

## Part 4 – Rules of Procedure

### – Overview and Scrutiny Procedure Rules

#### 1.0 Arrangements for Scrutiny

1.1 Group Leaders will determine their own representation on the 7 Scrutiny Committees in accordance with the political balance of the Council. The Scrutiny Assembly will automatically have all members of the Council appointed to it, except Cabinet Members, Cabinet Assistants and the Mayor. The Scrutiny Chairmen's Forum will co-ordinate the work of the 7 Scrutiny Committees and the Scrutiny work programme.

1.2 The Lead Scrutiny Member will be the Chairman of the Scrutiny Assembly and will be appointed by Full Council.

#### 2.0 TERMS OF REFERENCE FOR THE SCRUTINY COMMITTEES

##### 2.1 Membership

The number of Members on each committee will be:

- |   |               |
|---|---------------|
| • Adult Care and Support                  | 6             |
| • Efficient and Community Focused Council | <del>86</del> |
| • Community Protection and Cohesion       | 6             |
| • Housing Regeneration and Prosperity     | <del>68</del> |
| • Active Lifestyles, Leisure and Culture  | 6             |
| • Environment and Rural Areas             | <del>68</del> |
| • Children and Young People               | <del>68</del> |

2.2 Each Scrutiny Committee will be politically balanced.

2.3 Where smaller opposition groups share a place on a Scrutiny Committee, the Leaders of the groups concerned will agree the allocation of the Scrutiny Committee places amongst themselves.

##### 2.4 Term of Membership

Members of the Scrutiny Committees will be appointed for a 2 year period. However, during this period Group Leaders may allocate their place to an alternative member but must confirm this in writing to the Head of Governance.

2.4.1 Each Scrutiny Committee will be responsible for scrutiny of one of the Council's priorities.

##### 2.5 Chairman

The Chairman of each Scrutiny Committee will be the Lead Scrutiny Member for that Council priority.

2.6 Each Scrutiny Committee will have an overview and scrutinise the work of the Council within these priority areas as set out by the **Local Government Act (2000)**. Within the remit of each priority area each Committee will:

- Review the strategies and policies of the Cabinet and the Council and scrutinise any matter affecting local people.

- Review the discharge by the Cabinet of any of its functions, including comparison of performance against any appropriate targets, plans or standards.
- Review any decisions or proposed decisions of the Council and of the Cabinet.
- Consider any matters which affect the Council or its administrative area or the inhabitants of that area and to make recommendations to the Council or the Cabinet arising from that consideration.
- Consider any matter referred to it by the Scrutiny Chairmen's Forum from the Cabinet or the Council and recommend to the Cabinet or the Council accordingly.

2.7 The table below sets out the statutory and cross cutting responsibilities of the 7 Scrutiny Committees.

Scrutiny Committee	Statutory Powers and Responsibilities
Adult Care and Support	<p><del>Statutory Health Scrutiny Function including appointing Members and Co-optees to any Joint Health Scrutiny arrangements (as set out in <b>Section 7 of the Health &amp; Social Care Act (2001)</b> and amended by the <b>National Health Service Act (2006)</b>)</del></p> <p><del>Consideration of Health and Social Care referrals for the Local Involvement Network (LINK) (as set out in section 226 of the <b>Local Government and Public Involvement Act (2007)</b>)</del></p>
Efficient Community Focused Council	Budget Scrutiny and Statutory Scrutiny of Local Area Agreements (as set out in <b>section 21E of the Local Government Act 2000</b> ))
Community Protection and Cohesion	Scrutiny of the Crime and Disorder Reduction Partnership (as set out in <b>section 19 of the Police &amp; Justice Act (2006.)</b> )
Housing, Regeneration and Prosperity Active Lifestyles – Leisure and Culture	<p><u>Statutory Health Function including appointing Members and Co-optees to any Joint Health Scrutiny arrangements (as set out in <b>Section 7 of the Health &amp; Social Care Act (2001)</b> and amended by the <b>National Health Service Act (2006)</b>).</u></p> <p><u>Consideration of Health and Social Care referrals for the Local Involvement Network (LINK) (as set out in section 226 of the <b>Local Government and Public Involvement Act (2007)</b>).</u></p>

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Environment and Rural Areas

Scrutiny of Flood and Water Management (as set out in the **Flood and Water Management Act 2010**)

Children and Young People

To appoint at least 2 and no more than 5 statutory co-optees (as set out in the Parent and Governor Regulations (England) Regulations 2001 (S/I 2001 /478) (PGR 2001)

2.8 The Scrutiny Work Programme will be determined by the Scrutiny Assembly and co-ordinated by the Chairmen's Forum.

2.9 Each Scrutiny Committee has:

- The powers of an Overview and Scrutiny Committee in relation to Cabinet decisions related to that priority made but not implemented as set out in **section 21(3) of the Local Government Act 2000** i.e. Call-in of decisions taken but not yet implemented.
- The power to appoint co-optees in line with the Co-optee Protocol
- The powers of an Overview and Scrutiny Committee in relation to the consideration of Councillor Calls for Action in relation to the relevant Council priority as set out in **section 21A of the Local Government Act 2000 and section 19(3) of the Police & Justice Act 2006**.
- The powers of an Overview and Scrutiny Committee in relation to petitions as set out in the **Local Democracy, Economic Development and Economic Construction Act (2009)**

### **3.0 Meetings of Scrutiny Committees**

3.1 Each Scrutiny Committee will meet formally a minimum of 2 times a year. In addition to these meetings the Committees may undertake In-depth Reviews, Special Interest Meeting and Spot Light Reviews as determined by the process to agree the Scrutiny work programme.

### **3.2 Requisition of Meetings**

3.2.1 The Chairman of each Scrutiny Committee can requisition additional meetings of the Committee.

3.2.2 Any Member of the Scrutiny Assembly may request that Chairman of the Committee to requisition a meeting of the Committee. The meeting may be called at the Chairman's discretion.

3.2.3 For urgent business a meeting of a Scrutiny Committee will be called as soon as practicable if 7 Members of the Scrutiny Assembly sign a request to call a meeting specifying the reasons.

### **4.0 Co-optees**

4.1 The Scrutiny Committees shall be entitled to appoint a number of people as co-optees to the Scrutiny Committee in addition to those required below.

- Other than the 4 statutory co-optees required below and the Co-optees on the Joint Health Scrutiny Committee as agreed by Full Council, co-optees are non-voting members of the Scrutiny Assembly.
- Co-optees will be appointed for either a fixed term or as a standing member, and in any case, terminable with one month's notice on either side.

4.2 The full protocol for co-opted members is set out in the Scrutiny hand book.

## **5.0 Education representatives**

5.1 The relevant Scrutiny Committee shall include in its membership the following voting representatives for education matters:

- (a) Church of England diocese representatives (one);
- (b) Roman Catholic diocese representative (one);
- (c) parent governor representatives (two).

5.2 The meaning of "education matters" in this paragraph relates wholly or in part to any education functions which are the responsibility of the Authority's Cabinet. If the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may play a full part in the work of the Committee and the Scrutiny Assembly.

## **6.0 Quorum**

6.1 The quorum for the Scrutiny Committees shall be as set out for committees in the Council Procedure Rules in Part 4 Section 10 of this Constitution.

## **7.0 CO-ORDINATION BY THE CHAIRMEN ACTING COLLECTIVELY**

7.1 The co-ordination of the work of the Scrutiny Committees will rest with the Chairmen's Forum. The Chairmen will meet as the Scrutiny Chairmen's Forum:

7.2 To approve the annual Overview and Scrutiny work programme to ensure it is an efficient use of the Committees' time and that the potential for duplication is minimised.

7.3 Where matters fall within the remit of more than one Scrutiny Committee, to determine which of them will assume responsibility for any particular issue and to resolve any issues of dispute between the Scrutiny Committees.

7.4 To receive requests from the Cabinet or individual Members and/or the Full Council for reports from the Scrutiny Committee and to allocate them if appropriate to one or more Scrutiny Committees.

7.5 To put in place and maintain a system to ensure that referrals and recommendations from Scrutiny to the Executive, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in the Constitution.

7.6 To prioritise the use of the annual consultant's budget in consultation with the Head of Governance.

## **8.0 TERMS OF REFERENCE FOR THE SCRUTINY ASSEMBLY**

8.1 All Councillors except Members of the Cabinet, Cabinet Assistants and the Mayor will be members of the Scrutiny Assembly, although the Mayor may still attend and participate in meetings if he or she wishes

### **8.2 Membership**

All co-opted Members on Scrutiny Committees will be Members of the Scrutiny Assembly

8.3 The Chairman of the Scrutiny Assembly will be appointed at Annual Council and will be the Lead Scrutiny Member.

8.4 The Scrutiny Assembly will hold an annual work programme workshop to generate ideas and prioritise these to form the basis of a scrutiny work programme .

8.5 The Scrutiny Assembly will also hold an annual Question and Answer workshop.

## **9.0 SCRUTINY WORK PROGRAMME**

### **9.1 Process to agree work programme**

Scrutiny Committees will have the power to determine their own work programme. Cross cutting reviews will be identified by the Scrutiny Chairmen. The Scrutiny work programme will be agreed through the following process:

- Scrutiny Assembly meeting, resulting in a list per Scrutiny Committee of items for scrutiny – these will be scored in priority order.
- The Scrutiny Team work with relevant officers to complete the scoring matrix for the priorities for each Scrutiny Committee.
- Scrutiny Chairmen's Forum agrees the cross cutting reviews to be carried out during the year and the number of meetings allocated to these. The Chairmen will report this decision to each Scrutiny Committee.
- Each Committee meets to plan their work programme, dividing the remaining scrutiny meetings between the Committees. The Committee will consider the topics identified at the Scrutiny Assembly and issues referred from the previous Scrutiny arrangements. The Committees can use the meetings allocated in different formats.

9.2 Review groups, special interest meetings and standing groups are not formally constituted Council committees and therefore do not have to meet in public or meet political balance requirements.

### **9.3 Additions and Changes to the Scrutiny Work Programme in Year**

Any member of the Scrutiny Assembly or member of the public may complete a Scrutiny suggestion form to raise a potential issue for scrutiny as an agenda item, review or special interest meeting. Cabinet and Council may also refer an issue to Scrutiny. Any referral from Council will be included in the work programme for the relevant Committee. Other suggested additions to the Scrutiny work programme will be raised using a Scrutiny Suggestion Form. Once received the Scrutiny suggestion will be scored against the criteria used to agree the Scrutiny work programme.

The suggestion form and the results of the scoring process will be circulated to the Members and co-optees of the relevant Scrutiny Committee. If a simple majority of the membership of the Committee confirm that this issue should come to Scrutiny this will go to the Scrutiny Chairmen's Forum to be included in the work programme and they will determine the method of scrutiny. It may be necessary to remove or delay other items on the Scrutiny work programme if an additional item is agreed.

9.4 The person or body who raised the issue with Scrutiny will be notified of the decision of the Chairmen's Forum.

## **10.0 Policy Review and Development**

10.1 The role of the Scrutiny 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. Proposals must be mindful of the Council's budgetary position and take account of the resources available.

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committees, Scrutiny Assembly as a whole or any one of its flexible working mechanisms may make proposals to the Cabinet in so far as they relate to matters within their terms of reference.

10.3 The Scrutiny Committees and Scrutiny Assembly, through flexible working mechanisms, 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, co-optees and witnesses a reasonable fee and expenses for doing so.

## **11.0 Conduct of Scrutiny Reviews**

11.1 At the outset of reviews the terms of reference will be scoped with advice from relevant officers and a list of interviewees agreed.

### **11.2 Chairmen of Scrutiny Reviews**

Review groups will be chaired by the relevant Scrutiny Committee Chairman.

11.3 The Chairman of the Review will ensure the review remains within the scope agreed.

11.4 If during a review circumstances arise which makes it necessary to change the scope of the review, the full review group must agree any changes to the terms of reference of the review or the list of interviewees. If the revised scope requires additional work it may be necessary to remove or delay other elements of the work programme.

## **12 .0 PROTOCOL FOR SCRUTINY REPORTS**

12.1 Following scrutiny reviews, the Scrutiny Committee, Scrutiny Assembly or the scrutiny groups will produce thorough reports detailing the work undertaken including consultation processes used and the key findings. The reports will include clear recommendations for consideration by the Cabinet and, if proposing changes to the policy and budget framework, by full Council (and where appropriate for consideration by external agencies). The full protocol is set out in the Scrutiny Handbook

### **12.2 Process to Sign Off Scrutiny Reports**

Once a scrutiny group has formed recommendations on proposals for policy development, it will prepare a formal report that will be agreed by all members involved in the work and endorsed by Members of the relevant Scrutiny Committee for onward submission to the Proper Officer for consideration by the Cabinet (e.g. 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). The expectation is that a minority report is the exception and that the Scrutiny group will seek to reach agreement. The protocol for Scrutiny reports is set out in the Scrutiny Handbook.

## **13.0 MEMBERS AND OFFICER GIVING ACCOUNT**

13.1 Scrutiny groups may scrutinise and review decisions made or actions taken in connection with the discharge of any Cabinet and Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, they may require any member of the Cabinet, the Head of Paid Service and/or any senior officer (Service Delivery Manager, Head of Service or Corporate 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 Council policy; and/or
- iii) the performance of the service

13.2 and it is the duty of those persons to attend if so required within 1 month of being requested.

13.3 Scrutiny Members must confine their questions to the particular issue on the agenda.

13.4 Information obtained as a Scrutiny member through private meetings of Scrutiny Review Groups or Scrutiny Sub-Groups may be sensitive and should be treated as confidential and not used for purposes other than for scrutiny.

13.5 In addition to those people referred to above the Scrutiny Assembly members may invite groups, organisations and individuals to address them, discuss issues of local concern and/or answer questions.

13.6 The Scrutiny Handbook sets out the protocol for Members and Officers giving account

#### **14.0 PROTOCOL FOR THE CALL-IN OF DECISIONS (EXCEPT DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET) WHICH ARE SET OUT IN THE POLICY FRAMEWORK AND BUDGET RULES**

14.1 The call-in procedure allows for any member of the Council, subject to the call-in procedure rules and this protocol, to refer decisions which have been made by Cabinet or delegated key decisions taken by officers, but not yet implemented, back to the appropriate decision making body for reconsideration. This is intended to be a check on the decision-making responsibilities of the Cabinet and the delegated key decisions taken by officers. This also includes the statutory co-optees for decisions upon which they can vote. This protocol clarifies the call-in process and the documentation required for the process.

14.2 If call-in is triggered, the decision is effectively suspended pending reconsideration. If call-in were used too frequently it would delay the decision making process and work against the principle of speeding up decision making. The call-in procedure and protocol has therefore been carefully designed to ensure that there is an appropriate balance between effectively holding the Cabinet to account, being able to question decisions before they are implemented, and allowing effective and efficient decision making by the Cabinet.

14.3 There is also reference to call-in under Budget and Policy Framework Procedure Rules.

14.4 This protocol will be subject to review and change by the Council Constitution Committee.

14.5 All decisions of the Cabinet (whether taken collectively or individually) must be recorded. The record must show the reasons for the decision, details of alternative options considered, record of any conflict of interest declared, and any dispensation granted by Standards Committee, where appropriate. When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council within 4 working days of being made. Members will be sent copies of the records of all such decisions within the same timescale, by the Head of Governance.

14.6 That notice will bear the date on which it is published and will specify when the decision will come into force, and may then be implemented, on the expiry of 3 working days after the publication of the decision, unless the decision is subject to call-in.

14.7 The call-in procedure does not apply to:

- a) Decisions taken by the Cabinet that are urgent;
- b) Decisions of full Council;
- c) Any decisions taken by officers that are not key decisions;
- d) Recommendations from the Cabinet to the Council;
- e) Specific or individual Employee Relations, Disciplinary or Grievance matters;
- f) Matters which are subject to formal or statutory appeal processes or are sub-judice;
- g) Individual appeal cases for example, Planning, Licensing, Housing, Education;
- h) Decisions of the Standards and Audit Committee or Regulatory Committees;

14.8 Any request for call-in must be made in writing to the Head of Governance on a "Call-in Request form" within 3 working days of the decision being published. The form must be signed by a minimum of 5 members. A faxed form or emailed form will be accepted.

14.9 When the Call-in has been received, the Head of Governance will record the time and date of receipt on the request form and will inform the decision taker, The call-in of decisions will be effected by the Chairman of the appropriate Scrutiny Committee Chairman or, in his/her absence, by the Vice Chairman of the Scrutiny Committee upon a request in writing from a minimum of 5 members, stipulating a draft proposal to be debated at the Scrutiny Committee. The final wording of the proposal will be accepted from the lead call-in member up to 48 hours after receipt of the call-in form in writing via email, fax or handwritten to the Head of Governance. So far as education matters only are concerned this minimum number of 5 may include the statutory voting co-optees referred to in the procedure rules.

14.10 All call-ins will be considered by the relevant Scrutiny Committee. In exceptional circumstances where it is not possible to achieve a quorate meeting of the Scrutiny Committee within the prescribed timescales, substitute members may be appointed by group leaders from the Scrutiny Assembly.

14.11 The Chairman of the Scrutiny Committee will determine within 3 working days whether the call-in request is valid. The Chairman of the Scrutiny Committee, or in his or her absence the Vice-Chairman of the Scrutiny Committee, will sign the call-in request form to verify that it is valid. The members who signed the call-in request form shall be notified that the call-in has been received and will be given notice of the meeting at which the matter will be considered.

14.12 A decision should only be called in once. If the Cabinet significantly alter the decision after call-in by scrutiny, the new decision will be capable of being called-in.

14.13 The decision is suspended from the time of receipt of the request for call-in, pending the decision of the Scrutiny Committee.

14.14 An informal meeting will be held between members supporting the call-in, the decision taker and the Head of Governance or his/her representative.

14.15 The objectives of this meeting are to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed on the call-in request form can be addressed by the decision taker in the original decision. After this meeting members supporting the call-in will be able to withdraw their support if they wish to do so in the light of further information or assurances gained at this meeting. If less than 5 signatories remain, the call-in will no longer be valid. If 5 or more signatories remain, the call-in request remains valid and the Scrutiny Committee will meet to consider the call-in request.

14.16 To prevent unnecessary delay to the implementation of the decision, while the informal meeting is being arranged, the necessary arrangements to hear a call-in will also continue, as set out below.

14.17 A member may withdraw their support for a call-in request no later than 24 hours before the start of the call-in meeting by letter, fax or e-mail to the Head of Governance. If after one or more members have withdrawn their support there are less than five members still in support of the call-in request the call-in will no longer be valid.

14.18 The papers despatched for the meeting will be the original report on which the decision was based together with a copy of the call-in request. In addition, both sides of the call-in are requested to produce basic information to enable the Scrutiny Committee to come to an informed decision. This should include:

- One side of an A4 sheet of paper setting out the main points of their argument which will be distributed to each member of the Scrutiny Committee to use during the meeting. This will be the maximum amount of paperwork that each party will be allowed to table at the call-in meeting.
- Any background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation. This must be circulated to scrutiny members and other parties involved in the meeting at least 48 hours prior to the meeting.

14.19 The Head of Governance will liaise with the Chairman of the Scrutiny Committee to determine whether a site visit should be organised prior to the call-in meeting taking place.

14.20 It is acceptable for the Scrutiny Committee (or substitute) members to ask questions of anyone sitting at the table in the call-in meeting, including any external witnesses.

14.21 Any Scrutiny Committee members arriving at the meeting after the lead call-in member has started their presentation will be allowed to remain in the meeting as an observer but will not be allowed to take part in the debate or the voting process. This should be made clear on the agenda for the meeting.

14.22 Proceedings at the meeting will follow the format set out below. Time limits will be strictly adhered to by the Chairman of the meeting, except in exceptional circumstances by determination of the Chairman:-

- a) If having considered the proposal, the appropriate Scrutiny Committee supports the original decision it may be implemented with immediate effect.
- b) If, having considered the proposal, the Scrutiny Committee is still concerned about the original decision, then it may refer it back to the decision making person or body for reconsideration, or refer the matter to full Council only if the decision is deemed to be outside the policy and budget framework. If referred to full Council, the decision is further suspended pending a meeting of full Council, which must take place within 10 working days of the decision to refer to full Council.

If referred to the Cabinet they shall then reconsider at the next scheduled Cabinet meeting amending the decision or not before adopting a final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within 3 working days of the call-in meeting, amending the decision or not.

- c) If a call-in meeting of the Scrutiny Committee has not been held within 10 working days of a valid call-in request being received, the decision being called-in will take effect from that date.
- d) Call-in of decisions outside the policy framework or budget are covered in Part 4 Rules of Procedure, Section 3 – Policy Framework and Budget Procedure Rules in this Constitution.

<b>Action</b>	<b>By Whom</b>	<b>Time limit</b>
<b>Apologies</b>	<b>Chairman</b>	
<b>Declarations of interest and party whip</b>	<b>Chairman</b>	
<b>Welcome : including explanation of procedure to be followed</b>	<b>Chairman / Officer</b>	
<b>Explanation of reasons for the call-in and justification for proposal set out on the call-in form</b>  <b>A4 sheet summarising argument will be distributed</b>	<b>Lead call-in member and any other persons that they wish to involve</b>	<b>30 minutes</b>
<b>Explanation of decision taken and views on</b>	<b>Relevant Cabinet member and officer (if a</b>	<b>30 minutes</b>

<b>alternative proposal. A4 sheet summarising argument will be distributed</b>	<b>cabinet decision) or relevant officer (if decision was delegated to an officer) and any other persons that they wish to involve.</b>	
<b>Questioning of call-in representatives and decision taker and consideration of any photographs, plans etc that illustrate the issue under discussion.</b>	<b>Scrutiny Committee Members</b>	<b>Unlimited</b>
<b>Summing-up</b>	<b>Lead call-in member</b>	<b>5 Minutes</b>
<b>Summing-up</b>	<b>Decision taker</b>	<b>5 Minutes</b>
<b>Discussion and voting on the proposal on the call-in form</b>	<b>Scrutiny Committee Members</b>	<b>Unlimited</b>
<b>Sum up and clarify any points which members wish to pass to the Cabinet. These will be reported to the Cabinet by the Scrutiny Committee Chairman.</b>	<b>Chairman of the Scrutiny Committee.</b>	<b>Unlimited</b>

14.23 The Scrutiny Committee having reviewed the decision can:

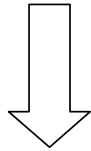
- 1) reject the call-in proposal and note the original decision. The decision will take effect on the date of the call-in meeting;
- 2) accept the proposal set out on the call-in form and refer back to the decision making person or body. The Cabinet shall then reconsider at the next scheduled Cabinet meeting, amending the decision or not before adopting the final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within a further 3 working days amending the decision or not, before adopting a final decision;
- 3) accept the proposal set out on the call-in form and refer the matter to full Council if the decision is deemed to be outside the policy and budget framework.

14.24 Whether a call-in proposal is supported or not, members may come to agreement on any comments they wish to pass to the Cabinet or decision taker. The Chairman will sum up and clarify any points which member wish to pass to Cabinet. These will be reported to the Cabinet by the Scrutiny Committee Chairman.

14.25 If after a call-in is received the Scrutiny Committee does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form has been received.

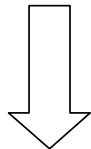
## SUMMARY OF TIMETABLE FOR CALL-IN

DECISION MADE



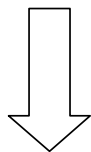
4 working days

DECISION PUBLISHED



3 working days

CALL-IN REQUEST DEADLINE (with at least 5 eligible signatures)

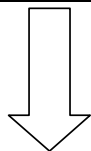


Final proposal will be accepted up to 2 working days after receipt of the call-in form. A final decision on validity of call-in within a further working day.

3 working days

CHAIRMAN OF SCRUTINY COMMITTEE DECIDES VALID OR INVALID

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7 working days

MEETING OF SCRUTINY COMMITTEE

To decide:

Accept proposal and refer back to Cabinet or decision taker (forwarding comments if members wish to)

OR Reject proposal and note Cabinet decision, decision is implemented (forwarding comments if members wish to)

If the Scrutiny Committee does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form is received.

TELFORD & WREKIN COUNCIL

**CALL-IN REQUEST FORM**

<b>Decision reference/minute no.</b>	
<b>Date of publication of decision:</b>	
<b>Decision taken by:</b>	
<b>This form must be returned to the Head of Governance within 3 working days of the decision being published with at least 5 signatures.</b>	
<b>Decision Called in:</b>	
<b>Suggested proposal you would like to be voted on at the call-in meeting:</b>	

**Members requesting call-in of the decision:**

	<b>Name</b>	<b>Signature (e mails from your Council computer will be accepted in lieu of a signature but paper or faxed forms must be signed)</b>	<b>Date</b>
<b>1 LEAD CALL-IN MEMBER</b>			
<b>2</b>			
<b>3</b>			
<b>4</b>			
<b>5</b>			
<b>6</b>			
<b>7</b>			
<b>8</b>			
<b>9</b>			
<b>10</b>			

**THIS PART OF THE FORM IS TO BE COMPLETED BY THE HEAD GOVERNANCE OR THEIR REPRESENTATIVE**

<b>Date and time form received:</b>	
<b>Form processed by (name):</b>	
<b>Date of publication of decision:</b>	
<b>Was the Call-in request received within 3 working days of publication?</b>	<b>YES/NO</b> If no reject and inform relevant parties.
<b>Are there at least 5 appropriate member's signatures on the call-in notice?</b>	<b>YES/NO</b> If no reject and inform relevant parties

<b>Signature of Chairman of Scrutiny Committee</b>		<b>Date:</b>
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Appropriate decision making body, Members requesting call-in, the Head of Governance and the Corporate Communications Manager need to be informed of receipt of call-in form.

## **15.0 NON-APPLICATION OF CALL-IN AND URGENCY**

15.1 The call-in procedure set out above shall not apply where the decision being taken 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 interest. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Scrutiny Committee, or in his or her absence, the Speaker and in the absence of both, the Deputy Speaker, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

15.2 The operation of the provisions relating to call-in and urgency shall be monitored at least annually by the Scrutiny Chairmans' Forum, and a report submitted to the Council Constitution Committee with proposals for review if necessary by the Scrutiny Chairmans' Forum and the Head of Governance.

## **16.0 THE PARTY WHIP**

16.1 Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a member of scrutiny 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 scrutiny deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

16.2 The expression "party whip" can be taken to mean: "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."

## **17.0 PROTOCOL FOR SCRUTINY MEMBER AND OFFICER RELATIONS**

17.1 All officers of the Council have an equal responsibility to serve both Cabinet and Scrutiny Members. The Council has good well-established officer/member working relationships based on respect, dignity, trust and integrity. The Member/Officer Protocol contained within the Constitution supports this position and applies to all officer/member relations, whether Cabinet, Scrutiny or other. The Scrutiny protocol for Scrutiny and Officer relations set out in the Scrutiny Handbook supplements this protocol and provides clarity for officers when serving both the Cabinet and Scrutiny functions.

## **18.0 PROTOCOL FOR PUBLIC RELATIONS AND SCRUTINY**

18.1 The protocol set out in the Scrutiny Handbook has been written as a basis for all communications between scrutiny members and the media. It will ensure that the corporate communications team is able to maximise opportunities for scrutiny to publicise its work and promote the transparency of the Council's decision-making process.

## **19.0 CHANGES TO THE CONSTITUTION REGARDING SCRUTINY**

19.1 The **Chairmans' Forum** will recommend changes to the Council Constitution Committee regarding Scrutiny arrangements including Call-In. Scrutiny Assembly Members will be informed of any proposed changes.

## **20.0 PROTOCOL FOR THE OPERATION OF COUNCILLOR CALL FOR ACTION**

20.1 Under the Council's Constitution, the relevant Scrutiny Committee may be requested to review ward issues by a Ward Member as a Councillor Call for Action. This protocol seeks to set out the process for Councillor Calls for Action, guidance for Ward Members and the proforma to fill out to request a Councillor Call for Action.

20.2 Councillor Call for Action (CCfA) has been introduced to support elected members in achieving improvements for their local areas. It is envisaged that it would help those Ward Councillors who have been unable to resolve problems in their particular wards by talking to the local authority and its partners, by allowing the Ward Councillor to refer the matter to the Scrutiny Committee for consideration.

20.3 Key Principles:

20.4 The successful operation of CCfA will rely on several principles:

- CCfA will be a means of "last resort"; with issues being raised with the Scrutiny Committee after all other avenues have been exhausted.
- CCfA can only be used in matters affecting a particular Ward area.
- It is a technique for helping to resolve issues, but it is not a panacea. Simply bringing issues to scrutiny through the CCfA process will not automatically produce a solution.

### **20.5 Operation**

20.5.1 The Ward Councillor will come across a problem in their area; this may be through their own experience or via the experience of residents in their area who may approach them for help. The ward councillor will examine the issue and signpost on for:

- Requests for service;
- An individual complaint for an issue specific to an individual's experience of a specific service;
- Advise of bringing a petition.

20.5.2 If the issue cannot be solved using the methods above, the Ward Councillor will then, dependent on the issue, try to resolve the issue through a number of different avenues:

- Checking that the relevant complaints procedures have been complied with. If the resident's issue appears to be that a standard service has not been provided, or not to a sufficient standard, then the Councillor should check that the relevant complaints procedure has been used, and that the service provider has responded to the complaint.
- Approaching the local service manager. The issue may at its core be that residents feel that the standard service is not the right one for local conditions and, therefore, the matter may be a question of making some slight adjustments. The Ward Councillor would discuss the matter with the local service manager in an attempt to secure the change.
- Approaching relevant partnership bodies or local groups. If a matter requires attention from a number of different agencies acting in partnership, the Ward Councillor should contact the partner agencies to allow them an opportunity to resolve the issue.
- Approaching the relevant Cabinet Member or Members. The Ward Councillor may come to the conclusion that a resolution can only be found following a policy change, which would require a discussion with the relevant Cabinet Member or, if the issue is complex, Cabinet Members to allow them a chance to consider if a policy decision should be made.

20.5.3 Following the Ward Councillor's pursuit of one or all of these avenues, they may still be no nearer a resolution to the issue. They will need to consider whether the issue warrants consideration as a CCfA by the relevant Scrutiny Committee. Before initiating a CCfA the Ward Councillor will be expected to "filter" issues by either deciding that it does require further action through CCfA or that it does not as there is no compulsion for Ward Councillors to initiate a CCfA.

20.5.4 A Ward Councillor should consider the following when deciding if an issue warrants referral as a CCfA:

- (a) Are the concerns individual complaints? If yes, this should be signposted to the complaints process.
- (b) Do the concerns relate to an individual "quasi judicial" decision: Planning, Licensing, Education appeals, Housing appeals or Standards. Scrutiny is not appropriate for dealing with these kinds of concerns as they are subject to their own statutory appeals processes. However, patterns of issues may be appropriate to consider as a concern under CCfA – e.g. community concerns about the proliferation of licensed premises in a local neighbourhood.
- (c) Are the concerns to do with the quality of public service provision across a number of different organisations or agencies? CCfA is not only for Scrutiny to look at issues of concern relating to council services but to issues relating to all public services e.g. community safety, health issues or issues relating to local schools.
- (d) Has this concern already been taken through the CCfA process and someone is trying through another Ward Councillor? In which case you

should automatically reject it as a CCfA, unless the issue has substantially changed in its nature to warrant reconsideration.

- (e) Is the focus of concern on a neighbourhood or locality issue? CCfA focuses on neighbourhood or locality issues where you as the Ward Councillor can help resolve issues of concern in your ward. If the concern is of a more general nature e.g. about policy across Telford & Wrekin, it would not be appropriate for CCfA but you could still make a request to Scrutiny in the usual way for it to be considered as part of the Scrutiny work programme.
- (f) Is the issue a genuine local concern? You will want to make sure that the concerns in your Ward are genuine and not just individual “hobby horses”. Finding out the views of other residents in the Ward will help to clarify this.
- (g) Have all other mechanisms for resolution of the concern been used to the full extent:
  - discussing the issue with officers of the Council or other agency;
  - discussing the issue with the relevant Cabinet Member/s;
  - facilitating an informal discussion at an appropriate local forum;
  - raising the issue with locality based arrangements – like PACT meetings;
  - formally raising the concern with partnerships or partner agencies.
- (h) Is the issue persistent and unresolved by Ward Members? Do you feel you have done everything within your power to remedy a community concern and have exhausted all mechanisms? Have you tried to resolve problem(s) with the aid of other agencies and partnerships but have been unsuccessful in finding an adequate solution? Then you are able to refer the issue(s) to Scrutiny as a CCfA but this should be the last resort.

## **20.6 Referral**

20.6.1 In order to ensure that CCfA referrals are accurately recorded, the Ward Councillor will need to fill out a CCfA proforma. They should give a summary of the issue, why they think it constitutes a CCfA and what resolution they would like to see. It is very important that as much information is included as possible in order that the Chairman of the relevant Scrutiny Committee can make an informed decision on whether this is a CCfA or not. Advice on filling in the proforma can be sought from the Head of Governance and the Scrutiny Manager.

20.6.2 Once the proforma has been filled in by the Ward Councillor this should be forwarded to the Customer Quality Team who will record receipt of the CCfA on the feedback system and acknowledge receipt to the Ward Councillor. The Customer Quality Team will then forward the CCfA proforma to the Scrutiny Manager, the relevant Director and CEO of any relevant partner organisation.

## **20.7 Validity**

20.7.1 The Chairman of the appropriate Scrutiny Committee (or in their absence the Vice Chairman) with advice from the Scrutiny Manager, will decide on validity of CCfA and inform the Ward Councillor calling the CCfA, Scrutiny Committee, Director and any other organisations to which matter relates.

20.7.2 In judging whether a CCfA is valid or not the Chairman will consider the following questions:

- (i) Does the issue relate to an individual Ward?
- (ii) Am I satisfied that reasonable attempts at resolution have been made by the Ward Councillor?
- (iii) Have scrutiny or Cabinet Members considered a similar issue recently? If they have, has the issue substantially changed to warrant re-examination?
- (iv) Are there projects, reviews, audits or inspections already underway that are already considering the concern?
- (v) In the case of a crime & disorder issue, that the matter has been referred to the Safer and Stronger Communities Partnership for resolution?
- (vi) Have the relevant area committee structures been exhausted?
- (vii) Have relevant partners or Council service areas been informed and not responded?
- (viii) Is there a more complex/strategic issue at the heart of it that could not be resolved at a lower level?
- (ix) Is the CCfA vexatious (refer to the guidance on vexatious under the Freedom of Information Act), discriminatory or unreasonable?
- (x) Could the issue raised in the CCfA be dealt with through an existing right of review or appeal e.g. planning appeals and licensing appeals? (If so then this would render the CCfA invalid except where the CCfA relates to a systematic failure of a Council function within these areas.)

20.7.3 Once the Chairman of the Scrutiny Committee comes to a decision a letter will be sent from the Scrutiny Manager to the Ward Councillor confirming whether the CCfA is valid or not. If valid, the letter will also confirm the date of the Scrutiny Committee meeting to consider the issue.

20.7.4 The Scrutiny Manager will contact the relevant Director of the Service or Chief Executive of the partner agency to collect any further information available on the issue to be sent with the agenda for the Scrutiny Committee meeting.

## **20.8 Scrutiny Committee meeting**

20.8.1 The Scrutiny Committee will invite the Ward Councillor and relevant officers from the Council or its partner agencies to discuss the matter in more detail at a public meeting. The Scrutiny Committee will either:

- (i) Reject the CCfA in its entirety;
- (ii) Make recommendations to the Cabinet or Council for actions to be taken;
- (iii) Make recommendations to the Chief Executive Officer of a partner agency for actions to be taken;
- (iv) Agree to undertake a Scrutiny Special Interest Meeting/spotlight review or in-depth review on the issue. Where necessary other items on the work programme may be removed or delayed.
- (v) Agree to hold a further meeting to discuss, where further evidence is required;

(vi) Or, where appropriate, a combination of the actions stated above.

### **20.9 Scrutiny Committee decision/recommendation**

20.9.1 The outcome of the meeting will be communicated to the Ward Councillor, Director and Chief Executive Officer of the partner agency, the Cabinet Member/s and the Customer Quality Team who will record the decision/recommendations and track their implementation/rejection. Updates will be provided to the Scrutiny Committee as agreed.

20.9.2 Once all recommendations have either been implemented or rejected by the Cabinet/Council or partner agency the CCfA record will be closed.

## **COUNCILLOR CALL FOR ACTION (CCfA) PROCESS MAP**

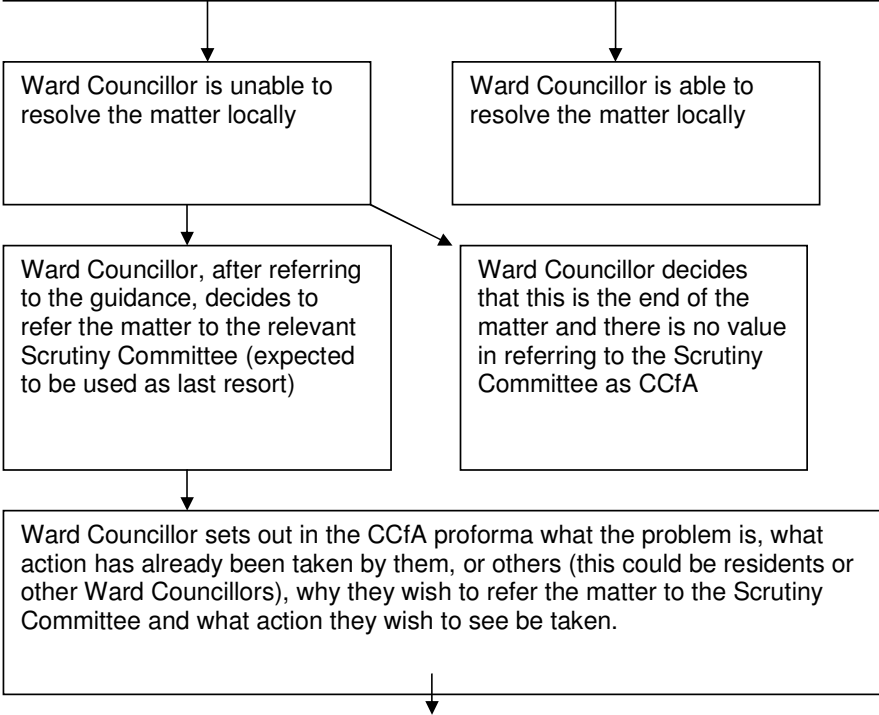
Ward Councillor becomes aware of a local problem or is approached by an individual resident or group of residents to help solve a local problem in their ward.

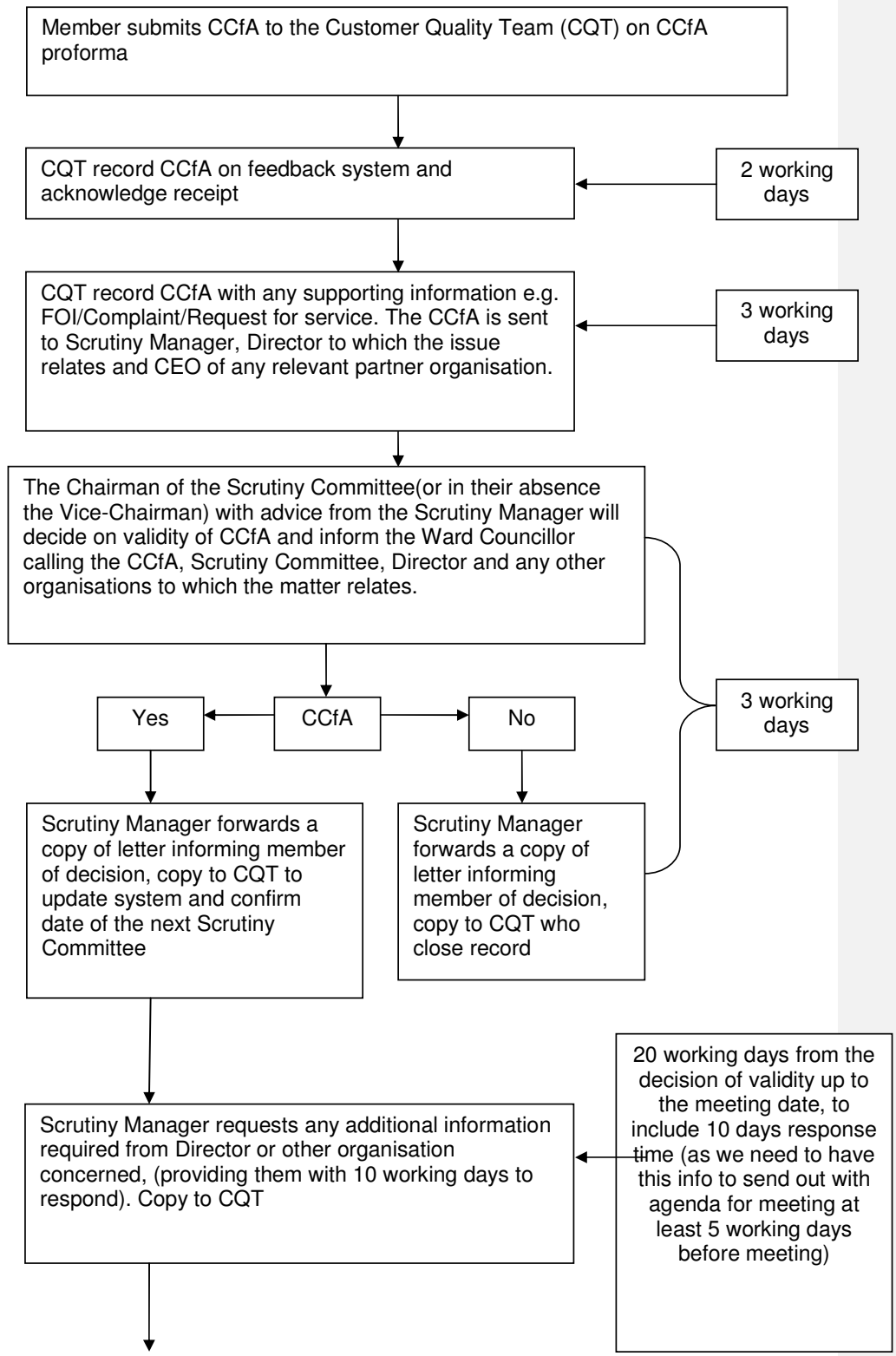
Ward Councillor assesses problem and sign posts local resident/s to the correct service area or partner organisation as either:

- a “request for service”;
- as an individual complaint through the complaints process;
- or through the petition process.

Where the above processes do not apply, the Ward Councillor will decide to seek improvement for the problem by approaching:

- Local service managers (both Borough Council or its partners)
- Community Organisations
- Senior Management (in the Borough Council or its partners)
- Cabinet Member





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The CCfA is heard at the Scrutiny Committee. The following actions can be taken by the Scrutiny Committee:

- It rejects the CCfA;
- Make recommendations to the Cabinet or Council;
- Make recommendations to the CEO of a partner agency;
- Agree to undertake a scrutiny special interest meeting/spotlight review or in-depth scrutiny review on the issue;
- Agree to hold a further meeting to discuss, where further evidence is required;
- Or, where appropriate, a combination of the actions stated above.

decision/recommendations are communicated to Director, Ward Councillor, Cabinet Member and CQT by Scrutiny Manager

2 working days  
(from date of Scrutiny Committee meeting)

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CQT record and monitor decision/recommendation to ensure they are implemented (where appropriate). Updates will be provided to the Scrutiny Committee as agreed.

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CQT close record once all recommendations have either been implemented or rejected.

**COUNCILLOR CALL FOR ACTION  
PROFORMA**

Please forward this form to the Customer Quality Team, Telford & Wrekin Council, Civic offices, PO Box 215, Telford, TF3 4LF or via email on [customer.quality@telford.gov.uk](mailto:customer.quality@telford.gov.uk)

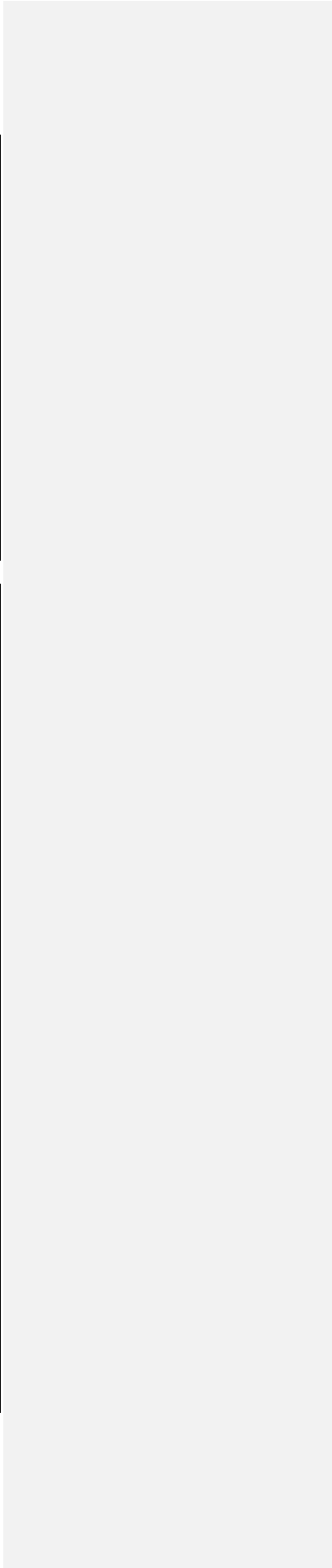
Name of Member	Ward	Members Signature	Date

Summary of CCfA issue:

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Summary of why this constitutes a CCfA:

Details of the resolution being sought





<b>If so, date of the Scrutiny Committee meeting to which it will be presented.</b>	
<b>What, if any information is required from the relevant Director or other organisation concerned?</b>	
<b>Date of request to the relevant Director or other organisation concerned for this information.</b>	

<b>Signature of Chairman/Vice-Chairman of the Scrutiny Committee</b>	
<b>Date</b>	

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