

OVERVIEW AND SCRUTINY PEER REVIEW TASK AND FINISH GROUP

WEDNESDAY 7 MARCH 2018

6.00 PM

**MEETING ROOM 1.04
CIVIC OFFICES
CENTRAL MILTON KEYNES**

A G E N D A

www.milton-keynes.gov.uk/scrutiny

Councillors: Morris (Chair) Alexander, Brackenbury, A Geary, Miles and Petchey

For more information about the meeting please contact Simon Heap by telephone: (01908) 252567 or e-mail: simon.heap@milton-keynes.gov.uk

What is Overview and Scrutiny?

Each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements.

Each scrutiny committee has its own remit as set out in its terms of reference but they each meet to consider issues of local importance.

They have a number of key roles:

1. Providing a critical friend challenge to policy makers and decision makers
2. Enabling the voice and concerns of the public
3. Driving improvement in public services.

The committees consider issues by receiving information from and questioning officers and external partners to develop an understanding of proposals or practices. They then develop recommendations to provide to officers, councillors or external partners that they believe will improve performance, or as a response to public consultations.

As scrutiny committees have no executive powers they often present their conclusions in the form of recommendations that can be provided to the Council's Cabinet, elected councillors or other external agencies. Committees will often request a formal response and progress report on the implementation of recommendations that they have made to various parties.

Attending Meetings of Scrutiny Committees

Meetings of the committees are held in public and are open for everyone to attend. If you would like to attend then please just turn up, but if you can then let us know you are attending in advance of the meeting and whether or not you would like to make a representation to the committee on behalf of yourself or others. There are contact details on the front of each agenda

If there are specific issues that the meeting must consider in private then they will be asked to consider this at the meeting.

After the meeting the recommendations and Minutes of the meeting, as well as agendas and reports for the majority of the Council's public meetings are available via the Council's website at: <http://milton-keynes.cmis.uk.com/milton-keynes/>.

The Overview and Scrutiny process aims to promote the five themes and priorities set out in the Milton Keynes Council Corporate Plan

The Corporate Plan and framework sets out the vision for Milton Keynes. It captures what type of place Milton Keynes aspires to be for all those who live, work, learn and visit here. The plan sets out ambitious new objectives for Milton Keynes including achieving world class status for its design, new approaches and technologies and as a sporting city.

It has five key themes which help communicate all the work the Council does on behalf of the residents of the borough.

The five themes are:

Cleaner, greener, safer, healthier MK:

Improve health and well-being, reduce health inequalities and work with partners to reduce crime and disorder to improve quality of life in MK.

Visiting MK:

Aim to make Milton Keynes a highly regarded visitor destination with a safe and effective transport system which is easily accessible regionally, nationally and internationally.

Working in MK:

To improve the skills and opportunities of everyone in Milton Keynes and help jobseekers into work, while attracting and retaining businesses to provide new opportunities and to bring people, jobs and industries to MK to improve the strength and resilience of the local economy.

Living in MK:

Ensuring people are satisfied with Milton Keynes as a place to live, and to support them effectively through the provision of high quality and efficient public services.

World Class MK:

Our ambition is to increase the international and national standing of Milton Keynes in several areas including our economic success, thriving communities and a high quality environment.

General Terms of Reference for Overview and Scrutiny Committees / Panels

Subject to the direction of the Scrutiny Management Committee relating to work programmes and the allocation of resources:

1. To review or scrutinise any decision made, or other action taken, in connection with the discharge of any of the Executive Functions within the remit of the Committee.
2. To make reports or recommendations to the Council or to the Cabinet with respect to the discharge of any of the Executive Functions within the remit of the Committee.
3. To review or scrutinise any decision made, or other action taken, in connection with the discharge of any of the Non-executive Functions within the remit of the Committee.
4. To make reports or recommendations to the Council or any Committee of the Council with respect to the discharge of any of the Non-executive Functions within the remit of the Committee.
5. To make reports or recommendations to the Council, to the Cabinet or to a regulatory committee on matters within the remit of the Committee which affect the Council's area or the inhabitants of the Council's area.
6. To consider any representations made in connection with the work of the Committee by a Member of the Council on behalf of her/his constituents.
7. To appoint advisers from outside the Council to advise the Committees.

Note: The Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in part 4 of the Constitution.

AGENDA

1. Apologies

2. Disclosures of Interest

Members of the Task and Finish Group to declare any disclosable pecuniary interests, or personal interests (including other pecuniary interests), they may have in the business to be transacted, and officers to disclose any interests they may have in any contract to be considered.

3. Review of Decisions Made at the Last Meeting (15 February 2018) and Review of Draft Scrutiny Structure and Terms of Reference

In light of comments from the Scrutiny Management Committee at its meeting on 28 February 2018:

- (a) To review the updated Action Plan following the Group's meeting on 27 February 2018 (Item 3[a]) (**Pages 7 to 12**).
- (b) To consider the draft scrutiny structure and Terms of Reference for the scrutiny committees, as agreed at the last meeting of the Group (Item 3[b]) (**Pages 13 to 18**). Updates to the Terms of Reference are in bold italic text.

4. Remaining Recommendation from Overview and Scrutiny Peer Review

The Task and Finish Group agreed to consider the following Peer Review recommendation, once the other recommendations had been finalised:

“Provide a briefing note for staff, public and partners on the role of scrutiny prior to participation in scrutiny activity.”

The current explanation which is available on the web pages for the individual scrutiny committees is set out on the preceding pages.

The Group may wish also to consider the levels of Special Responsibility Allowances payable to Scrutiny Chairs. The Allowances which will be payable from 1 April 2018 are:

- Chair of Scrutiny Management Committee - £7,650
- Chair of Scrutiny Committee - £4,590

5. Changes to the Constitution

The Terms of Reference for the scrutiny committees form Article 6 of the Constitution and once adopted by the Council the Constitution will be updated.

Changes to the Overview and Scrutiny Procedure Rules will be required to reflect the revised executive scrutiny arrangements and a draft showing the both those changes and changes to outdated titles is attached at Item 5 (**Pages 19 to 26**). Updates to the Terms of Reference are in bold italic text.

6. Dates for Future Meetings of the Group

To consider a date for the Group's next meeting, should one be necessary.

Health and Safety

Please take a few moments to familiarise yourself with the nearest available fire exit, indicated by the fire evacuation signs. In the event of an alarm sounding during the meeting you must evacuate the building immediately and follow all instructions provided by the fire evacuation officer who will identify him/herself should the alarm sound. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

Mobile Phones

Please ensure that your mobile phone is switched to silent or is switched off completely during the meeting.

Agenda

Agendas and reports for the majority of the Council's public meetings can be accessed via the Internet at: <http://milton-keynes.cmis.uk.com/milton-keynes/> Wi Fi access is available in the Council's meeting rooms.

Users of Windows 7 and above can simply click the link to any documents you wish to see. Users of Windows XP will need to right click on the link and select 'open in browser'.

Recording of Meetings

The proceedings at this meeting may be recorded for the purpose of preparing the minutes of the meeting.

In accordance with the Openness of Local Government Bodies Regulations 2014, you can film, photograph, record or use social media at any Council meetings that are open to the public. If you are reporting the proceedings, please respect other members of the public at the meeting who do not want to be filmed. You should also not conduct the reporting so that it disrupts the good order and conduct of the meeting. While you do not need permission, you can contact the Council's staff in advance of the meeting to discuss facilities for reporting the proceedings and a contact is included on the front of the agenda, or you can liaise with staff at the meeting.

Guidance from the Department for Communities and local government can be viewed at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf

Comments, Complaints and Compliments

Milton Keynes Council welcomes comments, complaints and compliments from members of the public in order to make its services as efficient and effective as possible. We would appreciate any suggestions regarding the usefulness of the w

Please e-mail your comments to meetings@milton-keynes.gov.uk

If you require a response please leave contact details, ideally including an e-mail address. A formal complaints / compliments form is available online at <http://www.milton-keynes.gov.uk/complaints/>

SCRUTINY PEER REVIEW ACTION PLAN
RECOMMENDATIONS FOLLOWING MEETING HELD ON 15 FEBRUARY 2018

	Peer Review Recommendation	Note	Recommendation
Work Programme Issues			
1.	Ensure that scrutiny work programmes and activity align with the Council Plan, and allows key issues to be scrutinised as they arise		That the Scrutiny Management Committee, or its successor, agree the overall overview and scrutiny work programme at its final meeting of each Council year, taking account of the priorities in the Council Plan, the Executive Forward Plan and of Cabinet members and senior officer colleagues.
2.	Involve Cabinet members and senior officer colleagues in work programme planning		
3.	Develop a culture, shared by members and officers, which enables the effective delivery of scrutiny	Senior Officers (Service Director and above) to be appointed as 'Scrutiny Champions' to work with each scrutiny committee.	
4.	Executive Forward Plan to have a wider horizon to allow better planning of scrutiny		

Peer Review Recommendation	Note	Recommendation
Resourcing		
1. Nominate a senior officer to sponsor / champion each scrutiny committee	Senior Officers (Service Director and above) to be appointed as 'Scrutiny Champions' to work with each scrutiny committee.	That the action be supported.
2. Ensure training and development needs are met, especially for Chairs, Vice Chairs and less experienced members	A Councillor Training Steering Committee was to be re-established to develop a programme of training for councillors.	That the councillors involved in overview and scrutiny be asked to identify any training needs that would support / better enable to fulfil their role.
3. Progress webcasting of scrutiny meetings	The ability to webcast would be a 'nice to have' and is an issue for the Council wider than overview and scrutiny.	That no action be taken as part of the review of overview and scrutiny.
4. Review the Statutory Scrutiny Officer designation.	To be considered as part of Corporate Leadership Team's review of support for overview and scrutiny and the appointment of 'Scrutiny Champions'.	That a specific 'Role Specification' be developed for the Statutory Scrutiny Officer role.
5. Review roles / available resources to support overview and scrutiny	Resourcing of scrutiny was not just a matter for Democratic Services it was Council Wide and affected all service departments.	That, recognising the constraints on available resources to support overview and scrutiny, the Service Director (Legal and Democratic Services), together with CLT colleagues, be requested to review resourcing in light of the Task and Finish Group's recommendations.

Peer Review Recommendation		Note	Recommendation
Role of Scrutiny Management Committee			
1.	Ensure working arrangements between Scrutiny Management and Scrutiny Chairs are more constructive		That the Chairs of the scrutiny committees be members of the Scrutiny Management Committee.
2.	Consider the remit and composition of the Scrutiny Management Committee with a view to realising the above	To be considered as part of the options being brought forward by Councillor Brackenbury.	
3.	As part of the review of the remit for Scrutiny Management Committee to consider the Committee's role with regard to the management of Task and Finish Groups		That the revised Terms of Reference for the Scrutiny Management Committee be adopted.
4.	Use of Task and Finish Groups		

Peer Review Recommendation		Note	Recommendation
Review of Committees / Terms of Reference			
1.	Review the remit of the scrutiny committees to ensure that all major Council business is covered and understood by all	Councillor Brackenbury to bring forward a note on his suggested options to the meeting on 15 February.	That the revised Terms of Reference for the scrutiny committee be adopted
2.	Review membership of committees to balance experience and skills across all scrutiny committees	To be addressed by the Political Groups as part of their allocation of councillors to committee seats.	That the Political Groups, as part of their allocation of councillors to committee seats, seek to balance experience and skills across all scrutiny committees.
3.	Ensure shorter agendas, with fewer items to note / Committee agendas to contain no more than one or two substantive items to be scrutinised	Consideration to be given to how work is prioritised so that a range of issues are scrutinised, not just the 'big ticket' items.	That items to note on a committee's agenda should only be in exceptional circumstances. That the number of items on a committee's agenda should be limited and training for Chairs should include work prioritisation.
4.	Information items to be removed from agendas and circulated via a weekly e-bulletin		Agreed in principle, subject to other means of circulation being considered to ensure it meets councillors' needs.
5.	Provide a briefing note for staff, public and partners on the role of scrutiny prior to participation in scrutiny activity	To be considered once the Task and Finish Group has finalised its recommendations.	

Peer Review Recommendation	Note	Recommendation
<p>Review of Committees / Terms of Reference</p> <p>6. Process for tracking and reporting actions resulting from scrutiny recommendations</p>	<p>Noted recent process put in place by the Scrutiny Management Committee.</p>	<p>Specific term of reference included in Scrutiny Management Committee's terms of reference to review and monitor the decisions of the scrutiny committees and task and finish groups, including the implementation of recommendations made to Cabinet, Cabinet members and other bodies.</p>
<p>7. Scrutiny of Environment and Transport</p>	<p>To be considered as part of the options being put forward by Councillor Brackenbury (see above).</p>	<p>To be included in the Terms of Reference for the new strategic Placemaking Scrutiny Committee.</p>

Peer Review Recommendation	Note	Recommendation
Executive Scrutiny / Call-In		
1. Review current requirements for call-in – thresholds and rationale – to ensure that these remain fit for purpose	That the threshold for call-in be reviewed at the meeting on 15 February 2018, alongside the outcomes of the review of call-in arrangements previously undertaken by the Constitution Commission.	That there be no change to the call-in threshold.
2. Consider processes and ways of working for executive scrutiny to ensure that these provide for constructive challenge to decision-making, without being too resource intensive or adversarial	To be considered in light of above.	That each individual scrutiny committee becomes responsible for dealing with call-ins within their remit and the Executive Scrutiny Committee be abolished.

OVERVIEW AND SCRUTINY COMMITTEE COMMITTEES – REVISED TERMS OF REFERENCE

Scrutiny Management Committee

1. To undertake the Council's Statutory Scrutiny role in respect of 'The Councillor Call for Action'.
2. To agree and manage the work programme for the scrutiny committees appointed by the Council, ensuring that they are comprehensive, avoid duplication and reflect the priorities in the Council Plan or any other significant issues that are affecting Milton Keynes.
3. To appoint and agree the scope of the work for task and finish review groups.
4. To refer for scrutiny by the relevant scrutiny committee any topics which the Management Committee consider urgent during the year.
5. To monitor the overall performance of the Council's services and the delivery of the Council Plan, and its projects, in order that recommendations may be made to appropriate Council bodies, as necessary.
6. To review and monitor the decisions of the scrutiny committees and task and finish groups, including the implementation of recommendations made to Cabinet, Cabinet members and other bodies.
7. To receive regular updates from Chairs of Task and Finish Groups on how the work of the Task and Finish Group is progressing.
8. To allocate to the relevant scrutiny committee call-ins of Cabinet, individual Cabinet members or officer key decisions, where the relevant committee is not self-evident to the Service Director (Legal and Democratic Services).
9. ***To review decisions of Cabinet, individual Cabinet members or officer key decisions called in, where either it is not possible to identify the relevant committee, or where it is not considered appropriate for the relevant committee to consider the call-in.***
10. To report to the Council on the work of the overview and scrutiny function on an annual basis.
11. Where it is not practicable to wait to the next meeting of the Scrutiny Management Committee the Service Director (Legal and Democratic Services), may in consultation with the Chair and Vice-Chairs of the Scrutiny Management Committee agree any items in accordance with Terms of Reference 3, 4 and 8 above.

Budget and Resources Scrutiny Committee

1. To implement the work programme agreed by the Scrutiny Management Committee by:
 - (a) providing dedicated, cross-party consideration of the Budget and the Council's finances with a view to establishing and maintaining resources which are fit for purpose and address the needs and aspirations of the people of Milton Keynes and the Council Plan priorities;

- (b) making recommendations on:
 - (i) Priority of Services
 - (ii) Service efficiencies
 - (iii) Value for money
 - (iv) Financial strategies
 - (c) considering and commenting on Procurement, Workforce, ICT and Property issues in the light of the Council's Financial Strategy;
 - (d) monitoring the in-year progress of the Revenue and Capital Budgets;
 - (e) scrutinising and commenting upon annual out-turn reports for the Revenue and Capital Budgets, and identify learning points;
 - (f) being consulted during the preparation of the annual Revenue and Capital Strategies and Budgets;
 - (g) scrutinising the draft Revenue and Capital Budgets;
 - (h) making recommendations to the Cabinet on any of the above matters at any time, and to submit comments to the Council in relation to the Cabinet's proposed Revenue and Capital Budgets at the appropriate time;
 - (i) appointing a planning group to oversee the implementation of the Committee's work programme;
 - (j) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breadth of knowledge and understanding of the work of the Committee; and
 - (k) inviting expert witnesses in respect of particular items to be considered by the Committee.
2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

Children and Young People Scrutiny Committee

- 1. To implement the work programme agreed by the Scrutiny Management Committee by:
 - (a) scrutinising the provision of services, the achievement of targets and the provision of resources by the Council and its partners for the children and young people of Milton Keynes and their families;
 - (b) supporting and challenging the Council and its partners in developing evidence-based policies and strategies which assist in creating positive outcomes for the children and young people of Milton Keynes so that they can be healthy, safe, enjoy their childhood, achieve economic well-being and make a positive contribution to the Borough;

- (c) scrutinising, on behalf of the Council, the Safeguarding Children Board, the Corporate Parenting Panel and, in partnership with the Health and Adult Social Care Committee, the work of the Health and Well Being Board including any appropriate sub-committees or working parties that it may establish;
 - (d) appointing a planning group to oversee the implementation of the Committee's work programme;
 - (e) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breadth of knowledge and understanding of the work of the Committee; and
 - (f) inviting expert witnesses in respect of particular items to be considered by the Committee.
2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

Community and Housing Scrutiny Committee

1. To implement the work programme agreed by the Scrutiny Management Committee by:
- (a) undertaking the Council's statutory scrutiny role in respect of scrutinising and reviewing Crime and Community Safety;
 - (b) scrutinising the planning and provision of housing services in Milton Keynes and the Council's role as landlord, to ensure that these services provide good quality, affordable accommodation for the Council's tenants and to create a sense of place for all citizens of Milton Keynes
 - (c) reviewing the availability and provision of housing in Milton Keynes;
 - (d) reviewing and assess measures to address homelessness and rough sleeping in Milton Keynes;
 - (e) seeking to ensure that the anticipated needs and aspirations of future Milton Keynes' residents are met in the planning and delivery of new housing developments;
 - (f) scrutinising the planning and provision of leisure and cultural services provided by the Council and its partners;
 - (g) scrutinising the involvement of the Council in regional and national organisations operating within the remit of the Committee to ensure that the involvement provides value and benefit to Milton Keynes;
 - (h) appointing a planning group to oversee the implementation of the Committee's work programme;

- (i) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breath of knowledge and understanding of the work of the Committee; and
 - (j) inviting expert witnesses in respect of particular items to be considered by the Committee.
2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules

Health and Adult Social Care Scrutiny Committee

1. To implement the work programme agreed by the Scrutiny Management Committee by:
- (a) undertaking the Council's statutory scrutiny role in respect of scrutinising and reviewing any matter relating to the planning, provision and operation of the health service in Borough;
 - (b) reviewing public health provision within the Borough;
 - (c) assisting in the provision of improved health and adult social care services to the residents of Milton Keynes by supporting the development of evidence based policies and strategies by the Council, health service providers and their partners;
 - (d) scrutinising the provision of services, the achievement of targets and the provision of resources to this end;
 - (e) appointing a planning group to oversee the implementation of the Committee's work programme;
 - (f) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breath of knowledge and understanding of the work of the Committee; and
 - (g) inviting expert witnesses in respect of particular items to be considered by the Committee.
2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

Strategic Placemaking Scrutiny Committee

1. To implement the work programme agreed by the Scrutiny Management Committee by being responsible for scrutinising:
 - (a) as the Council's statutory scrutiny committee, Flood and Water Risk Management
 - (b) Public Realm services, including highways, transport and waste collection and disposal;
 - (c) Development Control and strategic planning matters;
 - (d) critical partnerships involving the Council;
 - (e) appointing a planning group to oversee the implementation of the Committee's work programme;
 - (f) appointing, subject to the agreement of the Scrutiny Management Committee, co-opt persons in a non-voting capacity, to add to the expertise, breath of knowledge and understanding of the work of the Committee; and
 - (g) inviting expert witnesses in respect of particular items to be considered by the Committee.
2. To establish a sub-committee to consider all called-in Cabinet, individual Cabinet member or officer decisions, as referred by the Scrutiny Management Committee in accordance with the Overview and Scrutiny Procedure Rules.

GENERAL TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES

Subject to the directions of the Scrutiny Management Committee relating to work programmes and the allocation of resources:

1. To review or scrutinise any decision made, or other action taken, in connection with the discharge of any of the Executive Functions within the remit of the Committee.
2. To make reports or recommendations to the Council or to the Cabinet with respect to the discharge of any of the Executive Functions within the remit of the Committee.
3. To review or scrutinise any decision made, or other action taken, in connection with the discharge of any of the Non-executive Functions within the remit of the Committee.
4. To make reports or recommendations to the Council or any Committee of the Council with respect to the discharge of any of the Non-executive Functions within the remit of the Committee.
5. To make reports or recommendations to the Council, to the Cabinet or to a regulatory committee on matters within the remit of the Committee which affect the Council's area or the inhabitants of the Council's area.
6. To consider any representations made in connection with the work of the Committee by a Member of the Council on behalf of her/his constituents.
7. To appoint advisers from outside the Council to advise the Committees.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. What will be the Number and Arrangements for Overview and Scrutiny Committees?

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. The general Terms of Reference of Overview and Scrutiny Committees will be as set out in the Annex to these Rules.

The Scrutiny Management Committee may also appoint *Review Task and Finish* Groups for a fixed period, on the expiry of which they shall cease to exist. *Review Task and Finish* Groups may also be appointed at the request of the Council and the Cabinet.

2. Who may sit on the Overview and Scrutiny Committees?

All Councillors, except Members of the Cabinet, may be members of an overview and scrutiny committee. However, no *Member councillor* may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

Each overview and scrutiny committee may consider and recommend to the Scrutiny Management Committee the appointment of appropriate people as non-voting co-optees.

Subject to Rule 4 below, any request by an overview and scrutiny committee to appoint appropriate people as voting co-optees, in accordance with the Local Government Act 2003, will be subject to approval by the Council.

4. Education Representatives

Each relevant overview and scrutiny committee dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative;
- (a) 1 Roman Catholic diocese representative; and
- (c) 3 parent governor representatives.

A relevant overview and scrutiny committee in this paragraph is an overview and scrutiny committee of the Council as an Education Authority, where the committee's functions relate wholly or in part to any education functions which are the responsibility of the Cabinet. If the overview and scrutiny committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

5. Meetings of the Overview and Scrutiny Committees

There shall be at least four ordinary meetings of each overview and scrutiny committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An **extraordinary additional** meeting may be called, with the agreement of the Chair of the Scrutiny Management Committee, by the Chair, by any three Members of the Committee, or by the **Assistant Service** Director (**Legal and Democratic Services**), if he / she consider it necessary or appropriate. Before the Chair of the Scrutiny Management Committee gives his / her agreement he / she will, if possible, consult with the Vice-Chair(s). If there is no Chair of the Scrutiny Management Committee, or if the Chair of the Scrutiny Management Committee is unable to act, then the agreement of the Vice-Chair(s) will suffice.

6. Quorum

The quorum for an overview and scrutiny committee shall be as set out in the Council's Procedure Rules 7.2 in Part 4 of this Constitution.

7. Who Chairs Overview and Scrutiny ~~Panel~~ Meetings?

Chairs of overview and scrutiny committees will be drawn from among the councillors sitting on the committee, and subject to this requirement, the committee may appoint such a person as it considers appropriate as chair.

8. Work Programme

The Scrutiny Management Committee will be responsible for **co-ordinating** the work programmes for the overview and scrutiny committees. Overview and scrutiny committees will be able to propose items to the Scrutiny Management Committee for inclusion in their work programme.

9. Agenda Items

Any **Member councillor of the Council** shall be entitled to give notice to the **Assistant Service** Director (**Legal and Democratic Services**) that he/she wishes an item to be considered by an overview and scrutiny committee. On receipt of such a request the **Assistant Service** Director (**Legal and Democratic Services**) will refer the matter to the Scrutiny Management Committee for inclusion in the Work Programme of an overview and scrutiny committee, taking account of the urgency of the particular item.

In addition, any Parish or Town Council in the Borough, or any Area Consultative Forum, may notify the **Assistant Service** Director (**Legal and Democratic Services**) that they wish an item to be considered by an overview and scrutiny committee. On receipt of such a request the **Assistant Service** Director (**Legal and Democratic Services**) will refer the matter to the Scrutiny Management Committee for inclusion in the Work Programme of an overview and scrutiny committee, taking account of the urgency of the particular item.

10. Policy Review and Development

- (a) 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 the budget and policy 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 of policy development and may appoint advisors 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 advisors, assessors and witnesses a reasonable fee and expenses for doing so.

11. Reports from Overview and Scrutiny Committees

- (a) Once it has formed recommendations on proposals for development, the overview and scrutiny committee will prepare a formal report and submit it to the **Assistant Service** Director (**Legal and** Democratic Services) for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If, in exceptional circumstances, an overview and scrutiny committee cannot agree on one single final report with optional recommendations, if appropriate, then one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet shall consider the report of the overview and scrutiny committee within one month of it being submitted to the **Assistant Service** Director (**Legal and** Democratic Services).

12. Making sure that Overview Reports are considered by the Cabinet

- (a) The agenda for the Cabinet meetings shall include an item entitled '~~Issues arising from Overview and Scrutiny Committees~~ **References from Other Bodies**'. The reports of overview and scrutiny committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within one month of the overview and scrutiny committee completing its report / recommendations.

- (b) Where an overview and scrutiny committee prepares a report for consideration by the Cabinet in relation to a matter where the Council has delegated decision-making power to an individual member of the Cabinet, then the overview and scrutiny committee will submit a copy of its report to him/her for consideration. At the time of doing so, the overview and scrutiny committee shall serve a copy on **Assistant Service** Director (**Legal and** Democratic Services). The **Cabinet** member with delegated decision-making power must consider the report and respond in writing to the overview and scrutiny committee within four weeks of receiving it. A copy of his/her written response to it shall be sent to the **Assistant Service** Director (**Legal and** Democratic Services) and the Leader. The **Cabinet** member will also attend a future meeting of the Overview and Scrutiny Committee to present the response.
- (c) The Cabinet's Forward Plan and timetable for decisions and intentions for consultation will be available to all overview and scrutiny committees. Even where an item is not the subject of detailed proposals from an 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 Cabinet's consultation process in relation to any key decision.

13. Rights of Overview and Scrutiny Committee Members to Documents

- (a) 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 committees as appropriate, depending on the particular matter under consideration.

14. Members and Officers giving Account

- (a) 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, any overview and scrutiny committee, or the Chair of the relevant overview and scrutiny committee on its behalf, may require any **Member of the Cabinet member**, the Chief Executive, Corporate Director, **Service** or Assistant Director 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 the Council policy; and/or
 - (iii) their performance
 and it is the duty of those persons to attend if so required.

- (b) Where any **Member councillor** or officer is required to attend an Overview and Scrutiny Committee under this provision, the chair of that Committee will inform the **Assistant Service Director (Legal and Democratic Services)**. The **Assistant Service Director (Legal and Democratic Services)** shall inform the **Member councillor** 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 councillor** or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the **Member councillor** or officer is unable to attend on the required date, then the Chair of the overview and scrutiny committee shall in consultation with the **Member councillor** or officer, arrange an alternative date for attendance to take place within a maximum of 28 days from the date of the original request.

15. Attendance by Others

An overview and scrutiny committee, or the Chair of the committee on its behalf, may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and **Member councillors** and officers in other parts of the public sector and shall invite such people to attend.

16. Call-in

- (a) When a decision is made by the Cabinet, an individual **Member of the Cabinet member** or committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet or under joint arrangements, the decision shall be published, including, ~~where possible,~~ by electronic means, and shall be available at the Civic Offices normally within two 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, by the person responsible for publishing the decision.
- (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 five working days after the publication of the decision, unless it is called in.
- (c) During that period, the **Assistant Service Director (Legal and Democratic Services)** shall call-in a decision for scrutiny by the ~~Executive Scrutiny Panel appropriate scrutiny committee~~ if so requested in writing by the Chair of the **appropriate overview and scrutiny committee** or **by** any 2 Members of the Council, the chair or clerk of any Parish or Town Council and any 20 residents of the Borough, and shall then notify the decision taker of the call-in. In

submitting the request to the **Assistant Service** Director (**Legal and Democratic Services**) for a decision to be called-in, the requester must specify a reason/reasons for calling in the decision. The **Assistant Service** Director (**Legal and Democratic Services**) shall call a meeting of the **Panel committee** on such a date as he/she may determine, where possible, after consultation with the chair of the **Panel committee**, and in any case within ten days of the decision to call-in.

Notes:

- (a) A recommendation to the Council is not an Executive decision and therefore cannot be called in [Council – 12 April 2005 – Minute CL114(b)].
- (b) A **Member councillor** requesting that a decision be called-in cannot sit as a member of the **Executive overview and scrutiny Panel committee** when the item is being considered [Council - 14 June 2005 – Minute CL21(b)(iii)].
- (d) Where as a result of any mediation meeting the decision maker, or where the decision maker is the Cabinet, the responsible Cabinet member, gives an undertaking in writing that the decision will be reviewed and the person calling in the decision for review confirms their agreement in writing prior to the meeting of the **Executive overview and scrutiny committee**, the Chair, in consultation with the Vice-Chair will cancel the meeting, with a report on the outcome of the call-in being reported to the next meeting of the **Executive Scrutiny committee**.
- (e) If, having considered the decision, the **Executive overview and scrutiny committee** is still concerned about it, then it may 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 ten working days, amending the decision or not, before adopting a final decision.
- (f) If following an objection to the decision, the **Executive overview and Scrutiny Committee** does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the **Executive overview and scrutiny committee** meeting, or the expiry of the period in which the **Panel committee** should have been held.
- (g) If the matter is 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 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 may choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider the matter within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider the matter within ten working days of the Council request.

- (h) 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.

Exceptions

- (i) In order to ensure that call-in is not abused, nor causes unreasonable delay, a **Member councillor**, Parish or Town Council, or any 20 residents of the Borough, may only call-in a particular decision, or decision to similar effect, once in any six month period.

Call-In and Urgency

- (j) 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 Chair of the Scrutiny Management Committee, who before giving his/her agreement will, if possible, consult with the Vice-Chair(s), 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 Chair, the Vice-Chair(s) may agree on behalf of the Chair. In the absence of both the Chair and Vice-Chair(s), the Chief Executive's 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.
- (k) 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.

17. The Party Whip

When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

18. Procedure at Overview and Scrutiny Committee Meetings

- (a) Overview and scrutiny committees shall consider the following business:
 - (i) Minutes of the last meeting;
 - (ii) disclosures 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; and
 - (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.

19. Matters within the Remit of more than one Overview and Scrutiny Committee

The Scrutiny Management Committee will be responsible for determining the work programmes of the overview and scrutiny committees. Where a matter for consideration by an overview and scrutiny committee falls within the remit of one or more other overview and scrutiny committees, the decision as to which overview and scrutiny committee will consider it will be resolved by the Scrutiny Management Committee.