

Report to: Overview and Scrutiny (Services)

Date of Meeting: 16 November 2015

Report Title: Task and Finish Group to Review Scrutiny functions, process, and potential streamlining

Report By: Jane Hartnell
Director of Corporate Services

Purpose of Report

To put forward the recommendations made by the scrutiny task and finish group tasked with reviewing existing scrutiny arrangements.

Recommendation(s)

- 1. That both scrutiny committees endorse the recommendations set out in the report.**

Reasons for Recommendations

To ensure that scrutiny review and refresh existing arrangements in line with broader transformation efforts underway within HBC.

Introduction

1. The Annual Joint Meeting of the Overview and Scrutiny Committees in June 2015 agreed an ambitious work programme for 2015/16 that has an underlying emphasis on organisational transformation.
2. Part of this work programme sought to establish a task and finish group to specifically look at how the existing scrutiny functions and processes could be enhanced and future proofed in line with broader organisational transformation.
3. The members of the task and finish group were:

Cllr Mike Edwards

Cllr Mike Howard (Chair)

Cllr Peter Pragnell

Cllr Trevor Webb
4. The group have used tools including SWOT analysis and desktop research to critically consider existing HBC practice, review good practice elsewhere and arrive at recommendations for improvement that conclude this report.

Existing Scrutiny Role and Function

5. The principal role and function of the council's scrutiny committees are to monitor progress against the targets set out in the council's corporate plan and act as a critical friend to Cabinet decision making by identifying potential areas for improvement and exploring options to develop council services.
6. Currently there are two scrutiny committees that reflect the political balance of the council.
7. The resources committee is responsible for monitoring performance across the corporate resources directorate, which is responsible for the organisational services within the council. The services committee is responsible for monitoring performance across the council's out-facing departments.
8. The terms of reference of overview and scrutiny committees are agreed each year at Annual Council.
9. Resources and services committees meet quarterly and are open to the public. Full details of membership and meetings papers are available here:

<http://hastings.moderngov.co.uk/mgListCommittees.aspx?bcr=1>
10. In addition to their performance monitoring roles, both overview and scrutiny committees may receive updates on specific issues affecting the council or local people and services. Often, these updates are opened up for members of both overview and scrutiny committees to attend the meeting.

11. Each year, overview and scrutiny members set their own work programme of activities. This includes a programme of reviews, which members use to carry out in-depth analysis of a particular subject.
12. In recent years, overview and scrutiny reviews have often focused on services delivered by external providers, such as education, highways and health.
13. Overview and scrutiny reviews also provide members with an opportunity to meet with key stakeholders in an informal setting, to assist them in developing their knowledge of a topic in more detail than would be possible within the formal committee structure. The reviews also enable new members to develop their understanding of the overview and scrutiny function.
14. In recent years the Scrutiny Steering Group (SSG) has been established. The meetings, which are open for members of both committees to attend, are traditionally chaired by either the services or resources chair.
15. SSG meets quarterly to plan and monitor progress against the annual scrutiny work programme, it has also subsumed what was previously the meeting of chairs and vice chairs assuming a coordinating role for scrutiny activities and setting the agendas for quarterly committee meetings.
16. The SSG does not feature in those parts of the council's [constitution](#) that make specific reference to Overview and Scrutiny.
17. The constitution sets out general and specific roles and procedural rules for the council's overview and scrutiny committees. These have been extracted and are included at appendix A.
18. Chairs and vice chairs of resources and services are awarded a special responsibility allowance relative to these roles. There is no allowance for wider scrutiny membership.

Scrutiny elsewhere and examples of good practice

19. All other district and borough authorities throughout East Sussex have adopted a single overview and scrutiny committee.
20. The task and finish group considered example overview and scrutiny functions from areas with a similar demographic to Hastings. Many, including Thanet District Council, have opted to adopt a single overview and scrutiny committee.
21. Other authorities, including Blackpool Council and Tendring District Council, group their overview and scrutiny function around specific activities, for example tourism, economy and resources. However, this structure may mean that it is difficult to determine what activities fall within the remit of each committee
22. Good practice guidance highlights the importance of raising awareness of the role of overview and scrutiny amongst non-overview and scrutiny members. This would support a wider ambition for overview and scrutiny to align its work programme more closely with the council's corporate priorities, whilst ensuring that it remained a-political in its approach.

23. A number of authorities have established a central committee to co-ordinate overview and scrutiny activities. Members of the task and finish group were keen that SSG should continue to perform this role, and seek to engage all overview and scrutiny members in planning the work programme.
24. In the past, authorities have been encouraged to engage with external partners proactively through their overview and scrutiny function. Members noted that this had been achieved through previous overview and scrutiny work programmes.
25. The task and finish group have also reviewed the training requirements for overview and scrutiny members. Training is currently undertaken as part of the member induction programme, with refresher sessions held each year.
26. Members are keen that the training sessions should provide an opportunity for experienced overview and scrutiny members to share their knowledge with new members.

Strengths

27. Overview and scrutiny at HBC currently benefits from a range of long standing and experienced members and scrutineers that have assumed a variety of councillor roles ranging from leadership, cabinet roles and experience across a range of HBC and ESCC committees and partnerships. This is coupled with newer members that bring a wealth of experiences and new ideas to scrutiny.
28. SSG meetings benefit from being well attended and draw on the input of scrutiny members from across both the scrutiny committees.
29. Overview and scrutiny continues to undertake a full and varied work programme and has consistently completed scrutiny reviews to time, cost and quality.
30. Overview and scrutiny meetings and reviews continue to be well supported by senior management within HBC most recently evidenced by the lead officer reviews taken on by the council's directors as part of the 2015/16 scrutiny programme.

Weaknesses

31. Overview and scrutiny members vary in terms of the commitment and efforts they are willing to make.
32. The upshot of differing degrees of commitment can result in over reliance on particular members for input and involvement in scrutiny business that on occasion can result in the proliferation of particular views as the views of scrutiny per se.
33. This can also potentially disenfranchise less involved and less experienced scrutiny members.
34. Furthermore there is the view that given that chairs and vice chairs receive a responsibility allowance for these roles then their input and involvement should reflect this.

35. Overview and scrutiny has sometimes been deemed as the poor relation to or training ground for Cabinet and sometimes envisaged as where you start or finish your political career.
36. Such views have been reinforced by a traditional imbalance of knowledge between scrutiny and the executive.
37. Overview and scrutiny often has to play catch up to develop similar understanding of services areas as their portfolio holder colleagues on Cabinet and subsequently scrutiny activity often initially focuses on 'updates' before 'scrutiny' is possible.
38. This is further exacerbated by an over emphasis on scrutiny's performance management and monitoring role to the detriment of scrutiny involvement in policy planning and development (beyond scrutiny reviews).
39. The traditional focus of each of the scrutiny committees - 'resources' with a focus on internal/corporate/support services and 'services' with a focus on outward facing place shaping activity - is increasingly at odds with a 'one council' approach.
40. Performance information received by overview and scrutiny is disjointed across the two committees resulting in scrutiny members having a partial rather than a holistic view of council activity.
41. There is an absence of financial information by service area or by target in the performance information received at quarterly scrutiny meetings.
42. There has been an absence of an overview of projected activities, associated spending and resources relative to corporate plan targets across the quarters, making it challenging for scrutiny members to keep track of performance.
43. Under the present structure of two committees, there has also been some difficulty in determining what activities fall within the remit of each committee.

Threats

44. That overview and scrutiny members are unduly antagonistic to staff or partner service providers, distracting them from their day jobs or stifling partnership and innovation.
45. That overview and scrutiny isn't fully informed in a timely manner or hasn't the full picture to be able to effectively scrutinise.
46. That the relationship between overview and scrutiny and Cabinet, senior officers and wider staff are less than positive.
47. That overview and scrutiny is over ambitious and does not have the time capacity, resources and support to function effectively.
48. That HBC scrutiny duplicates county council scrutiny functions or is uninformed about other scrutiny or quality assurance arrangements in place by associated partner providers.

Opportunities

49. To move from two to one committee thereby reducing associated administrative arrangements and enable scrutiny members to take a more holistic perspective, and consider both organisational and outward-facing service information in parallel.
50. A single overview and scrutiny committee would also allow members to share their knowledge and expertise and optimise the officer support available. It also develops earlier examples of good practice, when members remained as one committee to receive updates.
51. To enhance the relationship between scrutiny and Cabinet by narrowing the knowledge gap between each where possible and appropriate.
52. To reconsider special allowances for chairs and vice chairs in the context of a possible move to one committee.
53. To review how such special allowances can be reassigned to reflect the roles of chairing scrutiny reviews and task and finish groups.
54. To familiarise overview and scrutiny with those tools assisting organisational planning, doing and reviewing so that where appropriate, overview and scrutiny are not the passive recipients of performance results and instead can engage constructively in planning and shaping council activity.
55. To provide overview and scrutiny with better quality performance information.
56. To better coordinate with county or neighbouring scrutiny committees on area wide issues.

Recommendations

57. The following recommendations include those that are specific to HBC overview and scrutiny, those that require organisational change to support potential overview and scrutiny changes and improvement, concluding with recommendations on how to take this work forward.

Overview and Scrutiny changes

58. It is recommended that the Overview and Scrutiny Committees for Resources and Services are merged from two to one committee following the May 2016 local elections.
59. It is recommended that the task and finish group be re-convened, once the initial recommendations have been considered by both overview and scrutiny committees, to make specific recommendations on the format of the new structure.
60. It is recommended that the allowances of the chairs and vice chairs forgone through the reduction to one scrutiny committee be redistributed to reflect the chairing of scrutiny review meetings, sub groups and any associated task and

finish groups. This matter will be considered by the re-convened task and finish group.

61. It is recommended that conclusions of this group be completed by end of December 2015 and approved at the joined scrutiny meeting in late January 2016. This should then allow time for subsequent amendments, passage through the council's approvals process (WAG and or Cabinet) and associated potential constitutional amendments and working arrangements in advance of full implementation when new members of the scrutiny committee are nominated following the May 2016 local elections.

Organisational supporting changes

62. It is recommended that performance information provided to scrutiny continues to be improved so that members can view for key corporate plan targets: performance status and projected activity covering identification and mitigation of associated risks; and crucially, associated financial information - costs, resource implications and projected spend.
63. It is recommended that suggested improvements to performance information continue to be tested and refined during 2015/16 with a view to implementing associated changes from quarter one 2016/17.
64. Members have already begun to consider performance information on an exceptions basis, and this will need to continue as the volume of performance monitoring information submitted to a combined committee will increase.
65. It is recommended that lead members and supporting officers consider the performance information requested in paragraph 62 as part of their planning and drafting of 2016/17 targets.
66. The task and finish group were also keen to raise awareness of overview and scrutiny activities, and it is recommended that an update on the work programme for each year is included periodically in the members bulletin.

Progressing recommendations

67. Following overview and scrutiny approval of these recommendations at the quarter two scheduled meetings, the re-convened task and finish group will make specific recommendations on redistribution of the chair and vice chairs allowance, size (retaining political balance) of one new joined committee, and associated expectations in terms of commitment to reviews and other scrutiny work.
68. The task and finish group will also consider and make recommendations to raise the profile of overview and scrutiny more widely within the organisation.
69. The recommendations of the task and finish group on the new structure will then be forwarded to the Working Arrangements Group, together with a report by the Chief Legal Officer on the associated constitutional changes.
70. In line with good practice from previous overview and scrutiny reviews, Cabinet will receive a management response to the task and finish group's

recommendations and the outcome of the Working Arrangements Group meeting.

71. The proposed move from two to one scrutiny committees, and associated recommendations, will then take effect from quarter one 2016/17.

Wards Affected

None

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	No
Anti-Poverty	No

Additional Information

Appendix A - extract from the council's constitution

Officer to Contact

Officer Name Mark Horan
Officer Email Address mhoran@hastings.gov.uk
Officer Telephone Number (01424) 451485

Appendix A

General role

6.2 Within their terms of reference, overview and scrutiny committees will:

- a. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- b. make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;

- c. consider any matter affecting the area or its inhabitants; and
- d. exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.
- e. exercise such other functions as shall be allocated to them from time to time by statute or subordinate legislation.

Specific functions

6.3a Policy development and review

Overview and scrutiny committees may:

- i. assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii. conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii. advise the Cabinet on mechanisms to encourage and enhance community participation in the development of policy options;
- iv. question members of the Cabinet and Chief Officers about their views on issues and proposals affecting the area; and
- v. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

b. Scrutiny

Overview and scrutiny committees may:

- i. review and scrutinise the decisions made by and the performance of the Cabinet and council officers both in relation to individual decisions and over time;
- ii. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii. question members of the Cabinet and Chief 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;
- iv. make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- v. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
- vi. question and gather evidence from any person (with their consent).

c. Finance

The Cabinet is required to meet reasonable requests for funding from Overview and Scrutiny Committees. Funding should be used for specific activities in support of the functions outlined in the Terms of Reference under 6.1. If the Cabinet refuses funding then the Overview and Scrutiny Committee can ask the Full Council to determine whether or not the funding should be granted.

d. Officers

Officer support for Scrutiny Project Groups will be arranged by Chief Officers. Other Officer support for the overview and scrutiny function will be arranged by the Scrutiny and Democratic Services Manager.

Proceedings of Overview and Scrutiny Committees

6.4 Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

29. Overview and Scrutiny Procedure Rules

Arrangements for Overview and Scrutiny Committees

Overview and Scrutiny Committees

29.1a The Council will have two Overview and Scrutiny Committees: Resources Overview and Scrutiny Committee and Services Overview and Scrutiny Committee. They will perform all overview and scrutiny functions on behalf of the Council.

b. The terms of reference of the Overview and Scrutiny Committees will be:

- i. the performance of all overview and scrutiny functions on behalf of the Council relating to the service areas specified in Article 6 (The Constitution, Part 2);
- ii. To agree an annual overview and scrutiny work programme for that Overview and Scrutiny Committee,
- iii. To ensure that referrals from overview and scrutiny to the Cabinet, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in this Constitution;
- iv. in the event of reports to the Cabinet exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made.
- v. To receive requests from the Cabinet and/or the full Council for reports from Overview and Scrutiny Committee.

vi. To call in decisions of the Cabinet, made but not implemented, where those decisions are within the scope of the Terms of Reference of that particular Overview and Scrutiny Committee.

vii. To review the performance of the Council's departments in delivering services which are relevant to the work of that Overview and Scrutiny Committee.

viii. To consider Scrutiny Reviews and make recommendations to the Cabinet and/or Council

ix. To appoint elected Members to the Review Groups.

x. Services Overview and Scrutiny Committee is the Council's crime and disorder committee for the purposes of Section 19 Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

xi. Both committees to exercise their functions in relation to the Charity Committee, a committee of the Cabinet.

Membership of Overview and Scrutiny Committees

29.2 There will be seven members on each of the two Overview and Scrutiny Committees. All councillors except members of the Cabinet, the Mayor and Deputy Mayor may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

All members appointed to Overview and Scrutiny must commit to be trained in order to perform the specialist role required.

Co-optees

29.3 Each Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

The Hastings and St Leonards Museum Association may appoint persons who are for the time being members of the Association to attend any meeting of an Overview and Scrutiny Committee at which the management of the Hastings Museum Collection is the subject of consideration. These members will be entitled to vote and to speak at the meeting on any question relating to the management of the Collection. The number appointed may be up to 40% of the size of the original Overview and Scrutiny Committee. (These members may not speak, other than at the invitation of the committee chair, or vote on any question other than one relating to the management of the Collection). Attendance by members of the Association at the Overview and Scrutiny Committee will not affect the continuing role of the Museums Committee. (Reference: Statutory Instrument 2000 No. 2853)

Meetings of the Overview and Scrutiny Committees

29.4 There shall be four formal regular public meetings of each Overview and Scrutiny Committee in each year.

There will also be up to five reserve dates for each committee in each year. These reserve dates are for work on policy development discussions, service reviews and training. If required, any of these reserve dates may be used as formal public meetings to deal with the call-in of a Cabinet decision under Rule 26.15 of this part of the constitution.

The decision to use a reserve date as a formal meeting must be taken by the Chair of the Overview and Scrutiny Committee, or by request from any three members of the committee or by the Chief Legal Officer if he/she considers it necessary.

Quorum

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

The Chair of Overview and Scrutiny Committee meetings

29.6 The Council will appoint the Chairs and Vice Chairs of the Overview and Scrutiny Committees. Chairs and Vice Chairs may be minority party members. The rules of political balance will apply to these posts.

Work programme

29.7 Shortly after Annual Council there will be an annual public joint meeting of the two Overview and Scrutiny Committees to set a work programme for the overview and scrutiny function for the municipal year and to review the results of the previous year's work programme.

The Overview and Scrutiny Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

Agenda items

29.8 Any member of an Overview and Scrutiny Committee or sub-committee shall be entitled to give notice to the Chief Legal 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 Chief Legal Officer will ensure that it is included on the next available agenda.

The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if they consider it appropriate, the Cabinet, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committees shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee at the next available meeting.

The Chair of a Best Value Project Group can refer that Best Value Review back to the Overview and Scrutiny Committee for further consideration at any point in the Review.

Policy review and development

29.9a The role of the Overview and Scrutiny Committees 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.

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

c. Overview and Scrutiny Committees 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. The Cabinet is required to meet reasonable requests for funding. Funding should be used for specific activities in support of the functions outlined in the Terms of reference for each Overview and Scrutiny Committee.

Reports from Overview and Scrutiny Committees

29.10a Once it has formed recommendations on proposals, the Overview and Scrutiny Committee will prepare a formal report and submit it for consideration by the Cabinet if it is a Cabinet matter. If it is a matter for Council then the Cabinet will be invited to comment before the report goes before the Council.

b. If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

c. Where the final outcome of a Best Value Review is reported to the Overview and Scrutiny Committee, the Director of that service may produce an Officer response for consideration by Members.

d. The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee at the next available meeting.

Forward Plan

29.11 Overview and Scrutiny Committees will have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation.

Rights of Overview and Scrutiny Committee members to documents

29.12a In addition to their rights as councillors, members of Overview and Scrutiny Committees 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.

b. Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

Members and Officers giving account

29.13a Any Overview and Scrutiny Committee 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 or one or more of the Directors to attend before it to explain in relation to matters within their remit:

- i. any particular decision or series of decisions;
- ii. the extent to which the actions taken implement Council policy; and/or
- iii. their performance

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

b. Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the chair of that committee will inform the Chief Legal Officer. The Chief Legal Officer shall inform the member or officer in writing giving at least five 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 report.

c. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee, shall in consultation with the member or officer, arrange an alternative date for attendance or for an alternative officer to attend.

Attendance by others

29.14 An Overview and Scrutiny Committee may invite people other than those people referred to in Rule 29.13 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. Attendance cannot be made compulsory.

At each programmed meeting of the Overview and Scrutiny Committees, the appropriate Cabinet Members may be questioned by members of that Committee on key issues and respond to questions on those issues. If any members of that Committee wish to question a Cabinet Member on a particular issue, it may be helpful to provide the question in advance.

For the purposes of completing service reviews and policy development, any member may be invited by the Chair of the Overview and Scrutiny to participate, although all decisions and reports will be the responsibility of the members appointed to the Overview and Scrutiny Committees by Annual Council.

Call-in

29.15 Call-in should only be used in exceptional circumstances.

a. When a decision is made by the Cabinet, a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. Members of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale.

b. 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 three working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in.

c. During that period, the Chief Legal Officer shall call-in a decision for scrutiny by the committee if so requested by the chair or any two members of the relevant committee, and shall then notify the decision-taker of the call-in. The meeting will be held within eight working days, where possible after consultation with the chair of the committee.

d. If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Cabinet for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. On receipt of the response from the Overview and Scrutiny Committee the Cabinet or Council may decide to proceed with the original decision or make an amended decision.

e. If, following an objection to the decision, the Overview and Scrutiny Committee does not meet within eight working days of the decision to call-in or does meet but does not refer the matter back to the Cabinet, the decision shall take effect on the expiry of the period, or the date of the overview and scrutiny meeting, whichever is the earlier.

f. 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 locus to make decisions in respect of Cabinet 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 Cabinet, together with the Council's views on the decision. The Cabinet shall choose whether to amend the decision or not before reaching a final decision and implementing it.

g. If the Council does not meet, or if it does but does not refer the decision back to the Cabinet, 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.

Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, a written request signed by the Chair or any two members of the relevant Overview and Scrutiny

Committee is needed for a decision to be called in. The notice shall specify which part or parts of the decision is/are called in and the reason why it/they should be referred to the committee for consideration.

Call-In and Urgency

h. The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. 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 Party Whip

29.16 The Party Whip is defined here as any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner. Government guidance says that the party whip should not apply on Overview and Scrutiny Committee.

Procedure at Overview and Scrutiny Committee meetings

29.17a Overview and Scrutiny Committees shall consider the following business:

- i. minutes of the last meeting;
- ii. declarations of interest (including whipping declarations);
- iii. consideration of any matter referred to the committee for a decision in relation to call in of a decision;
- iv. responses of the Cabinet to reports of the Overview and Scrutiny Committee;
- v. the business otherwise set out on the agenda for the meeting.

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

- i. 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;
- ii. that those assisting the committee by giving evidence be treated with respect and courtesy; and
- iii. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

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

Matters within the remit of more than one Overview and Scrutiny

29.18 Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, before submitting its findings to the Cabinet and/or Council for consideration, the report of the reviewing Overview and Scrutiny Committee shall be considered by the other Overview and Scrutiny Committee for comment. Those comments shall be incorporated into the report which is then sent to the appropriate body for consideration. If appropriate the Overview and Scrutiny Committee conducting the review may invite the chair of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed. One or more Overview and Scrutiny Committees may have joint meetings.

Councillor Call for Action (CCFA)

29.19 Ward councillors have the power to request a debate and discussion at an Overview and Scrutiny Committee on the subject of neighbourhood concern. The powers are limited to single issues affecting the councillor's ward and are there as a longstop when all other attempts at a resolution have failed. The matter must be a local government matter for which the Overview and Scrutiny Committee has a responsibility, relate to the councillor's ward and not be excluded.

Excluded matters are:

- a. matters relating to a planning or licensing decision;
- b. a matter relating to an individual or entity in respect of which that individual or entity has recourse to a right of appeal conferred by legislation;
- c. any matter which is vexatious, discriminatory or unreasonable.

29.20 The process for the consideration of requests is that the ward councillor submits the request on a pro-forma to the Scrutiny and Democratic Services Manager. On the pro-forma application the ward member specifies the exact nature of the issue, what steps have already been taken to resolve it, how the Overview and Scrutiny Committee can assist and what a successful resolution might be. Relevant officers would be requested to comment before consideration of the request by the Chairs and Vice-Chairs Steering Sub-Committee, a joint Sub-Committee of the Overview and Scrutiny Committees. The Sub-Committee would consider whether the matter was appropriate for reference to the relevant Overview and Scrutiny Committee, having regard to the criteria and exclusions set out in rule 29.19. Where it is decided not to be appropriate to refer the matter to the Committee, the Sub-Committee's reasons for refusal shall be provided in writing.

29.21 At a meeting of the Overview and Scrutiny Committee to consider the matter, the ward member is entitled to address the Committee to present the call for action.

Relevant Lead members, officers and partner organisations, where appropriate, will be invited to attend and contribute. The Committee will explore the potential options for resolution and decide on their recommendation for certain action. The Committee might consider any delegated decision making powers the ward member may have and representations from the ward member on why it would be appropriate for the Committee to exercise its powers as Overview and Scrutiny Committee. The Committee will direct its recommendation to the Cabinet or the relevant committee of the Council, or Head of Service where there is a delegation to officers. The Cabinet, committee or Head of Service, in question, is required to report back to the Overview and Scrutiny Committee on actions taken as a result of the reference or the reasons for not taking action.

29.22 Crime and disorder matters are the responsibility of the Overview and Scrutiny Committee for Services. This Committee receives requests for consideration of a crime and disorder matter, including anti-social behaviour and the misuse of drugs, alcohol and other substances, affecting a member's ward. The request is processed in the same way as a request under the councillor call for action procedure described above.

29.23 When the Overview and Scrutiny Committee for Services consider whether or not to make a report to the Cabinet or to the Council in relation to the matter, they may have regard to any decision making powers delegated to the ward member and the representations made by the ward member as to why the Committee should exercise its power to report to Cabinet or the Council. If it decides not to take any action, the Committee shall notify the member of its decision and the reasons for the decision.

29.24 Where the Committee makes recommendations to the Council it must provide a copy of the report to:

- a. the member who referred the matter; and
- b. such of the responsible authorities and co-operating persons and bodies as it shall think appropriate.

When notifying those authorities, persons or bodies of the report recommendations the Committee shall inform them that they are required:

- a. to consider the report and recommendations;
- b. respond indicating what action is proposed; and
- c. have regard to the report or recommendations in exercising their functions.