mr. Willett noted at the meeting Councillor Bassett explored the possibilities of a monitoring group being set up to specifically review and scrutinise the work of the Cabinet.

(b). Senior Democratic Services Officer, Mr. Simon Hill suggested that if a monitoring group was set up it should focus on the forthcoming work of the Cabinet so that sufficient preparation could be undertaken by OSC. Therefore, it would be to OSC’s advantage to create a forward plan.

(c). Councillor Angold-Stephens recommended if a monitoring group was established at the end of the OSC review that it should regularly invite Cabinet Members to attend its meetings to allow Members of a monitoring group to ask questions on forthcoming items on the Cabinet agenda.



### **3d. Call-in**

- (a). Members and Officers agreed that the call-in process was sufficient to deal with the OS work of Epping Forest District Council and that it was not advisable to channel the Council's resources into this area of OS.
- (b) Officers discussed with Members whether the organisation of the room during the call-in process was problematic. Mr. Willett queried whether the room should mirror the layout of select committees held in Parliament.
- (c). Councillor Gadsby advocated that separating non-Members of OSC and the Cabinet and Portfolio Holder would make it easier for Members of OSC to direct their review and scrutiny of the appropriate Portfolio Holder.
- (d). Councillor Gadsby recommended that the Portfolio Holder should present a brief to OSC first and then questions from Members of OSC should be asked to save time in meetings. Councillor Gadsby had recognised that some of the questions asked in OSC were more points of clarification that could be answered if the Portfolio Holder was given the opportunity to present a brief.
- (e). Councillor Morgan echoed Councillor Gadsby's concerns and added that advisors should sit with their portfolio holders to allow referral to occur whilst the meeting was being conducted. Councillor Morgan pointed out that in the last OSC meeting on the 17<sup>th</sup> July 2012 the call-in process was inhibited with advisors and Portfolio Holders having to communicate across the room to each other.
- (f). All members felt the organisation of the room should be reviewed, in particular for the call-in process and the Panel and Council could look at the new layout for other areas of OSC such as presentations by external bodies.

### **3e. Members of the Public (& External Bodies)**

- (a) Councillor Angold-Stephens noted that Councillors should undertake background research to prepare for presentations by external bodies. Undertaking such research would create a richer experience for both councillors and external bodies during OSC meetings as presentations could be focused and questions asked could be more critical.

### **3f. Officers**

- (a) All members present agreed that Officer support is excellent and that the focus and work of officers should not change.
- (b). Councillor Morgan raised concerns over the number of officers attending OSC meetings. Councillor Morgan referred to the last meeting on the 17<sup>th</sup> July 2012 where at least 15 officers were present.

Councillor Morgan and Councillor Angold-Stephens concluded recommended that the level of Officer participation in OSCs should be reviewed.

### **3g. Panels**

(a). Councillor Angold-Stephens agreed with Councillor Bassett's comments on 16<sup>th</sup> July 2012 that the work of some Standing Panels was being duplicated.

(b). It was felt by all that the length of the agenda for Standing Panels was too broad and was being duplicated by other Panels. Thus, it was suggested that Standing Panels should narrow their scope, focussing on only a few items.

(c). Councillor Angold-Stephens argued that Members should conduct their own consultation in their respective Standing Panels to make Panels more proactive. Councillor Gadsby noted Councillor Wagland's proactive chairing of the Children Services Task and Finish Panel in 2011 ensured all Members of the Panel were given specific jobs to do. Councillor Gadsby emphasised this ensured all Members were fully engaged in their work at Epping Forest District Council.

### **3h. Work Programme**

(a). All Members present were content with the PICK priority system used by OSC.

(b). All Members present advised that all recommendations for the Work Programme could be submitted in writing to avoid any items being missed out.

### **3i. Party Whips**

(a). Councillor Angold-Stephens made clear to all present at the meeting that no party whips were used at OSC and/or in the OS process and thus he felt that no consultation needed to be undertaken in this area. However, Councillor Angold-Stephens did have concerns about whether Council training had sufficiently dealt with impartiality at OSC.

(b). Mr. Willett suggested confidence and impartiality training could deal with Councillor Angold-Stephen's concerns. Mr. Willett agreed in the next OSC training he would emphasise the importance of impartiality in the OS process.

### **3j. Safer Communities**

(a). Members present did not feel it was appropriate to include the Safer Communities Panel into its review as the Police Commissioner Elections in November 2012 could alter the way in which the Safer Communities Panel operates.

### **3k. Joint Scrutiny**

(a). Mr Macnab predicted that joint scrutiny may occur between safer community panels or crime and disorder committees across the County as a result of the election of a Police Commissioner.

(b). Councillor Angold-Stephens explained that OSC carried out very localised O&S work due to the demand on its services. Councillor Angold-Stephens and Mr. Hill said joint scrutiny depended on the decisions made by local authorities concerned.

(c). All Members agreed that avenues could be explored for joint scrutiny, but it might not be the main focus of the review.

### **3I. Performance and Finance Monitoring and Community Budgeting**

(a). All Members agreed performance and finance monitoring and community budgeting could be reviewed.

## **4. Consultation Process**

(a). Councillor Angold-Stephens emphasised the need to consult with all councillors on the OSC review as well as increasing the participation of members of the public.

(b). Councillor Gadsby stressed in the meeting that Members had the responsibility to increase the level of public engagement in the OS process.

(c). Acting Chief Executive, Mr. Derek Macnab raised the point that consultation should also be directed towards external bodies. Mr. Macnab said the consultation process with external bodies would produce vital feedback that could improve the way in which OSC meetings are conducted.

(d). All Members present agreed with Mr. Willett's suggestion that an open-session (like a "Think tank") should be held on OSC.

(e). Members present debated the possibilities of inviting an external facilitator to train all Members in the processes of OS and OSC. It was concluded that this option should be left open.

(f). All Members present were enthusiastic about the opportunity to study the OS processes of other local authorities and recommended site visits would develop the consultation work further.

## **5. Timetable for Review**

(a). All Members present agreed the first meeting of the OSC Review Task and Finish Panel would commence late September 2012 and finish at the latest by April 2013.

(b). It was suggested by all that the rest of the OS Review Task and Finish Panel should be consulted about this meeting and the terms of reference for the review.

## **6. Any Other Business**

(a). Those present suggested that the start time of OSC could be put forward to an earlier time to prevent meetings going beyond 2200hrs. The time suggested was 1900hrs but this would only be confirmed once full consultation had been carried out.

(b). Mr. Willett asked whether the Members present would want to undertake a conservative or a proactive approach towards the OSC review. Members present felt a proactive approach should be undertaken in reviewing the OS process.

(c). Terms of reference were approved accordingly (Appendix A – see below) on 23<sup>rd</sup> July 2012.

#### Appendix A: Terms of Reference

- The Overview and Scrutiny Committee: to scrutinise the current processes of OSC at the Council and to what extent could its functions be improved.
- Chair and Vice-Chair: to explore whether the Chair and Vice-Chair receive appropriate support from the Council's resources as well as questioning the selection process of the Chairmen. Furthermore, to review the election process of the Chair and Vice-Chair of OSC.
- Cabinet: to examine and scrutinise decisions or actions taken by the Cabinet and to identify whether the current arrangements for reviewing forthcoming Cabinet agendas is satisfactory.
- Call-in: to review the organisation of the current call-in process used by OSC.
- Members of the Public (& External Bodies): to investigate options for OSC to adopt a more outward-looking strategies in order to maximise its openness and accountability to members of the public and other external bodies.
- Officers: to review the current Officer and Management arrangements of OSC.
- Panels: to consider if the arrangements for Standing Panels and Task and Finish Panels are satisfactory, in particular the election process for the Chair and Vice-Chair and whether the right kind of Panels are in place.
- Work Programme: to reassess the PICK priority system and its suitability for developing a work programme.
- Joint Scrutiny: to explore avenues into undertaking joint scrutiny with other local authorities such as Harlow Town Council.
- Performance and Finance Monitoring and Community Budgeting: to assess the effectiveness of performance monitoring by OSC including budget monitoring.

Centre for Public Scrutiny Ten Principles for Overview and Scrutiny (2011)

1. Accountability must be built in from the start of all commissioning processes.
2. Constructive scrutiny can help organisations ascend not descend in the face of challenges.
3. We need a new “spirit of openness” across all public services.
4. Scrutiny enables councillors to act as a the voice and conscience of their place.
5. Scrutiny should embrace and champion open data.
6. Involvement means talking to and asking communities about things that they are interested in.
7. Local government is about democracy not just delivering services.
8. Transparency must increase understanding the impact and value, not just publish data.
9. We need a listening culture not a broadcasting one, including through using technology.
10. Scrutiny and accountability can help improve understanding of risk.

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## **Overview and Scrutiny Statutory Provisions**

### **This schedule is designed to compare the statutory provisions relating to Overview & Scrutiny with the EFDC Constitution**

**NOTE – References in this document are to the Council's Overview & Scrutiny Procedure Rules unless otherwise indicated.**

#### **A. Local Government Act, 2000 Section 21**

##### ***Section 21(1)***

**1. The Council must appoint at least one Overview and Scrutiny Committee.**

*EFDC Constitution*

2. The Council appoints one Overview and Scrutiny Committee at the Annual Council meeting to discharge functions outlined in the Local Government Act 2000 (6.01 (a); 1a).

##### ***Section 21(2)***

**3. The Council must ensure that their Overview and Scrutiny Committees have the power:**

- a) to review or scrutinise decisions, or any action, that is the responsibility of the Executive;
- b) to make reports or recommendations to the Executive on matters that are a responsibility of the Executive;
- c) to review or scrutinise decisions made or any other action, that are not the responsibility of the Executive;
- d) to make reports or recommendations to the Council on matter that are not the responsibility of the Executive;
- e) to make reports or recommendations to the Council on matters which affect this district or the inhabitants of the district.

##### ***Section 21(3)***

**4. Overview and Scrutiny Committees have the power to recommend that any decision by another Council body or responsibility of the Executive made but not implemented to be reconsidered by the person or body which made the decision. An Overview and Scrutiny Committee may also arrange for the full Council to review or scrutinise a decision and decide whether or not to recommend that the decision be reconsidered.**

*EFDC Constitution*

5. The Overview and Scrutiny Committee will review and/or scrutinise decisions made or actions taken in relation with the Council's functions including the Executive (6.03i; 3.1i).

6. The Overview and Scrutiny Committee has the right to call-in for reconsideration decisions made but not yet implemented and can delegate the review to be carried out with a Standing Panel or a 'Task and Finish' Panel. (6.03iv; 0.1; 20.2; 20.3).

7. Three members of the Overview and Scrutiny Committee or any five members of the Council have the right to call-in an Executive decision. Requests to call-in will be in writing and referred in person to the Proper Office (20.8).

8. If the Overview and Scrutiny Committee, having considered the decision, have concerns, then it may refer it back to the decision making person or body for reconsideration within 5 working days (20.4).

9. Decisions by the Executive deemed as urgent are not subject to the call-in process at the discretion of the Chairman of the Council (or the Vice-Chairman). A decision will be urgent if any delay is likely to be caused by the call-in process would seriously prejudice the Council's or the public interest (21.1).

10. The Overview and Scrutiny Committee is able to discharge any of its functions plus those responsibilities allocated by the Council (6.01a; 2.1).

11. Overview and Scrutiny Committee shall be able to review and scrutinise the performance of other public bodies active in the District (3.1f).

12. The Overview and Scrutiny Committee shall approve a work programme and in compiling the contents the Committee will (9.1; 9.2);

- a) seek proposals for inclusion from all Members of the Council through the Member's Bulletin (9.2a);
- b) invite the Leader of the Council and other Portfolio Holders to submit proposals in respect of the Council's executive functions (9.2b);
- c) arrange meetings with the Leader and other Portfolio Holders to discuss their plans for the year in question (9.2c);
- d) agree with the Leader and Portfolio Holders on any items for inclusion in the work programme which may be undertaken by Overview and Scrutiny on the Cabinet's behalf (9.2d);
- e) seek proposals from any partnership organisations on projects which Overview and Scrutiny could undertake on behalf of those partnerships (9.2e);
- f) review the work programme for Overview and Scrutiny in respect of the current year (9.2f).



#### **Section 21(4)**

**13. Overview and Scrutiny Committees may not discharge any functions other than the functions conferred on it by this section.**

*EFDC Constitution*

14. The Constitution provides for no decision making powers on any function other than Overview and Scrutiny (Paragraph 3 (1) of Responsibility for Executive Functions in the Constitution).

#### **Section 21(5)**

**15. An authority may make arrangements for best value reviews to be undertaken by the Executive or by Overview & Scrutiny**

*EFDC Constitution*

16. The Constitution places the responsibility for best value reviews with the Executive which may in turn arrange for these to be conducted by Overview & Scrutiny on its behalf.

#### **Section 21(6)**

**17. Overview and Scrutiny Committees may appoint one or more sub-committees, and may discharge any of its functions through any sub-committee.**

*EFDC Constitution*

18. Overview and Scrutiny Committee may refer all or part of policy review and policy development work to a Standing Scrutiny Panel or a 'Task and Finish' Panel for consideration (11.4).

19. The Constitution provides for no decision making powers on any function other than Overview and Scrutiny.

20. Standing Panels may be established on an annual basis by the Overview and Scrutiny Committee and determine the number and terms of reference of such Panel (12.1; 12.2).

21. Standing Panels are required to achieve cross-party representation whilst allowing the inclusion of members who are not members of a political group or are not members of the Overview and Scrutiny Committee (12.4c).

22. Will have memberships which represent the minimum number to achieve cross party representation (12.4 (c).)

23. Task and Finish' Panels may be established by the Overview and Scrutiny Committee in order to deal with ad hoc projects or reviews included in the annual work programme for Overview and Scrutiny (13.1).

24. 'Task and Finish' Panel status will be restricted to those activities which are issue-based, time limited and non-cyclical in character and have clearly defined objectives (13.2).

25. 'Task and Finish' Panels will;

- a) have a Chairman and Vice-Chairman appointed by the Overview and Scrutiny Committee (13.3b);
- b) have memberships which need not be based on pro rata rules (13.3b);
- c) have memberships which represent the minimum number necessary to adhere to their work programmes (13.3d);

26. No restrictions on the number of Councillors who can become a member of 'Task and Finish' Panels (13.4).

27. No 'Task and Finish' Panel shall be comprised of members of a single group only (13.6).

28. Any member of the Council can attend meetings and receive copies of the 'Task and Finish' Panel (13.7).

29. Substitute members will be accepted into a 'Task and Finish' Panel meeting to cover for existing members at the discretion of the Chairman (13.8).

### ***Section 21(7)***

**Sub-committees of an Overview and Scrutiny Committee cannot discharge any functions other than those given to such sub-committees (i.e. delegation from the Overview and Scrutiny Committee).**

### *EFDC Constitution*

30. Overview and Scrutiny Committee may refer all or part of policy review and policy development work to a Standing Scrutiny Panel or a 'Task and Finish Panel for consideration (11.4).

### ***Section 21A and 21(8)***

**31. Executive arrangements by a local authority must allow any members of Overview and Scrutiny Committees (or sub-committees) to place any relevant matter on the committee's agenda and facilitate a discussion at any meeting and -**

**(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) in the case of a local authority in England, enables any member of the authority to refer to an overview and scrutiny committee of the authority of which he is not a member any local government matter which is relevant to the functions of the committee.**

**(d) This provision enables a person to refer a matter to a committee or sub-committee if it enables him to ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.**

**(e) If Overview and Scrutiny Committees (or sub-committees) decide not to exercise any powers in relation to a matter they must notify the member who raised the issue to explain its decision.**

#### *EFDC Constitution*

32. Overview and Scrutiny work programmes shall be approved prior to the Annual Council meeting each year and shall be of six months' duration. The programme shall be reviewed at or before the expiration of the six-month period (9.3).

33. Meetings of Overview and Scrutiny Committee will be held in accordance with the Council's calendar each year. Extraordinary meetings may be called when appropriate (6.1).

34. The Committee will, in determining the work programme;

- a) review all proposals submitted to ensure that they relate to the Council's Policy Framework (9.4a);
- b) ensure the agreed work programme has sufficient member and officer resources to support it (9.4b);
- c) identify in advance budgetary provisions (9.4c);
- d) ensure that the work programme is prioritised (9.4d);
- e) allocate time limits for each project (10.4e);
- f) items not allocated onto the work programme are reserved for future review (9.4f);
- g) ensure that all Members of Council are informed about the work programme as part of the annual report to the Council in April each year (9.4g);
- h) review the work programme on a regular basis during the year (9.4h).

35. Urgent matters and new proposals during the annual work programme, the Committee may accept or decline such matter or proposal and adjust the remainder of the programme accordingly (9.5a-c).

36. Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the

Committee to be included on the agenda. On receipt of such request the Proper Officer will ensure that it is included on the next available agenda (10.1).

37. Any members of the Council who are not members of the Overview and Scrutiny Committee can write to the Proper Officer and inform them of items to be included on the agenda of that Committee and such notification shall be included on the first available agenda of the Overview and Scrutiny Committee for consideration (10.2).

### **Section 21(9)**

**38. Members of the Executive may not be members of the Overview and Scrutiny Committee or any sub-committee.**

#### *EFDC Constitution*

39. All Councillors except members of the Executive may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been direct

40. A member of the Cabinet cannot be a member of a 'Task and Finish' Panel if his or her portfolio bears directly on the Panel (13.5). 11. A member of the Cabinet cannot be a member of a 'Task and Finish' Panel if his or her portfolio bears directly on the Panel (13.5).

41. A member of the Cabinet cannot be a member of a 'Task and Finish' Panel if his or her portfolio bears directly on the Panel (13.5).

### **Section 21(10)**

**42. If decided by the Overview and Scrutiny Committee or sub-committee anyone invited by the committee who is not a member of the Council is entitled to be a non-voting member of Overview and Scrutiny Committees or sub-committees.**

#### *EFDC Constitution*

43. The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of appropriate persons as non-voting co-optees (5.1).

### **Section 21(11)**

**44. Overview and Scrutiny Committees (and sub-committees) must reflect the political balance of the local authority or adopt different arrangements for the allocation of seats if the full Council approves so without any member present voting against.**

**45. Overview and Scrutiny Committees (and sub-committees) must meet in public except where appropriate provisions allow the public to be excluded.**

#### *EFDC Constitution*

46. Appointments to the Overview & Scrutiny Committee are made by the Council

comply with the legal requirements for political balance. The Committee does not appoint OS Sub Committees and instead appoints standing and Task & Scrutiny Panels. Standing Panels comply with provisions for political balance as if they were Sub Committees. Task & Finish Panels are exempted from pro rata memberships as a result of a unanimous decision of the Council to that effect

47. Members of the public may attend all meetings (subject only to the exceptions in these rules (3).

### **Section 21(12)**

**48. Sections 102 of the Local Government Act 2000 applies to Overview and Scrutiny.**

#### *EFDC Constitution*

49. The Constitution complies with Sections 102(2) (Appointment by the Council or a Committee of Members to bodies and approval of the terms of reference of such bodies) and 102 (5) (Retirement of Councillors) in regard to Overview and Scrutiny (12.1; 13.1)

### **Section 21(13; 14; 15)**

**50. Overview and Scrutiny Committees (and sub-committees) can require members of the executive and officers of the local authority to appear before it and answer questions. These persons must comply with this requirement.**

**51. Overview and Scrutiny Committees may invite other persons to attend meetings**

#### *EFDC Constitution*

52. The Overview and Scrutiny Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they consider necessary to inform their deliberations and may pay reasonable fees and expenses (11.3).

### **BC Section 19**

#### **Section 19 (1)**

**53. The Crime and Disorder Committee is to be an Overview and Scrutiny Committee if the local authority is operating executive arrangements.**

#### *EFDC Constitution*

54. Safer, Cleaner, Greener Scrutiny Standing Panel acts as the Council's Crime and Disorder Committee (Terms of Reference 6).

55. All powers of a Crime and Disorder Committee were agreed by Members of the Overview and Scrutiny Committee to be transferred to the Safer, Cleaner, Greener

Scrutiny Standing Panel (Minute 33 of the Overview and Scrutiny Committee, 3<sup>rd</sup> September 2009).

56. The Safer, Cleaner, Green Scrutiny Standing Panel will operate a partnership with the local authority, the police force, the police authority, the fire and rescue authority and the primary care trust (Minutes 33 Overview and Scrutiny Committee, 3<sup>rd</sup> September 2009).

**Section 19(2)**

**57. A Crime and Disorder Committee shall provide a copy of reports and recommendations to all co-operating persons and bodies of the local authority.**

*EFDC Constitution*

58. Safer, Cleaner, Greener Scrutiny Standing Panel provide a copy of reports and recommendations to all co-operating members as a public document (Terms of Reference 6).

**Section 19(3)**

**59. If asked to consider a local crime and disorder matter by a person who lives or works in the area that the councillor represents:**

- a. the councillor shall consider the matter and respond to the person who asked him or her to consider it and indicate (if any) action he or she proposes to take,
- b. the councillor may refer the matter to the crime and disorder committee.

**Section 19(4)**

**60. If the councillor refuses to refer the matter to the Crime and Disorder Committee the person who informed the councillor can refer the matter to the executive of the local authority.**

**Section 19(5)**

**62. The Crime and Disorder Committee shall consider any local crime and disorder matter referred to it by a member of the local authority or the Executive.**

*EFDC Constitution*

63. Safer, Cleaner, Greener Scrutiny Standing Panel must respond to any local crime and disorder matter (Terms of Reference 6).

**Section 19(6)**

**64. A Crime and Disorder Committee must ensure public access to all Crime and Disorder Committee meetings, minutes and agendas.**

*EFDC Constitution*

65. Members of the public may attend all meetings subject only to the exceptions in these rules (3).

66. A meeting of the Panel which is to consider confidential information or information which in any way relates to matters concerning national security private meetings should be held to exclude members of the public (24.2).

**Section 19(7)**

**67. A person co-opted to serve on a Crime and Disorder Committee shall not be entitled to vote, unless the committee decides otherwise.**

*EFDC Constitution*

68. The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of appropriate persons as non-voting co-optees (5.1).

**Section 19(8)**

**69. Overview and Scrutiny Committees (and sub-committees) may also invite other persons to attend its meetings but cannot require them to do so.**

*EFDC Constitution*

70. The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of appropriate persons as non-voting co-optees (5.1).

**Crime & Disorder Regulations: Guidance and Regulations Regarding Crime and Disorder Matters (Section 20)**

**71. At the Crime and Disorder Committee's discretion, a co-opted person serving on such a committee may serve for a limited time only.**

*EFDC Constitution*

72. The Chairman of the Overview and Scrutiny Committee shall have discretion as to whether to limit the number of persons wishing to address the Committee (19.2ix).

**73. The membership of a person co-opted to serve on a Crime and Disorder Committee may be withdrawn at any time by the committee.**

*EFDC Constitution*

**74. Section 19(3)**

**75. A Crime and Disorder Committee is required to meet at least once every twelve month period.**

*EFDC Constitution*

76. Meetings of Overview and Scrutiny Committee will be held in accordance with the Council's calendar each year. Extraordinary meetings may be called when appropriate (6.1).

**77. A person co-opted to serve as a member of a Crime and Disorder Committee may have the same entitlement to vote as any other member.**

*EFDC Constitution*

**78. See Section 19(3)**

**79. A Crime and Disorder Committee can make requests in writing to receive information of co-operating persons or bodies by a certain date if information cannot be sent by this date the information must be provided as soon as reasonably possible.**

*EFDC Constitution*

80. The Standing Panel will be entitled to copies of any document which is in the possession or control of the Executive or its committees (24.1).

81. The Overview and Scrutiny Committee will not be entitled to any document that is in draft form or any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to intend to scrutinise (24.2).

**82. Information of co-opted persons by the Crime and Disorder Committee cannot include information that would likely to prejudice legal proceedings or current or future operations of the responsibility authorities.**

*EFDC Constitution*

83. Where the Overview and Scrutiny Committee or Panels asks people to attend meetings to give evidence it must conduct meetings in accordance with the following principles (23.1);

- a) investigation to be conducted fairly and all members of the committee given the opportunity to ask questions of attendees, and to contribute and speak (23.1a);



- b) that those assisting the committee by giving evidence be treated with respect and courtesy (23.1b);
- c) investigations must be conducted so as to maximise the efficiency of the investigation or analysis (23.c).

**84. A Crime and Disorder Committee must allow for reasonable notification time to co-opted persons.**

*EFDC Constitution*

85. See *Section 19(3)*

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## Local Authorities with Overview and Scrutiny Recognition

“In the context of the changing political and financial landscape, the case for effective public scrutiny remains as strong as ever and the role of the critical friend has never been more vital than in these critical times. Whether scrutineers are helping to tackle the recession, influencing priorities and resource allocation or trying to improve front-line services scrutiny can be a powerful vehicle for change.”

Tim Gilling- Executive Director for Centre for Public Scrutiny (CfPS)

### **CfPS Awards (2012)**

#### Gloucestershire County Council: Impact through Scrutiny

The Environment Agency (EA) published its proposed strategy for managing flood risk on the Severn Estuary which caused a huge concern among communities bordering the estuary in 2011. The scrutiny process by Gloucestershire County Council brought stakeholders together to present their views and allowed non-executives to have a fresh independent look at the issue. Usually a task-limited group would have been set up but with so many interested groups the Council created a one day scrutiny commission to respond to local concerns. The work involved town, parish and district councils, the EA, and a range of external bodies. The County Council demonstrated a strong engagement with the public advising communities on what measures to undertake as well as assessing long term impacts of EA's proposals.

#### Brighton and Hove City Council: Innovation

Bright and Hove City Council cooled down an overheated issue of gypsy and traveller sites through significant engagement with both the public and the media about the portrayal of travellers and traveller issues. The Traveller Scrutiny Panel was led by an independent academic expert and enhanced cross-party cooperation. The Council focused on national practice and provided a stronger evidence base for actions. The Council provided immediate service improvements to the controversial issue whilst it developed a long term and permanent plan of a new traveller site.

#### London Borough of Redbridge: Involving Communities (EFDC Recommended)

The Borough Council carried out a joined up approach to end of life care undertaking consultancy with hospices, hospitals and end of life carers. The Council ensured education and training on end of life care is provided to care home staff which is now being implemented across other NHS bodies who are working with Redbridge Borough Council. The Council organised an end of life care event which brought a number of stakeholders together to discuss and share ideas between government authorities, the public, media and private sector.

#### Cardiff Council: Raising the Profile

Cardiff Council increased the profile for scrutiny in particular to members of the general public by holding a major inquiry into Cardiff's night-time economy. A market plan using internet and social media, an online questionnaire, radio debates, direct marketing and close press liaison resulted in almost 300 public responses. The scrutiny project increased emphasis in policy quality and raised the profile of scrutiny.

### Bassetlaw District Council : Transforming Services

The District Council's review to investigate plans for future service delivery created a more pro-active 'marketing' approach of hospital services and ensured more clarity in communication between the local authority and the public. For example, the Council followed a media storm about the future of services at the hospital, and led to particularly positive outcomes on communication from the Trust, and on the future consultation arrangements by Clinical Commissioning Groups. Councillors were also keen to explore the facts about plans, and to carry out the review in a timely way. Generally, a commitment to far more effective communication and dialogue with the local community over current, and future plans for service changes.

### City of Bradford Council: Working Together

Bradford Council demonstrated a strong sense of partnership and cooperation with external organisations such as the Healthy Weight and the Healthy Living Board. The partnership explored and tackled issues relating to poverty, health and inequalities by providing additional training for local people, conducting formal joint meetings between external bodies to maintain momentum on delivering promises and rolled out education programmes within local schools.

### **CfPS Awards (2011)**

#### Brighton and Hove City Council: Innovation

The Council's Scrutiny Panel reviewed the degree of preparedness for extreme weather which can be associated with climate change. The Council developed strong relationships with the City's two universities with academics frequently giving advice. Steps were taken even further by inviting an academic to be an independent Chair of the Panel. Scrutiny in Brighton and Hove has had a direct influence on local authority strategies with better partnership on energy issues.

#### City and County of Swansea: Team of the Year

The Child and Family Services Overview and Scrutiny Board was set up by the Council to respond to serious failing in child and family services. The team has provided a high level of critical friend challenge leading to service improvements and changes in the way scrutiny is done across the Council. The Board developed effective cross party working, and removed the 'intervention' order which improved services for families and children.

#### Knowsley MBC Benefits Administration: Value for Money

The review by Knowsley MBC Benefits Administration showed non-executives influencing the use of resource, generating significant savings and improving services for customers. The review assessed the way in which current application/assessment process for benefits could be streamlined. The Benefits Administration set up a single integrated team between three service areas and has also simplified the bureaucracy involved in form filling for local people.

## **CfPS Awards (2010)**

### **Hertfordshire County Council: Overall Impact Award**

Hertfordshire County Council have streamlined their Overview and Scrutiny Committees down to two in order to respond to the cut in resources. The Council has adopted innovative ways of doing scrutiny for example holding 1 or 2 whole day meetings to gather evidence and produce short reports based on clear objectives and robust and achievable recommendations. Budget scrutiny has changed from a formal meeting to a 'scrutiny cafe' approach which has involved more people and proven to be more effective to ensure fluid communication between the Council and the public.

### **Warrington Borough Council: Added Value Award**

Warrington Borough Council's scrutiny added value to an often forgotten public service, the cemetery. Warrington embarked on an ambitious project to raise standards and enable the bereaved to bury their loved ones with dignity and respect. The Council regularly met with citizens to listen to their comments and views on such a sensitive subject. The Council managed to secure over £1million from a variation of sources including savings from Members to develop a new cemetery site for the local people.

### **London Borough of Enfield: Community Influence Award**

The London Borough of Enfield has worked tirelessly to develop a more positive relationship with its young people and has secured strong links between the young people of Enfield and the scrutiny process. The London Borough of Enfield realised the need to understand issues from the perspective of both service providers and young people to develop a more engaging strategy. The review helped to break down preconceptions on all sides.

### **Cheshire West and Chester Council: Innovation Award**

Cheshire West and Chester are adopting a fun way of doing scrutiny working informally with young people, councillors and officers to enhance the lives and future prospects of children in care of the Council. For example, a series of fun activities included trips to the zoo, and informal hearings and questions between young people and executive members. The children are still working hard with the Council and regularly are involved in the scrutiny process to create a positive attitude.

### **London Borough of Hounslow: Joint Working Award**

A scrutiny review into Speech and Language Commissioning by the Children and Young People Scrutiny Panel has evolved into an area wide commissioning pathfinder scheme. The piece of work shows that scrutiny is capable of providing redress to citizens for their concerns and can lead to changes in the way services are delivered and decisions made. The London Borough of Hounslow has worked hard with NHS providers, schools, academics, parents and children with special needs. The London Borough of Hounslow embodied the meaning of scrutiny as transparent and accountable.

### **Birmingham City Council: Raising the Profile**

Scrutiny at Birmingham City Council has had an immediate and high-profile impact in helping the Council tackle deep-rooted problems of social care. The Council undertook a major scale of press coverage which was described by judges as “absolutely striking”. For example, interviews were conducted with Sky News, Channel 4 and the Press Association as well as articles in every national newspaper. The Council undertook the role of a truly independent critical friend.

### **CfPS Awards (2009)**

#### **Birmingham City Council: Community Engagement through Scrutiny Award**

Birmingham City Council review of Sex and Relationships Education (SRE) emphasised the importance of local community and young persons involvement in overview and scrutiny. The central involvement of young people in the planning and delivery of this piece of work was a key factor that made significant contribution to the project. Consequently, the project brought the community, young people and the Council together enabling a strong dialogue and debate on SRE.

#### **Gloucestershire County Council: Chair Award**

Chairman Cllr Gravells of the Heath Overview and Scrutiny Committee and Great Western Ambulance Joint Health Scrutiny Committee has an inclusive approach to scrutiny which has delivered a strong sense of accountability in sensitive and sometimes controversial scenarios. Chairman Cllr Gravells is respected for his diplomacy and commitment to principles of good scrutiny and for fostering effective partnerships between the Council and external bodies. Chairman Cllr Gravells also increased transparency of overview and scrutiny by maintaining a good relationship with the media.

#### **Harrow London Borough Council: Finance Scrutiny Award**

The joint piece of work undertaken with members from Harrow’s voluntary and Community Sector forum carried out a review of the Council’s relationship with the voluntary sector. It aimed to link work undertaken on financial issues with a wider study of engagement with the sector across the board. The work demonstrated a sense of realism, and used resources efficiently to provide the best value for money. The partnership element of this piece of work which involved discussion of what were delicate issues around funding were a particular strength.

#### **Maidstone and Tunbridge Wells Borough Councils: Team of the Year Award**

Maidstone and Tunbridge Wells Borough Councils worked together to develop strong and efficient Overview and Scrutiny Committees. Both Councils worked hard to create a joint scrutiny team that sought to deliver and focus on the CfPS principles through team meetings to share best practice principles, joint training sessions, working on joint reviews across both authorities and a number of ‘Big Ideas’ days. Both Councils demonstrated a strong approach to member development and commitment from members shown by high attendance rates as well as dedication to maximise resources available by working together.

#### **South Cambridgeshire District Council: Best use of Scrutiny Resources Award**

South Cambridgeshire District Council illustrates how a small district council, on a limited budget and support from only one scrutiny officer can influence strategic

development in their area. The Council provided an opportunity for the public and local residents to become directly involved in the review process. There was also good evidence of partnerships with the parish councils and residents association as well as good practice in setting up a cross-party task and finish group. The Council displayed a strong evidence through recommendations that have shaped and changed policy and practice.

### **Scrutiny within London**

#### **Camden London Borough Council**

The Council constitutes of a Joint Chairs Scrutiny Committee which is comprised of five scrutiny committees, with the Chair being appointed by the Committee. The Leader and Deputy Leader of the Council will attend each meeting of the Committee to discuss issues arising from the Leader's Annual Statement to the Council. Camden London Borough Council regularly reviews and scrutinises the impact of the Council's own services as well as its existing partnerships.

Source: Centre for Public Scrutiny: <http://www.cfps.org.uk/>

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## Summary of Previous Reviews of the Overview and Scrutiny Committee

### 1. Council decisions on 16<sup>th</sup> February, 2005;

- (1) That the existing structure of three Committees should be discontinued and be replaced with one new style Overview and Scrutiny Co-ordinating Committee to run the Overview and Scrutiny function of the authority;
- (2) That 'Task and Finish' panels be used for ad hoc projects agreed in the annual work programme particularly in relation to in-depth reviews of services/policies and policy development; (Examples might be this year: RPG 14)
- (3) That 'Standing Panels' be used for cyclical topics (Examples might be: Finance, Performance Review/BVPP, Housing, Constitutional issues);
- (4) That pro rata shall apply to the Co-ordinating Committee and 'Standing' Panels but not to 'Task and Finish' Panels;
- (5) That pro rata of the 'Standing' Panels be used to determine the lowest number of members to achieve cross party representation together with flexibility to allow the inclusion of members who are not members of a political group or on the Overview and Scrutiny Co-ordinating Committee;
- (6) That there be flexibility in membership of 'Standing' and 'Task and Finish' Panels by not restricting the membership of Panels to those on the parent committee to allow Councillors with the most appropriate skills to be members of the panel, co-option also to be considered as appropriate and flexibility to allow the inclusion of non-affiliated members;
- (7) That panel memberships be kept to a minimum but with the principle that each political group should be entitled to representation;
- (8) That there be no single party panels;
- (9) That the appointment of Chairmen be determined by Co-ordinating Committee;
- (10) That the Cabinet be advised that the Panels view is that Portfolio Holder Advisory Groups should be discontinued in favour of Task and Finish Panels so that policy development work can be concentrated with Overview and Scrutiny;
- (11) That political groups should be allowed to nominate up to the date of the first meeting of each Panel to avoid the delay in considering issues pending nominations from political groups;
- (12) That the Co-ordinating Committee determine the size of membership of each Panel; terms of reference and timescale and route for reporting;
- (13) That substitute arrangements apply to the Co-ordinating Committee and Standing Panels;
- (14) That the Chairman of the Task and Finish Panel be given discretion to accept alternate members;

(15) That, in order to aid development of cross party working, party whips not apply to Overview and Scrutiny;

**Accountability and functions:**

(16) That the following issues remain the specific responsibility of Overview and Scrutiny:

- (a) Call-ins;
- (b) Budget Consultation;
- (c) Major Government Consultation Documents of relevance to the District Council;
- (d) Council focused Investigations;
- (e) Investigation/discussions with other public bodies;
- (f) Policy Development;
- (g) Service Improvement Plans.

**Accessibility:**

(17) That public involvement in meetings be encouraged by use of additional publicity;

(18) That meetings be held in the most appropriate internal/external venues including the use of the Committee Rooms (subject to budgetary considerations);

(19) That there be maximum member participation including evidence gathering through Panels rather than traditional committees;

(20) That Panels, as good practice, should hold a scoping pre-evidence gathering meeting to agree their approach before inviting witnesses;

(21) That all members continue to have the right to attend Panel/Committee meetings;

(22) That every encouragement be given to staff involved in service delivery in providing evidence as part of scrutiny investigations;

(23) That, in order to facilitate the use of the Committee Rooms at the Civic Offices for public meetings, a DDF bid of £8,000 be approved for improved card access arrangements and improved signage;

**Work Programming:**

(24) That overall responsibility for the Work Programme for Overview and Scrutiny rest with the Co-ordinating Committee;

(25) That item requests should be considered via the Co-ordinating Committee if appropriate notice is given by members;

(26) That those bringing forward items must complete a information pro forma and attend to present their case at Committee/Panel;

(27) That the Council use the PICK system for priority setting;

**Public Interest:** the concerns of local people should influence the issues Chosen

**Impact:** priority should be given to the issues which make the biggest difference to the social, economic and environmental wellbeing of the area

**Council Performance:** priority should be given to the areas in which the Council, and other agencies, are not performing well.

**Keep in Context:** work programme must take account of what else is happening to avoid duplication or wasted effort;

(28) That there should be a mechanism for requests from members/public to be considered for inclusion within the Forward Work programme of the Overview and Scrutiny Co-ordinating Committee;

(29) That the Overview and Scrutiny Co-ordinating Committee be responsible for agenda management to avoid unnecessary delays and deferrals;

(30) That the Council develop guidelines for project management by 'Task and Finish' Panels;

(31) That the Leader attend the first meeting of the year to outline Cabinet plans;

(32) That Portfolio Holders make presentations to the Overview and Scrutiny Co-ordinating Committee on aspirations early in each Council year;

(33) That the Cabinet be requested to review the Council's key decision policy (is the threshold of £500,000 to trigger a key decision relevant and appropriate?);

(34) That the Overview and Scrutiny Work Programme be considered at every meeting of the Overview and Scrutiny Co-ordinating Committee;

(35) That Council's Forward Plan (Key decisions list) should be monitored on a regular basis by the Overview and Scrutiny Co-ordinating Committee;

### **Cabinet Reporting:**

(36) That common report formats be employed for Overview and Scrutiny Co-ordinating Committee and Cabinet – reports to clearly articulate Overview and Scrutiny Co-ordinating Committee recommendations and views;

(37) That only reports requiring Executive decisions be referred to the Cabinet and that minutes no longer be submitted as matter of course in favour of the common report format;

(38) That there be a dedicated slot on each Cabinet agenda for the Overview and Scrutiny Co-ordinating Committee Chairman;

### **Presentation of Overview and Scrutiny Reports**

(39) That reports from Standing and Task and Finish Panels be presented by the Chairman of the relevant Panel when submitted to the Overview and Scrutiny Co-ordinating Committee;

(40) That where reports of Standing and Task and Finish Panels are presented at meetings of the Cabinet, a Cabinet Committee, the Council or any other Committee of the Council these should normally be presented by the Chairman of the Overview and Scrutiny Co-

ordinating Committee unless it is agreed that the Chairman of the Panel concerned presents the report;

**Support:**

(41) That there continue to be a dedicated budget for Overview and scrutiny and that a review of its adequacy be undertaken in the first year of operation of the new Overview and Scrutiny Co-ordinating Committee arrangements;

(42) That the need for officer support as a prerequisite for the success of the new Overview and Scrutiny Co-ordinating Committee model be recognised and that subject to budgetary considerations a CSB growth bid be made for such officer support in the sum of £25,000;

**Training and development**

(43) That there should be an annual planned programme of training including 'mandatory' induction training for new members, skills and techniques training and follow up refresher /review sessions to allow members to assess progress with the new arrangements;

(44) That officers bring forward proposals for pre implementation skills training sessions for members early in 2005/06;

(45) That an in-house guide to scrutiny be developed tailored to the chosen system;

**Call – in:**

(46) That the Call – in protocol be amended to remove the first stage of the process to allow a full hearing of the substance of the call-in in one stage;

(47) That consideration of Call-ins be the responsibility of the Overview and Scrutiny Co-ordinating Committee which will decide whether to consider the issue itself or direct a Panel to undertake it and report back to the decision maker;

**Government Consultation:**

(48) That a new procedure for dealing with Government Consultation Documents be agreed whereby members will be advised of new consultation documents via the Members' Bulletin with the right to request consideration by the Co-ordination Committee;

**Performance Management:**

(49) That Service Business Plans no longer automatically be considered by the Overview and Scrutiny Co-ordinating Committee but be placed in the Members' Room with the right for individual members to request their formal consideration;

(50) That selected performance information continue to be formally reported to members through the Overview and Scrutiny Co-ordinating Committee, on a quarterly basis;

(51) That the Council use a "traffic light system" for performance indicators as a trigger for inclusion of items in the work programme reviewed periodically – Indicators to be split into (i) Green – on target, (ii) Amber – uncertainty of achieving target; and (iii) Red - clearly below target based upon previous year's performance;

NB: All of the above where implemented into the EFDC Constitution on 19<sup>th</sup> April, 2005. 4

(52) That there be an annual selection of monitored Performance Management Information (priority to be 'red light') using a periodically reviewed 'basket' of indicators;

(53) That detail be provided within performance reports to the Overview and Scrutiny Co-ordinating Committee to indicate whether performance on individual indicators is in the upper quartile or whether performance has improved or worsened from the previous two years;

(54) That a graphical format be introduced for the reporting of performance information to Overview and Scrutiny;

(55) That comparative data be included in performance reports to the Overview and Scrutiny Co-ordinating Committee wherever possible, to enable meaningful consideration of performance data;

(56) That performance against those performance indicators not subject to quarterly report to Overview and Scrutiny, be published in the Members' Bulletin in the form of statistical data only;

#### **Implementation and Review:**

(57) That the new arrangements be introduced from the new municipal year in May 2005 and are monitored on an ongoing basis;

(58) That a review of the revised arrangements is undertaken towards the end of the 2005/06 Council year;

(59) That the Review Panel be requested to consider proposed consequential amendments to the Council's Constitution required to implement the new system by May 2005 and be authorised to report directly to Council following consultation on such amendments.

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## Review of Overview and Scrutiny Committee since the 2005 Review

13th December, 2005

- Special responsibility allowances be made to the Chairmen of the Overview and Scrutiny Committee at a full rate of £1576 per annum will come into effect from the municipal year 2006/2007.
- Special responsibility allowance to Chairmen of the 'Task and Finish' Panels be reviewed by the Independent Remuneration Panel.

17th December, 2009

- The Finance and Performance Management Overview and Scrutiny Panel and Finance Performance Management Cabinet Committee must meet on the same evening but in separate meetings to facilitate consideration of the budget.
- The agenda of the meetings should ensure that the two meetings deal with appropriate Overview and Scrutiny and Executive responsibilities.
- The Council be asked to adjust the Calendar of meetings for 2009/2010 accordingly.
- Portfolio Holders, Service Directors and Chairs of relevant Scrutiny Panels discuss and decide whether received consultation documents should be subject to form report consideration by scrutiny.
- Received consultation documents are to be recorded in the Council Bulletin with a summary of their contents.
- Consideration is to be given to the relative importance/need for response when deciding to report to the relevant committee or panel.
- The Cabinet is to be consulted on those consultations where the subject matter is an executive function.
- Speakers at meeting should form part of the Work Programme.
- Items involving speakers at forthcoming scrutiny meetings are to be highlighted at the preceding meeting to allow sufficient preparation.
- For 2009/10, the Annual Scrutiny Report is to be condensed with a case study style approach rather than a complete rehearsal of all issues during the year.
- The following topics be considered for incorporation into the Constitution and members Services Panel work programme for 2010/11;
- How more Community focussed reviews can be undertaken;
- How the public can become more involved in Scrutiny including proposals for allowing the public to suggest topics for consideration, public questioning at meetings'; guidance for witnesses and a review of the guide to scrutiny;

- Development of the web pages for scrutiny and homepage presence;
- Whether there is a link from Freedom of Information requests to scrutiny topics.
- A report is to be made to the Council outlining consequential amendments required to the Overview and Scrutiny rules to enable members to electronically call-in Executive decisions via their Connectivity Token system be activated from the new municipal year.
- Members' are to be provided with a training session to explain how this functionality works.

2nd November, 2010

- Any member of the public or a representative of an outside organisation may address the Overview and Scrutiny Committee on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at any meeting. The following rules apply if such a request is made:
  - Requests must relate to an existing agenda item;
  - Requests must not raise new business for the meeting concerned;
  - All requests must be notified to the Council before 4pm on the day of the meeting;
  - Requests accompanied by proposals to circulate written material must be received three working days before the meeting in time to be sent to Overview and Scrutiny Committee members;
  - Requests are required to be in writing;
  - A maximum of two persons shall be permitted to address the Committee at any individual meeting;
  - A maximum of six persons shall be permitted to address the Committee at any individual meeting;
  - Each speaker as a maximum of three minutes during the meeting;
  - The Overview and Scrutiny Committee shall be able to ask questions on any comments made;
  - If there are more than six requests to the Committee, they will be prioritised by reference to date of receipt unless the Leader of Council feels that there are special circumstances that dictate an alternative approach;
  - This process will be reviewed every twelve months.



28th June, 2011

- The Chairman of the Overview and Scrutiny Committee should publish and circulate Annual Reviews of the Committee presented to the Council as separate documents rather than including such reviews as part of the agenda.

13th December, 2011

- After consideration by the Overview and Scrutiny Committee Standing Panels and 'Task and Finish' Panels are to report to the Council, a Cabinet Committee, a Portfolio Holder or any other Council body.
- Reports submitted by Standing Panels or 'Task and Finish' Panels are to be in the name of, and presented by, the Chairman of that Panel. However, in the case where more than one Panel is involved the report is to be in the name of, and presented by, the Overview and Scrutiny Committee Chairman.
- If a Panel report needs to be submitted to another Council body as a matter of urgency, such that it cannot be considered by the Overview and Scrutiny Committee, the Panel reports may proceed for consideration subject to prior consultation with the Chairman of that Committee.
- At Council meetings reports written by the Chairman of the Overview and Scrutiny Committee are to be dealt with prior to the reports by the Committee or any of its Panels and grouped under a single item relating to Overview and Scrutiny business.

Source: Epping Forest District Council (2012): Minutes of Meetings 2005-2012,  
EFDC Online.

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## **Digest of Views Received from Councillors**

### **1. Role of the OSC**

1.1 Overview and Scrutiny should scrutinise the Cabinet and hold it to account. It should also achieve its own outcomes with an overview. OS is an evolving system that should reflect what the members wish to scrutinise and discuss as it is their platform to do so.

1.2 The current system has become tired and lacking in bite, with room for improvement in the OS role.

1.3 Many members are confused about the Overview and Scrutiny role.

1.4 Too much of the work of OS is led by the Cabinet and officers.

1.5 It is sometimes difficult for new Councillors to contribute effectively in their early careers because they are not familiar with the topics being discussed and probably need training in those matters.

1.6 Scrutiny is not particularly effective at present.

#### **Suggestions:**

- Use the Forward Plan to analyse future issues which will come before Cabinet is a better way of achieving effective scrutiny. The Forward Plan could then be used by OS to highlight issues for consideration.
- The OSC should also undertake a policy development role and pre-scrutinise any difficult issues with the Cabinet.
- Members should review consultation documents from Government so that members can view them and decide whether they should consider these in detail.

### **2. Role of the Chair and Vice-Chairman of the OSC**

2.1 The selection for these roles should be reviewed.

2.2 There should be closer liaison between the cabinet and OS – regular short meetings between the Leader and OS Chairman would help.

#### **Suggestions:**

- The Chair/Vice Chairman's role should be awarded on merit and after assessing his/her ability to take the scrutiny role forward. The Chairman should be a long standing member with respect across all parties.
- Their relationship with the Leader of Council should be more pro-active without being perceived as being aligned with or deferential to the Cabinet in any way.
- They should lead on the matters which are to be discussed. They should avoid repeating them, ensuring new relevant matters are brought informative questions when. This is particularly relevant to the scrutiny/questioning of external bodies.
- There should be a convention that the OSC Chair is not from the ruling party.

### **3. Relationship between the Cabinet and the OSC:**

3.1 There should be a review of the relationship between Cabinet and OS.

3.2 There is a separation between Overview and Scrutiny and the Cabinet, with very little collaboration/discussion between the OSC in Cabinet decisions. Dialogue /communication are not apparent between the OSC Chairman and the Leader.

3.3 The current "PICK" process should be reviewed to link the selection of topics for review in relation to forthcoming Cabinet business.

3.4 The current procedure for reviewing the Cabinet agenda at OSC meetings does not work: OSC only meets one week before the Cabinet which is too late for effective pre-scrutiny. Currently, this procedure is used to update Cabinet on what OSC has been doing which is not the point.

**Suggestions:**

- Procedures for facilitating dialogue between the Chairman of OSC and the Leader should be arranged. Within this relationship policy development to be undertaken by OSC on the Cabinet's behalf could be decided.
- The OSC should use the forward plan to scrutinise the Cabinet.
- The timing and dates of the OSC should be re-assessed, so the OSC meets earlier before the Cabinet.
- The Leader of the Council should present a forward plan/statement of priorities to OSC at least once each year coupled with an open session for questions on any subject. This might be as part of an OSC meeting or held separately.
- Question time at Council meetings should be reformed to provide a single 20 minute opportunity for the public and Councillors to question Cabinet members on specific subjects under notice. This could be coupled with the opportunity for supplementary questions both by the questioner or both other members of the Council.

**4. Call-in Procedure**

4.1 The "Call-in" procedure is currently working well, but it is not a perfect procedure for OS business and alternatives should be explored to ensure more pro-active approach to cabinet business should be found.

4.2 Pre scrutiny of Cabinet proposals (through the Forward Plan) is preferable to calling in decisions after they are made.

4.3 When a decision is called-in the discussion is not balanced in that up to five signatories responsible for the call in can speak, whereas there is only one portfolio holder who can reply.

4.4 Other cabinet members should be able to support decisions made collectively by the Cabinet or the Portfolio Holder.

4.5. The timetable for the call in is too restrictive.

**Suggestions:**

- The call in timescale of five days should be extended as members signing the call-in may be in disparate geographical locations and may wish to discuss whether the "call in" is appropriate or the precise terms of the proposed "call-in".

- Call-ins should be for the bigger and more important issues and not for small insignificant detail.
- The Chairman of the OSC, should meet with the relevant Portfolio Holder and lead Councillor for the “call-in” to deal with questions about how he/she intends to handle issues at an OSC meeting

## **5. Public and External Bodies**

5.1 There should be a review of how external bodies are scrutinised and called to account with particular reference as to how the public are to be involved by Overview and Scrutiny.

5.2 The OSC is not always scrutinising external bodies and holding them to account properly. The invitation of external bodies to the Overview and Scrutiny Committee is seen to be very procedural, following a format of an annual report by the organisation concerned rather than robust scrutiny.

5.3 The OSC has not achieved real public engagement, neglecting their views and their involvement in the scrutiny process.

### **Suggestions:**

- Better preparation is needed when scrutinising external bodies to avoid repeated questions from previous years.
- Discussions must take place before should provide members a platform to construct relevant questions, also drafting in the view of the public.
- There should be greater follow-up on questions asked to external bodies.
- The public should be involved in important issues and call-ins.
- Public engagement should be encouraged within committees to scrutinise external bodies, combining member and public questions.
- Venues other than the Civic Offices should be used to increase public participation.
- The OSC should keep alert on issues of public interest, using a ‘tabloid’ approach to encourage this engagement.
- More specialised issues such as Child Protection should go to panels instead of the OSC which is more general.
- Move guest speakers to a lower part of the chamber.

## **6. Balance of work undertaken by officers and councillors**

6.1 There is an imbalance of work undertaken by officers and Councillors, with officers doing the majority of the work. There should be a review of how councillors can contribute more to OS as a resource.

### **Suggestions:**

Members should be encouraged to undertake more research and similar work on behalf of OS. Members should offer their expertise to assist projects, particularly to ‘Task and Finish’ panels.

- OSC would work more effectively with an allocated team of officers. However the additional cost would be hard to justify in the current economic climate.

## **7. Panel Arrangements**

7.1 There should be a review of the Panel arrangements, particularly Standing Panels.

7.2 Standing panels (with some exceptions) tend to deliver less than 'Task and Finish' panels. Standing panel functions can be very procedural and do not effectively scrutinise.

7.3 The pro rata selection process for Standing Panels creates less effective and focused memberships on some panels as some serve on these bodies, purely to "make up the numbers".

7.4 Certain Panel Chairmen are not attending the OSC because of apparent lack of interest, other commitments or absence of anything to report.

### **Suggestions:**

- The Council could waive pro-rata on Standing Panels.
- This might apply where there are enough other members to fill places, although this should not give that party the right to an additional place on another committee.
- Standing panels work programmes should be driven by members' concerns not by Service Directors.
- Members should realise that OS is their platform to scrutinise and raise the issues they want.
- Chairs from panels should attend the OSC and provide a report to ensure progress is being made.
- There should be a balance of internal and external reviews.

## **8. Joint Scrutiny Arrangements**

8.1 There should be a review regarding joint scrutiny working with other councils.

### **Suggestions:**

- Epping Forest focuses too much on working in West Essex with Harlow and Uttlesford, and should consider branching out and looking to work with Broxbourne in Hertfordshire and London Boroughs.
- There should be consideration into having a Joint Health Committee.
- There should be greater scrutiny of the off-street parking partnership.

## **9. Party Whips**

9.1 The whip should not be used in Overview and Scrutiny.

9.2 There should be a review in to whether whips are still used, particularly in the call-in procedure where the majority party can whip members involved in Overview and Scrutiny.

9.3 There is a lack of awareness of whether official whips are used which can be confused with loyalties within groups ie a 'reluctance to break ranks'.

9.4 There have been cases of "call-ins" where a member has been approached for support but refused or of a reluctance to sign call-ins or challenge Cabinet decisions because of a party affiliation.

9.5 No political group is likely to admit that there is a whip in place even if there was one.

**Suggestions:** none

## **10. Budget Monitoring**

10.1 There should be a review on Finance and Budget monitoring to unravel the confusing role of the OSC in this procedure.

10.2 Budget monitoring has become confusing and it is difficult for members to get to grips with detailed figures because of the lack of expertise.

10.3. The procedure has also become laborious, ploughing through figures which the Cabinet already looks at.

10.4 There is a duplication of what is discussed at the Cabinet Finance Committee and the OS Finance Monitoring Committee and a duplication of paperwork.

**Suggestions:**

- The dates of the Finance Panel in the OSC and Cabinet Committee should be reviewed so that the Scrutiny Panel can scrutinise the Cabinet Committee on broader budget matters which are better looked at by OS before the Cabinet Committee receives all the detail.
- The Scrutiny Panel should have different terms of reference to avoid duplication with the Finance Cabinet Committee.
- The Cabinet Finance Committee should look at all the detail and figures with the OS Panel scrutinising policies, major budget issues and any significant departures from agreed budgets.
- It is difficult for members to get to grips with detailed figures because of the lack of expertise among councillors. A written commentary could be provided to assist councillors scrutinising accounts, budgets etc.
- Performance management is carried out more effectively than the budget review. However, target setting by officers is questioned: benchmarks set by reference to objective criteria such as the performance of comparable bodies would be preferable.
- Avoid meetings in the half term holidays.
- The two Finance bodies should not meet together, thereby emphasising their separate roles.

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E Mail Comments re Overview & Scrutiny Committee on 16.10.12.

1. I think a discussion about themes would have been a better format than a list of questions. I am not sure if there had been any attempt to group the questions according to subject, however the fact that the Youth Council's questions were all grouped together and were asked consecutively, regardless of subject, suggests there wasn't. Assessing the questions in advance and identifying themes, for example, access; car parking; expansion of the network; security; information; and then having a general discussion around the theme would have required the London Underground representatives to research their information more thoroughly, provided sufficient scope for a discussion on the theme according to the particular concerns of those present, and still have provided the LU representatives prior knowledge of what they were going to be asked. Asking straight questions allowed them to give straight answers, and as they appeared not to have done any research in preparation for their appearance (as Cllr's Knapman's question on the Local Plan revealed), they were also unprepared for any real examination of their subject, and certainly no scrutiny.

2. The tone of the meeting (apart from Councillor Knapman's contribution), appeared to be one of gratitude for LU's appearance, and a desire to keep everything harmonious. I was expecting more critical examination and discussion, and don't feel LU told us anything of any note, or probably which isn't already available on their website etc. I was looking to make some small progress with disabled access at Epping Underground Station and don't think this was achieved at this meeting. I may have had unrealistic expectations, however I feel frustrated by the experience.

3. Tara certainly seemed to feel comfortable in the Chamber and that she was welcome. The interpreter seemed to meet her communication needs, and the Chair was flexible in allowing her and her interpreter to sit where they wanted, and the time to ask the question.

4. The interpreter had some hearing loss himself and used a hearing aid. I didn't know and therefore didn't tell him that there was a hearing support system in the Chamber which he could have used if necessary, however he seemed to manage well enough without it. The interpreter did have a bit of a problem with the London Underground representatives sitting at the right hand end of the top table and therefore the interpreter, who had positioned himself opposite Tara, had to look over his shoulder to see the London Underground reps. If he had been relying, to any extent, on lip reading, that would not have been easily achievable from where they were all sitting. Knowing in advance where key speakers will be sitting is useful information for people with hearing impairment and this is something officers supporting the meeting could take into account at future meetings.

[I would be very interested in the progress and outcome of the review.](#)

Comments from Tara:

“I found that meeting on 16th October is very limit to give the questions to hear that their answers from TFL/other chiefs.

I feel there still missing out of the point.

I have picked the TFL manager business card, and I am wonder when we can discuss with him further details than meeting which been given it out.

Sorry my English is not the best.”

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

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#### **Rule**

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Appendix 1 Protocol on Consideration and Reporting on Executive Decisions Called in by the Overview and Scrutiny Committee.

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY**

- (a) The Council will, at the Annual Council meeting, appoint an Overview and Scrutiny Committee as set out in Article 6.
- (b) Each Overview and Co-ordinating Committee shall comprise 11 members, including a Chairman and Vice-Chairman appointed by the Council.

### **2. OVERVIEW AND SCRUTINY COMMITTEE - FUNCTIONS**

- 1. The Overview and Scrutiny Committee will discharge the Overview and Scrutiny functions conferred by Section 20 of the Local Government Act 2000 plus those responsibilities allocated by the Council.

### **3. OVERVIEW AND SCRUTINY COMMITTEE - TERMS OF REFERENCE**

- 1. The functions of the Overview and Scrutiny Committee shall be as follows:
  - (a) review of corporate strategies;
  - (b) ensuring that the decisions/actions of the Cabinet accord with the Council's policies and budget;
  - (c) monitoring and scrutinising the financial performance of the Council and making recommendations to the Cabinet in relation to annual revenue and capital guidelines, bids and submissions;
  - (d) when required, questioning members of the Cabinet or other Committees and officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  - (e) making recommendations to Cabinet and appropriate Committees and the Council arising from the outcome of the overview and scrutiny process;
  - (f) review and scrutiny of the performance of other public bodies active in the District, inviting reports from them by requesting them to address the Committee and local people about their activities and performance;
  - (g) questioning and gathering evidence from any person (including Councillors, members of Council staff and others) on issues falling within the functions of the Committee;

- (h) determining terms of reference, memberships (including the appointment of Chairman and Vice-Chairman) and reporting for all Standing and 'Task and Finish' Scrutiny Panels;
- (i) scrutinising executive decisions;
- (j) considering and making responses to executive decisions which are called in either as a Committee or through referral to a Standing or 'Task and Finish' Panel;
- (k) monitoring the effectiveness of the call-in procedure, reviewing the number and reasons for call-in and making recommendations to the Council on any changes required to improve operation of the process;
- (l) monitoring and scrutiny of the Forward Plan;
- (m) review of implications of Government Consultation documents where requested by members;
- (n) reports on key performance Indicators referred to the Committee;
- (o) reports on Service Business Plans as requested by members;
- (p) receiving presentations from the Leader of the Council and other Portfolio Holders early in the Council year outlining their plans for the year ahead and reporting performance in the previous Council year;
- (q) consideration of requests from Cabinet for scrutiny involvement in policy development and determining appropriate action;
- (r) to receive evidence from a senior officer relating to a petition where the number of signatures meets or exceeds the trigger level contained in the Council's Petitions Scheme and make recommendations as appropriate;
- (s) to review, when requested by the petition organiser, the Council's response to any petition which they consider has not been dealt with properly including, if appropriate, investigating, making recommendations to the Council or Executive or arranging for the matter to be considered at a meeting of the full Council;
- (t) determining work programmes in accordance with items falling within Committee's ambit in accordance with (a)-(s) above.

#### **4. WHO MAY SIT ON THE OVERVIEW AND SCRUTINY COMMITTEE?**

1. All councillors except members of the Executive may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved.

## **5. CO-OPTEEES**

1. The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of appropriate persons as non-voting co-optees.

## **6. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

1. Meetings of the Overview and Scrutiny Committee will be held in accordance with the Council's calendar of meetings in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman, or by the Proper Officer if he/she considers it necessary or appropriate.

## **7. QUORUM**

1. The quorum for the Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

## **8. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE MEETINGS?**

1. The Overview and Scrutiny Committee will be chaired by the Councillor appointed as Chairman of the Committee at the Annual Council meeting.

2. A Vice-Chairman will also be appointed by the Council at its Annual Meeting. The Chairman and Vice-Chairman of the Committee will be appointed from those Councillors serving on the Committee. The Chairman and Vice-Chairman will be appointed for a term of one year and will be eligible for re-appointment.

## **9. WORK PROGRAMME**

### **Responsibilities**

1. The Overview and Scrutiny Committee shall approve an Overview and Scrutiny Work Programme.

### **Compiling the Work Programme**

2. In determining the contents of the work programme, the Committee will:

- (a) seek proposals for inclusion from all Members of the Council through the Members' Bulletin;
- (b) invite the Leader of the Council and other Portfolio Holders to submit proposals in respect of the Council's executive functions;
- (c) arrange meetings with the Leader and other Portfolio Holders to discuss their plans for the year in question;
- (d) agree with the Leader of the Council and Portfolio Holders on any items for inclusion in the work programme which may be undertaken by Overview and Scrutiny on the Cabinet's behalf;

- (e) seek proposals from any partnership organisations on any projects which Overview and Scrutiny could undertake on behalf of those partnerships;
- (f) review the work programme for Overview and Scrutiny in respect of the current year.

### **Approving the Work Programme**

3. The Overview and Scrutiny Work Programme shall be approved prior to the Annual Council meeting each year and shall be of six months' duration. The programme shall be reviewed at or before the expiration of that six-month period.

4. The Committee will, in determining the work programme for Overview and Scrutiny:

- (a) review all proposals submitted to ensure that they relate to the Council's Policy Framework including the Community Strategy, the Improvement Plan, the Council Plan, and the Best Value Performance Plan;
- (b) ensure the agreed work programme has sufficient member and officer resources to support it;
- (c) identify in advance any budgetary provision required for specific projects;
- (d) ensure that the work programme is properly prioritised.
- (e) allocate time limits for each project;
- (f) ensure that any projects which do not find a place in the work programme are placed in a reserve programme for further review;
- (g) ensure that all Members of the Council are informed about the work programme as part of the annual report to the Council in April each year;
- (h) review the work programme on a regular basis during the year.

### **Urgent Items and New Proposals**

5. Where new proposals or matters of urgency arise during the currency of an annual work programme, the Committee may:

- (a) determine that any new project should be added to the programme and adjust the remainder of the programme accordingly;
- (b) determine that a new project should be deferred for review when the next work programme is considered;
- (c) decline to accept an additional project and give grounds for so doing.

6. All proposals for additional or urgent projects shall be submitted in writing and presented at a convenient meeting of the Overview and Scrutiny Committee by the member or officer so proposing.

## **Motions at Council Meetings**

7. Any motion adopted by the Council following due notice from a Member of the Council and which relates to the responsibilities of Overview and Scrutiny shall, on adoption, stand referred to the Overview and Scrutiny Committee for consideration. In determining how to respond to the motion, the Overview and Scrutiny Committee shall consider whether the proposal should be incorporated in the work programme or held for future consideration in accordance with the procedures outlined in Paragraph 4 and 5 above. The Committee shall also advise the Council, via the Members' Information Bulletin, of the action taken on such motions.

## **10. AGENDA ITEMS**

1. Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

2. Any members of the Council who are not members of the Overview and Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of that Committee. If the Proper Officer receives such a notification, then he/she will include the item on the first available agenda of the Overview and Scrutiny Committee for consideration.

3. The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council or the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or the Council. The Executive shall consider the report of the Overview and Scrutiny Committee within one month of receiving it and the Council within two months of receiving it, or, in either case, as soon as is reasonably possible.

## **11. POLICY REVIEW AND DEVELOPMENT**

1. The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

2. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Executive in so far as they relate to matters within their terms of reference.



3. The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

4. In carrying out any policy review or policy development work within their terms of reference, the Overview and Scrutiny Committee may refer all or part of such matters to a Standing Scrutiny Panel or a 'Task and Finish' Scrutiny Panel for consideration in accordance with the programme approved by the Overview and Scrutiny Committee.

## **12. STANDING SCRUTINY PANELS - PROCEDURAL REQUIREMENTS**

1. Standing Scrutiny Panels may be established on an annual basis by the Overview and Scrutiny Committee.

2. Standing Scrutiny Panel status will be restricted to those activities of a recurring or cyclical character which require a longer term involvement by members.

3. The Overview and Scrutiny Committee shall determine the number and terms of reference of Standing Scrutiny Panels and shall review whether they should continue in being before the end of each Council year.

4. Standing Scrutiny Panels will:

(a) adhere to a work programme agreed by the Overview and Scrutiny Committee;

(b) have a chairman and vice-chairman appointed by the Overview and Scrutiny Committee;

(c) have memberships which reflect pro rata requirements and the lowest number of members required to achieve cross-party representation whilst allowing the inclusion of members who are not members of a political group or are not members of the Overview and Scrutiny Committee;

(d) have memberships which represent the minimum number necessary to adhere to their work programmes;

(e) be able to make proposals to the Overview and Scrutiny Committee for the variation of their terms of reference or work programme;

(f) be able to seek delegated authority from the Overview and Scrutiny Committee, to vary their terms of reference and work programme according to circumstances;

- (g) report on a regular basis to the Overview and Scrutiny Committee on progress with their work programme and on any recommendations for consideration;
- (h) be able, after consideration by the Overview and Scrutiny Committee, to report direct to the Council, the Cabinet Committee a Portfolio Holder, or any other Council body'
- (i) in the circumstances set out in (h), the report shall be submitted in the name of the Panel and presented by its Chairman, unless the work of more than one Scrutiny Panel is involved, in which case any report to another Council body will be in the name of the Overview and Scrutiny Committee and presented by its Chairman;
- (j) in the event that the submission of a Panel report to another Council body is required such that it cannot be considered by the Overview and Scrutiny Committee in accordance with paragraph (h) above, the Panel report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency.

5. Any member of the Council may be a member of a Standing Scrutiny Panel, provided that any Cabinet member may not be a member of a Panel which directly deals with matters within his or her portfolio.

6. Any member of the Council shall be able to attend any meeting of a Standing Scrutiny Panel and be notified of the publication of the agenda.

7. The provisions of Operational Standing Order 14 shall apply to Standing Scrutiny Panels.

### **13. 'TASK AND FINISH' SCRUTINY PANELS**

1. 'Task and Finish' Scrutiny Panels may be established by the Overview and Scrutiny Committee in order to deal with ad hoc projects or reviews included in the annual work programme for Overview and Scrutiny.

2. 'Task and Finish' Scrutiny Panel status will be restricted to those activities which are issue-based, time limited and non-cyclical in character and have clearly defined objectives.

3. 'Task and Finish' Scrutiny Panels will:

- (a) have terms of reference, membership and a work programme approved by the Overview and Scrutiny Committee;
- (b) have a Chairman and Vice-Chairman appointed by the Overview and Scrutiny Committee;
- (c) have memberships which need not be based on pro rata rules;
- (d) have memberships which represent the minimum number necessary to adhere to their work programmes;

- (e) be able to make proposals to the Overview and Scrutiny Committee for the variation of their terms of reference or work programme;
- (f) be able to seek delegated authority from the Overview and Scrutiny Committee for the variation of their terms of reference and work programmes according to circumstances;
- (g) report on a regular basis to the Overview and Scrutiny Committee on progress with their work programme and on any recommendations for consideration;
- (h) be able, after consideration by the Overview and Scrutiny Committee, to report to the Council, the Cabinet, a Cabinet Committee, a Portfolio Holder or any other Council body;
- (i) in the circumstances set out in (h), the report shall be submitted in the name of the Panel and presented by its Chairman, unless the work of more than one Scrutiny Panel is involved, in which case any report to another Council body will be in the name of the Overview and Scrutiny Committee and presented by its Chairman;
- (j) in the event that the submission of a Panel report to another Council body is required such that it cannot be considered by the Overview and Scrutiny Committee in accordance with paragraph (h) above, the Panel report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency.

4. 'Task and Finish' Scrutiny Panels shall be flexible as to the number of Councillors appointed to membership. There will be no restriction on the numbers appointed.

5. Any Councillor may be a member of a 'Task and Finish' Scrutiny Panel, save that a member of the Cabinet may not be a member of any Panel which bears directly on his or her portfolio.

6. No 'Task and Finish' Scrutiny Panel shall be comprised of members of a single group only.

7. Any member of the Council shall be able to attend any meeting of a 'Task and Finish' Scrutiny Panel and to receive copies of agenda.

8. The normal arrangements for substitute members as set out in Operational Standing Order 14 shall not apply to Task and Finish Panels but the Chairman of any such Panel shall have discretion to accept alternate members to cover for existing members for any meeting.

#### **14. NOMINATIONS TO STANDING SCRUTINY AND 'TASK AND FINISH' PANELS**

1. The Leader of each political group (and any Councillor who is not a member of a political group) shall be notified before the commencement of each Council year of the number of Standing Scrutiny and 'Task and Finish' Panels to be appointed and the number of members to serve on each Panel, indicating pro rata requirements where applicable. Similar notice will be given through the Members' Bulletin to other members of the Council.
2. The Leader of each political group will also be notified of the number of Chairmen and Vice-Chairmen positions to be filled before the commencement of each Council year.
3. Group Leaders shall ensure that members of all political groups have an opportunity to nominate to any positions referred to under 1 and 2 above. Any nominations may be made up to the day before the meeting in question. Such nominations shall include a case for the position sought.
4. Nominations to these Panels shall be excluded from the calculation required under the Council's protocol regarding allocation of Chairman and Vice-Chairman positions between the political groups.

#### **15. REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

1. Once recommendations on proposals for policy review or development, the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by the Executive if the proposals are consistent with the existing budgetary and policy framework, or to the Council if the recommendation would require a departure from, or a change to, the agreed budget and policy framework.
2. If the Overview and Scrutiny Committee cannot agree on a single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
3. Reports by the Overview and Scrutiny Committee shall normally be presented by the Chairman of that Committee, unless he or she determines that it would be beneficial for a Panel Chairman to undertake this role instead or that a joint presentation is appropriate.

#### **16. ENSURING THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY EXECUTIVE**

##### **(a) Executive matters not delegated to the Cabinet, a Cabinet Committee or a Portfolio Holder**

1. Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Proper Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to

Council. The Executive will have 6 weeks or as soon as reasonably practical thereafter in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the overview and scrutiny proposals.

**(b) Executive Matters Delegated to an Executive Committee or Executive Member**

2. Where the Overview and Scrutiny Committee prepares a report for consideration by the Executive in relation to a matter where the Executive has delegated decision making powers to another individual member of the executive or to an Executive Committee, then the Overview and Scrutiny Committee will submit a copy of their report to that individual or committee for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Proper Officer and the Leader. If the member or Executive Committee with delegated decision making powers does not accept the recommendations of the Overview and Scrutiny Committee then the matter will then be referred to the next available meeting of the Executive for debate before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Executive member or Committee to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within 6 weeks of receiving it. A copy of his/her written response to it shall be sent to the Proper Officer and the Executive Member or Committee Chairmen will attend a future meeting to respond.

**(c) Cabinet Business - Work Plan**

3. The Overview and Scrutiny Committee will have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.

**17. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

1. In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

2. Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee (or any Scrutiny Panel) as appropriate depending on the particular matter under consideration.

**18. MEMBERS AND OFFICERS GIVING ACCOUNT**

1. The Overview and Scrutiny Committee or a Standing Scrutiny Panel or 'Task and Finish' Scrutiny Panel may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing

documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service, or Joint Chief Executive, the Head of Service, or Assistant Head of Service to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance;

and it is the duty of those persons to attend if so required.

2. Where any member or officer is required to attend the Overview and Scrutiny Committee or Panel under this provision, the Chairman will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 14 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

3. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Panel concerned shall in consultation with the member or officer arrange an alternative date for attendance not less than 14 days from the date of the original attendance.

## **19. ATTENDANCE BY OTHERS**

1. The Overview and Scrutiny Committee or Panel may invite people other than those referred to in paragraph 17 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Such attendance is optional for those invited.

2. Any member of the public or a representative of an outside organisation may address the Overview and Scrutiny Committee on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at a meeting. The following rules shall apply to such requests:

- (i) requests must relate to an existing agenda item;
- (ii) requests must not raise new business for the meeting concerned;
- (iii) all requests must be notified to the Council by 4 pm on the day of the meeting;
- (iv) requests accompanied by proposals to circulate written material must be received three working days before the meeting in time to be sent to Overview and Scrutiny Committee members in advance of the meeting;

- (v) requests need not be in writing;
- (vi) a maximum of two persons shall be permitted to address the Committee on any one agenda item;
- (vii) a time limit of 3 minutes per speaker shall apply;
- (viii) the Overview and Scrutiny Committee shall be able to ask questions on any comments made;
- (ix) the Chairman of the Overview and Scrutiny Committee shall have discretion as to whether to limit the number of persons wishing to address the Committee if it is considered that the number of such speakers will unduly delay the proper despatch of business at any meeting.

## **20. CALL-IN**

1. When a decision is made by the Executive, an individual member of the executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 5 working days of being made. All members of the Council will be sent copies of the written records of all such decisions within the same timescale, by the person responsible for publishing the decision.

2. That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the required number of members objects to it and calls it in.

3. During that period, the Proper Officer shall call in a decision for scrutiny if so requested in accordance with paragraph (h) below and shall then notify the decision-taker of the call-in. He/she shall consult with the Chairman of the Overview and Scrutiny Committee who will determine that consideration of the call in will be referred to:

- (i) the next Overview and Scrutiny Committee; or
- (ii) an appropriate Standing Panel; or
- (iii) a Task and Finish Panel.

If consideration of any executive decision is likely, under these rules, to be delayed for more than two weeks the Chairman of the Overview and Scrutiny Committee may require an extraordinary meeting to be convened at an earlier date if the circumstances appear to warrant this.

4. If, having considered the decision, the Overview and Scrutiny Committee or delegated Panel is still concerned about it, then it may, subject to the procedures outlined in Rule 16(a) or (b) above, refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.

5. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.

6. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

7. Where an Executive decision has been taken by an area committee, then the right of call-in shall extend to any 3 members of another area committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those 3 members may request the Proper Officer to call-in the decision. He/she shall call a meeting of the Overview and Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within five days of the decision to call-in. All other provisions relating to call in shall apply as if the call in had been exercised by members of the Overview and Scrutiny Committee.

8. Three members of the Overview and Scrutiny Committee or any five members of the Council have the right to call in an Executive decision. Such a request shall be in writing in the prescribed format and referred in Person to the Proper Officer.

9. Call in arrangements shall not apply to decisions on non-executive functions by Committees, Sub-Committees, Panels or Boards of the Council.

10. In the operation of "call in" arrangements, members of the Council shall also adhere to the terms of the Protocol approved by the Council and set out in Appendix 1 to these rules.



## **21. CALL-IN AND URGENCY**

1. The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay is likely to be caused by the call in process would seriously prejudice the Council's or the public interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, a Joint Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

2. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **22. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

1. The Overview and Scrutiny Committee shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) consideration of any matter referred to the committee for a decision in relation to a call in;
- (d) responses of the executive to reports of the Overview and Scrutiny Committee; and
- (e) the business otherwise set out on the agenda for the meeting.

## **23. CONDUCT OF OVERVIEW AND SCRUTINY FUNCTIONS**

1. Where the Overview and Scrutiny Committee or a Panel conducts investigations (e.g. with a view to policy development), they may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (a) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting the committee by giving evidence be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

2. Following any investigation or review, the Committee/or Panel concerned shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

**24. ANNUAL REPORT**

1. The Overview and Scrutiny Committee shall submit an annual report to the Council in April each year on work undertaken during the preceding 12 months.

**25. PARTY WHIPS**

1. To facilitate cross party working, party whips will not be applied to the overview and scrutiny process.

**PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS  
CALLED IN BY OVERVIEW AND SCRUTINY**

**1. Purpose of Protocol**

- (a) To codify how the Overview and Scrutiny Committee or delegated Panel should deal with "call in" items.
- (b) To codify how the Executive should respond to reports by Overview and Scrutiny on decisions which have been called in.

**2. Validation of "Call In"**

- 2.1 All "call in" requests shall be made in writing in accordance with the Council's constitution. "Call in" requests shall only be made by members of the Council who are not members of the Executive. The "call in" shall be validated by the Chief Executive and referred to the Overview and Scrutiny Committee for consideration in accordance with the provisions of the constitution.

**3. Consideration of "Call In" Items by Overview and Scrutiny Committee**

- 3.1 Consideration of Call-ins shall be the responsibility of the Overview and Scrutiny Committee which will decide whether to consider the issue itself or direct a Panel to undertake it and report back to the decision maker. "Call in" items shall be referred to the next available date for the Overview and Scrutiny Committee or delegated Panel. The provisions of the Overview and Scrutiny Rules in the Council's constitution will apply to "call in" requests which need to be dealt with more quickly.
- 3.2 At its meeting, the Overview and Scrutiny Committee or delegated Panel will receive:
  - (a) copies of all documentation submitted to the Executive on which the decision was based;
  - (b) a copy of the written notification of the "call in" including the names of the relevant Councillors who requested the "call in" and their grounds for so doing; and
  - (c) any other relevant documentation.
- 3.3 The relevant Executive Portfolio Holder and at least one of the members who activated the "call in" and who shall act as spokesperson for those members, shall attend the Overview and Scrutiny Committee or delegated Panel meeting.
- 3.4 The "call in" decision shall be considered in the following manner:
  - (a) the representative of the Councillors calling in the decision shall describe their concerns;
  - (b) the Portfolio Holder shall then respond

- (c) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate but shall seek a response from the initiating Councillor(s) and the Portfolio Holder before formulating its recommendations;
- (d) The Overview and Scrutiny Committee or delegated Panel has the following options:
- (i) confirm the decision, which may then be implemented immediately, or
  - (ii) refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
  - (iii) refer the matter to full Council in the event that the Committee or Panel considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget.
- (e) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Committee or Panel may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee/Panel shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (f) The Chairman of the Overview and Scrutiny Committee or delegated Panel shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (g) In cases where the Overview and Scrutiny Committee or delegated Panel determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee or Panel shall ensure that its decision is published in the Members' Bulletin;
- (h) In the circumstances outlined in (g) above, the decision of the Executive or Decision Taker may be implemented with effect from the date of that meeting;
- (i) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker
- (j) In presenting the recommendations of the Overview and Scrutiny Committee or delegated Panel, the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting; and
- (k) The report of the Overview and Scrutiny Committee or delegated Panel shall be sent in draft to all its Members for approval prior to their submission to the Decision Taker.
- (l) Minority reports may be made by members of Overview and Scrutiny Committee or delegated Panel in accordance with the Protocol for that purpose.

#### **4. Consideration of Reports on "Call In" Items by the Executive**

- 4.1 The report of an Overview and Scrutiny Committee or delegated Panel will be referred in the first instance to the relevant Portfolio Holder(s) for the executive function concerned.
- 4.2 If the Executive decision is one which the Portfolio Holder(s) has delegated powers to make, he or she shall consider the written proposals of the Overview and Scrutiny Committee or delegated Panel, must consult the Overview and Scrutiny Committee and delegated Panel Chairmen if he or she is minded to accept or reject them. In doing so the Portfolio Holder will ensure that, in recording that decision, the reasons for accepting, rejecting or amending those views are set out in the decision notice.
- 4.3 If the Executive decision is one which the Executive itself or a Committee of the Executive (acting under delegated powers) is competent to take, the relevant Portfolio Holder will consider the proposals of the Overview and Scrutiny Committee or delegated Panel and refer them, with his or her written response, to the decision making body concerned.
- 4.4 At a meeting of the Executive or of any Committee of the Executive, the following documentation shall be submitted:
  - (a) the agreed report of the Overview and Scrutiny Committee or delegated Panel and any other supporting documents considered by it;
  - (b) a report of the Portfolio Holder indicating the response to the proposals of the Overview and Scrutiny Committee or delegated Panel, indicating the options available and recommendation for acceptance, rejection or alteration of those proposals with reasons; and
  - (c) any other information.
- 4.5 The Executive or Committee of the Executive shall consider the matter as follows:
  - (a) the Chairman of the Overview and Scrutiny Committee or delegated Panel shall present the views and recommendations of the Committee/Panel based on the report of the relevant OSC meeting and respond to questions, make general comments and respond to new proposals as appropriate;
  - (b) the relevant Portfolio Holder shall then respond by presenting his report and recommendations on the proposals of the Overview and Scrutiny Committee or delegated Panel;
  - (c) the Executive (or Committee thereof) shall then consider the original decision, the views of the Overview and Scrutiny Committee or delegated Panel and any proposals by the Portfolio Holder; and
  - (d) the Executive (or Executive Committee) will then make a final decision on whether to re-affirm the original decision, amend the original decision or substitute a new decision. This decision shall be recorded in the minutes of the meeting together with supporting reasons.

4.6 Where a Committee of the Executive is required to report to the full Executive on any matter, it shall submit a recommendation on action proposed to the Executive as part of the minutes of the meeting.

## **5. Implementation of Decisions When Cabinet Control or Membership Changes**

5.1 Notwithstanding the provisions of paragraphs 3.4(g) and (h) above, where political control of the Cabinet or Cabinet membership changes following the Annual Council meeting each year, any decision made by the Executive and supported by the Overview and Scrutiny Committee or delegated Panel following a "call-in" but not implemented before the changes occur, shall stand referred to the Cabinet for further review before action is taken.

## **6. Consideration of "Call In" Reports of Overview and Scrutiny Committees made to the Full Council**

6.1 In some circumstances, the Overview and Scrutiny Committee or delegated Panel may choose to refer the results of their consideration of "call in" items to the full Council, rather than the Executive in those instances set out in paragraph 3.4 (d) (iii) above and 6.2 below. With any necessary modification the "call in" shall be dealt with at the Council meeting in accordance with paragraphs 4.1 - 4.5 above.

6.2 In considering whether to report to the full Council, the Overview and Scrutiny Committee or delegated Panel shall take account of the advice of the proper officer on:

(a) whether the Council may properly determine the matter if the function is delegated to the Executive;

(b) whether the Executive decision affects the policy or budget framework of the Authority and should properly be determined by the Council;

(c) whether the Executive decision relates to a matter which either reserved to the full Council by the constitution or by resolution; and

(d) any other advice which indicates that, for whatever reason, a report to the Executive is more appropriate to the proper despatch of Council business.

## **7. Restriction on "Call In"**

7.1 The Overview and Scrutiny Committee shall at all times be aware that the decisions of the regulatory or non-executive bodies of the Council are not subject to "call in".

7.2 The "call in" procedure shall also not apply to any recommendation by the Cabinet to the full Council.

## **8. Definitions**

8.1 For the purpose of this Protocol, the following definitions shall apply:

**(a) "Executive"**

This term should be interpreted as referring to the Cabinet, a Cabinet Committee or an individual Portfolio Holder acting under delegated powers.

**(b) "Decision"**

Denotes a decision on an Executive function by the Cabinet, a Committee of the Cabinet or of an individual Portfolio Holder.

**(c) "Decision Taker"**

This means the Cabinet, a Cabinet Committee or an individual Portfolio Holder who made the original decision.

## **9. Review of Protocol**

9.1 This Protocol will be reviewed by the Council as part of its constitution as and when appropriate.

