

Governance Arrangements

To: Full Council

Date: 25 April 2012

Main Portfolio Area: Leader of the Council

Author of report: Councillor Robert Atwood, Leader of the Council

Classification: Non-Exempt

Ward: All Wards

SUMMARY

The Leader of the Council would like to amend the existing governance arrangements at the Council. The aim of the review is to make the decision making process more inclusive and to involve more non-executive members in the day to day decisions taken by Cabinet.

The Leader of the Council prepared a draft model and this was subject to consultation with members. The feedback received is summarised within this report. The Leader has now reviewed and updated the model to reflect the consultation received.

Full Council is asked to consider and approve the Leader's proposed new model of governance.

LINK TO STRATEGIC COMPASS

The report links directly to the open, transparent and accountable segment of the Value quadrant of the strategic compass.

Report status

The report requests Full Council to approve the Leader's new model of governance.

Route to Implementation/Timetable:

The Leader would like the new structure to be in place at the start of the new municipal year. Therefore Full Council is required to approve the new arrangements at its meeting on 25 April 2012.

The Leader's model has been through a wide ranging consultation process and initial proposals were considered by:

Political Group Leaders – 15 February 2012

Overview & Scrutiny Management Group – 15 February 2012

Constitutional Review Working Party – 16 February 2012

The proposals were then revised and further consultation has been used to progress and complete the review. This included:

For consideration and debate:

Political Group Leaders – 28 March 2012

Overview & Scrutiny Management Group – 28 March 2012

For Recommendation to Full Council:

Standards Committee – 12 April 2012

BACKGROUND/INTRODUCTION

1. As members will be aware, the Leader of the Council would like to review the governance arrangements at the Council. He would like a new structure developed that provides for:

- Transparent and efficient decision making
- Inclusive decision making that supports Cabinet Members
- Inclusive decision making that allows for greater participation by non-executive members.

1.1 The Leader is concerned that our current structure has:

- Provided for a disconnect between Cabinet Members and the wider membership of the Council
- Led to a reduction in open discussion of key decisions and reduced transparency
- Led to an over emphasis on post decision scrutiny
- Increased distrust with the public and the local media
- Created a confusing system of member working groups that are not transparent and open.

1.2 The purpose of this paper is to finalise the Leader's proposals for the Council's decision making process. The Leader's proposals focus on the day to day decisions taken by the Cabinet and will allow non-executive members to input in to the key decisions taken by Cabinet and to have a greater say in the policy framework that is developed by Cabinet and approved by Council.

1.3 The Leader's proposals do not alter or impact on the Council's quasi-judicial committees such as Planning Committee and Licensing Committee and these will continue to fulfil their present role. The report acknowledges that it is likely that a report on the future structure of the Council's Standards Committee will come forward in 2012.

WHAT IS THE ISSUE THAT REQUIRES A DECISION AND WHAT DOES THIS MEAN FOR THE PEOPLE OF TUNBRIDGE WELLS?

2. The starting point for the review remains the Council's current structure and a basic outline of the present arrangements is attached at Appendix B. It has a number of points of note and these include:

- We currently support 6 Cabinet Working groups (the administration for these groups is not provided by the Democratic Services), the Constitutional Review Working Party (CRWP) and the Public Transport Forum (the CRWP and forum is supported by the Democratic Services). The role and impact of some of these working groups is unclear. The groups meet regularly but do not meet in public, they do not play an active policy development role in terms of key decisions, they are not time limited and do not regularly present reports to Cabinet (possible exceptions include the Local Development Framework (LDF) working group which meets regularly and has a specific role and the Community Grants Assessment Panel that meets twice a year).
- We support 3 Select Committees and the Overview & Scrutiny Management Group. The Overview & Scrutiny Committees meet on a monthly basis, undertake their work in a committee setting rather than a task & finish setting, are not focussed on outcomes and rarely make recommendations to Cabinet.

2.1 The Leader considers that the current structure is complex and does not present a clear opportunity for the non-executive to input into the development of key decisions to be taken by Cabinet. It also limits the extent to which the non-executive are involved in the development of the Council's policy framework which is proposed by Cabinet and approved by Council. The Leader has therefore consulted and produced a system which will:

- Allow non-executive members to input into the key decisions to be taken by Cabinet.
- Allow non-executive members greater input into the policy framework which is developed by Cabinet and approved by Council
- Make the decision making process more transparent, inclusive and accessible
- Provide greater support to Cabinet to make more effective decisions

2.2 **Feedback on the Leader's initial draft model:** An initial model was produced for consultation and the feedback received is summarised in the points below:

- General support for a model which provided for greater involvement of the non-executive in the decisions to be taken by Cabinet.
- The proposed new model needed to be clear and articulate clear roles for the Cabinet and the non-executive.
- The new model implemented should be cost neutral and be as flexible as possible to accommodate the decision making needs of the Council.
- General support for the proposal for the meetings to be held in public but the new model required clarity as to how the Cabinet Advisory Boards would consider exempt items.
- Further consideration needed to be given as to who would chair the Cabinet Advisory Boards. Feedback on this issue included arguments for and against the Cabinet Advisory Boards being chaired by members of the Cabinet.
- The role of the LDF members' working group and how this would fit into the model.
- A lot of the feedback received focussed on the number of Planning Committees at the Council and the requirement to retain two Planning Committees. Members will note that this feedback has been reflected in the new model proposed by the Leader and it is intended to retain two Planning Committees.

2.4 The Revised Model: Following extensive consultation on the initial draft model (summarised above) the Leader has reviewed and updated his proposed model to take in to account the views of members. A diagram of the new model is attached at Appendix C. The new features of the model are as follows:

- **3 Cabinet Advisory Boards:** The role of the Cabinet Advisory Boards will be to participate in the development of Cabinet key decisions and to help develop the policy framework that Cabinet recommends to Council. The advisory boards will be composed of non-executive members and Cabinet Members. They will be open to the public and all aspects of their administration will be available to the public. The remits of the Cabinet Advisory Boards will be agreed at the beginning of each civic year. This will provide flexibility and allow the model to take account of any changes that the Leader makes to the Cabinet portfolios. The Cabinet Advisory Boards are not overview and scrutiny committees and will therefore not be able to consider call-ins or to establish task and finish groups.
- **Overview & Scrutiny:** the number of overview & scrutiny committees has been reduced to one. The role of the Overview & Scrutiny Committee will be to operate a task & finish model (a task and finish group is a time limited group of members that look at an issue in detail), to undertake focussed reviews to improve the borough and to consider any call-ins (although these should be reduced under this structure). The Overview & Scrutiny function will remain in command of its own work programme and it will be able to examine challenging issues facing the borough. It will also actively seek to involve and engage the public in its role. The Committee will also continue its role in terms of crime and disorder scrutiny. Further details on the Leader's view of the future role of the Overview & Scrutiny Committee are detailed at paragraph 2.8 of this report.
- **Cabinet Working Groups:** The following Cabinet Working groups will be removed: Members' Learning & Development Group, Tunbridge Wells Transport Forum, Public Health & Wellbeing Members' Working Group and Children & Young People Members' Working Group.
- **Community Grants Assessment Panel:** the Community Grants Assessment Panel will be retained. This panel meets twice a year and will continue to make recommendations to the relevant Cabinet Member. The panel will be chaired by the relevant Cabinet Member.
- **The Local Development Framework Members' Working Party (LDF):** The LDF Members' Working Party will be deleted and its role will be included in the remit of the relevant Cabinet Advisory Board.

2.6 The new model provides for greater involvement of the non-executive in the development of Cabinet decisions. The basic principle will be that all key decisions will be discussed and developed by the relevant advisory board prior to decision by Cabinet. This will provide for greater participation and greater ownership of Cabinet decisions. It should also reduce the number of call-ins. The model will therefore:

- Allow non-executive members to input into the key decisions to be taken by Cabinet.
- Allow non-executive members greater input into the policy framework which is developed by Cabinet and approved by Council
- Make the decision making process more transparent, inclusive and accessible
- Provide greater support to Cabinet to make more effective decisions

2.7 More detail on how the Cabinet Advisory Boards will work in practice is detailed below:

i. What will the terms of reference of the Cabinet Advisory Boards be?

The Leader has prepared draft terms of reference and these are attached at Appendix D of this report. The focus of the terms of reference is on ensuring that the Cabinet Advisory Boards consider all decisions to be taken by Cabinet. The main principle of the model is that the Cabinet Advisory Boards will consider in advance all key decisions to be taken by the Cabinet.

ii. Who will be on the Cabinet Advisory Boards?

It is proposed that each Cabinet Advisory Board will have at least 8 non-executive members and the relevant Cabinet Member(s). It is also intended that proportionality rules will apply to the appointment of the non-executive members. The Leader recognises the importance of maintaining an independent scrutiny function and therefore it is also recommended that Cabinet Advisory Board members should generally not sit on the Overview & Scrutiny Committee.

iii. Who will chair the Cabinet Advisory Boards?

During the consultation on the draft model this issue attracted considerable debate. Some feedback considered that it would not be appropriate for Cabinet Members to chair the Cabinet Advisory Boards as key issues would be discussed on which they would take the final decision, and it was perhaps not appropriate for Cabinet Members to chair the meeting when they would be in a position to direct and influence the discussion. On the other side of the argument, it was expressed that this direct link would strengthen the model and would ensure Cabinet Members continue to be accountable and responsible for decisions (the Standards Committee discussed the merits of both in detail and their view on the ethical governance is detailed at paragraph 3.1 of this report).

The Leader has considered this issue in detail and feels that in the first year of the model, the Cabinet Advisory Boards should be chaired by Cabinet Members and the Deputy Chairs will be non-executive members. However it is recognised that it is important to retain flexibility within the model, and that the model should not dictate who should chair the Cabinet Advisory Boards in the long term.

iv. How will the agenda be organised?

It is proposed that the agenda will be set using the Forward Plan which details all the Council's key decisions and will be organised by the Chair and Deputy Chair. It is also proposed to establish a Forward Plan Joint Committee which would be a quarterly coordination meeting of Cabinet, Chairs and Deputy Chairs of the Cabinet Advisory Boards and the Chair and Deputy Chair of the Overview & Scrutiny Committee.

v. How often will the Cabinet Advisory Boards meet?

It is proposed that the Cabinet Advisory Boards will meet on a monthly basis and approximately 10 times a year.

As indicated within this report it is intended that the new model will start in the new municipal year and this will require Council to agree a new timetable of meetings for 2012/13. An amended draft timetable of meetings will be prepared for Council to approve at its meeting on 25 April 2012 (a revised timetable is attached at appendix G).

vi. Will the advisory boards meet in public?

It is proposed that the boards will meet in public and the agenda, minutes and reports will all be available to members of the public. As detailed in the terms of reference attached at Appendix D the Cabinet Advisory Boards will be subject to the Council's Committee Procedure Rules and the Council's Access to Information Rules. As the Council's Access to Information Rules will apply to the Cabinet Advisory Boards, they will handle items of exempt and confidential business in the same way as the other committees of the Council and demonstrates the Leader's commitment to ensuring that Council business is open, transparent and accountable.

vii. Will members of the Council and members of the public be able to make representations to the Cabinet Advisory Boards?

The Leader is committed to open, transparent and accountable decision making and considers it important that members of the Council and members of the public can attend and participate at meetings. It is therefore intended that the Council's Committee Procedure rules will apply to meetings of the Cabinet Advisory Boards. This will allow Council members and members of the public to participate in an open and transparent way.

viii. When will the Cabinet Advisory Boards meet?

As this is a new system and members are committed to the new system being cost neutral, it is recommended that 2 of the Cabinet Advisory Boards meet in the evening and 1 of the Cabinet Advisory Board meet in the day. This is a flexible approach and will allow for an assessment of the merits of each meeting time to take place.

ix. What is the impact on Member Allowances?

Cabinet Members already receive Special Responsibilities Allowances and will therefore not be entitled to an additional allowance. Non-executive members would be entitled to an allowance should they be the chair or deputy chair.

x. What are the financial implications?

The financial implications of the model are detailed in Appendix A. Feedback received during the consultation process was strongly in favour of any change being cost neutral.

2.8 Overview & Scrutiny: The Overview Scrutiny Committee will widen its focus to become more externally focussed. The Localism Act strengthens the influence of scrutiny and builds on its role of viewing public services as they are delivered as a whole and not just what the Council is responsible for. The 'general powers of competence' given to Councils will mean that the Overview & Scrutiny function will be able to investigate issues beyond its traditional remit which affect local people.

This widening of focus will build on the existing strengths of the Council's Overview & Scrutiny functions which have already delivered influential reviews on topics like: dementia and alcohol misuse.

It would also be intended to reduce the number of meetings of the Overview & Scrutiny meetings to 6 meetings a year, to adopt a task and finish approach and to reduce the number of subjects considered at each meeting to allow for a greater depth of study. In view of the new approach the Leader has prepared revised terms of reference and revised Overview & Scrutiny procedure rules and these are attached at Appendices E and F.

2.9 Standards Committee: The Leader is conscious that the Standards Committee and its role will need review as the future of the standards regime becomes clearer. The Leader is also aware that this is an issue the Standards Committee is considering. The Leader anticipates that this issue will be resolved by July 2012.

2.10 Audit Committee: The Leader recognises the important role that the Audit Committee plays in the Council's decision making process in terms of audit activity, the regulatory framework, corporate governance and the annual accounts. The Leader is keen to maintain close links with the Audit Committee and ensure that it has a mechanism to liaise closely with the Cabinet and as a result in future it is proposed that a portfolio holder will attend meetings of the Audit Committee as a non-member to observe the debate, report back issues to Cabinet and to provide clarification when requested by the Audit Committee.

2.10 Public Forums: The Council has some important public forums with which it works very closely. This includes the Town Forum, the Town Plan Panel, the Parish Chairs and the Public Transport Forum. Following the completion of review of the Council's governance arrangements, the Leader would like to work with these public forums to ensure that they continue to play an active role in the Council's decision making process.

WHO HAVE WE CONSULTED AND HOW? (OR WHO WILL WE CONSULT FOLLOWING THE DECISION?)

3. The purpose of this report is to set of the Leader's new model. Initial consultation was undertaken with the members of the Council and this is outlined at the introduction of this report.

3.1 The Standards Committee considered the Leader's report at its meeting on 12 April 2012. As the Committee responsible for the oversight of the Constitution and making amendments to the Constitution, it was asked to consider the Leader's model and if it was satisfied with the proposed arrangements in terms of ethical governance, to recommend the model to Council. The Standards Committee discussed the following issues:

- It welcomed the aims of the review and supported a model that would be more inclusive, involve more non-executive members in the day to day decision making and that would provide for open, transparent and accountable decision making.
- It welcomed the intention to ensure that Cabinet Advisory Board meetings would be held in public and the commitment that members of the public and members of the Council would be allowed to attend and participate in Cabinet Advisory Board meetings.
- It stressed the importance of adequate training for all members of the Council on the new governance arrangements and noted that it would be included as part of the induction and Member training programme.

The Committee also suggested that the Cabinet Advisory Board chairs and deputy chairs should be provided with additional training on facilitation and chairing meetings.

- It emphasised the importance of ensuring that the proposed new model of governance was adequately explained and communicated to residents of the borough to ensure that residents know how the system worked, its benefits and how to get involved in the Council's decision making process.
- It requested that the Monitoring Officer consider the implications for the Council's urgency rules within the Constitution. The Monitoring Officer has advised that it would be appropriate for the Constitution to be updated to ensure that the Council's urgency rules provided for the Chair and Deputy Chair of the relevant Cabinet Advisory Board to be notified of the intention to use the urgency procedures.
- It discussed in detail the issue of who should chair the Cabinet Advisory Boards and agreed that, in terms of ethical governance, Cabinet Advisory Boards chaired by Cabinet Members or non-executive would both satisfy ethical governance requirements. The Committee also considered that both options had merits and considered that the final decision on this matter should be taken by Council.

In summary the Standards Committee welcomed the aims of Leader's model to provide for a more inclusive governance model, it noted the Leader's report and recommended to Council that:

1. The Constitution be amended to establish 3 Cabinet Advisory Boards.
2. The terms of reference for the Cabinet Advisory Boards be approved.
3. The existing suite of Overview & Scrutiny Committees be deleted from the Constitution and one new Overview & Scrutiny Committee be established.
4. The new terms of reference and rules of procedure for the Overview & Scrutiny Committee be approved.

HOW WILL THE DECISION BE COMMUNICATED?

4. Should Council decide to adopt the Leader's model, there will be a need to communicate this change to the public and to build the new structure in to the work already undertaken to promote democracy, participation and engagement. There will also be a requirement to communicate the change to the Council's partners and the public forums that the Council works with. The Leader also welcomed the comments of the Council's Standards Committee which emphasised the importance of ensuring that the new process was adequately communicated to the public.
- 4.1 A further important step will be the need to provide training to members and to staff on the new decision making process. It is proposed that new members will be provided with training as part of the induction process on the 8 May. Two further training sessions for all members have been organised for the 9 May at 6.30 pm and the 15 May at 2.30 pm. A series of training sessions has also been provisionally organised for staff in May.

WHAT ALTERNATIVE ACTION COULD WE TAKE?

5. Any alternative action would have to produce an effective decision making system. It may be the case that our current structure could produce the required involvement of the non-executive. This would require greater relationship building between the Cabinet and the Overview & Scrutiny Management Group. It would also require the frequency of Overview & Scrutiny Committees to be examined and their timing to be altered to allow them to work with Cabinet and influence decision making. The Leader has already taken steps to bridge this gap by developing the relationship with Overview & Scrutiny and a good example of this is the Budget Working Group report.

CONCLUSIONS

6. The Leader would like to examine the governance arrangements at the Council. The new system will provide for:

- Transparent and efficient decision making
- Inclusive decision making that supports Cabinet Members
- Inclusive decision making that allows for greater participation by non-executive members in the development of Cabinet key decisions and the policy framework items that are prepared by Cabinet and recommended to Council.
- An outward facing Overview & Scrutiny model that builds on the external reviews already undertaken by Overview & Scrutiny at the Council and its existing strengths.
- A new task and finish based model for Overview & Scrutiny that will allow for detailed in depth reviews.

6.1 As outlined at the introduction of this report, should Council agree the report, it is intended to implement the new system following the Council meeting on 25 April 2012. The first meetings of the new Cabinet Advisory Boards will be at the start of July. The Leader's model will require the Council's timetable of meetings to be reviewed and a revised timetable of meetings has been prepared and is attached at appendix G for Council to approve. The Leader has also indicated that he would like to review the system after 12 months to assess how well the system is working and whether it is meeting the aims identified above.

RECOMMENDATIONS: Full Council is requested to resolve that:

1. The Constitution be amended to establish 3 Cabinet Advisory Boards.
2. The terms of reference for the Cabinet Advisory Boards be approved.
3. The existing suite of Overview & Scrutiny Committees be deleted from the Constitution and one new Overview & Scrutiny Committee be established.
4. The new terms of reference and rules of procedure for the Overview & Scrutiny Committee be approved.
5. In the first 12 months of the model the Cabinet Advisory Boards would be chaired by Cabinet Members.
6. A review of new governance arrangements would be undertaken after 12 months.

7. The new timetable of meetings for 2012/13 be approved.

REASON FOR RECOMMENDATIONS: To introduce a new governance model that will provide for greater involvement of non-executive members in the day to day decision making at the Council.

Contact Officer: Adam Chalmers, Interim Democratic & Community Engagement Manager.

Nazeya Hussain
Head of Policy & Partnerships

Background Papers

Council's Constitution

APPENDICES TO REPORT

- Appendix A - Cross Cutting Issues
- Appendix B - Current Committee Structure
- Appendix C - Proposed New Structure
- Appendix D - Draft Terms of Reference for Advisory Boards
- Appendix E – Revised Terms of Reference for Overview and Scrutiny Committee
- Appendix F – Revised Overview and Scrutiny Procedure Rules
- Appendix G – Revised timetable of meetings

CROSS CUTTING ISSUES

LEGAL

Legal

1. The Local Government Act 2000 required Councils to adopt an executive model of governance. Under the existing legislation the Council is required to retain one Overview & Scrutiny Committee. The Monitoring Officer has been consulted on the proposed model and advised it complies with the relevant legislation.

Human Rights Act

2. There are no specific issues.

VALUE FOR MONEY AND USE OF RESOURCES

Finance and other resources, including ICT

3. The introduction of the cabinet advisory boards would impact of the number of formal meetings of the Council. This is examined in the table below. The additional meetings would have staffing implications and these are examined at paragraph 4 below.

System	Number of meetings in 2012/13
Current model	103 formal meetings (this figure does not include meetings of the LDF or the other Cabinet working groups)
New model:	109 formal meetings – this figure is based on the Cabinet Advisory Boards meeting 10 times a year.

- 3.1 The new governance model would have an impact on member allowances. Legal advice has indicated that the deputy chairs of the advisory boards would be eligible to an allowance. An estimate of the impact is detailed below (the estimate is based on a Cabinet Member chairing the Cabinet Advisory Boards).

Option	Allowance Savings	Allowance Costs	Total Saving
Option 1	£13, 198	£3, 960 (if non-executive deputy chair)	£9, 238

Staffing

4. It is estimated that the new model will not have additional staffing implications.

Value for Money

5. Value for money was a primary concern expressed during consultation on the Leader is committed to ensuring that the model introduced is cost neutral.

Risk Management

- 6. The examination of the governance structure will reduce the risk to Council and ensure it has a governance structure which meets its needs.

COMMUNITY

Safer & Stronger Communities

- 7. The new governance model will increase openness and provide greater scope for communities to be involved in the decision making process.

Section 17, Crime and Disorder Act 1998

- 8. No issues identified.

Environment / Sustainability

- 9. No issues identified.

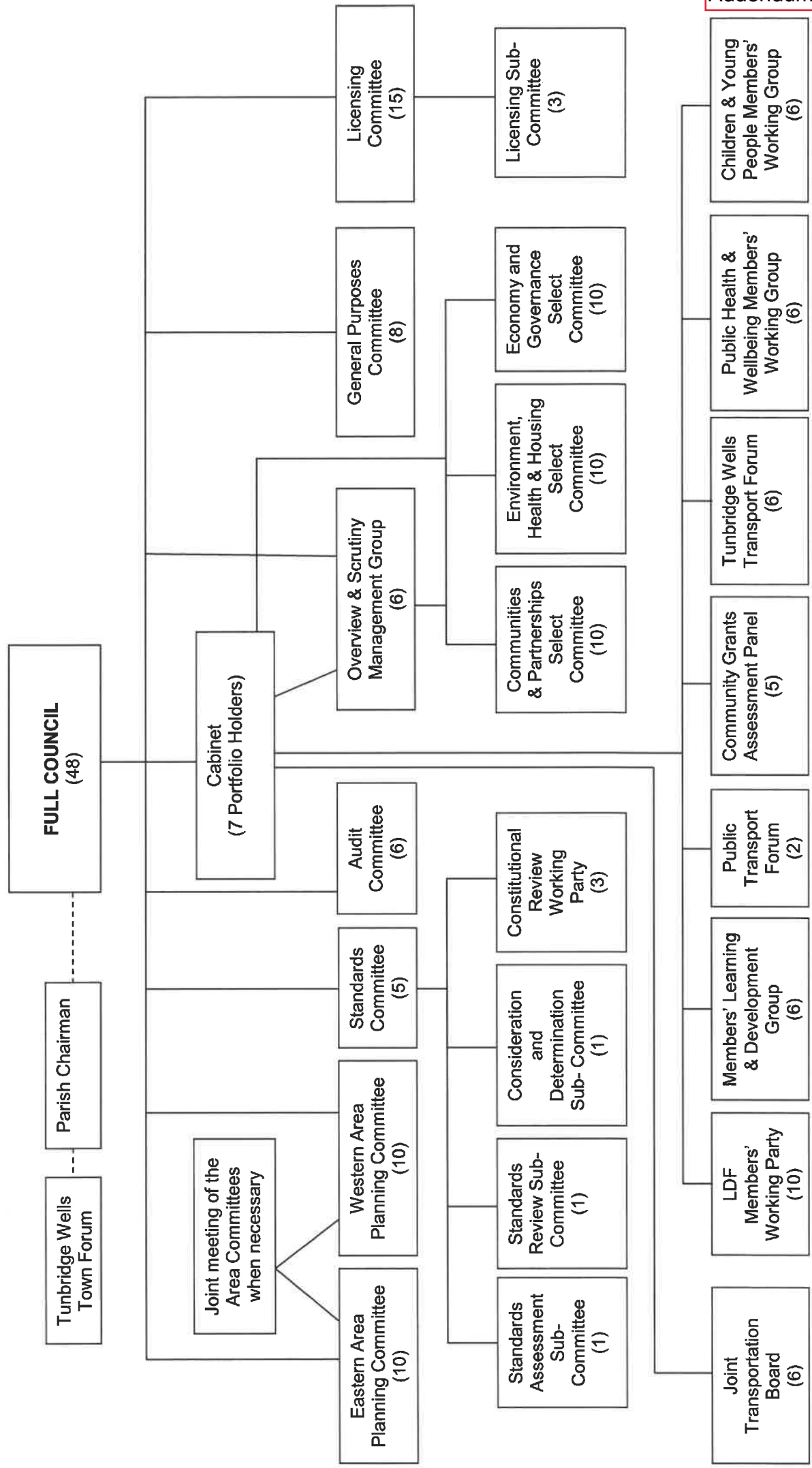
Equalities

- 10.

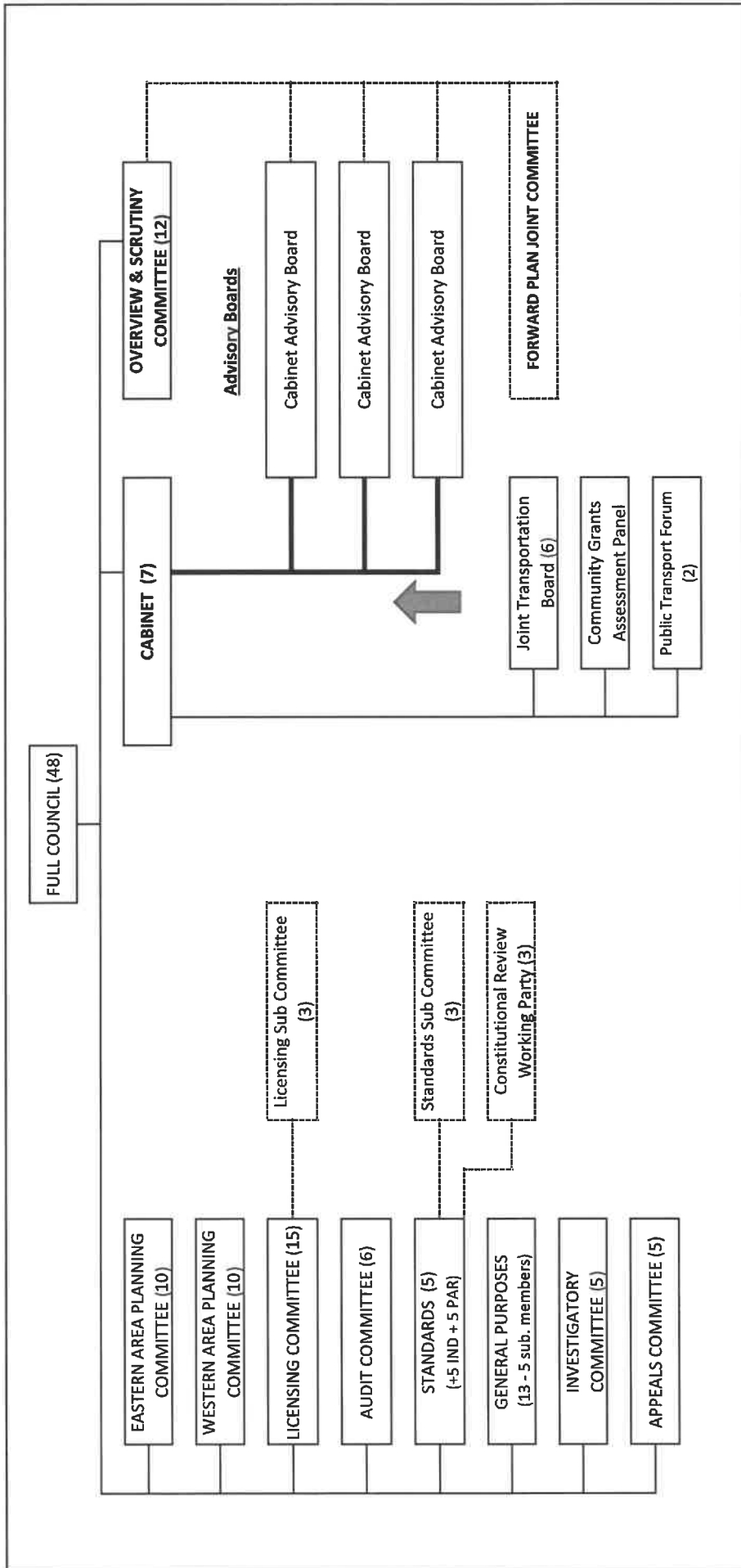
Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The new model is intended to be more inclusive and allow more participation in the decision making process.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	Yes, the new proposals should provide greater opportunity for involvement in the decision making process.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Health and Wellbeing

- 11. No issues identified.



PROPOSED NEW COMMITTEE STRUCTURE - MARCH 2012



Draft Terms of Reference

Cabinet Advisory Boards: Each Cabinet Advisory Board will consider the functions of the Cabinet that fall within its remit (the remits of each Cabinet Advisory Board are detailed below and will be appointed at the start of each civic year. Any changes to the remits during the year will be made by the Leader and reported to Council at the next practical point).

The Cabinet Advisory Boards will meet in public and be subject to the Council's Access to Information Rules and the Council's Committee Procedure Rules.

Membership: 11 members of the Council (to be composed of at least 8 non-executive members and the relevant Cabinet Member(s). Proportionality rules will apply).

Each Cabinet Advisory Board will have the following general responsibilities:

- 1) Consider and where necessary make recommendations on all key and non-key decisions to be taken by Cabinet that fall within the remit of the Cabinet Advisory Board.
- 2) Assist and advise the Cabinet in the development of the Policy Framework issues that fall within the remit of the Cabinet Advisory Board.
- 3) Assist in the development of Cabinet decisions within the remit of the Cabinet Advisory Board that require wider member involvement.

Cabinet Advisory Boards will have the power to:

- 1) Request members of the Cabinet and officers to attend before it to answer questions.
- 2) Question and gather evidence from any person (with their consent)
- 3) Co-opt expert individuals on a non-voting basis to assist their work.

Remits: the remits of the Cabinet Advisory Boards will be as follows:

Cabinet Advisory Board 1 - Finance & Governance:

- Finance and the budget
- Governance
- Risk Management
- Business Continuity
- Strategic Compass
- Sustainable Community Strategy
- Equalities
- Communication & Engagement
- Transparency
- ICT
- Property and Asset Management
- Regeneration

Cabinet Advisory Board 2 – Communities:

- Housing
- Revenues & Benefits
- Health
- Community Development
- Rural Communities
- Play Schemes
- Tourism
- Economic Development
- Cemeteries & Crematoriums
- Leisure (includes Assembly Hall and Museum)
- Parks & Sport Centres
- Grants
- Customer Access
- Waste & Streetscene
- Emergency Planning
- Environmental Services (includes Environmental Health/Protection & Land Contamination)
- Community Safety & CCTV
- Licensing
- Procurement Strategy
- Sustainability

Cabinet Advisory Board 3 – Planning & Transportation

- Conservation & Heritage
- Land Charges & Building control
- Landscape
- Public Transportation
- Car Parking
- Drainage & Flooding
- Planning Policy

8. The Overview and Scrutiny Committee

The Overview and Scrutiny Committee will take a broad view of public services as they are delivered across the Borough of Tunbridge Wells, not just those for which the Council has a direct responsibility.

The Committee will be:

- outcome focussed
- consensual
- non-political

The Committee will seek results on behalf of the community by positively engaging with the work of local public bodies.

The General Power of Competence provision of the Localism Act 2011 gives the Council far wider powers to influence policy and public service delivery in the area. Scrutiny can use these powers to investigate issues beyond its traditional remit, but which nonetheless affect local people.

8.1 Composition

The Overview and Scrutiny Committee will comprise twelve Councillors, none of whom may be members of the Cabinet. The Committee will meet no less than six times per municipal year.

The Overview and Scrutiny Committee will manage its own work programme and will be able to establish 'Task and Finish Groups' to undertake its work. The Overview and Scrutiny Committee may only establish two 'Task and Finish Groups' at any one point and they may run concurrently. Only on the completion of one 'Task and Finish Group', may another 'Task and Finish Group' start. 'Task and Finish Groups' will meet in private and any non-executive member may be a member of a 'Task and Finish Group'.

8.2 General Role

The Council will appoint the Overview and Scrutiny Committee to discharge the functions that are conferred by section 21 of the Local Government Act 2000, the Police and Justice Act 2006, the relevant provisions of the Local Government and Public Involvement in Health Act 2007, the Localism Act 2011 and associated rules and regulations.

In the event of a conflict between these terms of reference or their procedure rules set out in Part 4, and the Acts rules and regulations set out above, then those Acts, rules and regulations will take precedence.

8.3 Specific functions

8.3.1 Locality Policy Development and Review – The Overview and Scrutiny Committee may:

- Establish Task and Finish Groups
- Consider any matter affecting the Borough of Tunbridge Wells or its inhabitants
- Make a contribution to the locality by in-depth analysis of policy issues
- Conduct research, community and other consultation in the analysis of policy issues across the locality and consider possible options

- Liaise with other external organisations operating in the locality, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working
- Review and constructively scrutinise the activities of other organisations with a view to achieving positive desired outcomes for local people
- Seek to propose ways that the Council can help other organisations to achieve outcomes for the community
- Make recommendations to other public bodies in the locality
- Act as the relevant Crime and Disorder Committee for the purposes of section 19(1) of the Police and Justice Act 2006 and in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009
- Appoint 3 representatives to the Joint Health Overview and Scrutiny Committee
- Receive reports from the Joint Health Overview and Scrutiny Committee
- Make reports and/or recommendations to Council and/or the Cabinet in connection with matters within these terms of reference

The Localism Act 2011 expands the partnership scrutiny powers of district councils to the activities carried out by a named partner as listed at s104 of the 2007 Local Government and Public Involvement in Health Act. This will include services funded not by the Council, but from other funds. The list of named partners includes (but is not limited to):

- a fire and rescue authority;
- a police authority;
- a chief officer of police;
- a joint waste authority established under section 207(1);
- a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);
- a Primary Care Trust;
- a development agency established by section 1 of the Regional Development Agencies Act 1998 (c. 45);
- a local probation board established by section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);
- a youth offending team established under section 39 of the Crime and Disorder Act 1998 (c. 37);
- a National Health Service trust;
- an NHS foundation trust;
- the Arts Council of England;
- the English Sports Council;
- the Environment Agency;
- the Health and Safety Executive;
- the Historic Buildings and Monuments Commission;
- the Learning and Skills Council for England;
- the Museums, Libraries and Archives Council;
- Natural England;
- the Secretary of State, but only in relation to—
 - his functions under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees);
 - functions which he has as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66); and
 - functions which he has as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).

8.3.2 Scrutiny

The Overview and Scrutiny Committee may:

- Establish Task and Finish Groups
- Receive quarterly Portfolio Holder updates
- Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- Make reports and/or recommendations to Council and/or the Cabinet in connection with the discharge of any functions
- Exercise the right to call-in, for reconsideration, decisions made, but not yet implemented by the Cabinet or a Portfolio Holder under delegated powers
- Deal with any relevant Councillor Calls for Action

The Overview and Scrutiny Committee should not:

- Duplicate the work of the Cabinet Advisory Boards or any other Committee of the Council.

8.4 Overview and Scrutiny Procedure Rules

The Overview and Scrutiny Committee will operate within the procedure rules set out in Part 4 of the Constitution.

PART 4

DRAFT

RULES OF PROCEDURE

PART 4 - OVERVIEW AND SCRUTINY PROCEDURE RULES

1. INTRODUCTION

- 1.1. These rules set out the Council's arrangements for overview and scrutiny. The Overview and Scrutiny Committee will take a broad view of public services as they are delivered across the Borough of Tunbridge Wells, and not just those for which the Council has a direct responsibility.
- 1.2 The Council intends that the overview and scrutiny process will operate independently of the Cabinet and executive decision making (defined in paragraph 12.1 below), so that councillors who are Overview and Scrutiny Committee members (or substitute members) will not also be in the Cabinet. These rules also include the arrangements for call-in, the process whereby executive decisions can be challenged, subject to the urgency provision in paragraph 14 below.
- 1.3. The responsibilities of the Overview and Scrutiny Committee are set out in Part 3 of the Constitution.

2. MEMBERSHIP, QUORUM AND CHAIRING

- 2.1. The Overview and Scrutiny Committee will consist of a number of elected members fixed at the annual meeting of the Council, as varied from time to time by full Council. The substitutes and proportionality rules will apply. A substitute member in attendance at a meeting has the same powers and duties of any ordinary member for whom she or he is a substitute. The substitute member must notify the Chairman of his or her status at the start of the meeting and once such notice has been given, she or he cannot be replaced, including by the ordinary member, meaning the substitute is in place for the whole of the meeting unless it is adjourned to another day.
- 2.2. The Overview and Scrutiny Committee will be entitled to appoint non-voting persons who are not elected members as co-opted advisers. Substitutes for co-optees are not permitted.
- 2.3. The Chairman and Vice-Chairman of the Overview and Scrutiny Committee will be councillors appointed by the Council from the Overview and Scrutiny Committee members. If, at any meeting, neither the Chairman nor the Vice-Chairman are present, the first business is to elect a Chairman for the meeting from those present.
- 2.4. The quorum for meetings will be four of the ordinary members or substitute members, excluding co-optees.

3. MEETINGS

There will be at least six ordinary meetings of the Overview and Scrutiny Committee each year. These meetings may be held at locations within the locality, in addition to the traditional setting at the Town Hall. Special meetings may be called by the Chairman, Vice-Chairman, or at the requisition of a quarter of the ordinary members of the Committee or at the request of the Chief Executive, Monitoring Officer or Section 151 Officer. When setting a date for a special meeting every effort will be made to accommodate the needs of all members. However, the decision regarding the final date rests with the Chief Executive.

4. WORK PROGRAMME

The Overview and Scrutiny Committee will set its own work programme, based on achieving positive outcomes across the locality. In doing so, it will take account of the views of all members of the Committee. The Overview and Scrutiny Committee will seek to avoid duplication with other Council committees and actively seek to work together with partners, across the Borough to deliver outcomes for local people. The work programme will include provision for scrutiny of the Council's policy framework, taking into account the needs of the locality and the delivery of outcomes for local people.

5. AGENDA ITEMS

5.1. Any member of the Overview and Scrutiny Committee is entitled to give notice to the Chairman of an agenda item falling within the terms of reference of the Committee or subsidiary body. The Chairman will then liaise with the Proper Officer to decide how best to take the agenda item forward, including considering it for inclusion on the next available agenda.

5.2. Furthermore, members are entitled to give notice to the Proper Officer that they wish an item relating to their ward, which is relevant to the functions of the Overview and Scrutiny Committee, of which they are not a member, to be included on the agenda for the next available meeting of the Committee or Sub-Committee as "A Councillor Call for Action" (CCfA). On receipt of such a request, the Chairman of the Overview and Scrutiny Committee will determine with the Proper Officer whether to take it forward. If it is agreed the item should be progressed, the Proper Officer will ensure it is included on the next available agenda in accordance with the Councillor Call for Action Protocol at Appendix B to Part 4 of the Constitution. In putting forward such a request the member must have regard to the Councillor Call for Action requirements at Appendix B and any appropriate government guidance. The member concerned will be able to make representations to the Committee, when it considers whether to take an item forward for scrutiny. The Committee should consider the extent to which the member has exercised any power given to him under section 236 of Local Government and Public Involvement in Health Act 2007. If the matter is a crime and disorder issue, responsible authorities (Crime and Disorder Reduction Partnership Members) are to be notified by the Proper Officer. The Proper Officer is also to have regard to the guidance from the Secretary of State regarding matters that must not be referred to the Overview and Scrutiny Committee as follows:

5.2.1. a planning decision;

5.2.2. a licensing decision;

5.2.3. an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; or

5.2.4. vexatious, discriminatory or not reasonable issues.

6. POLICY DEVELOPMENT AND REVIEW

6.1. The Overview and Scrutiny Committee will undertake Locality based Policy Development and Review, seeking desired outcomes for local people by working in a constructive way with partner organisations. It can make reports to organisations specified in its terms of reference.

6.2. In relation to the development of the Council's approach to matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Cabinet or the Council in so far as they relate to matters within their terms of reference. The Overview and Scrutiny Committee may hold inquiries and investigate options available for future policy development.

6.3. The Overview and Scrutiny Committee may appoint advisers and assessors to assist them in their work. They may arrange 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 also ask witnesses to attend to address them on any matter under consideration.

6.4. The Overview and Scrutiny Committee may offer payment of a reasonable fee and expenses to advisers, assessors and/or witnesses for work undertaken and for attending meetings to provide evidence and/or advice, which will be funded either from a budget allocated to them or from specific funds allocated by the executive.

6.5 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget is set out in detail in the Budget and Policy Framework Procedure Rules in Part 5.

7. REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

7.1. Reports to relevant partner authorities (as defined in part 3). Where any of the recommendations from the Overview and Scrutiny Committee relates to functions of a relevant partner authority so far as exercisable in relation to a) the authority's area or b) the inhabitants of that area, the Committee may by notice in writing require the relevant partner authority to have regard to the report or recommendation in question in exercising its functions. It is the duty of the relevant partner authority to which notice is given to comply with the requirement specified in the notice. The provisions set out here do not apply where the relevant partner authority is a health service body, for example, a i) the National Health Service trust, ii) an NHS foundation trust or iii) a Primary Care Trust.

7.2 Once the Overview and Scrutiny Committee has formed recommendations on the matters under consideration they are to prepare a formal report and submit it for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council, as appropriate, (e.g if the recommendation would require a departure from, or a change to, the agreed budget and policy framework). If the report deals with matters within the delegations to the Leader or a Portfolio Holder, it will also be submitted to the Leader or relevant Portfolio Holder for consideration.

7.3 The Overview and Scrutiny Committee should seek a consensual view on the matters which it considers. If the Overview and Scrutiny Committee cannot agree on a final report, then a separate minority report may also be prepared. This report must have the agreement of a quorum of the Committee to be valid. The quorum of the Committee is four elected members. The minority report should be submitted for consideration with the majority report in accordance with 7.2 above.

7.3. The Council or the Cabinet will consider reports from the Overview and Scrutiny Committee at the next available meeting, subject to compliance with the Access to Information rules at Appendix A and current legislation.

8. CABINET CONSIDERATION OF OVERVIEW AND SCRUTINY COMMITTEE REPORTS

8.1. The agenda for Cabinet meetings will include an item entitled "References from the Overview and Scrutiny Committee". The reports of the Overview and Scrutiny Committee which are referred to the Cabinet will be included at this point in the agenda. The views of the Overview and Scrutiny Committee must be presented by the Chairman of the Committee or a member representative nominated by the Chairman. Reports of the Overview and Scrutiny Committee should not be presented by officers. Alternatively, references from Overview and Scrutiny can be considered in the context of the Cabinet's deliberations on a substantive item on the agenda. The references from the Overview and Scrutiny Committee will be considered at the next available Cabinet meeting, subject to compliance with the Access to Information rules at Appendix A and legislation. The Cabinet's responses to reports should normally be reported to the next available meeting of the relevant Overview and Scrutiny Committee.

8.2. Before an Overview and Scrutiny Committee report is presented to the Full Council, the Proper Officer is to ensure it is also given to the Leader and any Portfolio Holder(s) whose portfolios might be affected. The Proper Officer is also to consider whether the report should be considered by the Cabinet before it is taken to full Council, e.g because it impacts on the budget and policy framework, and may put the report on the Cabinet agenda for that purpose. Subject to this and compliance with the Access to Information rules at Appendix A and legislation, the item will be placed on the next available Council agenda.

8.3. The Overview and Scrutiny Committee will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. The Overview and Scrutiny Committee may also review any available Forward Plan or similar document of partner organisations as appropriate. The Committee will review all such plans with a view to engaging with other organisations to achieve desired outcomes for local people.

9. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO REPORTS

9.1. In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to information, and to notices of meetings, as set out in the Access to Information rules at Appendix A.

9.2. In some circumstances it may be appropriate for more detailed information sharing to take place between Cabinet and the members of the Overview and Scrutiny Committee .

10. MEMBERS AND OFFICERS GIVING ACCOUNT

10.1. The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function.

10.2. In fulfilling the scrutiny role, the Overview and Scrutiny Committee may require the Leader of the Council, Portfolio Holders, the Chief Executive and other senior officers to attend meetings to explain matters in relation to their respective remits.

10.3. Where required to under Rule 10.2 above, it is the duty of the relevant person to attend, subject to the Chairman of the Overview and Scrutiny Committee seeking to meet the relevant person's reasonable requirements as to the date and time of the attendance, and at least five clear working days' notice will be given. Where the relevant person is required to produce a report, reasonable time must be allowed for its preparation.

11. ATTENDANCE BY OTHERS

11.1. Members of Council, Parish and Town Council members and members of the public have the right to attend Overview and Scrutiny Committee meetings.

11.2. Members of Council who attend under this rule are entitled to speak but not to vote at meetings, provided they have given prior notice to the Chairman, and in accordance with the Council Meetings :Procedure Rules at Part 4 of the Constitution.

11.3. The Overview and Scrutiny Committee may invite other people to address it, discuss issues of local concern and answer questions. It may, for example, wish to hear from residents, local businesses, individuals in the private sector, other stakeholders, relevant experts and members and officers in other parts of the public sector or in grant-aided organisations or the voluntary sector. The Proper Officer will issue invitations.

11.4. Any member who wishes to exercise his or her right under paragraph 12(2) of the Code of Conduct is to:

11.4.1. Notify the Chairman of the meeting in advance that he or she wishes to do so, giving such advance notice (including notice of any question to be asked) in the same way that members of the public are required to give in respect of the meeting in question. The Chairman may waive this requirement at his or her discretion.

11.4.2. At the meeting, the member is to state publicly, when declaring his or her personal and prejudicial interest that he or she intends to exercise his or her right under paragraph 12(2) to make a statement or ask a question (as appropriate) before leaving in advance of discussion on the item beginning.

11.4.3. The member will be required by the Chairman to make his or her statement, or to ask a question, from the area of the room occupied by members of the public present at the meeting.

11.4.4. Questions and statements from members of the public will be taken before questions and statements from members exercising their rights under paragraph 12(2), but must be taken in the same part of the meeting as questions and statements as by members of the public.

11.4.5. Members who have exercised their rights under paragraph 12(2) of the Code of Conduct will be required to leave the meeting room before any discussion of the item in which they have a personal and prejudicial interest takes place, but may be present in the room throughout the rest of the meeting.

11.4.6. Members have no right under paragraph 12(2) of the Code of Conduct to make statements, ask or answer questions or comment on items on which members of the public may not speak.

12. CALL-IN

12.1. Call-in is the procedure whereby a decision of the Cabinet, the Leader or a Portfolio Holder, or a member or officer with delegated executive authority, taken but not implemented may be examined by the Overview and Scrutiny Committee prior to implementation.

In paragraphs 12, 13, and 14 of these rules, decisions referred to in the previous sentence are called executive decisions. The Committee may recommend that the Cabinet, the Leader or Portfolio Holder, or a member or officer with delegated executive authority, reconsider the decision. A decision may only be subject to the call-in procedure once. The procedure will not apply to decisions to which the urgency procedure in paragraph 14 of these rules is applied, to decisions taken by Council officers, or to recommendations to or decisions of full Council.

12.2. As soon as possible after an executive decision as referred to in paragraph 12.1 above is made, and normally within two clear working days, the Chief Executive will notify the decision to all Council members and a note of the decision will be available at the Town Hall, Tunbridge Wells. The notice may be given by paper or e-mail.

12.3. The notice is to include the publication date and is to specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called-in for scrutiny during this "call-in period" by the Overview and Scrutiny Committee.

12.4. During the call-in period, either the Chairman of the Overview and Scrutiny Committee or at least three elected Council members not serving on the Executive can, by notification to the Proper Officer, request call-in. The notification must be in writing or bearing the signature(s) of the Council member(s) initiating the call-in, or by e-mail which, if from several members, will require a separate email from each of them.

12.5. A notice invoking the call-in procedure must meet at least one of the following grounds in support of the request for call-in of a decision:

12.5.1. inadequate consultation with stakeholders prior to decision;

12.5.2. the absence of adequate evidence on which to base a decision;

12.5.3. the decision would require a departure from or a change to, the agreed budget and policy framework;;

12.5.4. the action decided upon would not be proportionate to the desired outcome;

12.5.5. the decision would be open to a human rights challenge;

12.5.6. insufficient consideration of legal and financial advice; or

12.5.7. the decision is not within the Cabinet's powers or terms of reference or within the portfolio of the Leader or Portfolio Holder or member or Officer with delegated executive powers who took it.

12.6. The Chief Executive, in consultation with the Overview and Scrutiny Committee Chairman and Vice-Chairman, having taken legal advice and, if appropriate, other professional advice, may reject a request for call-in if, in his or her opinion, it fails to meet any of the grounds listed in paragraph 12.5 above, or if she or he considers it is in any way vexatious, frivolous or otherwise inappropriate. Examples include, but are not limited to:

12.6.1. the cited grounds bear no relevance to the decision that is identified for call-in or the request cites grounds for which no evidence is produced in support;

12.6.2. those requesting the call-in signed the request before it was complete (e.g signed a blank form in advance);

12.6.3. the call-in includes material which could be defamatory;

12.6.4. the requisition is being used for an improper purpose (eg to admonish an officer).

13. REFERRAL TO THE OVERVIEW AND SCRUTINY COMMITTEE

13.1. Once an executive decision is called-in, it will not be implemented until the Overview and Scrutiny Committee has met. On receipt of the call-in request, it is the duty of the Proper Officer to notify the decision taker(s) and to arrange with the Overview and Scrutiny Committee Chairman a special meeting to consider the call-in request (unless a scheduled meeting is to take place in the near future where the call-in can be considered and determined). The meeting is to take place within five working days of the end of the call-in period; if this is not achieved it is in the discretion of the decision taker(s) whether to wait before implementation. Whilst every effort will be made to accommodate the needs of all members, the decision regarding the final date rests with the Chief Executive.

13.2. The Overview and Scrutiny Committee will consider the executive decision and the reasons for call-in. The Committee may invite the Leader and/or relevant Portfolio Holders, and a representative of those calling in the executive decision to provide information at the meeting. Council officers are to provide the Committee with all the information held by them which was available to the decision taker(s) and, if requested, be available to answer questions from Committee members.

13.3. Without prejudice to any other resolutions which they may adopt (e.g as to future conduct) the Overview and Scrutiny Committee are to come to one of the following conclusions:

13.3.1. take no further action on the call-in; or

13.3.2. the decision is to be referred to the Cabinet, for a Cabinet decision, or to the Leader for further consideration, in which case the nature of the Committee's concern(s) and reasons are to be cited; or

13.3.3. the decision should be referred to full Council, where the decision would require a departure from or a change to, the agreed budget and policy framework, in which case the nature of the Committee's concerns and reasons are to be cited.

13.4. Where the Overview and Scrutiny Committee decide to take no further action on a call-in the decision may be implemented at any time after the Committee's decision.

13.5. Where a called-in Cabinet decision is referred for further consideration, it shall be reconsidered by the Cabinet within five working days and the reason(s) cited by the Overview and Scrutiny Committee will be considered.

13.6. Where a called-in decision which was made by the Leader, or by a Portfolio Holder, is referred for further consideration by the Overview and Scrutiny Committee, the Leader, or in his/her absence the Deputy Leader, is to decide within five working days on one of the following actions. The Deputy Leader is also to decide on the option to be taken where the Leader has a conflict of interest in the decision.

13.6.1. to send the referral back to the Portfolio Holder who made the original decision;

13.6.2. to decide on the referral him or herself; or

13.6.3. to send the referral to Cabinet for decision.

13.6.4. Whichever of these options is adopted, the decision and the reasons cited by the Overview and Scrutiny Committee will be considered and a decision taken on the matter within five working days. If a cited reason includes non-compliance with the budget and policy framework, consideration will be given to the need to seek Full Council's agreement to amend the budget and policy framework. If it is decided not to seek agreement of Full Council in these circumstances, and the Cabinet is considering the matter, it will ensure that the minutes record why Cabinet is of that view and, if the view is not unanimous, any dissenting view(s) shall also be recorded. If the consideration is being undertaken by the Leader or a Portfolio Holder, and a cited reason includes non-compliance with the budget and policy framework, and the Leader or Portfolio Holder decides not to seek agreement of full Council, that will be recorded and reported to Cabinet for inclusion in the Cabinet's minutes.

13.7. Once an executive decision has been considered by full Council, Cabinet, the Leader or Portfolio Holder following referral from the Overview and Scrutiny Committee, it will be capable of immediate implementation if the person or body giving the consideration decides to confirm the original decision. If the original decision is not confirmed by them within the prescribed timescales it falls and will not be implemented.

13.8. If a decision is referred to Full Council the meeting is to be convened within five working days of the referral. If Council meets, whether at an ordinary or extraordinary meeting, to consider amending the budget and policy framework in pursuance of a recommendation by the Overview and Scrutiny Committee that an executive decision is not in compliance with them, Council can decide either that there is compliance, or to amend the framework to achieve compliance in which case the decision can be implemented (provided there are no other outstanding reasons from the Overview and Scrutiny Committee), or to decline to amend the framework, in which case the decision will not be implemented.

14. CALL- IN AND URGENCY

The call-in procedure will not apply where an executive decision is urgent. If an executive decision is to be urgent, the report on which it is based must include the statement that the provisions of this paragraph are to be applied as well as the minute or other decision record. An executive decision will be urgent if any delay likely to be caused by a call-in or the process would seriously prejudice the Council's or the public's interests. For these provisions to apply, the prior agreement of the Chairman of the Overview and Scrutiny Committee or the Mayor must be obtained in writing, or by fax or email, and the request for his or her signature must set out why the matter is so urgent as to nullify the call-in process. Prior agreement means prior to the taking of the decision. The Chief Executive will report to each ordinary Council meeting on the use of this provision.

15. THE PARTY WHIP

15.1. The Party Whip is defined as "any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor should speak or vote on any matter before the Overview and Scrutiny 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".

15.2. When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the deliberations at the meeting on the matter. The declaration, and the detail of the whipping arrangements, are to be recorded in the minutes of the meeting.

16. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

16.1. The Overview and Scrutiny Committee will consider the following business:

16.1.1. minutes of the last meeting; subject to Part 4, paragraph 6 of the Council Meeting: Procedure Rules

16.1.2. declarations of interest;

16.1.3. call-in requests;

16.1.4. business of the meeting.

16.2. Where investigations are conducted the Overview and Scrutiny Committee may ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

16.2.1. that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

16.2.2. that those assisting the Committee by giving evidence be treated with respect and courtesy; and

16.2.3. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

16.3. Following any investigation or review, the Overview and Scrutiny Committee will prepare a report for submission to the Cabinet and/or Council, and/or partner organisation and/or the Leader/Portfolio Holder(s), as appropriate, and will (subject to not breaching confidence, publishing exempt or confidential information or defamation) make its report and findings public.

17. PROCEDURE RULES FOR THE OVERVIEW AND SCRUTINY COMMITTEE WHEN ACTING AS THE CRIME AND DISORDER OVERVIEW AND SCRUTINY COMMITTEE

17.1. Co-option of Additional Members

The Overview and Scrutiny Committee may co-opt additional members from those persons and bodies who are responsible authorities within the meaning of section 5 of the Crime and Disorder Act 1988, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the “co-operating persons and bodies”), subject to the provisions set out in that regulation. In accordance with their terms of membership, co-opted members may have the same entitlement to vote as any other member.

17.2. Frequency of Meetings

The Overview and Scrutiny Committee will meet to carry out the functions required as the crime and disorder committee to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions, at least once in every twelve month period.

17.3. Requests for Information

Responsible authorities or co-operating persons or bodies are expected to provide such information requested of them by the Overview and Scrutiny (as the crime and disorder committee).

17.4. Attendance of Responsible Authorities

The Overview and Scrutiny Committee, when carrying out the functions of the crime and disorder committee, may require the attendance of a representative of a responsible authority or of a co-operating person or body in order to seek answers to questions, subject to the provisions in that regulation.

17.5. Reports and Recommendations to Responsible Authorities

17.5.1. When the Overview and Scrutiny Committee, carrying out the functions of the crime and disorder committee, makes a report or recommendations to a responsible authority and co-operating persons or bodies in accordance with section 19(8)(b) of the Police and Justice Act 2006, the responses to such reports or recommendations of each relevant authority, body or person are to be in writing and completed within 1 month from the date of the report or recommendations or, if this is not reasonably possible, as soon as possible thereafter.

17.5.2 The Overview and Scrutiny Committee are to review such responses and monitor the action (if any) taken by the relevant responsible authorities, co-operating persons or bodies in accordance with its powers under section 19(1) of the 2006 Act.

COUNCILLOR CALL FOR ACTION REQUIREMENTS

1. Introduction

1.1. Councillor Call for Action (CCfA) seeks to strengthen the role of the ward members, encouraging them to resolve local problems on behalf of residents. The Local Government and Public in Health Act 2007 allows ward members to place CCfAs on Overview and Scrutiny Committees' agendas for resolution and action. The Act also extends the power of Overview and Scrutiny in two ways as follows:

1.1.1. so that any member of the Council can refer any matter, within its terms of reference to the Overview and Scrutiny Committee ; and

1.1.2. that issues which can be referred include matters which the Council and its partners are delivering through the Local Area Agreement and local crime and disorder matters.

1.2. The CCfA best practice guidance released by the Centre for Public Scrutiny (CfPS) and the Improvement and Development Agency (IDeA) refers to the importance of concentrating on outcomes rather than process when dealing with CCfAs.

1.3. This appendix outlines what constitutes a CCfA, what should be excluded and the process for dealing with CCfAs and also applies to CCfAs related to crime and disorder as well as local government matters.

2. What is Councillor Call for Action?

2.1. CCfA is a process for a member to act on behalf of residents to resolve a local issue of concern, acting as a last resort for those who cannot get issues resolved through any other means, and this can include crime and disorder matters.

3. Matters which cannot be raised as a Councillor Call for Action

3.1. The following matters have been excluded under section 21A of the Local Government Act 2000, introduced under section 119 of the Local Government and Public Involvement in Health Act, 2007:

3.1.1. any matter relating to a planning decision;

3.1.2. any matter relating to a licensing decision;

3.1.3. any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;

3.1.4. any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or one of its sub-committees.

4. CCfA Process

4.1. In accordance with the national best practice guidance, overview and scrutiny should be the final resort for a CCfA. The expectation will be on the ward member to have tried to resolve an issue using all available mechanisms (including partnership working when appropriate) prior to referring the matter to the Overview and Scrutiny Committee. When a matter is referred to the Overview and Scrutiny Committee it will be up to the Chairman and the Proper Officer to decide whether the matter is progressed and taken forward by the Overview and Scrutiny Committee.

4.2. Referral for Overview and Scrutiny

4.2.1. The Chairman of the Overview and Scrutiny Committee will determine with the Proper Officer whether to take the CCfA forward and will, within 5 working days, inform the ward member whether they will accept the CCfA. If the CCfA is a crime and disorder related matter then responsible partners must be notified (These are the Crime and Disorder Reduction Partnership (CDRP) Members).

4.2.2. Reasons a Chairman may not take the CCfA forward to the Overview and Scrutiny Committee include:

- (a) not enough information has been provided;
- (b) more could be done to resolve the issue at a local level, e.g. key people have not been contacted;
- (c) the CCfA is, or has stemmed from, a vexatious, discriminatory or unreasonable complaint;
- (d) the matter has recently been examined by Overview and Scrutiny (though the ward members may argue that certain aspects were not sufficiently covered hence a need for a CCfA);
- (e) the matter is the subject of an ombudsman complaint or other official complaints procedure; or
- (f) the matter falls under excluded matters (see paragraph 3 above)

4.2.3. If a CCfA is rejected for consideration by Overview and Scrutiny the ward member will be notified in writing within 5 working days of lodging the CCfA. Where it is a Crime and Disorder CCfA all responsible partners (CDRP Members) must be notified. Ward members will have the opportunity to reply to the Chairman, if appropriate providing further information to substantiate the CCfA.

4.2.4. If the CCfA is accepted, the relevant Cabinet members, officers and partners will be notified by the Chairman.

4.3. Ward Member Process for Resolution of a CCfA

A ward member is to adhere to the following stages in order to define and agree resolution for a CCfA:

4.3.1. identify a public request or issue for action;

4.3.2. if the member is within a multi-member ward to discuss with other ward members, and agree action;

4.3.3. take steps to resolve the issue through existing mechanisms such as liaising with partners, county and town/parish members or raising the matter with officers; and

4.3.4. if unresolved and the matter can be taken no further by the ward member, it is to be referred it to the Chairman of the Overview and Scrutiny Committee by completing a CCfA application form and submitting it to the Proper Officer for action;

4.3.5. The Overview and Scrutiny Committee is then to either:

- (a) accept the CCfA and arrange to consider it, notifying partners as appropriate; or
- (b) reject the CCfA and notify the member.

Following which they will determine their response and relay this to the member and partners as appropriate.

5. Process for Dealing with a CCfA by the Overview and Scrutiny Committee

5.1. The CCfA will be dealt with at the next available meeting of the Committee unless the Chairman and Proper Officer determine that a special meeting of the Committee is required.

5.2. The Chairman, in consultation with the ward member and the Proper Officer, when considering the meeting requirements, is to give consideration to:

5.2.1. witnesses;

5.2.2. notifying and Inviting partners;

5.2.3. what evidence is required;

5.2.4. key questions to be asked;

5.2.5. timescales; and

5.2.6. the aims and objectives for the meeting.

5.3. In a similar fashion to the call-in process, at a meeting, the Committee are to come to one of the following conclusions:

5.3.1. take no further action on the CCfA; or

5.3.2. refer the CCfA to the appropriate Council body or Partner Organisations with recommendations; or

5.3.3. carry out an overview and scrutiny investigation.

5.4. Any report and recommendations arising from the Overview and Scrutiny Committee meeting will be made available and sent to all agencies involved with the CCfA within 5 working days of the meeting.

In the case of a crime and disorder matter, reports and recommendations are to be sent to the responsible authorities as listed in the Police and Justice Act 2006.

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TIMETABLE OF MEETINGS 2012-13

	Day	Time	May	June	July	August	September	October
Council	Wed	6.30pm	23 (10am)		18			17
Cabinet	Thurs	10.30am	23 (11am)	14	26	23	20	18
Planning & Transportation Cabinet Advisory Board	Tues	10am			3, 31	28	25	23
Communities Cabinet Advisory Board	Tues	6.30pm			3, 31	29 (Wed)	25	23
Finance & Governance Cabinet Advisory Board	Thurs	6.30pm			5	2, 30	27	25
Audit Committee	Wed	6pm	24		4		26	
General Purposes Committee	Wed	6pm			4			10
Joint Transportation Board	Mon	6pm			2			1
Licensing Committee	Wed	6pm		13			19	
Standards Committee	Thurs	9.30am		7			13	
Western Area Planning Committee	Wed	2pm	9, 30	20	11	1, 22	12	3, 24
Eastern Area Planning Committee	Mon	4.30pm / 5.30pm BST	14	11, 25	16	6, 28 (Tues)	17	8, 29
Overview & Scrutiny Committee	Wed	6.30pm		27		15		31

	Day	Time	November	December	January	February	March	April
Council	Wed	6.30pm		12		20 (Budget)		24
Cabinet	Thurs	10.30am	15	6		7 (Budget) 21	21	18
Planning & Transportation Cabinet Advisory Board	Tues	10am	13		22	26	26	
Communities Cabinet Advisory Board	Tues	6.30pm	13		22	26	26	
Finance & Governance Cabinet Advisory Board	Thurs	6.30pm	15		24	28	28	
Audit Committee	Wed	6pm	21				5 (Tues)	
General Purposes Committee	Wed	6pm			16			10
Joint Transportation Board	Mon	6pm			14			15
Licensing Committee	Wed	6pm		5			13	
Standards Committee	Thurs	9.30am		13			14	
Western Area Planning Committee	Wed	2pm	14	5	2, 23	13	6, 27	17
Eastern Area Planning Committee	Mon	4.30pm / 5.30pm BST	19	10	7, 28	18	11	2 (Tues), 22
Overview & Scrutiny Committee	Wed	6.30pm		19		27		17