

**COUNCIL
24 APRIL 2003**

**REVIEW OF OVERVIEW AND SCRUTINY ARRANGEMENTS
(Chief Executive)**

- 1.1 A detailed review of Bracknell Forest's overview and scrutiny arrangements commenced in October 2002. The initial report on the outcomes of the review was circulated to all Members in January 2003. The review report has been discussed within party groups and further work has been carried out to refine the proposals in the light of those discussions. The Constitution Review Group subsequently met with the Members of the Co-ordination Select Committee on 20 March 2003 to develop the recommendations set out in this report, which seeks formal adoption of new committee structures for overview and scrutiny and consequential changes to the Council's Constitution, to be effective from the annual meeting of the Council on 21 May 2003.

2 RECOMMENDATIONS

- 2.1 That the overview and scrutiny function be overseen, from May 2003, by a Public Scrutiny Commission, with terms of reference as set out in Annexe B.

- 2.2 That the Commission shall establish and have oversight of three service-themed overview and scrutiny panels

- the Environment Scrutiny Panel
- the Social Care and Housing Scrutiny Panel
- the Lifelong Learning Scrutiny Panel

and such other panels as the Commission shall determine, with terms of reference as set out in Annexe B.

- 2.3 That the initial work programme for the overview and scrutiny panels be developed by a conference led by the Public Scrutiny Commission and involving the Executive and Corporate Management Team and that the work programme be kept under review by the same group at regular intervals through the year.

- 2.4 That a programme of on-going training be developed for Members and officers and reported to the Public Scrutiny Commission.

- 2.5 That the revised Article 6 to the Constitution be adopted, as set out in Annexe B

- 2.6 That the revised Overview and Scrutiny Procedure Rules be adopted, as set out in Annexe C.

- 2.7 That the Chairman of the Public Scrutiny Commission shall submit reports to the Council from time to time on the progress and activities of the overview

and scrutiny function, including a comprehensive annual report from the Commission.

2.8 That the Constitution Review Group be requested to prepare for consideration by the Council, a revised protocol for overview and scrutiny matters, replacing the ‘Select Committee Protocol’ as an Annexe to the Constitution.

2.9 That the Monitoring Officer be authorised to make other minor consequential changes to the Council’s Constitution arising directly from the adoption of these arrangements for overview and scrutiny.

3 SUPPORTING INFORMATION

3.1 The review and subsequent consultation with Members has led to recommendations for the future arrangements for overview and scrutiny. It is proposed that from the annual meeting in May 2003, the current system of Select Committees be replaced by one Public Scrutiny Commission and a number of overview and scrutiny panels, some of which would be themed by service area. The Commission would have responsibility for the Council’s overview and scrutiny function and would develop and manage the work-programme and the work of the overview and scrutiny panels – each conducting a number of in-depth policy reviews each year. The overview and scrutiny panels would also take an enhanced performance monitoring role, reviewing Quarterly Operations Reports outlining service performance within the relevant Departments.

3.2 The proposals are summarised in the diagram at Annexe A and described in more detail below.

Public Scrutiny Commission

3.3 The Public Scrutiny Commission would:-

- (i) Develop a work-programme of overview and scrutiny reviews and policy development projects, in consultation with the Executive and the Corporate Management Team.
- (ii) Appoint a number of overview and scrutiny panels, managing and updating their work-programme as necessary, ensuring a consistently high standard of rigour in their investigations and considering any request from an overview and scrutiny panel, or any member thereof, to add an item to the work programme.
- (iii) Review decisions made but not yet implemented by the Executive and any other Committee, where these have been called-in
- (iv) Itself, or through an overview and scrutiny panel:
 - review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;
 - consider any matter affecting the Borough or its inhabitants.
- (v) make reports and/or recommendations to the full Council and/or the Executive and/or any other committee in connection with the discharge of any functions;

- (vi) Receive summary performance management information and question Members of the Executive and officers thereon.
 - (vii) Ensure the efficient discharge of a robust and effective overview and scrutiny function
 - (viii) Prepare and submit an annual report to the Council on overview and scrutiny activities and their outcomes.
- 3.4 The timetable of meetings for the Commission would be linked to that of the Executive to enable effective scrutiny without creating cumbersome delays in decision making.

Commission Membership

- 3.5 The Membership of the Commission would be determined by Group nomination. There are a number of options for its composition. The four statutory added members for Education matters will be entitled to a seat on the Commission, although they shall only be entitled to vote on education matters. They shall also each have a seat on the overview and scrutiny panel involved with considering Education matters. Precise numbers of seats on the Commission should be determined following the forthcoming elections.
- 3.6 Seats on the Commission and overview and scrutiny panels could be allocated to party groups in line with normal proportionality rules. However, the Constitution Review Group favours the principle of allocating seats to reflect the proportion of the non-executive members belonging to each group on the Council, having removed the Executive members from the equation. This approach would be subject to the caveat that a group with an overall majority of seats on the Council as a whole should also have a majority of seats on the overview and scrutiny bodies.
- 3.7 Under the proportionality regulations this approach to allocation of seats could only be adopted if agreed by the Council unopposed, i.e. with no Member voting against.
- 3.8 It would be appropriate for party groups to consider the size of the Commission and options for allocating chairmanships and vice chairmanships between the groups following the elections and before the Annual Meeting.

Work Programme Conference

- 3.9 The initial work-programme for the Overview and Scrutiny Panels will be developed by the Public Scrutiny Commission through a joint conference involving:
- the members of the Public Scrutiny Commission
 - The Executive
 - Corporate Management Team
- 3.10 The main objective of the conference will be to identify those topics where overview and scrutiny panels could make a positive contribution towards policy development and review in support of the priorities and objectives of the Council. By being developed in this way, the work programme should secure the commitment of officer time and resources to support such work, making the work of the panels more relevant and rewarding for Members.

- 3.11 It is proposed that the initial work programme conference is held as soon as possible after the Annual Meeting but that in future years this would be held in April. The Corporate Management Team would prepare the Agenda for the conference. All Members of the Council would have an opportunity to suggest topics for in-depth review through their party group mechanisms.
- 3.12 The annual work programme will be important in setting the broad thrust of the overview and scrutiny panels' work. However, it will be essential that the programme remains sufficiently flexible to respond to issues that arise during the year. To provide this flexibility, delivery and up-dating of the work programme would be managed by the Scrutiny Commission. The Members of the work programme conference would also meet together regularly to review progress and to add emerging issues to the work programme as necessary, treating it as a rolling-programme. This group should also become a useful forum for maintaining effective communications between the Executive and non-executive arms of the Council.

Overview and Scrutiny Panels

- 3.13 Conducting in-depth policy reviews identified through the work-programme process would be the responsibility of Overview and Scrutiny Panels appointed by the Public Scrutiny Commission.
- 3.14 Some Members have expressed quite understandable reservations that losing select committees with service specialisms could result in the dissipation of hard-won member-expertise in some of the Authority's functions. It is proposed therefore that at least three panels should be established with a specific service theme:

Environment Scrutiny Panel

Social Care and Housing Scrutiny Panel

Lifelong Learning Scrutiny Panel

These standing panels would be allocated the on-going task of monitoring the performance of one or two allocated directorate(s). This would be facilitated by the Panel receiving the Quarterly Operations Report for that service regularly during the year and questioning the service Director and Executive Member thereon. Any areas of concern would be investigated and, if appropriate, reported to the Public Scrutiny Commission.

- 3.15 Under this model, it will be imperative that the panels' work is managed firmly in accordance with the agreed work programme and that they do not assume the open-ended role of 'service committee' for the department(s) under review. Although panels will be free to pursue issues arising from their specific performance monitoring role, any proposal to engage in a major investigation will need to be submitted to the Public Scrutiny Commission for approval. The Commission would require the panel to provide supporting evidence that an issue required investigation, with an outline project plan and desired outcomes. It would then consider any such proposal to amend the work programme, having regard to overall capacity and priorities.

- 3.16 In addition to the three standing panels, the Public Scrutiny Commission would be able to set up such other overview and scrutiny panels as it might determine. These could be either additional standing panels or time-limited panels to investigate and report on a particular topic within the work programme.
- 3.17 Cross-cutting issues would be allocated by the Commission either to one of the standing panels or to a time-limited panel established for the purpose. Such reviews could be supported by the use of co-option from other panels, where appropriate. Panels will have the power to co-opt or otherwise involve other members and non-members for any particular review if they have individual knowledge and experience which would be relevant to the panel's task.
- 3.18 In law, these Panels would be overview and scrutiny sub-committees and therefore subject to all the usual requirements for public access to meetings and information.

Panel size

- 3.19 The size of the overview panels is a matter to be settled following the elections but the Constitution Review Group considered that there should be sufficient seats on the panels and the Commission combined to ensure that every non-executive member had an opportunity to serve on at least one overview and scrutiny body. It further considered that each panel should have no more than ten members. Panels of greater size could become too large for effective policy review work, as experience has shown that smaller groups are better suited to work of this nature.

'Audit Trail'

- 3.20 The Public Scrutiny Commission and overview panels need to have an effective and accountable 'audit trail' whereby their recommendations and advice to the Executive are recorded and feedback is provided on what happens to them. This would ensure that the Executive gave due regard to such recommendations and advice. It should also assist with developing a culture where the overview and scrutiny bodies are clear about their recommendations on any matter and that these are based on evidence and sound investigation.
- 3.21 The corollary of this is the expectation that from 2003/04, the Public Scrutiny Commission would be responsible for preparing an annual report to Council covering the main overview and scrutiny activities undertaken during the year, including a record of all reports and recommendations submitted to the Executive and the outcomes of these.

Training

- 3.22 A programme of training for Members and officers will be developed for May 2003 onwards to support and strengthen the overview and scrutiny function and raise awareness and understanding of its contribution to the work of the Council. Training should also emphasise Members' representative role and how this can be exercised within the framework of the Council. A draft programme of on-going training will be prepared, including externally sourced training for members on topics such as:-
- conduct of policy reviews
 - local representative role
 - questioning skills
 - chairing skills

- facilitation skills
- witness management
- relationship to the party group
- member/officer roles

Other Related Matters

3.23 The consultation highlighted a number of other matters which, while not specifically constitutional in nature are included below for the record.

(i) Performance management working groups

3.24 Under these new arrangements there will continue to be a wide range of mechanisms, formal and informal, that enable business to be conducted in Bracknell Forest. For instance the Executive will still be able to establish such advisory panels and working groups as it deems necessary. The facility would also exist for joint Executive/non-executive groups to be established to progress performance management issues such as the CPA improvement plan, or specific Best Value reviews.

(ii) Officer support

3.25 The review report makes the case for dedicated officer support for overview and scrutiny. Budget provision has now been made by the Council to facilitate the creation of a small dedicated officer unit. This report does not deal in detail with those proposals, which will be progressed under officer delegations in parallel with the development of the member structures over the coming months.

(iii) Briefing Seminars

3.26 Corporate Management Team will develop a rolling-programme of regular inter-active member workshops (i.e. not passive seminars) on key service developments to fill the 'information deficit' experienced by members under the previous arrangements.

Consequential Changes to the Constitution

3.27 The main changes to the Constitution arising from these recommendations, if adopted, will be to Article 6 and the Overview and Scrutiny Procedure Rules. Revised versions of these parts of the Constitution are annexed to this report for approval. There will also be very many places throughout the Constitution where select committees are referred to and these will need to be revised to reflect the new arrangements. It is proposed that the Acting Director of Corporate Services be authorised to make such minor consequential changes.

4 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

The comments of the Borough Solicitor have been incorporate in the report.

Borough Finance Officer

There are no additional financial obligations arising from this report.

Access Implications

There are no access implications.

Background Papers

The Development of Overview and Scrutiny in Local Government – Office of the Deputy Prime Minister, September 2002

Review of Overview and Scrutiny Arrangements in Bracknell Forest, January 2003

Report Constitution Review Group 20 March 2003

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Overview and Scrutiny Arrangements from May 2003 – Council 24//4/03

ARTICLE 6 – OVERVIEW AND SCRUTINY

6.01 Public Scrutiny Commission

The Council will appoint a Public Scrutiny Commission as set out in Article 6 to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations made thereunder.

6.02 Terms of reference

The Public Scrutiny Commission shall

- (i) Develop a work-programme of overview and scrutiny reviews and policy development projects, in consultation with the Executive and the Corporate Management Team.
- (ii) Appoint a number of overview and scrutiny panels, managing and updating their work-programme as necessary, including considering any request from an overview and scrutiny panel, or any member thereof, to add an item to the work programme.
- (iii) Review decisions made but not yet implemented by the Executive and any other Committee, where these have been called-in
- (iv) Itself, or through an overview and scrutiny panel:
 - review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - consider any matter affecting the Borough or its inhabitants.
- (v) make reports and/or recommendations to the full Council and/or the Executive and/or any other committee in connection with the discharge of any functions;
- (vi) Receive summary performance management information and question Members of the Executive and officers thereon.
- (vii) Ensure the efficient discharge of a robust and effective overview and scrutiny function
- (viii) Prepare and submit an annual report to the Council on overview and scrutiny activities and their outcomes.

6.03 Specific Functions

- (a) **Policy Development and Review** The Public Scrutiny Commission, through its overview and scrutiny panels, may:

- (i) Assist the Council and the Executive 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 particular issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) question members of the Executive, other committees and 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** The Public Scrutiny Commission may itself, or through an overview and scrutiny panel:
- (i) review and scrutinise the decisions made by and performance of the Executive, Committees 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 Executive, 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;
 - (iv) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Commission or Panel and local people about their activities and performance; and
 - (v) question and gather evidence from any person (with their consent).
- and make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process.
- (c) **Finance** The Public Scrutiny Commission may exercise overall responsibility for the finances made available to them.
- (e) **Officers.** The Public Scrutiny Commission may exercise overall responsibility for the work programme of any officers employed to support their work.

6.04 Overview and Scrutiny Panels

- (a) The Public Scrutiny Commission shall establish such overview and scrutiny panels as it shall determine, including at least the following three panels:

Environment Scrutiny Panel

Social Care and Housing Scrutiny Panel

Lifelong Learning Scrutiny Panel

with terms of reference as set out in 6.04 below. The Commission may discontinue any overview and scrutiny panel and/or appoint alternative or additional panels, subject to there being a minimum of the three standing panels. The Commission may also amend the terms of reference of the panels as appropriate.

- (b) Where the Public Scrutiny Commission seeks to discontinue or appoint overview and scrutiny panels other than as set out in the Constitution, it may do so provided that it has consulted with interested parties, if appropriate. Any change will be reported to the proper officer and then to the next meeting of the Council by the Chairman of the Commission, so that the Constitution may be amended accordingly

6.05 Terms of Reference

Overview and scrutiny panels shall

- (i) conduct scrutiny reviews or policy development projects allocated by the Public Scrutiny Commission from the corporately agreed work-programme, preparing evidence-based reports and recommendations for consideration by the Commission.
- (ii) at the request of the Public Scrutiny Commission:
- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - consider any matter affecting the Borough or its inhabitants.

In addition, the following panels shall have responsibility for performance monitoring activities as set out in the table below.

Environment Scrutiny Panel	(i) To receive Quarterly Operations Reports on the work of the Environment Department and to question the relevant Executive portfolio holders and senior officers thereon, reporting to the Public Scrutiny Commission where necessary.
Social Care and Housing Scrutiny Panel	(i) To receive Quarterly Operations Reports on the work of the Social Services and Housing Department and to question the relevant Executive portfolio holder(s) and senior officers thereon, reporting to the Public Scrutiny Commission where necessary.
Lifelong Learning Scrutiny Panel	(i) To receive Quarterly Operations Reports on

	the work of the Education Department and the Leisure Services Department and to question the relevant Executive portfolio holders and senior officers thereon, reporting to the Public Scrutiny Commission where necessary.
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6.06 **Conduct of Proceedings**

The Public Scrutiny Commission and overview and scrutiny panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure rules set out in part 4 of this Constitution.

Part 4.5 Overview and Scrutiny Procedure Rules

1. General Arrangements

Overview and Scrutiny is the responsibility of the Public Scrutiny Commission as described in Article 6 and the Council will appoint to it as it considers appropriate from time to time. The Commission shall appoint such overview and scrutiny panels as it determines, including those specified in Article 6.

2. Who may sit on the overview and scrutiny bodies?

All councillors except members of the Executive may be members of the Public Scrutiny Commission and/or one or more overview and scrutiny panels. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

The Commission and panels shall be entitled to appoint non-voting co-optees for the purpose of assisting with specific time limited reviews.

4. Education Representatives

The Public Scrutiny Commission and the Lifelong Learning Scrutiny Panel shall include in their membership the following voting representatives:

- a) 1 Church of England diocese representative
- b) 1 Roman Catholic diocese representative
- c) 2 parent governor representatives

These representatives shall not vote on other matters which do not relate wholly or in part to any education function which is the responsibility of the executive, though they may stay in the meeting and speak.

5. Meetings

- (a) There shall be at least 9 ordinary meetings of the Public Scrutiny Commission in each year, linked to the meeting programme for the Executive. In addition, extraordinary meetings may be called from time to time as and when appropriate. Meetings may be called by the chairman, or by the proper officer if he/she considers it necessary or appropriate.
- (b) Overview and scrutiny panels shall determine the frequency and time of their own meetings, according to the work programme set by the Public Scrutiny

Commission. Meetings may be called by the chairman, or by the proper officer if he/she considers it necessary or appropriate.

6. Quorum

The quorum for the Commission or for an overview and scrutiny panel shall be one quarter of the whole number its members, provided that for a panel the quorum shall be at least three.

7. Who chairs Meetings?

The chairmen of the Commission and panels will be drawn from among the councillors sitting on those bodies, and subject to this requirement the Commission/panel may appoint such a person as it considers appropriate.

8. Work Programme

- (a) The work programme for overview and scrutiny panels shall be set annually by the Public Scrutiny Commission following a consultation conference with the Executive and Senior Officers. In setting the work programme the Commission shall take into account the wishes of members who are not members of the largest political group on the Council.
- (b) The work programme shall identify topics for detailed consideration by overview and scrutiny panels, including in each case the outline project plan and desired outcomes from the review project. Overview and scrutiny panels may recommend to the Public Scrutiny Commission at any time a proposed addition to the work programme. The Commission shall only consider proposed additions to the work programme that clearly identify the issue to be investigated and include an outline project plan and desired outcomes.
- (c) The Commission shall allocate investigation projects from the work programme to the three service themed overview and scrutiny panels having regard to their service theme and shall allocate projects of a cross-cutting nature to any one of these scrutiny panels, or to another panel, at its discretion.
- (d) The Commission shall keep the work programme under review throughout the year, making additions and adjustments as necessary and shall be responsible for ensuring effective consultation with the Executive on developments.

9. Agenda items

Any member of the Commission or of an overview and scrutiny panel shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to its functions to be included on the agenda for the next available meeting of the Commission, provided that if the item proposes an addition to the work programme it shall fulfil the conditions set out in 8 (b), above. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

The Public Scrutiny Commission shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Executive to review particular areas of Council activity. Where it does so, the Commission shall report its findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of the Commission by no later than the end of the following cycle of meetings.

10. Policy Review and Development

- a) The role of the Commission 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, the Commission may make proposals to the Executive for developments, including considering and passing on to the Executive reports and recommendations from overview and scrutiny panels.
- c) Within the work programme determined by the Public Scrutiny Commission, overview and scrutiny panels 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.

11. Reports from Overview and Scrutiny Panels

- a) Once it has formed recommendations on proposals for development, an overview and scrutiny panel will submit a report to the Public Scrutiny Commission which, if it is satisfied with the report, will adopt it for submission to the proper officer for consideration by the Executive (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 an overview and scrutiny panel, or the Commission, cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- c) The Council or Executive shall consider the report by no later than the end of the following cycle of meetings.

12. Consideration of Overview and Scrutiny Reports by the Executive

- a) Once an overview and scrutiny report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Executive, unless the matter which is the subject of the report is scheduled to be considered by the Executive within a period of 6

weeks from the date the report was adopted by the Public Scrutiny Commission. In such cases, the report shall be considered by the Executive when it considers that matter. If for any reason the Executive does not consider the report within 6 weeks then the matter will be referred to Council for review, and the proper officer will call a Council meeting to consider the report and make a recommendation to the Executive.

- b) Where the Public Scrutiny Commission adopts a report for consideration by the Executive in relation to a matter where the leader or Council has delegated decision making power to another individual member of the executive, then the Commission will submit a copy of the report to that individual for consideration. At the time of doing so, the Commission shall serve a copy on the proper officer and the leader. If the member with delegated decision making power does not accept the recommendations of the report then he/she must then refer the matter 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 Public Scrutiny Commission. The executive member to whom the decision making power has been delegated will respond to the Public Scrutiny Commission within 3 weeks of receiving the report. A copy of his/her written response to it shall be sent to the proper officer and he/she will attend a future meeting to respond.
- c) The Public Scrutiny Commission will in any event 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 an overview and scrutiny panel following a consideration of possible policy/service developments, the Commission will, at its discretion, be able to respond in the course of the Executive's consultation process in relation to any key decision.

13. Rights of Overview and Scrutiny Members to Documents

- a) In addition to their rights as councillors, members of the Public Scrutiny Commission and overview and scrutiny panels 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 Executive and the Public Scrutiny Commission as appropriate depending on the particular matter under consideration.

14. Members and Officers Giving Account

- a) The Public Scrutiny Commission and overview and scrutiny panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function, where in the case of a panel this falls within its remit. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the head of paid service and/or any senior officer 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 a meeting under this provision, the chairman of that body will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 5 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 meeting. Where the account to be given to the Commission or panel 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.
- c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Commission or panel shall in consultation with the member or officer arrange an alternative date for attendance (to take place within a maximum of 10 days from the date of the original request).

15. Attendance by Others

The Commission or panel 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 members 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 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 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 2 working days of being made. The Chairmen of the Public Scrutiny Commission and overview and scrutiny panels will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- b) The 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 date the decision is published, unless the decision is called in as described below.
- c) During the period, the proper officer may call-in a decision for scrutiny by the Public Scrutiny Commission if so requested by the Chairman and any 2 members of the Public Scrutiny Commission, or any 5 members of the Council and shall then notify the decision-maker and all other executive members of the call-in. He/she shall call a meeting of the Commission on such date as he/she may determine, where possible after consultation with

the Commission chairman, and in any case within 7 working days of the decision to call-in.

- d) For the purposes of this section, where the decision relates to the exercise of an education function, the duly appointed diocesan representatives and parent governor representatives shall have the same rights to seek or support the calling-in of a decision as any other member of the Public Scrutiny Commission.
- e) If, having considered the decision, the Commission 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 back the decision maker shall then reconsider within a further 7 working days, amending the decision or not, before adopting a final decision.
- f) If following an objection to the decision, the Public Scrutiny Commission 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 or to the Council, the decision shall take effect on the date of the meeting, or the expiry of the period in which the meeting should have been held, whichever is the earlier.
- g) 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 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 made by the executive, as a whole or a committee of it, a meeting will be convened to reconsider within 7 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 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.
- i) The call-in procedure set out above shall not apply where the decision being made by the executive 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 Mayor 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 Mayor, the Deputy Major's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions made as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- j) 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 the Public Scrutiny Commission or an overview and scrutiny panel 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 Commission's/panel'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 meetings

- (a) The Public Scrutiny Commission and overview and scrutiny panels shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest (including whipping declarations);
 - iii) (Commission only) consideration of any matter referred to the Commission for a decision in relation to call in of a decision;
 - iv) responses of the Executive to reports of the Public Scrutiny Commission; and
 - v) the business otherwise set out on the agenda for the meeting.
- (b) Where an overview and scrutiny panel conducts investigations (e.g. with a view to policy development), it may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the following principles:
 - i) that the investigation be conducted fairly and all members of the panel be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii) that those assisting the panel 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 panel shall prepare a report, for submission to the Public Scrutiny Commission, and shall make its report and findings public.

19. Matters within the Remit of More than One Panel

In the event of an issue for review by an overview and scrutiny panel falling within the remit of more than one panel, the Public Scrutiny Commission shall determine which overview and scrutiny panel shall consider the matter.

20. Terms of Reference

The terms of reference of the Public Scrutiny Commission and overview and scrutiny panels shall be as set out in Article 6 of the Constitution.