

## EPPING FOREST DISTRICT COUNCIL COUNCIL MINUTES

**Committee:** Council **Date:** 17 December 2013

**Place:** Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 9.30 pm

**Members Present:** Councillors Mrs M Sartin (Chairman), A Boyce (Vice-Chairman), K Angold-Stephens, R Bassett, W Breare-Hall, T Church, Mrs T Cochrane, R Cohen, L Girling, Mrs A Grigg, J Hart, Ms J Hart, D Jacobs, Ms H Kane, P Keska, Ms Y Knight, L Leonard, Mrs M McEwen, A Mitchell MBE, R Morgan, S Murray, J Philip, Mrs C Pond, B Rolfe, B Sandler, Ms G Shiell, Mrs P Smith, P Spencer, D Stallan, Ms S Stavrou, H Ulkun, G Waller, A Watts, Mrs E Webster, C Whitbread, Mrs J H Whitehouse, J M Whitehouse, D Wixley and J Wyatt

**Apologies:** Councillors K Avey, Mrs H Brady, R Butler, G Chambers, K Chana, Mrs R Gadsby, P Gode, Mrs S Jones, J Knapman, Mrs J Lea, A Lion, H Mann, J Markham, G Mohindra, Mrs T Thomas, Mrs L Wagland and Ms S Watson

**Officers Present:** G Chipp (Chief Executive), D Macnab (Deputy Chief Executive), I Willett (Assistant to the Chief Executive), C O'Boyle (Director of Corporate Support Services), R Palmer (Director of Finance and ICT), G Lunnun (Assistant Director (Democratic Services)), A Mitchell (Assistant Director (Legal)), M Jenkins (Democratic Services Assistant), T Carne (Public Relations and Marketing Officer), A Hendry (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

### 71. WEBCASTING INTRODUCTION

The Assistant to the Chief Executive reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

### 72. MINUTES

#### **RESOLVED:**

That the minutes of the meeting held on 5 November 2013 be taken as read and signed by the Chairman as a correct record.

### 73. DECLARATIONS OF INTEREST

(1) The Deputy Chief Executive made a declaration of interest in respect of Item 14 Directorate Restructuring as this referred to his employment with the Council. He advised that he would be leaving the meeting during the consideration of that item. The same declaration applied to the Assistant to the Chief Executive, Director of Finance and ICT, Director of Corporate Support Services, Assistant Director of Democratic Services and Assistant Director of Corporate Support Services (Legal) who would also leave the meeting for this item.

(2) Pursuant to the Council's Code of Member Conduct, Councillor Angold-Stephens made a Disclosable Pecuniary Interest on behalf of the Loughton Resident's Association (LRA) members present, Councillors Cochrane, Cohen, Girling, Hart, Leonard, Pond and Wixley in respect of agenda item 15 Report of the Licensing Committee – Street Trading - Markets as the LRA benefitted financially from the sale of second hand books at a stall in Loughton market. He advised that the members in question had obtained dispensation from the Monitoring Officer in order to participate in the discussion on the item as this maintained the political balance of the meeting. He added that individual LRA members did not benefit financially from this. He added a further Non Pecuniary Interest regarding the market at The Broadway as a member of the Broadway Town Centre Partnership.

## **74. ANNOUNCEMENTS**

### **(a) Announcements by the Chairman of the Council**

#### **(i) Chelmsford Cathedral Carol Service**

The Chairman reported that she had attended a carol service at Chelmsford Cathedral for the deaf and deafblind with sign language, on 13 December.

#### **(ii) Community Safety Team**

The Chairman expressed her thanks and those of the Community Safety Team to local people who had donated toys to go to the Women's Refuge. The gifts had been collected by St. Winifred's Church, customers and staff at Tesco in Waltham Abbey and customers of Theydon Oak.

#### **(iii) Inclusion Project**

The Chairman reported that she had attended a Christmas party in Waltham Abbey Town Hall organised by the Council's Sports and Leisure Development Team as part of the Inclusion Project they were currently running. She thanked the team for donating the proceeds of the raffle to her charities.

#### **(iv) Davenant School**

The Chairman reported on the Christmas concert which she had attended at Davenant School. The impressive programme had included a wide variety of music performed to a very high standard.

#### **(v) Chairman's Carol Service**

The Chairman thanked members who had attended the Carol service held in Roydon on 13 December.

#### **(vi) Floral Display**

The Chairman announced that she intended sending the flowers from tonight's meeting to Honey Lane Care Home, Waltham Abbey.

The Chairman expressed her thanks to G Woodhall, Democratic Services Officer for selling tickets prior to this meeting for the raffle run by Mrs S Hawkins for the Chairman's charities.

**(b) Announcements**

The Leader advised that he had no announcements to make under this heading.

**(c) Announcements by Portfolio Holders**

There were no announcements to be made under this heading.

**75. PUBLIC QUESTIONS (IF ANY)**

There were no public questions.

**76. QUESTIONS BY MEMBERS UNDER NOTICE**

There were no questions from members under notice.

**77. REPORTS FROM THE LEADER AND MEMBERS OF THE CABINET**

The Council received written reports from the Asset Management and Economic Development Portfolio Holder, the Environment Portfolio Holder, the Finance and Technology Portfolio Holder, the Housing Portfolio Holder, the Leisure and Wellbeing Portfolio Holder, the Planning Portfolio Holder, the Safer, Greener and Transport Portfolio Holder and the Support Services Portfolio Holder.

The Chairman invited the Leader to provide an oral report and other members of the Cabinet give an oral update of their written reports.

**(a) The Leader of the Council**

Councillor Whitbread advised that he had attended the Economic Development Group on 12 November to discuss potential improvements to the rail link between Stansted Airport and London. He also went to a separate meeting at Stansted Airport where he met the new director of the airport.

Councillor Whitbread said he met the Leader of London Borough of Redbridge Council regarding the Central Line. At the meeting they had requested assurances from Transport for London that there would be better investment in the line and that resources would not be diverted to Crossrail.

The Leader had hosted the Joint Locality Board where they received a presentation about Health and Social Care. He also advised that they had also received a report advising that the switching off of street lighting in some parts of the district would not be operated until first week in January 2014.

The Leader reported that he had attended a meeting of Leaders of Essex authorities at which he had been advised that the police would be withdrawing match funding for PCSOs. Attempts were being made for the decision to be revisited.

**(b) Planning Portfolio Holder**

Councillor Bassett reported that a presentation by the Planning Barrister, Mr M Beard, had taken place on 18 November. The current Local Plan was mainly consistent with the National Planning Policy Framework. The Portfolio Holder believed that there was a 5 year land supply in the district. He advised that due to the district's exceptional setting, the Lee Valley Regional Park and motorways he believed it was less vulnerable to potential development than other areas.

**(c) Support Services Portfolio Holder**

Councillor Ulkun updated his report regarding the Electoral Canvass 2013. The figure relating to updates made to the register by text, internet or telephone now stood at 22,475. The number of households having completed registration was now 94.5%, with the total of voters yet to register reduced to 3,300.

**(d) Finance and Technology Portfolio Holder**

Councillor Stavrou updated members on her report. The Chancellor of the Exchequer's autumn statement had shown signs of an improvement in the economy. He had acknowledged that local authorities were making large savings and they had been excluded from further reductions in funding. The proposal to take away money from New Homes Bonus and allocate it to Local Enterprise Partnerships was no longer being pursued but the scheme remained under review. The increase in business rates had been capped at 2% with the Government promising to compensate local authorities for any losses.

**78. QUESTIONS BY MEMBERS WITHOUT NOTICE****(a) Conservation**

Councillor P Spencer referred to the written report of the Safer, Greener and Transport Portfolio Holder regarding potential Conservation Area designation of the St. John's Church area, Buckhurst Hill and asked when designation would take place.

Councillor Waller, Safer, Greener and Transport Portfolio Holder advised that any views on the proposal would be welcomed and he could not anticipate the outcome of the process.

**(b) Sir Winston Churchill Public House Site, Loughton**

Councillor S Murray referred to the written report of the Asset Management and Economic Development Portfolio Holder regarding the Sir Winston Churchill Public House site in Loughton considered at the District Development Control Committee on 11 December 2013. He said there was local anger in Loughton about the decision and advised that it was important for the Council to disassociate from the remarks made by certain members about the Loughton Broadway community.

Councillor Grigg, Asset Management and Economic Development Portfolio Holder advised that although she was not directly aware of local anger, she did know that there were strong local feelings expressed at the meeting. The Portfolio Holder pointed out that a number of improvements had been made to the area during past years and she considered that the development would further improve the area. She said that she did not associate herself with any disparaging remarks about the local community.

**(c) Park Home Licensing**

Councillor B Rolfe referred to the written report of the Housing Portfolio Holder regarding Park Homes. He asked for an assurance that ward councillors would be consulted and there would be prior notice issued on any decisions made.

Councillor Stallan, Housing Portfolio Holder confirmed that copies of consultation documents would be sent to ward members prior to residents. He re-affirmed that the Council would work with park home residents.

**(d) Stansted Airport**

Councillor P Smith asked the Leader and Asset Management and Economic Development Portfolio Holder about the recent visit the Leader made to the Chief Executive of Stansted Airport. She said it had been made clear previously that there would be little employment opportunities at the airport for residents of this District and she urged the Leader when next meeting airport representatives to emphasise the need for greater opportunities.

Councillor Whitbread, the Leader, advised that he had attended a positive meeting at Stansted Airport, alongside a representative from the Department of Work and Pensions. He would be meeting airport representatives on a regular basis and would continue to look for better employment opportunities for the district.

**(e) Park Home Licences**

Councillor Y Knight referred to the written report of the Housing Portfolio Holder regarding consultation on authorised Gypsy, Roma and Traveller caravan sites and requested that members have access to all the reports involved.

Councillor Stallan, Housing Portfolio Holder advised that members with such sites in their wards would be consulted.

**(f) Sir Winston Churchill Public House Site, Loughton**

Councillor Ms J Hart referred to the written report of the Asset Management and Economic Development Portfolio Holder and suggested there had been a lack of consultation with Loughton Broadway residents and traders. She felt that consultation should have taken longer and that the planning application should have been submitted to Area Plans South Sub-Committee in the first instance.

Councillor Grigg, Asset Management and Economic Development Portfolio Holder, replied that she believed the agreed consultation processes had been followed and there needed to be a consistent policy applied across the District.

Councillor Bassett, Planning Portfolio Holder, added that there had been a lot of consultation about the proposal and the Council's Constitution specified which planning applications had to be submitted direct to the District Development Control Committee.

**(g) North Weald Airfield**

Councillor J M Whitehouse referred to options for further income generation and suggested having regard to the pressures for parking in the Epping – North Weald corridor that consideration should be given to a Park and Ride Scheme and Shuttle Bus Scheme on the airfield.

Councillor Grigg advised that consultants were currently looking at options for the airfield and she anticipated they would include a possible park and ride scheme.

**(h) St. John's Road Development**

Councillor J H Whitehouse asked the Asset Management and Economic Development Portfolio Holder when would a public statement be made on this development.

Councillor Grigg, Asset Management and Economic Development Portfolio Holder advised that a report to Council would be submitted soon.

**(i) Sir Winston Churchill Public House Site, Loughton**

Councillor K Angold-Stephens asked the Housing Portfolio Holder if he agreed that the public perception would have been improved if he had excluded himself from the District Development Control Committee meeting at which the planning application for the site had been considered. He also asked the Portfolio Holder if he now regretted his motion to exclude all members of the public from the meeting.

Councillor Stallan, Housing Portfolio Holder, advised that he had sought advice from the Monitoring Officer about his participation in the meeting and believed he had acted correctly. He advised that the public had listened to the objectors in silence but had not afforded the applicant's agent the same privilege so he had no regrets about his motion and a majority view had been taken at the meeting.

**79. MOTIONS**

The Chairman reported that there were no motions to be considered at this meeting.

**80. REPORT OF THE CABINET - LOCAL COUNCIL TAX SUPPORT SCHEME 2014/15**

**Mover: Councillor Stavrou, Finance and Technology Portfolio Holder**

Councillor Stavrou presented a report recommending no changes to the Local Council Tax Support Scheme 2014/15.

**Report as first moved ADOPTED**

**RESOLVED:**

That, in view of the consultation responses and experience of the 2013/14 scheme, no changes be made to the scheme for 2014/15.

**81. REPORT OF THE CABINET - SUPPLEMENTARY CAPITAL ESTIMATE - PURCHASE OF LEASEHOLD INTEREST - PROPERTIES IN TORRINGTON DRIVE, LOUGHTON**

**Mover: Councillor Grigg, Asset Management and Economic Development Portfolio Holder**

Councillor Grigg presented a report regarding a supplementary capital estimate for the purchase of the long leasehold Head Lease interest of properties in Torrington Drive, Loughton. She sought and obtained leave of the Council to correct an error in report that reference should have been made to 2 – 18 Torrington Drive and not 2 – 8. She also reported that Sainsbury's had advised that they did not require the car park in Burton Road and it would revert to the Council on surrender of the Head Lease.

**Report as amended ADOPTED****RESOLVED:**

That a supplementary capital estimate in the sum of £3,484,000 be approved for the purchase of the long leasehold Head Lease interest of 2 – 18 Torrington Drive, Loughton including the Sainsbury's store, car park and a 0.121 acre car park in Burton Road.

**82. REPORT OF THE CABINET - CALENDAR OF COUNCIL MEETINGS 2014/15**

**Mover:** Councillor Ulkun, Support Services Portfolio Holder

Councillor Ulkun presented a report regarding the Calendar of Council Meetings 2014/15.

**Report as first moved ADOPTED****RESOLVED:**

That the Calendar of Council Meetings 2014/15 attached as Appendix 1 to these minutes be agreed.

**83. OVERVIEW AND SCRUTINY****(a) Report of the Chairman of the Overview and Scrutiny Committee**

The Council received a written report from Councillor Morgan, the Chairman of the Overview and Scrutiny Committee.

**(b) Reports of the Overview and Scrutiny Committee**

The Chairman announced that there were no reports to be considered under this item.

**(c) Reports of Overview and Scrutiny Panels:****(i) Report of the Overview and Scrutiny Review Task and Finish Panel**

Councillor Angold-Stephens, Chairman of the Overview and Scrutiny Review Task and Finish Panel, presented a report regarding the completed Overview and Scrutiny Review. He drew attention to the section regarding local scrutiny of health issues.

Councillor Watts reported that the Audit and Governance Committee had received the report and had agreed that the proposals were robust.

**RESOLVED:**

- (1) That the proposals arising from the review as set out in the Appendix 2 to these minutes be approved; and

- (2) That the amendments to the Overview and Scrutiny Procedural Rules as set out in Appendix 3 to these minutes be adopted and incorporated into the Council's Constitution.

#### **84. DIRECTORATE RESTRUCTURING**

The Council considered a report from the Head of Paid Service regarding Directorate Restructuring.

The Directorate Restructure aimed to achieve the following:

- (a) make efficiency savings whilst protecting services to the public;
- (b) encourage cooperative working within and beyond the Council; and
- (c) embed an agreed set of values and behaviours into working practices.

Following a consultation process with staff and staff representatives, the proposals reduced the number of Director posts from 7 to 4 and the number of Assistant Director posts reduced from 18 to 16. There would be a salary increase for the Assistant Directors to account for their greater responsibilities.

The Head of Paid Service advised that the one-off costs of 371,400 associated with the proposed voluntary redundancies, meant the payback period for this new structure would be 12.6 months. The overall reduction in salary costs of top management would be £353,700.

#### **RESOLVED:**

- (1) That the revised Directorate Structure attached as Appendix 4 to these minutes reflecting the proposals recommended below be approved;
- (2) That the following posts be deleted from the establishment with effect from 1 April 2014, namely
  - Deputy Chief Executive,
  - Director of Corporate Support Services,
  - Director of Finance and ICT,
  - Director of Housing, and
  - Director of Planning and Economic Development;
- (3) That the post of Director of Environment & Street Scene be deleted from the establishment with effect from 1 June 2014;
- (4) That the post of Assistant to the Chief Executive be deleted from the establishment with effect from 15 June 2014;
- (5) That the termination of the employment of the Director of Planning and Economic Development on 31 March 2014, the Director of Environment & Street Scene on 31<sup>st</sup> May 2014 and the Assistant to the Chief Executive on 15 June 2014 be agreed on the grounds of voluntary redundancy/early retirement, in accordance with the costs reported;
- (6) That four new Director posts be created with effect from 1 April 2014, namely;



- Director of Communities,
  - Director of Governance (Solicitor to the Council & Monitoring Officer),
  - Director of Neighbourhoods (Deputy Chief Executive), and
  - Director of Resources (Chief Financial Officer /s151 Officer);
- (7) That the salary scale for the four new Director posts be agreed as reported;
- (8) That in accordance with the views of the Restructuring Panel, the following appointments be agreed by Council with effect from the 1 April 2014,
- |   |            |
|---|------------|
| • Director of Communities,  | A. Hall,   |
| • Director of Governance<br>(Solicitor to the Council & Monitoring Officer) | C.O'Boyle, |
| • Director of Neighbourhoods (Deputy Chief Executive)                       | D. Macnab, |
| • Director of Resources (Chief Financial Officer /s151 Officer)             | R. Palmer; |
- (9) That the following posts be deleted from the establishment with effect from 1 April 2014, namely,
- Assistant Director (Benefits),
  - Assistant Director (Revenues),
  - Assistant Director (Accountancy),
  - Assistant Director (ICT),
  - Assistant Director (Facilities Management & Emergency Planning),
  - Assistant Director (HR),
  - Assistant Director (Legal),
  - Assistant Director (Development Control),
  - Assistant Director (Forward Planning, Conservation & Policy),
  - Assistant Director (Building Control),
  - Assistant Director (Community & Culture),
  - Assistant Director (Housing Property),
  - Assistant Director (Housing Operations),
  - Assistant Director (Private Sector & Resources),
  - Assistant Director (Environmental and Neighbourhoods),
  - Assistant Director (Technical Services),
  - Assistant Director (Performance & Operations), and
  - Chief Internal Auditor;
- (10) That the post of Assistant Director (Democratic Services) be deleted from the establishment with effect from 15 June 2014;
- (11) That the termination of the employment of the Assistant Director (Facilities Management & Emergency Planning) on 31 March 2014 and the Assistant Director (Democratic Services) on 14 June 2014 be agreed on the grounds of voluntary redundancy/early retirement, in accordance with the costs reported;
- (12) That the following new posts be created with effect from 1 April 2014,
- Assistant Director (Human Resources),
  - Assistant Director (Benefits),
  - Assistant Director (Revenues),
  - Assistant Director (Accountancy),
  - Assistant Director (ICT & Facilities Management),
  - Assistant Director (Governance & Performance Management),

- Assistant Director (Legal Services),
- Assistant Director (Development Management),
- Assistant Director (Neighbourhood Services),
- Assistant Director (Technical Services),
- Assistant Director (Forward Planning & Economic Development),
- Assistant Director (Housing Property),
- Assistant Director (Housing Operations),
- Assistant Director (Private Sector Housing & Communities Support),
- Assistant Director (Community Services) and
- Chief Internal Auditor;

- (13) That in accordance with Council restructuring practice, the direct assimilation of current post holders into the new Assistant Director positions be agreed as follows;

Current Post Title	New Post Title	Name
Assistant Director (HR)	Assistant Director (HR)	P. Maginnis
Assistant Director (Benefits)	Assistant Director (Benefits)	J. Twinn
Assistant Director (Revenues)	Assistant Director (Revenues)	R. Pavey
Assistant Director (Accountancy)	Assistant Director (Accountancy)	P.Maddock
Assistant Director (Legal)	Assistant Director (Legal Services)	A Mitchell
Assistant Director (Development Control)	Assistant Director (Development Management)	N. Richardson
Assistant Director (Community & Culture)	Assistant Director (Community Services)	J. Chandler
Assistant Director (Housing Property)	Assistant Director (Housing Property)	P Pledger
Assistant Director (Housing Operations)	Assistant Director (Housing Operations)	R. Wilson
Assistant Director (Private Sector & Resources)	Assistant Director ( Private Sector Housing and Communities Support)	L.Swan
Assistant Director (Forward Planning, Conservation & Policy)	Assistant Director (Forward Planning & Economic Development)	K.Polyzoides
Assistant Director (Environmental & Neighbourhoods)	Assistant Director (Neighbourhood Services)	J. Nolan
Assistant Director (Technical Services)	Assistant Director (Technical Services)	Q. Durrani

- (14) That in accordance with Council restructuring practice, the direct assimilation of current post holder, B. Bassington, into the new Chief Internal Auditor position be

agreed;

- (15) That a temporary post of Assistant Director (Economic Development & Asset Management), for a fixed term of one year, reporting to the Director of Governance, be created with effect from 1 April 2014;
- (16) That the appointment process for the temporary Assistant Director (Economic Development & Asset Management) be by internal advertisement in the first instance and be conducted by the Director of Governance (Solicitor to the Council & Monitoring Officer) as soon as practicable;
- (17) That the appointment process for the new Assistant Director (ICT & Facilities Management) be ring-fenced to the current holder of the post of Assistant Director (ICT) and conducted by the Director of Resources (Chief Financial Officer/s151 Officer) as soon as practicable;
- (18) That the appointment process for the new Assistant Director (Governance & Performance Management) be by internal advertisement in the first instance and conducted by the Director of Governance (Solicitor to the Council & Monitoring Officer) as soon as practicable;
- (19) That the salary scale for the new Assistant Director posts and the Chief Internal Auditor be agreed as reported, subject to job evaluation;
- (20) That the legal advice from Essex Legal Services as to the processes adopted be noted;
- (21) That the Chief Executive be designated as the Returning Officer and Electoral Registration Officer for Epping Forest District with effect from 15 June 2014;
- (22) That the Monitoring Officer, in consultation with fellow Directors, reports to Council, via the Constitution & Member Services Scrutiny Panel, reviewing all officer delegations prior to the implementation of the new structure on the 1 April 2014;
- (23) That Members note the overall reduction in the costs of top management of £353,700 and that this provides a payback period of 12.6 months for the one-off costs of £371,400;
- (24) That the necessary adjustments are made to the Continuing Services Budgets and District Development Fund for 2014/15.

## **85. REPORT OF THE LICENSING COMMITTEE - STREET TRADING - MARKETS**

**Mover: Councillor Morgan, Member of the Licensing Committee who had chaired the Committee for this matter in the absence of the Chairman and Vice-Chairman**

Councillor Morgan submitted a report regarding established markets in the District, some of which required street trading consent.

**Amendment moved by Councillor Stallan and Seconded by Councillor Watts**

That the words after £355 in recommendation (1) be deleted and replaced with “be waived and subsequent renewal fees be reviewed on an annual basis.”

**Carried**

**Report as amended ADOPTED**

**RESOLVED:**

- (1) That the established markets currently operating in Loughton (Sunday Market), The Broadway, Loughton and High Street, Ongar be required to apply for consent in accordance with the Street Trading practice but that the fee of £355.00 be waived and subsequent renewal fees be reviewed on an annual basis;
- (2) That each applicant be required to advertise their application in a local newspaper in accordance with the Street Trading practice; and
- (3) That for any application to operate a new market in the District, the Council’s full requirements for issuing a licence be met.

**86. REPORT OF THE LICENSING COMMITTEE - TEMPORARY ROAD CLOSURE ORDERS**

**Mover: Councillor Angold-Stephens, Chairman of the Licensing Committee.**

Councillor Angold-Stephens submitted a report regarding Temporary Road Closure Orders. Responsibility for temporary road closures for events like street parties had been made by Essex County Council. However the County Council had advised the District Council that they were no longer undertaking this work and this this authority should use its power to undertake this.

**First Amendment moved by Councillor J M Whitehouse and Seconded by Councillor J H Whitehouse**

“That the licence fee be waived for non-commercial event.”

**Withdrawn**

**Second Amendment Moved by Councillor Philip and Seconded by Councillor Whitbread.**

“That the Licensing Committee give further consideration to the charging of a fee for primarily charitable events and report thereon to a future Council meeting.”

**Carried**

**Report as amended ADOPTED**

**RESOLVED:**

- (1) That, subject to provision being made in the budget to employ an additional member of staff, the Council exercises its powers to make temporary road closure orders from 1 April 2014;

- (2) That subject to (3) below a fee of £170.00 be charged for a temporary road closure;
- (3) That the Licensing Committee give further consideration to the charging of a fee for primarily charitable events and report thereon to a future Council meeting ; and
- (4) That the following delegated authorities be approved and appropriate changes made to the Constitution:

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for a Road Closure Order		If an objection	If no objection made
All policy matters except the formulation of the licensing policy	All cases		

**87. REPORT OF THE LICENSING COMMITTEE - HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - TAXI METERS**

**Mover:** Councillor Angold-Stephens, Chairman of the Licensing Committee.

Councillor Angold-Stephens submitted a report regarding Hackney Carriage and Private Hire Licensing Policy – Taxi Meters.

**Report as first moved ADOPTED**

**RESOLVED:**

- (1) That the Hackney Carriage and Private Hire Licensing Policy be amended to include provisions in relation to the installation of taxi meters; and
- (2) That the fares shown in the table attached as Appendix 5 to these minutes be put out to public consultation and that if no replies are received the fares be adopted and come into effect on 2 June 2014.

**88. CALL-IN AND URGENCY - NORTH WEALD MASTER PLAN - APPOINTMENT OF CONSULTANTS**

The Council noted that the Chairman of the Council had agreed that the decision of the Leader of the Council (a) to waive Contract Standing Orders C5 (Contracts exceeding £50,000 etc), C15 (Receipt and Custody of Quotations and Tenders) and C16 (Opening of Tenders and Quotations – Contracts in Excess of £25,000 and (b) appoint Savills as consultants to advise on the Council's interests within the North Weald Master Plan should be treated as a matter of urgency and not be subject to call-in.















**89. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS**

The Council received two reports from Councillor Kane, one of the Council's representatives on the Waltham Abbey Town Partnership and a third report also from Councillor Kane a Council representative on the Waltham Abbey Royal Gunpowder Mills Company.

The Council received a report from Councillor Morgan, Council representative on the Stansted Airport Community Trust Fund who advised that he would prepare a more detailed item for the Bulletin on the Trust Fund's activities. Councillor Bassett asked about the eligibility criteria for grants being extended to include applications from organisations in flightpath villages. Councillor Morgan advised that he would ask about this at the next meeting of the Trust.

**CHAIRMAN**

## Epping Forest District Council Calendar of Meetings 2014/15

		2014								2015				
Meeting		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
<b>Executive</b>														
Council			10th(16th)	29th		30th		4th	16th	17th(19th)			21st	26th
Cabinet		19th	23rd	21st		8th	6th	3rd	1st		2nd	9th	13th	
FPM Cab Comm			26th			18th		13th		19th		19th		
AM & ED Cab Comm				14th			13th		8th		9th		20th	
Local Plan Cab Comm				7th		1st		17th		26th		16th		
<b>Scrutiny</b>														
OS Committee				1st		16th	14th	10th		12th	10th	23rd	27th	
Finance & Perf Mgmt			17th			9th		11th		19th		10th		
Housing				22nd			21st			20th		24th		
Planning Services				8th		2nd			9th				14th	
Safer, Cleaner, Greener				15th			7th			6th	24th		28th	
Constitution & Mbr Serv's			24th			23rd		18th		13th		17th		
<b>Planning</b>														
District Development			25th		13th		8th		3rd		11th		8th	
Plans East		14th	18th	23rd	20th	17th	15th	12th	10th	21st	18th	18th	15th	20th
Plans West			4th	2nd-30th	27th	24th	22nd	19th	17th	28th	25th	25th	22nd	27th
Plans South		7th	11th	9th	6th	3rd	1st-29th	26th		7th	4th	4th	1st-29th	
<b>Licensing</b>														
Licensing Committee							8th						8th	
Licensing Sub (Day)			17th	15th	12th	9th	7th	11th	9th	13th	10th	10th	7th	
Licensing Sub (Evening)		15th		17th	14th	11th	16th	6th	11th	15th	12th	12th	16th	
<b>Miscellaneous</b>														
Audit & Governance			30th			25th		24th			5th	30th		
Housing Appeals Panel		12th		7th	4th	1st	6th	3rd	8th	12th	9th	9th	13th	
Joint Consultative Comm				24th			23rd			22nd			23rd	
Local Councils Liaison				10th				20th				26th		
Standards Committee				3rd			9th			8th			7th	
														
<b>Webcast meeting</b>			<u>Easter 2015</u>			<u>Fri 3-Apr-15 - Mon 6-Apr-15</u>				<u>General Election</u>			<u>Thu 7-May-15</u>	

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**OVERVIEW AND SCRUTINY REVIEW – DRAFT RECOMMENDATIONS**

**Section marked thus \* involve constitutional changes.**

**Overview and Scrutiny Committee – Chairman\***

(1) That Overview and Scrutiny Procedure Rule 8 be amended by the addition of a new sub-paragraph (3) as follows:

“3. The Chairman of the Committee must have experience and understanding of the Overview and scrutiny system.”

(2) That the Chairman and Vice Chairman of the Overview and Scrutiny Committee shall be invited to attend agenda planning sessions conducted by officers.

**Cabinet/Overview and Scrutiny Committee Liaison\***

(3) That in order to improve liaison arrangements between the Cabinet and Leader of the Council with the Overview and Scrutiny Committee the following proposals be agreed and incorporated in the Overview and Scrutiny rules:

(a) that the Leader of Council attend the first Overview and Scrutiny Committee of any Council year so as to present the Cabinet’s Forward Plan and to attend after six months to update the Overview and Scrutiny Committee on progress with that plan;

(b) that at the first meeting of the Overview and Scrutiny Committee each year, the Leader should indicate, where appropriate, any work which could be undertaken by Overview and Scrutiny on behalf of the Cabinet and likewise the Committee will indicate to the Leader work which will be undertaken by the Committee in the following year;

(c) that at the initial meeting of the Overview and Scrutiny Committee each year, members should have the opportunity to ask the Leader of Council and Portfolio Holders questions on matters of concern regarding Cabinet business;

(d) individual Portfolio Holders should attend appropriate Overview and Scrutiny Standing Panel meetings which deal with matters relating to their portfolios and should answer questions on their portfolio from Panel members;

(e) that relevant Portfolio Holders should attend any of the appropriate Standing Panel meetings dealing with matters related to their portfolio;

(f) that all Councillors be encouraged to attend discussions with the Leader of Council and Portfolio Holders at OSC or Panels, where they have an interest in the subject matter concerned;

(g) that the Standing Item on the Overview and Scrutiny Committee Agenda relating to the review of Cabinet business at its next meeting be placed earlier on the Committee’s agenda to allow more opportunity for discussion; and

(h) that the Council calendar of meetings be reviewed so as to allow more time between meetings of the Cabinet and the Overview and Scrutiny Committee so as to ease the process for call-ins and also the review of Cabinet agenda business.

### **Overview and Scrutiny - Work Programme\***

(4) That the first meeting of the Overview and Scrutiny Committee each year should include consideration of the work programme both for the Committee and Panels and that the compilation of the work programme should take account of the following:

- (a) significant decisions, whether or not they are key decisions, which are included in the Council's Forward Plan;
- (b) monitoring of the Cabinet Forward Plan as to progress and content of proposed decisions;
- (c) items arising from the Forward Plan to be raised as part of the Cabinet review item on Overview and Scrutiny Committee agenda;
- (d) requests by the public or Councillors;
- (e) a review of topics raised by way of formal complaints to the Council during the preceding year;
- (f) topics which have arisen in Freedom of Information Act requests during the previous year;
- (g) agreed Cabinet priorities for the year;
- (h) any outstanding work by Scrutiny Panels not completed during the previous Council year;
- (i) digests of information arising from petitions received during the previous year;

(5) That the submission of items by members of the Council or the public for consideration by Overview and Scrutiny Committee continue to be based on the "pick" work request form, use of which should be enforced and that in cases where a pick form is unclear or incomplete, they be returned to the proposer with a request for clarification, the content of all requests being reviewed to ensure that only those requests which are relevant to the District or the Council and expressed in appropriate terms are brought before the Committee;

(6) That items or questions requested by the public be dealt with by officers so that these can be presented in the "Pick" form format;

(7) That where Overview and Scrutiny Committee or a Panel undertakes a review of Council services affecting the Cabinet, more follow-up work be undertaken as follows:

- (a) **after 3 months** – the relevant portfolio holder should give a verbal report on whether the OS recommendations have been agreed or any reasons why they have not been agreed or have been amended; and

(b) **after six months** – the relevant portfolio holder should report back on the implementation of those recommendations.

(8) That the Overview and Scrutiny Agenda Planning Group of officers in consultation with the Chairman of the Overview and Scrutiny Committee be given prime responsibility for managing the Overview and Scrutiny work programme including reviews of requests from the public and members via the “pick” form procedure so as to establish the relevance and suitability of reviews requested;

(9) That the preparation of the Overview and Scrutiny Work Programme should commence in February each year but with account taken of the election period April/May each year if District Council elections are taking place;

(10) That, in terms of Council budgets scrutiny, provision be made in the Council's annual training programme for Overview and Scrutiny members to be trained in budget processes before the commencement of the budget round each year and that the Director of Finance and ICT being asked to determine the most appropriate timing and content for such training sessions.

#### **Overview and Scrutiny Panels\***

(11) That Overview and Scrutiny Procedure Rules 12 and 13 be amended so as to require all Chairmen of Standing and Task and Finish Panels to attend each Overview and Scrutiny Committee to give oral or written progress reports on the work of their Panels.

(12) That the term “Standing” be discontinued in respect of the titles of Scrutiny Panels with Scrutiny Panels and Task and Finish Scrutiny Panels being used in future.

#### **Call-in Procedure\***

(13) That the following changes be made to the call-in procedure set out in the Overview and Scrutiny Procedure Rules and Protocol:

(a) that the Chairman of the Overview and Scrutiny Committee, if requested either by the lead Councillor for a call-in or the relevant Cabinet member, should convene a meeting to discuss the call-in before this is considered formally by the Overview and Scrutiny Committee with a view to establishing whether there could be agreement between the Cabinet member and the call-in sponsor on proposals to modify the decision or the terms of the “Call in” so as to progress the matter;

(b) that the present deadline for calling in decisions by the Cabinet or Portfolio Holders remain at five days and that a more flexible approach of allowing signing by separate e-mails from the members who support the call-in concerned be noted;

(c) that further work be undertaken as to the possibility of instituting full electronic call-ins so as to speed up the process for dealing with these requests;

(d) that a new provision be introduced so as to allow “call-in” sponsors to withdraw any objections they may have notified if having met with the Portfolio Holder and the Chairman of the Overview and Scrutiny Committee their concerns are met;

- (e) that situations where the procedure outlined in (d) above has been followed, an agreement has been reached on the withdrawal of call-in objections, an information report be submitted to the next meeting of the Overview and Scrutiny Committee on that withdrawal and the circumstances which led to changes in the original Cabinet decision being agreed by the Portfolio Holder or the Cabinet;
- (f) that the procedure for dealing with call-ins at the Overview and Scrutiny Committee meetings be amended to take place in the following order:
  - (i) lead “call-in” sponsor to speak first;
  - (ii) portfolio holder responds;
  - (iii) the four other signatories to the call-in to be given the opportunity to speak next;
  - (iv) Portfolio Holder responds;
  - (v) debate;
  - (vi) lead “call in” sponsor replies;
  - (v) final response by Portfolio Holder; and
  - (vi) voting.
- (g) that in cases where the number of signatories to a call-in exceeds five, the first five signatories on the call-in notification be dealt with under the previous sub-paragraph with any other signatories being able to speak only during the ensuing debate on the call-in.

### **Scrutiny of External Organisations**

(14) That arrangements for scrutinising the work of external organisations be amended as follows:

- (a) that for the purposes of presentations by representatives of outside organisations, they should be seated in the well of the Chamber for a trial period of 9 months from the commencement of the 2014/15 Council year and reviewed subsequently by the Constitution and Member Services Scrutiny Panel.
- (b) that this layout also be used on a trial basis for call-ins with the relevant Portfolio Holder and Director sitting together in the well of the Chamber in order to answer questions from the Overview and Scrutiny Committee on call-in business.
- (c) that members take a more critical approach to the selection of outside organisations to be scrutinised, ensuring that invitations are only issued to the organisations where there are public concerns.
- (d) that a flexible approach be taken on whether or not scrutiny of an external organisation would be better conducted by a Standing or Task and Finish Panel rather than the Overview & Scrutiny Committee.

(e) that priority be given to preparing for external scrutiny sessions by extending existing arrangements by the addition of preliminary consideration at the meeting preceding the visit of the organisation concerned on the topics to be covered with Service Directors being encouraged to assist with background information which might assist follow-up questions to be formulated.

(f) that the Overview and Scrutiny Chairman determine the appropriate time allocation for presentations by external organisations but no time limit be set for questions from members of the Council.

(g) that more emphasis be given to monitoring undertakings given and proposals made by external organisations through follow up reviews after six months and reporting back to the Overview and Scrutiny Committee or the relevant Panel.

### **Scrutiny of Council Finance and Budgets**

(15) That a new timetable for review of the budget by Overview and Scrutiny be introduced as follows:

September – Financial Issues paper from Director of Finance submitted to the Finance and Performance Management Scrutiny Panel (“the Panel”).

November – Draft growth lists/savings and DDF programme and information on fees and charges submitted to the Panel.

January – Update of medium term financial strategy for the next financial year to be considered by the Panel.

February – Final form of draft budget to be submitted to the Panel for comment.

(16) That the timetable for the budget review be publicised in the Council Bulletin so that members who are interested in particular budget issues are aware of the meetings at which the Standing Panel will be examining proposals.

(17) That in future the Panel should concentrate on policy issues and emerging trends, problems and themes rather than individual budget details which are a matter for the Cabinet.

(18) That the Panel be asked to review their terms of reference so as to avoid duplication with the work of the Finance and Performance Management Cabinet Committee.

(19) That, in line with this new approach for the Standing Panel, the present practice of holding joint meetings with the Cabinet Finance Committee be discontinued so as to separate the roles of the two bodies.

(20) That, in reviewing budgets, the Panel should take account of budget issues from previous years if relevant to the current budget.

### **Key Performance Indicators – Role of Overview and Scrutiny**

(21) That the following changes be made to arrangements for the quarterly review of key performance indicators by Overview and Scrutiny:

- (a) that the Finance & Performance Management Standing Scrutiny Panel (“Standing Panel”) should continue to be responsible for the review of KPI performance on behalf of the Overview & Scrutiny Committee;
- (b) that the Standing Panel should continue each quarter to take an overview of all KPI performance but any “red” (below target) or “amber”(within target tolerance) designated KPIs be referred for further review to the appropriate Scrutiny Panel (where one exists) if more detailed analysis is considered necessary;
- (c) the Standing Panel should deal with “red” or “amber” designated KPIs for which there no other Panel exists;
- (d) that the Standing Panel be asked to review their terms of reference with these changes in mind.

### **Overview and Scrutiny – Public Profile**

(22) That the following steps be taken so as to improve the public profile of the Council’s Overview and Scrutiny function:

- (a) that a more proactive stance be adopted with regard to engagement with the public;
- (b) that the Overview and Scrutiny rules be amended so as to allow an opportunity for the public to ask questions at Overview and Scrutiny Committee meetings and Scrutiny Panels and also to address those bodies on issues of concern subject to the following:
  - (i) that the questions concerned or the matters on which the Committee or Panel is to be addressed are relevant to the powers and responsibilities of the Council or relevant to the District;
  - (ii) that questions or matters of concern only be raised once in any Council year either at a Panel or the OS Committee but not at both;
  - (iii) that matters on which questions or issues are raised should be items which are on the relevant agenda;
  - (iv) that any questions or issues raised for the Overview and Scrutiny Committee or a Panel which are not set out in the agenda for the following meeting be deferred and subjected to the pick process and brought back for further discussion at the next available meeting;
- (c) that a flexible approach be adopted to facilitating the submission of business from the public for Overview and Scrutiny including the use of correspondence, email through the website and the pick form process as appropriate;
- (d) that the Forester and local press releases and the website be used to heighten the profile of Overview and Scrutiny including:
  - (i) the annual work programme for Overview and Scrutiny;

(ii) specific items due to be considered by the Overview and Scrutiny Committee or its Panels so as to encourage the public to submit evidence or comments, particularly where scrutiny of external bodies is planned; and

(iii) that the Chairman of the OS Committee be allowed maximum discretion within the Overview and Scrutiny rules to allow the public to contribute fully to the work of Overview and Scrutiny

### **Scrutiny of Community Safety**

(23) That the current arrangements for scrutiny of Community Safety issues including the activities of the Police and Crime Commissioner for Essex be continued.

(24) That the Police and Crime Commissioner's office be asked to give longer notice of local community meetings and to take up the Council's offer of using the Council's resources to advertise these events.

### **Scrutiny of National Health Service**

(25) That, notwithstanding that the health scrutiny was a County Council function, that an approach be made to Essex County Council for local health scrutiny to be undertaken under the auspices of the Overview and Scrutiny Committee and conducted by the Safer Cleaner Greener Standing Panel.

(26) That if members of the public or Councillors wish to raise specific health issues for review by the Panel, the pick form procedure be used and authority sought from Essex County Council to undertake local scrutiny.

(27) That liaison arrangements be put in place between the Safer Cleaner Greener Standing Panel and the County Council's Health Scrutiny Committee to ensure that there is effective liaison.

### **Training**

(28) That the following arrangements be put in place regarding training of Councillors in Overview and Scrutiny techniques:

(a) that each year an Introductory Course on Overview and Scrutiny be held in June during years when there are District Council Elections;

(b) that Budget Scrutiny Training be given by the end of September as indicated earlier in these recommendations;

(c) that further specialist training in Overview and Scrutiny techniques be arranged as and when thought necessary and dependent on available funding; and

(d) that the Tenant's Federation which has established its own Overview and Scrutiny Committee be invited to attend future training courses on Overview and Scrutiny and that the possibility of a financial contribution towards the cost of such training from the Housing Revenue Account be researched.





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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, scrutiny **and monitoring** of the performance of other public bodies **including the National Health Service ( with the agreement of Essex County Council) and of the community safety responsibilities of the Police and Crime Commissioner** 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-OPTees

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.

**3. The Chairman of the Committee must have experience and understanding of the Overview and scrutiny system.**

## 9. WORK PROGRAMME

### Responsibilities

1. The Overview and Scrutiny Committee shall approve an Overview and Scrutiny Work Programme. **This programme will be co-ordinated and prepared in draft by the Overview & Scrutiny Agenda Planning Group or equivalent body in consultation with the Chairman of the Committee.**
2. **The programme shall be compiled over the period February to May each year, with allowance made in the timetable for preparing the programme for the electoral period. A draft programme will be submitted to the first Overview and Scrutiny Committee meeting of each Council year for approval.**

### 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 Council Bulletin **and from the public including via the Council's website;**

- (b) invite the Leader of the Council and other Portfolio Holders **to attend the first meeting of each Council year to present the forward plan for the Cabinet for the following year in respect of the Council's executive functions, to answer questions on that plan and to indicate where appropriate work on the Cabinet's behalf which could be undertaken by Overview & Scrutiny;**
- (c) arrange for the Leader of the Council and other Portfolio Holders **to attend a further meeting six months after the first meeting of the council year to provide a progress report on the forward plan 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;
- (g) consider external organisations to be scrutinised during the year in question.**

### **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 twelve months' duration. The programme shall be reviewed after six months.
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 Corporate Plan , the Forward Plan and other appropriate corporate information;
  - (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.

**5. The Overview and Scrutiny Committee or relevant Scrutiny Panel shall receive a verbal report from the relevant portfolio holder after three months from completion of any completed scrutiny study indicating whether recommendations from that study have been agreed or modified. After six months the Portfolio Holder will give a report to the Committee or Panel on Progress with implementation of those recommendations.**

## 12. SCRUTINY PANELS - PROCEDURAL REQUIREMENTS

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

2. 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 Scrutiny Panels and shall review whether they should continue in being before the end of each Council year.

4. 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 **through the Panel Chairman to meetings** of 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;
- (k) extend a standing invitation to relevant portfolio holder(s) to attend panel meetings to answer questions and provide information on any matters affecting their portfolios which are under consideration; and**
- (l) hear questions and presentations by members of the public or external organisations which are relevant to the work of the Panel concerned.**

5. Any member of the Council may be a member of a 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 Scrutiny Panel and be notified of the publication of the agenda.

7. The provisions of Operational Standing Order 14 shall apply to these 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 **through the Panel Chairman at each meeting of** 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;

**(k) extend a standing invitation to relevant portfolio holder(s) to attend Panel meetings to answer questions and provide information on any matters affecting their portfolios which are under consideration; and**

**(l) hear questions and presentations by members of the public or external organisations which are relevant to the work of the Panel concerned.**

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, a Director or Assistant Director 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 18 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 ask a question or address the Overview and Scrutiny Committee, or **any Scrutiny Panel** 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) the request to ask a relevant question or address the Committee or a Panel shall only be allowed once and the same question or address may not be repeated subsequently at another scrutiny body in that Council year;**
  - (iv) requests accompanied by proposals to circulate written material must be received **five clear 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 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;
  - (e) **questions or requests by members of the public to address the Committee on any agenda item provided that these are relevant to the Council or the District and have not been dealt with at a previous meeting of the Committee or of any Scrutiny Panel**
  - (f) 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 **Lead Signatory to the calling in of the decision** shall describe their concerns;

(b) **the Portfolio holder responds;**

- (c) **the four remaining signatories shall then speak in support of the “Call in”;**

**(NB if there are more than 5 signatories, the only the lead member and the following 4 Councillors on the call in notification shall be called to speak. Any other Councillor whose name appears on the call in notification shall be able to speak during the general debate on the item – see (d) below.)**

- (d) **the Portfolio holder responds;**

- (e) the Overview and Scrutiny Committee or delegated Panel will then debate the issues involved;

- (f) **the Lead signatory will then have an opportunity to respond to the debate;**

- (g) **the portfolio holder shall then have an opportunity to respond to the debate**

(NB. 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.)

- (h) **following the debate,** the Overview and Scrutiny Committee or 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.

(f) 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;

(g) 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;

(h) 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

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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;

(i) 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;

(j) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee or delegated Panel shall be reported to the Decision Taker

(k) 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

(l) 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.

(m) 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. Withdrawal or Modification of a "Call In"**

**8.1 A valid "Call in" may be withdrawn at any time by the Lead signatory.**

**8.2 The lead signatory to a validated "Call In" or the relevant Portfolio Holder may request a meeting with the Chairman of the Committee prior to the "Call in" being considered by the Committee in order to discuss the following:**

(a) **the management of the "Call in" debate at the Committee meeting concerned;**

(b) **the possibility of reaching agreement on removing any objections to the decision in question which are raised in the call in request; and**

(c) **the withdrawal of a "Call in".**

**8.3 Where the lead signatory agrees to withdraw or modify a "Call in", the Councillor concerned shall notify his fellow signatories as soon as practicable and the circumstances shall be reported to the Overview & Scrutiny Committee.**

**8.4 If a "Call in" is withdrawn, the circumstances will be notified to all members of the Council via the Council Bulletin.**

**8.5 In cases where a Portfolio Holder has agreed to modify a decision, he or she shall issue a revised decision notice or refer the proposal back to the Cabinet, if the latter made the original decision.**

## **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.

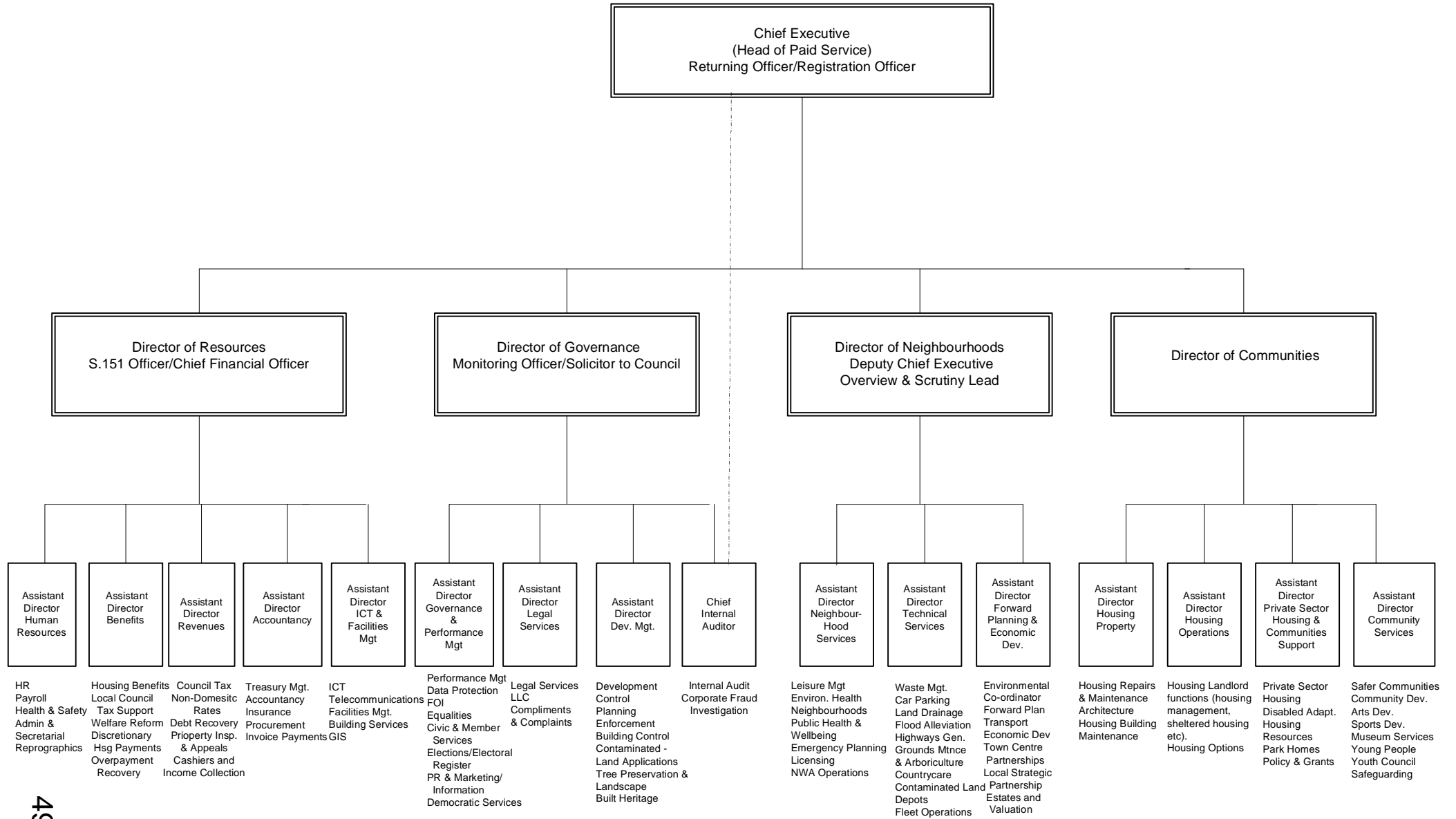
**(c) "Decision Taker"**

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.





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## TABLE OF FARES FOR HACKNEY CARRIAGES FROM

**Rates 1, 2 and 3** apply to all vehicles carrying 4 or less passengers.

For vehicles licensed to carry between 5 and 8 passengers, when carrying 5 or more passengers substitute Rates 2,3 & 4, for Rates 1,2 & 3. Rate 4 only to be used by vehicles carrying 6/8 passengers on public holidays

	Fare up to 1760 yds (1609m) part thereof 400 seconds	Each additional unit of 176 yds (160.9m) or part thereof or period of 40 seconds
<p style="text-align: center;"><b>Rate 1</b></p> For hiring begun between 6.00am and 10.00pm Monday to Saturday inclusive	£3.50	£0.20
<p style="text-align: center;"><b>Rate 2</b></p> For hiring begun between 10.00pm and 6.00am Monday to Friday inclusive and from 10.00pm on Saturday to 6.00am on Monday and all day on Bank Holidays	£3.70	£0.30
<p style="text-align: center;"><b>Rate 3</b></p> For hiring on Christmas Day, Boxing Day, New Year's Day and after 6.00pm on Christmas Eve and New Year's Eve	£4.10	£0.40
<p style="text-align: center;"><b>Rate 4</b></p> For Hiring on Christmas day, Boxing Day, New Years Day and after 6.00pm on Christmas Eve and New years Eve	£5.50	£0.50

**Assistance Dogs** – No Charge

All other dogs, carried at driver's discretion – No Charge

**Fouling of the vehicle** at the discretion of the driver, up to £70.00

These fares do not include any 'toll or congestion' charge.

All fares are inclusive of VAT

Airport bookings, West End & out of area bookings to be agreed by the operator and passenger before the journey commences.

**Complaints should be made to the Taxi Licensing Officer (01992 564034)**

**Quoting the vehicle registration mark/licence number or the driver's badge number.**

### Summary of above charges

Rate 1	Up to 4 passengers, minimum daytime fare is £3.50 for up to 1 mile, thereafter charged at a rate of £2.00 per mile in 20p increments. Waiting time is £18 per hour, in 20p increments
Rate 2	Rate 2 can be used as a night/Sunday rate – or – if a multi-seater vehicle carrying in excess of 4 passengers during daytime
Rate 3	Double fare commonly used at Christmas/New Year holiday period or when a multi-seater vehicle carrying in excess of 4/6 passengers during night time/Sunday hour.

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