

## **COUNCIL CONSTITUTION COMMITTEE**

### **Minutes of a meeting of the Council Constitution Committee held on Tuesday, 22nd February, 2011 6.25 p.m. in the Civic Offices, Telford, Shropshire**

**PRESENT:** Councillors S.M. Kelly (Chairman), R.K. Austin, E.J. Carter, A.J. Eade, G.M. Green, C.F. Smith and V. Tonks

#### **CCC-20      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Council Constitution Committee held on the 11th January, 2011 be confirmed and signed by the Chairman.

#### **CCC-21      APOLOGIES FOR ABSENCE**

Councillor J.M. Seymour

#### **CCC-22      DECLARATIONS OF INTEREST**

None.

#### **CCC-23      UPDATE TO COUNCIL CONSTITUTION**

The report of the Head of Governance requested the Committee to recommend changes to the Council's Constitution in respect of Governance and delegations of power, the Functions and Powers of the Personnel Board, and the Financial Regulations to Full Council for approval.

Provisions in the Local Government and Public Involvement in Health Act 2007 (Schedule 4, part 1, section 3) required the Council to make changes to its executive arrangements and, on 25 November 2010, the Council had resolved to adopt the Strong Leader model, which needed to be in place following the Council elections in May 2011. The change to the "Strong Leader executive model meant that the executive powers previously vested in the Cabinet would now be vested, initially, in the Leader of the Council who would be appointed, following the elections, to serve for a four year term. The Leader would then be able to decide upon the composition of the Cabinet and those delegations of powers previously vested in the Cabinet. In some cases those powers would be shown in the Constitution but the Leader of the Council could delegate them without this being the case, although it was suggested that any such changes in delegations were reported to the Cabinet as soon as possible thereafter. The necessary changes to the Constitution were set out in Annex A of the report.

Provisions need to be added to the Constitution with regard to the appointment of the Leader and Deputy Leader together with provisions for removing both. Members were aware that a full review of the Council's Constitution was currently being undertaken but certain provisions needed to be in place for May 2011. References to the role of Cabinet Assistants required deletion, following the conclusions of the Independent Remuneration Panel, the positions of Speaker and Mayor had been

combined in to a single role in line with practice in the majority of other councils and references to the Emergency Committee had been deleted as there was provision to call a special meeting of the Executive or the relevant committee dependent upon the issue arising. Changes in the Terms of Reference of the Personnel Board, as set out in Annex B of the report, were suggested to address current omissions in the current delegation and some out of date Guidance Notes required deletion.

The key changes to the Financial Regulations, as set out in Annexes C1 and C2 of the report, were required to reflect the revised requirements resulting from the introduction of a new financial management system which would be implemented on 1 April, 2011. In addition, paragraph 11 had been shortened referring readers to the Contract Procedure Rules to reduce duplication. Minor changes had also been made to reflect the Council's senior management restructure, service area restructures and the tighter financial controls introduced in response to the current economic climate and local government finances.

In presenting the report of the Head of Governance, the Democratic Services Manager informed the Committee that Part 6 of the Constitution (Members' Remuneration Scheme) had not been updated following approval of the amended Scheme by Council at its meeting on 7 October, 2010. The amended details would be shown in the copy of the Constitution attached to the recommendation to Council on 3 March, 2011.

With reference to Article 7 of the Constitution (The Leader and Cabinet) Councillor Smith pointed out that the word 'Council' needed to be inserted after the word 'Annual' in paragraph 7.05. He further requested that this paragraph be amended to include a requirement for any changes in the composition of the Cabinet to be reported to Full Council to inform Members who was responsible for decision making.

The Chairman informed the Committee that, due to the amount of detailed work required to achieve the proposed major revision of the Constitution, this would now not take place until after the Borough Council elections in May. However, he agreed that the change to Article 7, as proposed by Councillor Smith, should be recommended for approval by Council at its meeting on 3 March, 2011. It was further agreed that these amendments be e-mailed to Members for information.

Councillor A.J. Eade welcomed the consensus on the Constitution and agreed with Members on the need for a revised and simplified version.

**RESOLVED – that Full Council be recommended to approve:**

- (a) the changes to the Constitution in respect of Governance and the delegation of powers, as set out in Annex A of the report, to come into force on 8 May, 2011;**
- (b) the additional Terms of Reference of the Personnel Board, as set out in Annex B of the report, for implementation with immediate effect;**

- (c) the changes to Part 4 – Section 6 – Financial Regulations of the Constitution, as set out in Annexes C1 and C2, of the report;
- (d) that paragraph 7.05 of Article 7 of the Constitution (The Leader and Cabinet) be amended to state that the Leader will provide the Council with details of the allocation of responsibility for functions referred to in that section and keep the Council informed of any amendments made to them;
- (e) that paragraph 7.05 of Article 7 of the Constitution (The Leader and Cabinet) be amended to insert the word ‘Council’ after the word ‘Annual’;
- (f) that the Head of Governance, following consultation with the Chairman of the Committee, be authorised to make any minor administrative changes to the Constitution arising from the above.

The meeting ended at 6.35 p.m.

**Chairman:** .....

**Date:** .....

**TELFORD & WREKIN COUNCIL**

**COUNCIL CONSTITUTION COMMITTEE – 15<sup>TH</sup> JUNE 2011**

**CHANGES TO THE CONSTITUTION TO REFLECT SCRUTINY  
ARRANGEMENTS**

**REPORT OF THE SCRUTINY MANAGEMENT BOARD**

**1. PURPOSE**

To make recommendations to the Council Constitution Committee to update the Council's Constitution so that the Scrutiny Committees established at Annual Council on 26<sup>th</sup> May 2011 are fully constituted.

**2. RECOMMENDATIONS**

- 2.1 That the Council Constitution Committee endorses the changes proposed in Appendix 1 and recommends these changes to Full Council.**

**3. SUMMARY**

- 3.1 Appendix 1 shows the changes recommended by the Scrutiny Management Board to update the Council's Constitution to reflect the scrutiny appointments established at Annual Council on 26<sup>th</sup> May 2011.
- 3.2 The Scrutiny Management Board has taken the opportunity to propose the streamlining of the relevant sections of the Constitution consistent with the Council's aim of modernising the Constitution and improving efficiency.
- 3.3 The proposed changes retain the key principles and core elements of Scrutiny in the Constitution, but recommend that the operational and process elements are removed and set out in the Scrutiny Handbook.
- 3.4 This approach means the governance arrangements for Scrutiny are set out in Constitution, but allows flexibility for changes to be made to the operating structure and processes without the need to update the Constitution each time a change is made.
- 3.5 Decisions about the scrutiny structure and processes will be determined by the Scrutiny Management Board, in consultation with

the Scrutiny Assembly, consistent with effective delivery of the scrutiny function and the principle of the separation of powers between the Executive and Scrutiny.

- 3.6 The Scrutiny Management Board will be responsible for co-ordinating all aspects of the scrutiny work programme and will be responsible for scrutiny of decisions called in.

#### **4. PREVIOUS MINUTES**

- 4.1 None

#### **5. INFORMATION**

- 5.1 On 26<sup>th</sup> May 2011 Annual Council appointed to 6 Scrutiny Committees including a Scrutiny Management Board and 5 service themed Scrutiny Committees. These meetings could not take place until the Constitution had been updated to reflect an amended scrutiny structure. These changes will be agreed by Council on 23<sup>rd</sup> June 2011.
- 5.2 The Scrutiny Management Board met informally on 6<sup>th</sup> June 2011 to consider the changes required and recommend the changes set out in Appendix 1.
- 5.3 The Scrutiny Management Board discussed the options for updating the Constitution and agreed that the approach should be to streamline the Constitution, making it more efficient, flexible to change and easier for people to read. It was also agreed that Members should be encouraged to access the Constitution electronically to save money on printing costs.

#### **6. Equal Opportunities**

Equal opportunities are considered as part of scrutiny reviews.

#### **7. Environmental Impact**

Environmental impacts are considered as part of scrutiny reviews.

#### **8. Legal Comment**

- 8.1 The Local Government Act 2000, as amended, sets out the provision for establishing an Overview and Scrutiny Committee. In the proposal set out in this report such a committee is to be called the Scrutiny Management Board.

- 8.2 Section 21 (6) of the Local Government Act 2000, as amended, makes provision for the Scrutiny Management Board to establish Sub-Committees to discharge the overview and scrutiny function. In the proposal in this report the sub-committees are also referred to as Committees but are given specific areas of council business to concentrate on. The Scrutiny Management Board may make amendments to the other Committees and their remit as they see fit providing it remains within the legislative framework and gives due regard to government guidance.
- 8.3 Any decision to amend the scheme of delegation to the Sub-Committees or change their structure must be recorded and made available to view.

## **9. Links with Corporate Priorities**

The Scrutiny Work Programme will be linked to Council priorities and developed in consultation with Executive members.

## **10. Opportunities and Risks**

There is an opportunity to streamline the Constitution to create efficiencies.

## **11. Financial Implications**

- 11.1 There are no direct financial implications as a result of the proposed changes to the Council's Constitution to reflect the revised scrutiny arrangements. There is adequate budgetary provision within existing budgets for payment of special responsibility allowances to the Chair of each of the 6 Scrutiny Committees.

## **12. WARD IMPLICATIONS**

There are no ward specific implications arising from this report.

## **13. BACKGROUND PAPERS**

None

***Report prepared by Jonathan Eatough, Head of Governance, Tel; 01952 383200***

## SUMMARY OF CHANGES TO THE CONSTITUTION RECOMMENDED BY THE SCRUTINY MANAGEMENT BOARD

In addition to the changes below, references to “overview and scrutiny” have been amended to “scrutiny” throughout the document.

### **Part 1 - Summary and Explanation**

#### **~~OVERVIEW AND SCRUTINY~~**

The Scrutiny Assembly and Scrutiny Committees, including a Scrutiny Management Board, are 7 Scrutiny Committees and a Scrutiny Assembly which support the work of the Cabinet and the Council as a whole. This allows members outside the Cabinet and citizens to have a greater say in Council matters by investigating issues of local concern. This can include questioning officers of the Council and inviting people from outside the Council to give opinions and expert advice. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committees and Scrutiny Assembly also monitor the decisions of the Cabinet. They can ‘call-in’ a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate.

### **Part 2 - Articles of the Constitution**

#### **Article 6 – ~~Overview and~~ Scrutiny Committees**

#### **~~OVERVIEW AND SCRUTINY~~**

##### **Explanatory Comment**

The ~~overview and~~ scrutiny function is a central element to this constitution. The Scrutiny Committees and Scrutiny Assembly will meet in public to discuss and make recommendations on the development of policies and hold the Cabinet to account for their actions. They will also have a key role in considering other matters of local concern.

The guiding principle for the work of scrutiny is that it should be consensual and positive. The emphasis of the work should be on making a proactive and positive contribution to the development of policy and the discharge of the Council’s functions. This is best achieved by an inclusive process covering members, partners, service users and employees.

Structure:

- Scrutiny will be undertaken by the Scrutiny Assembly, Scrutiny Management Board and Scrutiny Committees. There will be a minimum of 2 and a maximum of 6 Scrutiny Committees, including the Scrutiny Management Board.

- Group Leaders will appoint their own representatives to the ~~7~~ Scrutiny Committees in line with political balance requirements. These representatives cannot be Cabinet Members, or the Mayor.
- All Members of the Council will automatically become members of a Scrutiny Assembly, excluding Cabinet Members or the Mayor.
- All scrutiny standing co-optees will be members of the Scrutiny Assembly.
- The Scrutiny Committees may appoint standing groups to which ~~it~~ they can delegate areas of responsibility to scrutinise in detail.

#### Roles:

- The Scrutiny Committees' role is to scrutinise the work of within the remit of the relevant priority area in the Council and relevant partner organisations. The Scrutiny Chairmen will liaise with the Leader and Cabinet Members.
- ~~Each of the Chairmen of the 7 Scrutiny Committees takes responsibility for one of the Council's Community Priorities.~~
- ~~The Scrutiny Chairmen will exercise overall responsibility for the finances made available to them.~~
- The ~~Scrutiny Chairmen~~ Lead Scrutiny Member must report annually to full Council on the workings of ~~the Scrutiny~~ in the previous municipal year and key issues for the future, and make recommendations for future work programmes and amended working methods if appropriate.
- The Scrutiny Committees and Scrutiny Assembly will conduct their proceedings in accordance with the ~~Overview and~~ Scrutiny Procedure Rules set out in Part 4 of this Constitution.
- ~~Other than the statutory representatives with voting rights on education matters, co-opted members of scrutiny will not have voting rights unless agreed by Full Council. The Scrutiny process allows the participation of voting statutory representatives as co-optees for education matters in scrutiny. The Scrutiny Committees may also appoint non-voting representatives as standing co-opted members of scrutiny except co-optees on the Joint Health Scrutiny Committee who will have voting rights as agreed by Full Council.~~

## Article 8 – Regulatory and Other Committees

### 8.01 Regulatory and other committees

The following committees will be appointed by full Council. Delegated powers will be given to these committees to discharge their relevant functions.

#### Committees

#### Functions

2

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## **Committees**

Plans Board

Licensing Committee

Standards Committee

Audit Committee

Council Constitution Committee

## **Functions**

- Town and Country Planning and Development Control
- Miscellaneous powers in relation to footpaths, bridleways, use and enjoyment of highways and duty to keep definitive map and statement under review.
- Tree Preservation Orders (where objections have been received)
- Protection of important hedgerows
- Licensing and Registration functions excluding those relating to social care.
- Elections.
- Health & Safety at Work.
- Health Act 2006 Part 1 Chapter 1
- The naming and status of areas and individuals.
- Power to make, amend, revoke or re-enact bye-laws.
- Power to promote or oppose local or personal Bills.
- To make payments etc in cases of maladministration.
- Licensing Act 2003
- Gambling Act 2005
- Matters relating to ethics, standards and governance.
- Matters relating to governance and overseeing the audit, risk management and financial statements processes.
- To review and recommend changes to the Constitution of the Council

## **Committees**

~~Adult Care and Support Scrutiny Committee~~  
~~Efficient and Community Focused Council Scrutiny Committee~~  
~~Community Protection and Cohesion Scrutiny Committee~~  
~~Housing, Regeneration and Prosperity Scrutiny Committee~~  
~~Active Lifestyles Leisure & Culture Scrutiny Committee~~  
~~Environment & Rural Areas Scrutiny Committee~~  
~~Children & Young People Scrutiny Committee~~  
Scrutiny Committees

## **Functions**

- ~~• To scrutinise the work of the Council, its Committees and the Cabinet in relation to the Corporate Priority.~~
- To scrutinise the work of other organisations relating to this priority in accordance with national legislation and good practice

Appeals Committee

- To hear and determine all appeals except those which by statute require to be determined by a separate body, e.g. social services appeals

Personnel Board

- Appointment of Corporate Directors and Statutory Officers
- Local Government Pension Scheme
- To agree at a strategic level all matters relating to the Council's employees

## **Footnote**

- (i) General functions relating to all committees are listed above which also include Standards Committee, Audit Committee and the Scrutiny Committees.
- (ii) The following functions listed for Licensing Committee will be reserved to full Council for determination: -
  - power to make, amend, revoke or re-enact bye-laws
  - power to promote or oppose personal bills

## **Part 4 – Rules of Procedure**

### **Section 3 – Policy Framework and Budget Procedure Rules**

#### **2. Process for Developing the Framework**

The Council is responsible for the adoption of the budget and policy framework. The process by which the budget and policy framework shall be developed is:

- (a) Before the end of December each year the Leader and Cabinet Executive will publicise its policy and budget proposals, together with a timetable for taking final proposals to the Council and arrangements for consultation. There will be a minimum 4 week consultation period.
- (b) During the consultation period:
  - (i) the Leader and Cabinet Executive's proposals shall be referred to the relevant Scrutiny Committee ~~for an Efficient Community Focused Council~~ for further consideration.
  - (ii) a range of consultation activities will take place with the community and stakeholders so that they can feed their views into the process
  - (iii) the Leader and Cabinet Executive's proposals shall be available to Opposition Groups for consideration. It is the responsibility of Opposition Groups to plan their own work programme so that they are able to respond to the proposals within the consultation period.
- (c) Any budget proposals proposed by Opposition Groups must be presented to the relevant Scrutiny Committee ~~for an Efficient Community Focused Council~~ prior to Cabinet presenting their proposals to Full Council. This may be during the consultation period.
- (d) Having considered the results of consultation and any reports of the Scrutiny Committee ~~for an Efficient and Community Focused Council~~ and Opposition Groups, the Cabinet, if it considers it appropriate, may amend its proposals
- (e) The Cabinet will submit its final proposals to Council before the 11<sup>th</sup> March each year for adoption. It will also report to Council on how it has taken into account consultation feedback.
- (f) The Council will consider the proposals of the Leader and Cabinet Executive in accordance with its normal rules of procedure.
- (g) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately
- (h) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the

policy framework which may be undertaken by the Leader and Cabinet Executive. Any other changes to the budget and policy framework are reserved to the Council.

## **Section 4 – Cabinet Decision Procedure Rules**

### **2. HOW ARE CABINET MEETINGS CONDUCTED?**

#### **2.4 Consultation**

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the policy framework and budget should contain details of the nature and extent of consultation undertaken with stakeholders and ~~the Scrutiny Committees Leadership Board~~. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

#### **2.6 Timescales**

In considering matters in relation to budgetary issues the Leader and Cabinet Executive will have due regard to any appropriate timescale within which the budget has to be approved by the Council. By way of example the timespan required to deal with this will include consultation with partners and other external agencies plus reference to the relevant Scrutiny Committee ~~for an Efficient and Community Focused Council~~.

## **Section 5 – ~~Overview and~~ Scrutiny Procedure Rules**

### **1.0 ARRANGEMENTS FOR SCRUTINY**

- 1.1 There will be a Scrutiny Assembly, and a minimum of 2 and maximum of 6 Scrutiny Committees including a Scrutiny Management Board.
- 1.2 Appointment to the Committees will be agreed at Annual Council.
- 1.3 The Scrutiny Assembly will be made up of all Members of the Council except the Leader, other Cabinet Members and the Mayor.
- 1.4 The Chairman of the Scrutiny Management Board will also be the Lead Scrutiny Member and Chairman of the Scrutiny Assembly.
- 1.5 Each Scrutiny Committee will be politically balanced.
- 1.6 The scrutiny work programme and methods of scrutiny will be determined by the Scrutiny Assembly and Scrutiny Committees.
- 1.7 Details of the scrutiny structure and procedures will be set out in the Scrutiny Handbook as may be amended from time to time.

## **2.0 SCRUTINY ASSEMBLY**

2.1 Terms of Reference for the Scrutiny Assembly will be set out in the Scrutiny Handbook.

2.2 The Scrutiny Assembly will meet as deemed necessary for the effective execution of the scrutiny function.

## **3.0 SCRUTINY MANAGEMENT BOARD**

3.1 The Scrutiny Management Board will co-ordinate, oversee and monitor the delivery of the Scrutiny work programme.

3.2 The Scrutiny Management Board will oversee the allocation of scrutiny officer resources to the Scrutiny Committees.

3.3 The Scrutiny Management Board will allocate Scrutiny suggestions to the relevant Scrutiny Committee and may make recommendations about priorities for the work programme and joint scrutiny of issues.

3.4 The Scrutiny Management Board will be responsible for scrutiny in relation to Leader and Cabinet Executive decisions 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.

3.5 The Scrutiny Management Board will receive requests from the Leader and Cabinet Executive 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.

3.6 Subject to the provision of 1.1 the Scrutiny Management Board may make changes to the scrutiny structure and processes after consulting with the Scrutiny Assembly. The Scrutiny Handbook will be updated to reflect the changes.

3.7 The Role Description for the Chairman of the Scrutiny Assembly will be set out in the Scrutiny Handbook.

3.8 The Scrutiny Management Board may periodically review and make changes to the Policy for Co-opting Scrutiny Members.

## **4.0 SCRUTINY COMMITTEES**

4.1 The Scrutiny Committees will scrutinise the work of the Council as set out by the **Local Government Act (2000)**. The Committees will:

- Review the strategies and policies of the Leader and Cabinet Executive and the Council and scrutinise any matter affecting local people;
  - Review the discharge by the Leader and Cabinet Executive 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 Leader and Cabinet Executive;
  - 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 Leader and Cabinet Executive arising from that consideration;
  - Consider any matter referred to Scrutiny by the Leader and Cabinet Executive or the Council and recommend to the Leader and Cabinet Executive or the Council accordingly.
- 4.2 The Scrutiny Committees will scrutinise the work of partner organisations in accordance with national legislation and good practice.
- 4.3 The Scrutiny Committees will undertake scrutiny in accordance with statutory duties and powers, and the requirements of the Council's Constitution:
- The powers of a Scrutiny Committee in relation to Leader and Cabinet Executive decisions 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. This power will be exercised by the Scrutiny Management Board.
  - Scrutiny of the Crime and Disorder Reduction Partnership (as set out in **section 19 of the Police & Justice Act (2006)**).
  - Scrutiny of Flood and Water Management (as set out in the **Flood and Water Management Act 2010**).
  - Consideration of Social Care referrals for the Local Involvement Network (LINK) (as set out in section 226 of the **Local Government and Public Involvement Act (2007)**).
  - Statutory Scrutiny of Local Area Agreements (as set out in **section 21E of the Local Government Act 2000**)). Not sure this still exists.
  - Statutory health scrutiny function including appointing Members and Co-optees to any Joint Health Scrutiny arrangements (as set out in **Section 7 of the Health & Social Care Act (2001)** and amended by the **National Health Service Act (2006)**).
  - The powers of a 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 a Scrutiny Committee in relation to petitions as set out in the **Local Democracy, Economic Development and Economic Construction Act (2009)**.
  - Scrutiny of the Leader and Cabinet Executive's budget proposals as set out in the Policy Framework and Budget Procedure Rules of this Constitution.
- 4.4 The Scrutiny Committees will meet as required to deliver the work programme.
- 4.5 The Scrutiny Committees will be entitled to appoint Co-optees in accordance with legislation and the Policy for Co-opting Scrutiny Members as set out in the Scrutiny Handbook.
- 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).
  - 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.
  - Other than statutory education co-optees, the co-optees will not have voting rights unless agreed by Full Council.
- 4.6 The quorum for the Scrutiny Committees shall be as set out for committees in the Council Procedure Rules of this Constitution.
- 4.7 Terms of Reference for the Scrutiny Committees will be set out in the Scrutiny Handbook.
- 4.8 The Role Description for the Scrutiny Committee Chairmen will be set out in the Scrutiny Handbook.
- 4.9 The protocol for Scrutiny reports will be set out in the Scrutiny Handbook.

## **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 the Leader, other Cabinet Members, 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 6~~
- ~~• Community Protection and Cohesion 6~~
- ~~• Housing Regeneration and Prosperity 6~~
- ~~• Active Lifestyles, Leisure and Culture 6~~
- ~~• Environment and Rural Areas 6~~
- ~~• Children and Young People 6~~

~~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 Leader and Cabinet Executive and the Council and scrutinise any matter affecting local people.~~

- Review the discharge by the Leader and Cabinet Executive 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 Leader and Cabinet Executive.
- 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 Leader and Cabinet Executive arising from that consideration.
- Consider any matter referred to it by the Scrutiny Chairmen's Forum from the Leader and Cabinet Executive or the Council and recommend to the Leader and Cabinet Executive or the Council accordingly.

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

<b>Scrutiny Committee</b>	<b>Statutory Powers and Responsibilities</b>
Adult Care and Support	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> )
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	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> )
Environment and Rural Areas	Scrutiny of Flood and Water Management (as set out in the <b>Flood and Water Management Act 2010</b> )
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 Leader and Cabinet Executive 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 Leader and Cabinet Executive 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 Leader and Cabinet 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 the Leader, other Members of the Cabinet, 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. Leader and Cabinet Executive 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 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 Leader and Cabinet Executive 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 Leader and Cabinet Executive 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 Leader and Cabinet Executive (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 OFFICERS 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 in the course of scrutiny reviews through private meetings of Scrutiny Review Groups or Scrutiny Sub-Groups may be sensitive and if it is must 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 or Scrutiny Committee 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**

14.9 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 Scrutiny Management Board or, in his/her absence, by the Vice Chairman of the Scrutiny Committee Management Board, or in their absence by a Chairman of a Scrutiny Committee, upon a request in writing from a minimum of 5 members, stipulating a draft proposal to be debated at the Scrutiny Committee Management Board. 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 Scrutiny Management Board. In exceptional circumstances where it is not possible to achieve a quorate meeting of the Scrutiny Committee Management Board within the prescribed timescales, substitute members may be appointed by group leaders from the Scrutiny Assembly.

14.11 The Chairman of the Scrutiny Committee Management Board will determine within 3 working days whether the call-in request is valid. The Chairman of the Scrutiny Committee Management Board, or in his or her absence the Vice-Chairman of the Scrutiny Committee Management Board, or in their absence a Chairman of a 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 can only be called in once. If the Leader and Cabinet Executive 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 Management Board.

- 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 Management Board 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 Management Board 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 Management Board 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 Management Board (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 Management Board 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 Management Board supports the original decision it may be implemented with immediate effect.

b) If, having considered the proposal, the Scrutiny Committee Management Board is still concerned about the original decision, then it may refer it back to the decision maker 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 Leader and Cabinet Executive the decision taker shall then reconsider 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 Management Board 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.

<u>Action</u>	<u>By Whom</u>	<u>Time limit</u>
<u>Apologies</u>	<u>Chairman</u>	
<u>Declarations of interest and party whip</u>	<u>Chairman</u>	
<u>Welcome : including explanation of procedure to be followed</u>	<u>Chairman / Officer</u>	
<u>Explanation of reasons for the call-in and justification for proposal set out on the call-in form</u> <u>A4 sheet summarising</u>	<u>Lead call-in member and any other persons that they wish to involve</u>	<u>30 minutes</u>

<del>argument will be distributed</del>		
<del>Explanation of decision taken and views on alternative proposal.  A4 sheet summarising argument will be distributed</del>	<del>Decision-taker and officer (if a cabinet decision) or relevant officer (if decision was delegated to an officer) and any other persons that they wish to involve.</del>	<del>30 minutes</del>
<del>Questioning of call-in representatives and decision taker and consideration of any photographs, plans etc that illustrate the issue under discussion.</del>	<del>Scrutiny Committee Members</del>	<del>Unlimited</del>
<del>Summing-up</del>	<del>Lead call-in member</del>	<del>5 Minutes</del>
<del>Summing-up</del>	<del>Decision taker</del>	<del>5 Minutes</del>
<del>Discussion and voting on the proposal on the call-in form</del>	<del>Scrutiny Committee Members</del>	<del>Unlimited</del>
<del>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.</del>	<del>Chairman of the Scrutiny Committee.</del>	<del>Unlimited</del>

14.23 The Scrutiny ~~Committee~~ Management Board having reviewed the decision can:

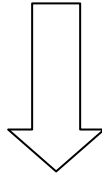
- 1) reject the call-in proposal and note the original decision. The decision will take effect on the date of the call-in meeting;
- 2) accept the proposal set out on the call-in form and refer back to the decision taker. The decision-taker shall then reconsider, amending the decision or not before adopting 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 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 Management Board.

14.25 If after a call-in is received the Scrutiny ~~Committee~~ Management Board 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.

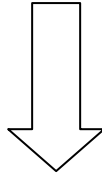
**SUMMARY OF TIMETABLE FOR CALL-IN  
DECISION MADE**

**4 working days**



**DECISION PUBLISHED**

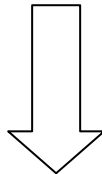
**3 working days**



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

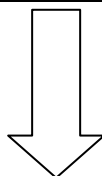
**Final proposal will be accepted up to 2 working days after receipt of the call-in form. A final decision on validity of call-in within a further working day.**

**3 working days**



**CHAIRMAN OF SCRUTINY COMMITTEE DECIDES VALID OR  
INVALID**

**7 working days**



**MEETING OF SCRUTINY COMMITTEE**

**To decide:**

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

**OR Reject proposal and note Leader and Cabinet Executive 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.**

**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 ~~Chairmen's Forum~~Management Board, and a report submitted to the Council Constitution Committee with proposals for review if necessary by the Scrutiny ~~Chairmen's Forum~~Management Board 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 ~~for public relations and scrutiny will be~~ 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 ~~Chairmen's Forum~~Scrutiny Management Board 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 The Council will maintain a protocol for the operation of Councillor Call for Action and this will be maintained in the Scrutiny Handbook in accordance with legislation.

~~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

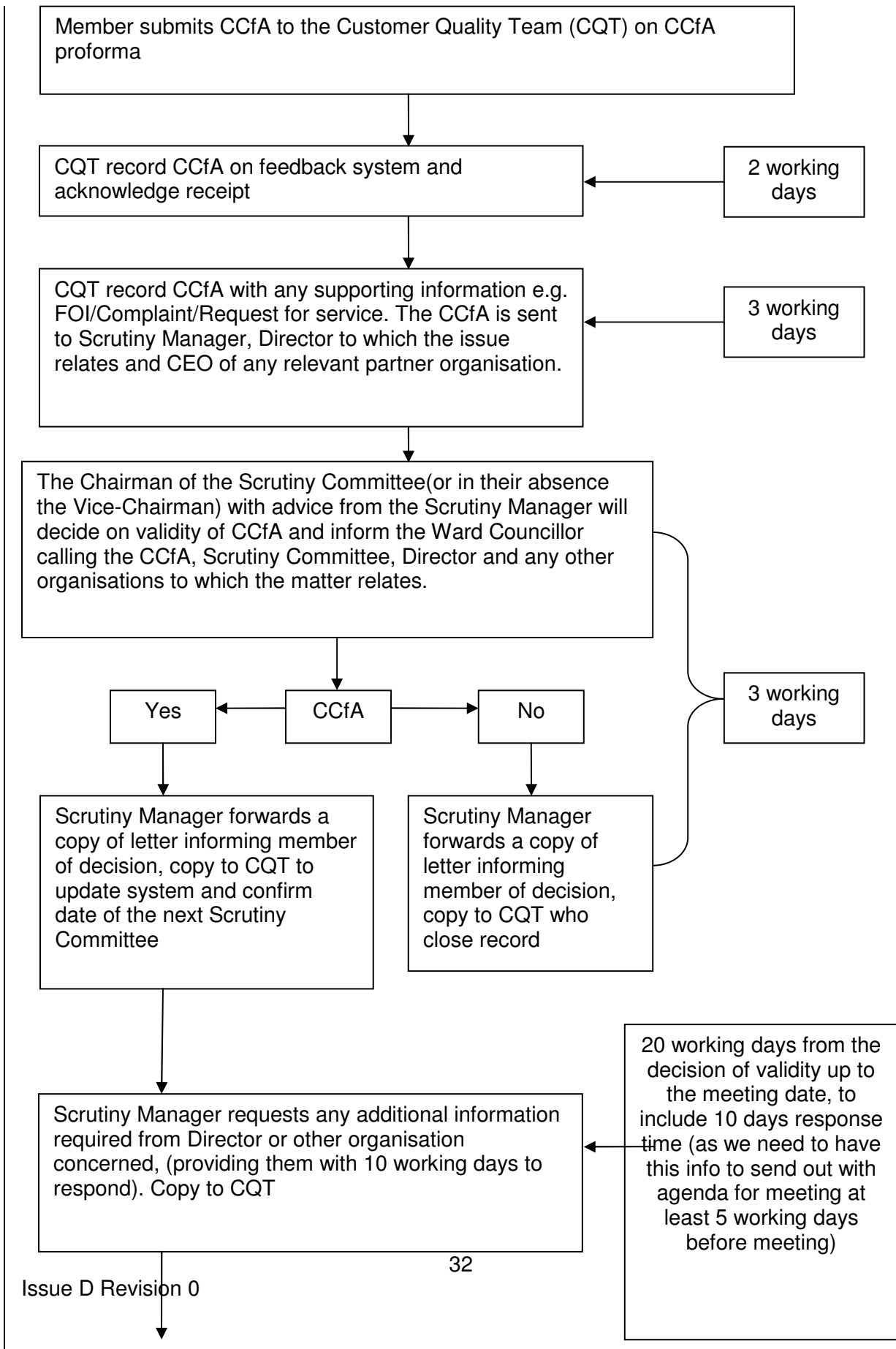
Ward Councillor is unable to resolve the matter locally

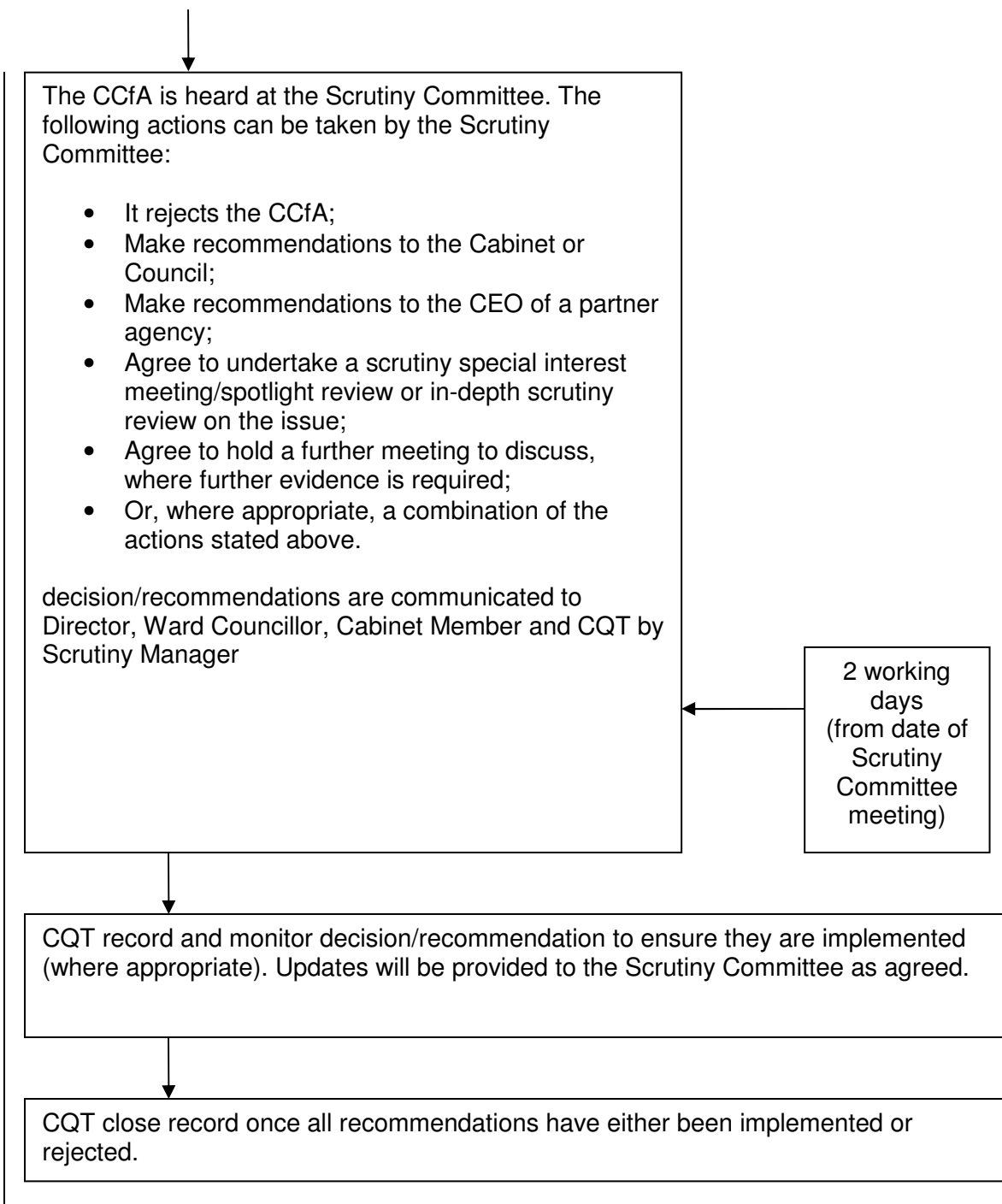
Ward Councillor is able to resolve the matter locally

Ward Councillor, after referring to the guidance, decides to refer the matter to the relevant Scrutiny Committee (expected to be used as last resort)

Ward Councillor decides that this is the end of the matter and there is no value in referring to the Scrutiny Committee as CCfA

Ward Councillor sets out in the CCfA proforma what the problem is, what action has already been taken by them, or others (this could be residents or other Ward Councillors), why they wish to refer the matter to the Scrutiny Committee and what action they wish to see be taken.





**COUNCILLOR CALL FOR ACTION  
PROFORMA**

Please forward this form to the Customer Quality Team, Telford & Wrekin Council, Civic Offices, Civic Offices, Coach Central, Telford, TF3 4HD 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:

--

Summary of why this constitutes a CCfA:

--

Details of the resolution being sought

--

--

Please indicate if this issue has been responded to previously via any of the following processes.

Process	Yes/No	Outcome
Complaints Procedure		
Freedom of Information Enquiry		
PACT meeting		
Member Enquiry		
MP Enquiry		
Petition		
Parish enquiry		

<p>Details of other actions taken:</p> <div style="border: 1px solid black; height: 250px; width: 100%;"></div>
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**This part of the form to be completed by the Chairman of the Scrutiny Committee, or in his or her absence the Vice-Chairman:**

Date CCfA received	
Does this constitute a CCfA?	

<del>(reasons to be given if not)</del>	
<del>If so, date of the Scrutiny Committee meeting to which it will be presented.</del>	
<del>What, if any information is required from the relevant Director or other organisation concerned?</del>	
<del>Date of request to the relevant Director or other organisation concerned for this information.</del>	

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

~~Contacts: Jonathan Eatough — 01952 383200  
[jonathan.eatough@telford.gov.uk](mailto:jonathan.eatough@telford.gov.uk)~~

~~Fiona Bottrill — 01952 383113  
[fiona.bottrill@telford.gov.uk](mailto:fiona.bottrill@telford.gov.uk)~~

## Section 9 - Committee Procedure Rules

### CONSTITUTION OF COMMITTEES

- (1) The Council may appoint such Committees, Boards etc. as it considers appropriate. Currently, these are:

~~Adult Care & Support Scrutiny Committee~~  
~~Efficient & Community Focused Council Scrutiny Committee~~  
~~Community Protection & Cohesion Scrutiny Committee~~  
~~Housing, Regeneration & Prosperity Scrutiny Committee~~  
~~Active Lifestyles – Leisure & Culture Scrutiny Committee~~  
~~Environment & Rural Areas Scrutiny Committee~~  
~~Children & Young People Scrutiny Committee~~

Scrutiny Committees

Scrutiny Management Board

Standards Committee  
Audit Committee  
Licensing Committee  
Plans Board  
Appeals Committee  
Personnel Board  
Council Constitution Committee