

Supplementary Papers for Council

Date: Tuesday, 12 September 2023



10. Audit and Governance Committee 7 September 2023 - Review of the Council's Constitution - Recommendations of the Constitution Review Working Group

3 - 38

Minute No. 25 – Review of the Council's Constitution

RECOMMENDED that:

- (a) (i) in relation to Issue 1 (Overview and Scrutiny Structure and Arrangements) the proposed amendments to Parts 2, 3, 4 and 7, as set out in Appendix 3 to the submitted report, be approved with an implementation date of 29 September 2023;
- (ii) subject to the approval of (a)(i) above, authority to agree the calendar of meeting dates for the Overview and Scrutiny Board for the remainder of 2023/24 be delegated by Council to the Overview and Scrutiny Board;
- (b) in relation to Issue 2 (salary Sacrifice Scheme for Councillors):-
 - (i) the proposed amendment to insert a new Section 8 into Part 7 (Scheme of Members' Allowances), as set out in paragraph 35 to the submitted report, be approved;
 - (ii) the Chief Executive be delegated authority to determine from time-to-time which benefit schemes are to be made available to councillors;
- (c) in relation to Issue 3 (Schedule of Council Meetings – Change of Date, Time and Venue), the amendment to Part 4D, Procedure Rule 1, as set out in paragraph 39 to the submitted report, be approved;
- (d) any necessary and consequential technical and formatting related updates and revisions to the Constitution be made by the Monitoring Officer in accordance with the powers delegated.

Published: 08 September 2023

This page is intentionally left blank

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Review of the Council's Constitution - Recommendations of the Constitution Review Working Group
Meeting date	7 September 2023
Status	Public Report
Executive summary	The report summarises the issues considered by the Constitution Review Working Group and sets out a series of recommendations arising from the Working Group for consideration by the Committee including proposed changes to the overview and scrutiny arrangements. Any recommendations arising from the Committee shall be referred to full Council for adoption.
Recommendations	It is RECOMMENDED that: (a) in relation to Issue 1 (Overview and Scrutiny Structure and Arrangements) the proposed amendments to Parts 2, 3, 4 and 7, as set out in Appendix 3 to this report, be approved with an implementation date of 29 September 2023; (b) in relation to Issue 2 (salary Sacrifice Scheme for Councillors):- (i) the proposed amendment to insert a new Section 8 into Part 7 (Scheme of Members' Allowances), as set out in paragraph 35 to this report, be approved; (ii) the Chief Executive be delegated authority to determine from time-to-time which benefit schemes are to be made available to councillors; (c) in relation to Issue 3 (Schedule of Council Meetings – Change of Date, Time and Venue), the amendment to Part 4D, Procedure Rule 1, as set out in paragraph 39 to this report, be approved; (d) any necessary and consequential technical and formatting related updates and revisions to the Constitution be made by the Monitoring Officer in accordance with the powers delegated.
Reason for recommendations	To make appropriate updates and revisions to the constitution following consideration by the Working Group.

Portfolio Holder:	Councillor Vikki Slade (Leader of the Council and Portfolio Holder for Dynamic Places)
Corporate Director	Ian O'Donnell (Director of Resources)
Report Authors	Richard Jones (Head of Democratic Services)
Wards	Not applicable
Classification	For Recommendation

Background

1. The Terms of Reference of the Audit and Governance Committee include 'Maintaining an overview of the Council's Constitution and governance arrangements in all respects'.
2. In discharge of this responsibility the Committee established a Constitution Review Working Group of five of its Councillors. The current members of the Working Group are Councillor Phipps (Chair) and Councillors Andrews, Beesley, Castle and Connolly. Since its establishment in July 2020, the Working Group has continued to meet on a regular basis to consider requests for change. The Group receives advice from various officers including the Monitoring Officer and Head of Democratic Services. From time to time, as required, Officers and Councillors with specialist responsibility have been invited to have an involvement.
3. Since its establishment, the Working Group has continued to meet on a regular basis and completed various phases of its work. Recommendations that were agreed by Council have been implemented and incorporated into a revised and updated version of the Constitution and published on the Council's web site.
4. The Working Group has considers suggestions received from a wide variety and range of sources including input from Councillors and Officers.

Format

5. Throughout the work of the Group a 'Forward Plan' of issues has been maintained and added to as additional issues have arisen. This approach will continue to be adopted for capturing future issues.
6. Any proposed changes to the Constitution are shown with track changes in the appendices to this report (and where changes are proposed to individual paragraphs these are embedded into the body of this report in red outline boxes) to assist members identifying the proposed changes. Page number references are to pages within the current Constitution.

Options Appraisal

7. The Working Group considers carefully whether or not changes are necessary on each issue raised. If supported the Working Group determines the proposed alterations to the wording which forms the basis of the recommendations to the Audit and Governance Committee. This report sets out the proposed changes following those deliberations.
8. For ease of reference, each matter considered will be referred to as an Issue with a corresponding number which will be referenced through the report and recommendations.

ISSUE 1 – OVERVIEW AND SCRUTINY STRUCTURE AND ARRANGEMENTS

9. The existing arrangements for Overview and Scrutiny were introduced in May 2022 following discussions held over several meetings with a final decision being taken at a reconvened meeting of Council on 10 May 2022.
10. The structure in place at the current time is set out in Appendix 1 detailing the areas of responsibility of each committee, which moved from a three board/committee structure to four committees.
11. Following the elections in May 2023, the new administration indicated a desire to review the arrangements for Overview and Scrutiny, Planning Committee, Traffic Regulation Order decision-making, models of governance and community engagement. This paper focuses on the Overview and Scrutiny Committee arrangements which was indicated as a priority but it is recognised that these other ambitions are still to be reviewed in the current municipal year and will have potential resource implications.

Existing Overview and Scrutiny Arrangements

12. The principal headline components of the existing arrangements for overview and scrutiny committees are as follows:-
 - there are four overview and scrutiny committees;
 - each committee has equal status with no overarching responsibility for cross-cutting issues;
 - each committee shall hold five ordinary meetings per municipal year; and
 - each committee may commission two concurrent working groups.
13. It was suggested that the benefits of these arrangements were to move away from a focus on pre-cabinet report scrutiny and to increase the ability of each committee to undertake topic-based commissioned scrutiny through task and finish and working groups.
14. However, as a consequence of these arrangements, chairs of committees have felt it necessary to convene additional special meetings to consider priority matters. These unscheduled meetings place additional pressures on the limited resources available. It is fortunate that the committees have not seen it necessary to utilise the additional task and finish and working group facilities as resources do not exist to support eight concurrent scrutiny groups.
15. Best practice for scrutiny recommends that arrangements should be in place to deal with cross-cutting business. This is currently delivered by discussion and negotiation between respective chairs which could be time-consuming and has the potential to introduce inconsistencies.

Proposed Model for Overview and Scrutiny

16. As indicated in paragraph 3, the new administration has indicated a desire to review the arrangements seeking to strengthen the Overview and Scrutiny function. To achieve this it is proposed to:-
 - rename the Corporate and Community Overview and Scrutiny Committee to the Overview and Scrutiny Board;
 - the Board to have overall responsibility for Overview and Scrutiny function oversight, development and reporting;
 - the schedule of meetings for the Board be increased to ten meetings per municipal year to shadow meetings of Cabinet;
 - the frequency of meetings for other committee remaining at five per municipal year;

A&G noted: 'ten' should read 'twelve'

- the remit of the Place Overview and Scrutiny Committee be narrowed slightly, thus increasing the ability of the committee to examine issues in greater detail from a sustainability perspective;
 - the Place Overview and Scrutiny Committee being permitted to appoint two independent co-opted non-voting members to the committee. The selection and recruitment process to be presented and approved by the committee, if approved by Council.
17. The Working Group considered these principles, discussed the name and remit of each committee and determined that of the existing functions, those falling under the portfolio for Dynamic Places should transfer from the existing Place O&S Committee to the Board. Appendix 2 to this paper sets out a revised structure which reflects the Working Group deliberations and recommendations, including the change of name of the Place Overview and Scrutiny Committee to the Environment and Place Overview and Scrutiny Committee.
 18. Under the revised model, cross-cutting business and call-in arrangements would fall within the remit of the Overview and Scrutiny Board. This was considered to provide both clarity and reduce the risk of inconsistency but also allow for more timely consideration of business with frequent meetings and develop specialist knowledge of call-ins at the Board.
 19. It is proposed that the new arrangements are implemented from 29 September 2023 to allow the meeting of the Corporate and Community Overview and Scrutiny Committee scheduled for 20 September 2023 to proceed under existing arrangements.

Resources

20. The Democratic Services structure was designed to support the service approved by the Shadow Authority. In 2021 the service budget was reduced by 14.9% to support the corporate budget pressures. There have been many changes to the decision-making arrangements since 2019 which have had little or no regard of the wider impact on available resources and the service is now considered to be at maximum capacity.
21. The service is seeking to drive improvements, support recommendations arising from the DLUHC assurance review and implement the Overview and Scrutiny Action Plan considered by the respective committees over recent months.
22. An increase in meeting numbers without a match in the level of officer resource will require that support is diverted from these activities and other proactive planning of effective scrutiny sessions to the core business of only servicing meetings, agendas and minute production. There is a risk that the value of Overview and Scrutiny outputs will be limited as a result.
23. Delays in the delivery of the Overview and Scrutiny Action Plan will impact on improvements and upholding the associated statutory guidance.
24. The Department for Levelling Up, Housing and Overview and Scrutiny state in their statutory guidance for councils and combined authorities that

“The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.”
25. It is estimated that the additional full-year resource requirements to support the increased Overview and Scrutiny Board meetings will be £14,700. In addition, it is likely that the Special Responsibility Allowance for the Chair of the Board will need to be increased following a review by the Independent Remuneration Panel. The full-year

additional cost, based on previous allowances, will be £2,700. These costs will both be subject to National Pay Award increases.

26. The proposal is to implement the changes from 19 September 2023 and as a consequence, it may be necessary to incur additional expenditure in 2023/24 to support the additional meetings of the Board. The service will look to absorb any additional 2023/24 costs within available resources.
27. It should be noted that if the wider changes to committees are introduced, it is estimated that the full-year additional manpower costs will be in the region of £56,000 (including the £14,700) referred to above. These additional costs only include the impact upon Democratic Services. Additional meetings of Overview and Scrutiny Board will have implications council-wide for officer attendance, and changes to other decision-making arrangements may have additional impacts on other services including planning, legal and highways. These will be incorporated into future papers on these respective areas.

Constitution Changes

28. The proposed changes to the Overview and Scrutiny arrangements require alterations to various parts of the Constitution. These are too numerous to embed within this report and have therefore been appended to this report at Appendix 3. The changes are shown in red and include changes to the following Parts.
 - Part 2, Article 6 (Overview and Scrutiny), [Pages 2-13 to 2-16]
 - Part 3A (Responsibility for Functions), [Pages 3-5 to 3-17] (Function of Overview and Scrutiny), and consequential changes to [3-24 to 3-27 (Functions of the Cabinet and Cabinet Members)
 - Part 4A (Access to Information Procedure Rules, [Page 4-6 only] (Interpretation)
 - Part 4C (Overview and Scrutiny Procedure Rules, [Pages 4-25 to 4-34]
 - Part 7 (Scheme of Members' Allowances), [Pages 7-2 to 7-3]

29. RECOMMENDATION

It is RECOMMENDED that in relation to Issue 1 (Overview and Scrutiny Structure and Arrangements) the proposed amendments to Parts 2, 3, 4 and 7, as set out in Appendix 3 to this report, be approved with an implementation date of 29 September 2023.

ISSUE 2 - SALARY SACRIFICE SCHEME FOR COUNCILLORS

30. The Council currently offers a range of salary sacrifice schemes for its staff, including a cycle to work scheme. Currently the schemes are only available to BCP Council employees. Consideration therefore needs to be given to whether to extend the Schemes to Councillors and how to give effect to this.
31. After enquires with HMRC and legal advice, it has been determined that whilst Councillors are eligible to participate in salary sacrifice schemes, there needs to be some form of contractual entitlement permitting them to do so.
32. BCP's contractual arrangement with its Councillors and, more specifically, the arrangement around remuneration is set out in Part 7 of the Constitution, the Members' Allowances Scheme. If a decision is reached to extend the salary sacrifice schemes to include councillors, it would be necessary to amend Part 7 of the Constitution to establish the contractual entitlement.
33. The proposed changes seek to insert a new section 8 into Part 7 (Scheme of Members' Allowances) setting out councillors entitlements, eligibility requirements and arrangements to recover any outstanding payments should a councillor vacate their office.

34. The individual eligible benefit schemes for councillors may change over time or new schemes may become available. As a consequence it would not be appropriate to specify this level of detail in the Constitution. It is proposed to delegate authority to the Chief Executive to determine the relevant benefit schemes for councillors.
35. The proposed changes to Part 7 (Scheme of Members' Allowances), inserting a new Section 8 (Salary Sacrifice) are set out below.

8. Salary Sacrifice

- 8.1. HMRC's view is that the same tax rules apply to elected members who hold office as a local councillor as they do for employees. Councillors are therefore permitted to give up part of their Basic Allowance and/or Special Responsibility Allowance in exchange for certain salary sacrifice schemes available at BCP Council.
- 8.2. Provided Councillors satisfy the various qualifying conditions, they may be entitled to access some of the various salary sacrifice schemes offered by BCP Council. Not all schemes will be available for Councillors to participate in.
- 8.3. In order to access salary sacrifice schemes, Councillors will be required to meet qualifying and affordability criteria in line with legislation and detailed by BCP Council. These criteria may be subject to change without notice.
- 8.4. Applications made by Councillors will be considered on a case-by-case basis, and BCP Council retains full authority in deciding whether to accept any requests.
- 8.5. In the event a Councillor is approved for any salary sacrifice scheme, this is strictly on condition that if they later leave their role as a Councillor, they will reimburse BCP Council any and all outstanding payments or early termination charges incurred in connection with their particular salary sacrifice scheme benefit. This includes authorising BCP Council to deduct any outstanding amounts from the Councillor's Basic and/or Special Responsibility Allowance before paying them the balance.

36. RECOMMENDATION

It is **RECOMMENDED** that in relation to Issue 2 (salary Sacrifice Scheme for Councillors):-

- (i) the proposed amendment to insert a new Section 8 into Part 7 (Scheme of Members' Allowances), as set out in paragraph 35 to this report, be approved;
- (ii) the Chief Executive be delegated authority to determine from time to time which benefit schemes are to be made available to councillors.

ISSUE 3 - SCHEDULE OF COUNCIL MEETINGS – CHANGE OF DATE, TIME AND VENUE

37. Procedure Rule 1 (Schedule of Meetings) to Part 4D of the Constitution [page 4-36] sets out the provisions relating to the scheduling of meetings of the council, the abilities of the Chair to convene extraordinary meetings for specific business and includes provisions permitting chairs of committees and cabinet to alter dates, times and locations of their respective meetings.
38. However, in respect of the later, there is a general presumption against altering the date, time and venue of council meetings but the Constitution is silent on the circumstances when this general presumption may not apply.
39. Although the general presumption against altering meetings will still remain, the proposal below seeks to clarify when it may be appropriate to alter the date, time or venue of a meeting of council and the process to be followed.

1. Schedule of meetings

- 1.1. Full Council will determine the annual schedule of meetings for the Council, Cabinet, Committees and Sub-Committees, including the date, time and location. Where practicably possible, the month of August should be avoided when scheduling meetings, briefings, workshops, training and extraordinary meetings. There will be a general presumption against alterations to the date, time and venue for meetings.
- 1.2. In the event of exceptional circumstances beyond the control of the council or where it would be detrimental to the effective delivery of council business to proceed with a scheduled meeting, the Chair, in consultation with the political group leaders, may alter the date, time and/or location of a meeting of council.
- 1.3. An Extraordinary Meeting of the Council can be called by the Chair, or five Councillors can ask the Chair, in writing, to call an Extraordinary Meeting. If the Chair does not agree, then those Councillors can call the meeting by giving written notice to the Monitoring Officer. The Monitoring Officer, in consultation with the Chair, may also call an Extraordinary Meeting.
- 1.4. When it is necessary to alter the date, time and/or location of the Cabinet, a Committee or Sub-Committee meeting, or to arrange a special meeting of the Cabinet, a Committee or Sub-Committee, the Monitoring Officer or appropriate Democratic Services Officer will consult the Leader/Chair of the relevant Cabinet, Committee or Sub-Committee before any action is taken. The Leader/Chair of the Cabinet, Committee or Sub-Committee will then determine the matter.

40. RECOMMENDATION

It is RECOMMENDED that in relation to Issue 3 (Schedule of Council Meetings – Change of Date, Time and Venue), the amendment to Part 4D, Procedure Rule 1, as set out in paragraph 39 to this report, be approved.

Summary of financial implications

41. The report details the additional cost of changing the Overview and Scrutiny structure with a full year cost estimated at £14,700 for direct manpower plus £2,700 for additional special responsibility allowances for the Chair of Overview and Scrutiny Board. The in-year cost for the remainder of 2023/24 are likely to be met from existing resources.

Summary of legal implications

42. The Constitution of the BCP Council complies with relevant legislation. Where appropriate, the Constitution references relevant legislation which underpins specific procedure rules.

Summary of human resources implications

43. The report highlights the additional manpower requirements to support the additional meetings resulting from the changes to the Overview and Scrutiny arrangements. The service will seek to absorb the additional in-year costs in 2023/24 but there will be additional resources required for 2024/25.

Summary of sustainability impact

44. There are no sustainability implications arising from this report.

Summary of public health implications

45. There are no public health implications arising from this report.

Summary of equality implications

46. The Constitution of the BCP Council sets out the rights of public access to the democratic process. Where appropriate the Equality Officer is engaged on relevant issues.
47. The proposed Constitution changes contained within this report do not impact directly or indirectly impact upon service users and as a consequence there are no equality implications arising from this report.

Summary of risk assessment

48. The Constitution is a legally required document which prescribes the procedural and democratic arrangements for the proper governance of the Council.

Background papers

Published works

Appendices

- Appendix 1 – Existing Overview and Scrutiny Arrangements
- Appendix 2 – Proposed Model for Overview and Scrutiny
- Appendix 3 – Proposed Changes to the Constitution in relation to Issue 1 (Overview and Scrutiny Structure and Arrangements)

Appendix 1 – Existing Overview and Scrutiny Arrangements

Corporate and Community Overview and Scrutiny Committee	Place Overview and Scrutiny Committee	Children's Services Overview and Scrutiny Committee	Health and Adult Social Care Overview and Scrutiny Committee
13 Members, 5 meetings per year	11 Members, 5 meetings per year	11 Members, 5 meetings per year	11 Members, 5 meetings per year
			
CALL-IN WITHIN REMIT PORTFOLIO AREAS Leader & Dynamic Places (partial) BCP Council Policy, Emergency Planning & Response, Equalities & Diversity, Constitution and Controls Deputy Leader & Connected Communities (partial) Community Involvement, Lived Experience & Engagement, Bereavement & Coroner Services, Relationships with Voluntary Sector, Economic Development & High Streets Customer, Communications & Culture (full) Customer Services & Contact, Websites, Communications, Marketing & Brand, Cultural Services & Cultural Compact, Museums & Libraries Finance (full) MTFP, Budget Setting & Management, Financial Controls, Commercial Operations including Car Parking, Financial Services, Revenue & Benefits, Audit & Management Assurances, Estates Housing & Regulatory (partial) Environmental Health, Community Safety, Trading Standards, Anti-Social Behaviour Enforcement, Liaison with Dorset Police & Fire Services, Licensing Policy Transformation & Resources (full) Transformation Programme, IT, Data & Programmes, People & Culture including HR Policies & Practices, Law & Governance, Elections Plus Statutory Crime and Disorder Scrutiny	CALL-IN WITHIN REMIT PORTFOLIO AREAS Leader and Dynamic Places (partial) Place Shaping, Strategic Planning & Local Plan, Local Transport Plan, Regeneration & Infrastructure, Relationships with Future Places and Bournemouth Development Company Deputy Leader & Connected Communities (partial) Planning Development Management Climate Response, Environment & Energy (full) Climate Action Plan & Response, Environmental Services, Refuse Collection, Street Cleansing, Waste Disposal, Grounds Maintenance, Parks & Gardens, Flood and Coastal Erosion Risk Management, Highways Maintenance Housing & Regulatory (partial) Housing Management & Landlord Services, Housing Strategy & Standards, Homelessness & Housing Need Plus Statutory Flood Risk Management Scrutiny	CALL-IN WITHIN REMIT PORTFOLIO AREAS Children and Young People (full) Children's Social Care, Education & SEND Programme, Liaison with Ofsted and DfE, Liaison with Schools, Liaison with Children & Young People, Children's Transformation Programme, Universities & Colleges, Plus to act as the Council's Statutory Education Committee	CALL-IN WITHIN REMIT PORTFOLIO AREAS Health & Wellbeing (full) Public Health, Adult Social Care, Commissioning & Procurement, Relationship with NHS and ICS Plus Statutory Health Scrutiny
CHAIRS AND VICE CHAIRS MEET REGULARLY TO MAINTAIN OVERSIGHT OF THE FUNCTION			

Appendix 2 – Proposed Model for Overview and Scrutiny

OVERALL RESPONSIBILITY FOR OVERVIEW AND SCRUTINY FUNCTION OVERSIGHT, DEVELOPMENT, REPORTING AND CALL-IN

Overview and Scrutiny Board

13 Members, 12 meetings per year



Environment and Place Overview and Scrutiny Committee

11 Members, 5 meetings per year



Children's Services Overview and Scrutiny Committee

11 Members, 5 meetings per year



Health and Adult Social Care Overview and Scrutiny Committee

11 Members, 5 meetings per year



ALL CALL-IN REQUESTS

PORTFOLIO AREAS

Leader & Dynamic Places (full)

Place Shaping, Strategic Planning & Local Plan, Local Transport Plan, Regeneration & Infrastructure, BCP Council Policy, Emergency Planning & Response, Equalities & Diversity, Constitution and Controls and Relationships with Future Places and Bournemouth Development Company

Deputy Leader & Connected Communities (partial)

Community Involvement, Lived Experience & Engagement, Bereavement & Coroner Services, Relationships with Voluntary Sector and Economic Development & High Streets

Customer, Communications & Culture (full)

Customer Services & Contact, Websites, Communications, Marketing & Brand, Cultural Services & Cultural Compact, Museums & Libraries

Finance (full)

MTFP, Budget Setting & Management, Financial Controls, Commercial Operations including Car Parking, Financial Services, Revenue & Benefits, Audit & Management Assurances, Estates

Housing & Regulatory (partial)

Environmental Health, Community Safety, Trading Standards, Anti-Social Behaviour Enforcement, Liaison with Dorset Police & Fire Services, Licensing Policy

Transformation & Resources (full)

Transformation Programme, IT, Data & Programmes, People & Culture including HR Policies & Practices, Law & Governance, Elections

Plus Statutory Crime and Disorder Scrutiny

PORTFOLIO AREAS

Deputy Leader & Connected Communities (partial)

Planning Development Management

Climate Response, Environment & Energy (full)

Climate Action Plan & Response, Environmental Services, Refuse Collection, Street Cleansing, Waste Disposal, Grounds Maintenance, Parks & Gardens, Flood and Coastal Erosion Risk Management, Highways Maintenance

Housing & Regulatory (partial)

Housing Management & Landlord Services, Housing Strategy & Standards, Homelessness & Housing Need

Plus Statutory Flood Risk Management Scrutiny

PORTFOLIO AREAS

Children and Young People (full)

Children's Social Care, Education & SEND Programme, Liaison with Ofsted and DfE, Liaison with Schools, Liaison with Children & Young People, Children's Transformation Programme, Universities & Colleges,

Plus to act as the Council's Statutory Education Committee

PORTFOLIO AREAS

Health & Wellbeing (full)

Public Health, Adult Social Care, Commissioning & Procurement, Relationship with NHS and ICS

Plus Statutory Health Scrutiny

CHAIRS AND VICE-CHAIRS MEET REGULARLY TO ASSIST THE BOARD WITH MAINTAINING OVERSIGHT OF THE FUNCTION

Article 6 – Overview and Scrutiny

6.1. Overview and Scrutiny

6.1.1. As outlined in the Summary and Explanation at Part 1 of this Constitution, the Council has established arrangements for the Overview and Scrutiny function in line with six principles, those being that the Overview and Scrutiny Board and Committees shall:

- a) contribute to sound decision making in a timely way by holding decision makers to account as a ‘critical friend’;
- b) be a Councillor led and owned function that seeks to continuously improve through self-reflection and development;
- c) enable the voice and concerns of the public to be heard and reflected in the Council’s decision-making process;
- d) engages in decision making and policy development at an appropriate time to be able to have influence;
- e) contribute to and reflect the vision and priorities of the Council; and
- f) be agile and be able to respond to changing and emerging priorities at the right time with flexible working methods.

6.2. Responsibilities of the Overview and Scrutiny Board and Committees

The Overview and Scrutiny Board and Committees have the functions set out at Part 3 of this Constitution.

6.3. Current Overview and Scrutiny ~~Committees~~Bodies

6.3.1. There shall be four Overview and Scrutiny bodies:

- a) ~~Corporate and Community Overview and Scrutiny Board Committee~~ which shall comprise of 13 Councillors meeting ~~five~~ twelve times each year. Meetings shall take account of the calendar of meetings for the Cabinet, to enable the Board to make recommendations to the Cabinet;
- b) **Health and Adult Social Care Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting five times each year;
- c) **Children’s Services Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting five times each year; and
- d) Environment and Place Overview and Scrutiny Committee which shall comprise of 11 Councillors meeting five times each year.

6.4. Membership

6.4.1. No member of the Cabinet may be a member of the Overview and Scrutiny Board or Committees or any group established by the Board or Committees.

6.4.2. Lead Members of the Cabinet may not be a member of Overview and Scrutiny Board or Committees.

6.4.3. The Chair and Vice-Chair of the Audit and Governance Committee may not be a member of any Overview and Scrutiny Board or Committee. This will maintain independence between the two functions of audit and scrutiny, in line with good practice.

6.4.3.6.4.4. Where the Chairs of the other Overview and Scrutiny Committees are not members of the Overview and Scrutiny Board they will be invited to attend meetings of the Board in order to report on activity within their Committees.

6.5. Substitutes

If a member is unable to attend a meeting their Group may arrange for a substitute to attend in their place in accordance with Part 4 of this Constitution.

6.6. Members of the Public

6.6.1. Members of the public can be invited to attend and contribute to meetings as required to provide insight to a matter under discussion. This may include but is not limited to subject experts with relevant specialist knowledge or expertise, representatives of stakeholder groups or service users. Members of the public will not have voting rights.

6.7. Children's Services Overview and Scrutiny Committee

6.7.1. As the functions and duties of the Children's Services Overview and Scrutiny Committee include making decisions in relation to the Council's education responsibilities, the Committee must include two church and two parent governor representatives as voting members in addition to the Councillors. Parent governor membership shall extend to a maximum period of four years and no less than two years. These co-opted education representatives are entitled to vote on any item relating to education.

6.7.2. The Children's Services Overview and Scrutiny Committee may also co-opt one representative from the Academy Trusts within the local authority area, to attend meetings and vote on matters relating to education.

6.7.3. The Children's Services Overview and Scrutiny Committee may also co-opt on to the Committee two representatives of The Youth Parliament and, although they will not be entitled to vote, will ensure that their significant contribution to the work of the Committee is recognised and valued.

6.8. Environment and Place Overview and Scrutiny Committee

6.8.1. The Environment and Place Overview and Scrutiny Committee may co-opt on to the Committee two independent non-voting members. The selection and recruitment process shall be determined by the Environment and Place Overview and Scrutiny Committee.

6.8.6.9. Conduct of Overview and Scrutiny Board and Committee meetings

Conduct of the proceedings at Overview and Scrutiny Board and Committee meetings shall be in accordance with the Procedure Rules as set out in Part 4C of this Constitution.

6.9.6.10. Commissioned Work

~~6.9.1.6.10.1.~~ In addition to committee meetings, the Overview and Scrutiny Board and Committees may commission work to be undertaken in the following ways as it considers necessary after taking into account the availability of resources, the work programme and the matter under review. The Board and ~~Each~~ Committee is limited to ~~two~~one commissions at a time to ensure availability of resources.

- a) **Working Groups** – a small group of Councillors and Officers gathered to consider a specific issue and report back to a full meeting of the Board or ~~e~~Committee, or make recommendations to Cabinet or Council within a limited timescale. Working Groups usually meet once or twice, and are often non-public;
- b) **Sub-Committees** – a group of Councillors delegated a specific aspect of the main Board or Committee's work for ongoing, in-depth monitoring. May be time limited or be required as a long-standing sub-committee. Sub-Committees are often well suited to considering performance based matters that require scrutiny oversight. Sub-Committees usually meet in public;
- c) **Task and finish groups** – a small group of Councillors tasked with investigating a particular issue and making recommendations on this issue, with the aim of influencing wider Council policy. The area of investigation will be carefully scoped and will culminate in a final report, usually with recommendations to Cabinet or Council. Task and finish groups may work over the course of a number of months and take account of a wide variety of evidence, which can be resource intensive. For this reason, the number of these groups must be carefully prioritised by scrutiny members to ensure the work can progress at an appropriate pace for the final outcome to have influence;
- d) **Inquiry Days** – with a similar purpose to task and finish groups, inquiry days seek to understand and make recommendations on an issue by talking to a wide range of stakeholders and considering evidence relating to that issue, within one or two days. Inquiry days have similarities to the work of Government Select Committees. Inquiry days are highly resource intensive but can lead to swift, meaningful outcomes and recommendations that can make a difference to Council policy; and
- e) **Rapporteurs or scrutiny member champions** - individual Councillors or pairs of Councillors tasked with investigating or maintaining oversight of a particular issue and reporting back to the

main Bboard or committee on its findings. A main bBoard or committee can use these reports to facilitate its work prioritisation. Rapporteurs will undertake informal work to understand an issue – such as discussions with Officers and Portfolio Holders, research and data analysis. Rapporteur work enables scrutiny members to collectively stay informed of a wide range of Council activity. In this way the workload is spread between Councillors. This approach to the provision of information to scrutiny members also avoids valuable committee time being taken up with briefings in favour of more outcome-based scrutiny taking place at committee.

- n) making decisions on all applications relating to premises or land operated by the Council where relevant representations are received;
- o) making decisions on applications to review Premises Licences made under the Gambling Act 2005;
- p) making decisions on applications relating to Street Trading which fall outside of existing policies;
- q) making decisions on Public Carriage disciplinary matters that may result in the revocation or suspension of a Taxi Operators Licence;
- r) making decisions on applications for new Sex Establishment and Sexual Entertainment Licences;
- s) making decisions on applications for renewals of Sex Establishment and Sexual Entertainment Licences where representations have been received and not withdrawn;
- t) making any decisions required to be made within the following legislative frameworks which have not been delegated by the Committee to Officers:
 - i. Caravan Site Act 1968 and Mobile Home Act 2013 and related legislation;
 - ii. Charities Act 1992 and related legislation;
 - iii. Street Trading Permits and Table and Chair permissions and related permissions; and
 - iv. Animal Welfare Licensing – where there are objections to licences;
- u) approving the level of fees charged by the Council; and
- v) making decisions on the tariffs charged by the Public Carriage Trade.

- 3.2.5. determining any matter arising in relation to any Licensing Function where that matter has been expressly referred to the Licensing Committee by an Officer for such a purpose as an alternative to that Officer exercising a power delegated to them pursuant to the Scheme of Delegation to Officers.

4. Overview and Scrutiny Function

Interpretation

- 4.1. In this section (4) any references to 'committees' includes 'committees and boards' unless otherwise stated.

Overview and Scrutiny Committees

4.2. The Overview and Scrutiny Committees share the following responsibilities where the subject matter falls within their remit as defined in paragraphs 4.3 to 4.10:

- 4.2.1. scrutinising decisions of the Cabinet, offering advice or making recommendations on the matter;
- 4.2.2. considering decisions that have been called-in pursuant to the Procedures set out in this Constitution for further scrutiny;
- 4.2.3. offering any views or advice to the Cabinet or Council in relation to any matter referred for consideration by the Cabinet or Council;
- 4.2.4. monitoring the implementation of decisions to examine their effect and outcomes;
- 4.2.5. referring to full Council, the Cabinet or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Committee determines should be brought to the attention of the Council, Cabinet or the Committee or Sub-Committee;
- 4.2.6. undertaking general policy reviews with a cross-service and multi-organisational approach wherever possible, and making recommendations to the Council or the Cabinet to assist in the development of future policies and strategies;
- 4.2.7. preparation, implementation, monitoring and review of a work programme;
- 4.2.8. establishing such commissioned work as appropriate after taking into account the availability of resources, the work programme and the matter under review.

Overview and Scrutiny CommitteesBoard

4.3. The Overview and Scrutiny Board has responsibility for:

- 4.3.1. carrying out those duties as outlined in 4.2.1 to 4.2.8 above, in relation to matters such as finance and transformation, economic development, regeneration and infrastructure, communication, culture, events, libraries, museums, community safety, regulatory services, licensing, leisure, sport and tourism;
- 4.3.2. undertaking scrutiny of the Council's budget processes, and may be assisted by representation from the other Committees in this task;
- 4.3.3. assisting the Council in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- 4.3.4. carrying out the Council's overview and scrutiny functions relating to crime and disorder as required by legislation. Crime and disorder overview and scrutiny will take place at least once a year.

~~Each Overview and Scrutiny Committee is of equal status and has responsibility for:~~

- 4.3.5. discharging any other statutory duties for which the Overview and Scrutiny function is responsible, other than those that relate to Flood Risk Management, Health, Adult Social Care, Children's Services and Education;
- 4.3.6. the preparation, implementation, monitoring and review of a work programme for the Overview and Scrutiny Board;
- 4.3.7. overseeing the Council's overall Overview and Scrutiny function including oversight of the work plans and use of resource across all O&S bodies;
- 4.3.8. keeping the Overview and Scrutiny function under review, suggesting changes as appropriate to ensure that it remains fit for purpose;
- 4.3.9. reporting annually to Full Council on the output of the Overview and Scrutiny function providing an assessment of the value added by the work undertaken, taking into account the agreed principles on which the function is based;
- 4.3.10. maintaining oversight and establishing priorities for the training needs of the whole of the Overview and Scrutiny function;
- ~~4.1.1. scrutinising decisions of the Cabinet, offering advice or making recommendations on the matter;~~
- ~~4.1.2. considering decisions within the remit of that Committee that have been called in pursuant to the Procedures set out in this Constitution for further scrutiny;~~
- ~~4.1.3. offering any views or advice to the Cabinet or Council in relation to any matter referred to the Overview and Scrutiny Committee for consideration by the Cabinet or Council;~~
- ~~4.1.4. undertaking general policy reviews with a cross-service and multi-organisational approach wherever possible, and making recommendations to the Council or the Cabinet to assist in the development of future policies and strategies;~~
- ~~4.1.5. assisting the Council in the development of the Budget and Policy Framework by in-depth analysis of policy issues;~~
- ~~4.1.6. monitoring the implementation of decisions to examine their effect and outcomes;~~
- ~~4.1.7. referring to full Council, the Cabinet or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Committee determines should be brought to the attention of the Council, Cabinet or the Committee or Sub-Committee;~~
- ~~4.1.8. preparation, implementation, monitoring and review of a work programme;~~
- ~~4.1.9. establishing such commissioned work as appropriate after taking into account the availability of resources, the work programme and the matter under review;~~

~~4.1.10.4.3.11. maintaining oversight and establishing priorities for the training needs of the Committee.~~

Health and Adult Social Care Overview and Scrutiny Committee

~~4.2.4.4.~~ The Health and Adult Social Care Overview and Scrutiny Committee will carry out those duties as outlined in ~~4.2.14.1.1~~ to ~~4.2.84.1.10~~ above, in relation to matters regarding health, adult social care, public health, community care and any other issues relating to the delivery of health services by health service providers and NHS bodies affecting the residents of Bournemouth, Christchurch and Poole.

~~4.3.4.5.~~ This Committee carries out all the Council's overview and scrutiny functions relating to health as required by legislation.

Children's Services Overview and Scrutiny Committee

~~4.6.~~ The Children's Services Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in ~~4.2.14.1.1~~ to ~~4.2.84.1.10~~ above, in relation to matters which relate to the delivery of services for children in Bournemouth, Christchurch and Poole.

~~4.4.~~ This Committee acts as the Council's Statutory Education Committee as required by legislation.

~~4.5.4.7.~~ Education co-optees will be appointed to this Committee in line with legislation, and as set out within Article 6 of this Constitution.

Environment and Place Overview and Scrutiny Committee

~~4.6.4.8.~~ The Environment and Place Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in ~~4.2.14.1.1~~ to ~~4.2.84.1.10~~ above, in relation to matters such as ~~regeneration, strategic planning~~ development management, house building, homes, environment, cleansing, waste, ~~transport~~ and sustainability.

~~4.7.4.9.~~ This Committee carries out all the Council's overview and scrutiny functions relating to flood risk management as required by legislation.

~~Corporate and Community Overview and Scrutiny Committee~~

~~4.8.~~ ~~The Corporate and Community Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.1.1 to 4.1.10 above, in relation to matters such as finance and transformation, economic development, communication, culture, events, libraries, museums, community safety, regulatory services, licensing, leisure, sport and tourism.~~

~~4.9.~~ ~~This Committee will be the lead Overview and Scrutiny Committee for undertaking scrutiny of the Council's budget processes, and may be assisted by representation from the other Committees in this task.~~

~~4.10. This Committee carries out the Council's overview and scrutiny functions relating to crime and disorder as required by legislation. Crime and disorder overview and scrutiny will take place at least once a year.~~

Changes to functions of Overview and Scrutiny Committees

~~4.11.4.10.~~ The remit of the Overview and Scrutiny Committees is based on the division of Portfolio Holder responsibilities. Portfolio Holders may report to more than one Overview and Scrutiny Committee.

~~4.12.4.11.~~ Portfolio Holder responsibilities are changeable and from time to time it may be necessary to modify the designation of functions across the ~~four~~ Overview and Scrutiny Committees to maintain an efficient fit and clear lines of accountability. Changes will be included as required within the annual report of the Statutory Scrutiny Officer to Council.

5. Audit and Governance Committee

5.1. Functions of the Audit & Governance Committee are set out below. The Audit & Governance Committee cannot delegate for a decision any issues referred to it apart from any matter that is reserved to Council.

Statement of Purpose

5.2. The Audit & Governance Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

5.3. The purpose of our Audit & Governance Committee is to provide independent assurance of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, Risk & Control

5.4. To consider the arrangements for corporate governance including reviews of the Local Code of Corporate Governance and review and approval of the Annual Governance Statement (AGS).

5.5. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

5.6. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.

5.7. To consider arrangements for risk management including the approval of the Risk Management Strategy and review of the Council's corporate risk register.

14.	The making of agreements for the execution of highways works	Non-executive
15.	The appointment of any individual— (a) to any office other than an office in which he is employed by the authority; (b) to any body other than— (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment	Non- executive
16.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities	Non-executive
17.	Any function of a local authority in their capacity as a harbour authority (to the extent that the function does not fall within paragraph 1 of Schedule 2 Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Non-executive Not applicable

Functions of the Cabinet

9.3. The Leader will prepare a Scheme of Delegation in which the Leader will confirm which of the following functions will be delegated to the Cabinet:

- 9.3.1. responsibility for strategic and policy co-ordination;
- 9.3.2. making recommendations to Full Council for approval as part of the Budget and Key Policy Framework, major new policies, changes to or revisions of existing policies or any other plan or strategy which Full Council decides it shall adopt or approve;
- 9.3.3. carrying out the Council's responsibilities for improving the economic social and environmental well-being of the area;
- 9.3.4. ensuring that the Annual Budget is set and the underlying principles set out in the Financial Regulations adhered to in any changes required from time to time including recommending to Full Council any changes to policy that will materially reduce or increase the services of the Council or create significant financial commitments in future years in accordance with the requirements of the Financial Regulations;
- 9.3.5. recommending to Full Council the overall financial strategy, including the Capital and Revenue Budgets and the level of Council Tax and the Council Tax Base;

- 9.3.6. monitoring spending on the Capital Programme;
- 9.3.7. taking in year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver the Key Policy Framework, Corporate Plan and Budget;
- 9.3.8. considering and responding to recommendations and reports from the Overview and Scrutiny Board and Committees;
- 9.3.9. considering the reports of external review bodies on key aspects of overall service delivery;
- 9.3.10. deciding all Local Choice Functions which Full Council has decided should be undertaken by the Cabinet;
- 9.3.11. carrying out those Executive Functions of the Council not delegated to other bodies, individual Cabinet Members or Officers pursuant to one of the schemes of delegation;
- 9.3.12. resolving disputes between Cabinet Members including those where there is no agreement between Portfolio Holders relating to cross-portfolio issues;
- 9.3.13. being involved in the process for appointment of the Council's Chief Executive/Head of Paid Service and other Officers as set out in the Employment Procedure Rules in Part 4;
- 9.3.14. making the final decision on joint arrangements and delegations to other councils which relate to Executive Functions; and
- 9.3.15. conferring with other councils, government departments, statutory bodies, voluntary bodies, and other external agencies.

10. Functions of Individual Members of the Cabinet

The Leader

- 10.1. The Leader will perform the following functions:
 - 10.1.1. leading on implementing the Council's policy and budget decisions;
 - 10.1.2. providing leadership of the Council by setting the strategic direction and key priorities, overseeing the development of the financial strategies;
 - 10.1.3. representing the Council in the community and in negotiations with regional and national organisations;
 - 10.1.4. in the absence of a Portfolio Holder taking responsibility for all relevant matters within the remit of the Cabinet;
 - 10.1.5. appointment of a Deputy Leader;
 - 10.1.6. appointment of up to 9 Councillors to be Members of the Cabinet;
 - 10.1.7. allocating to each Member of the Cabinet areas of responsibility to be known as Portfolios;

- 10.1.8. notifying the Monitoring Officer of the allocation of responsibility so that the information can be compiled in the Cabinet Members' Portfolio Scheme;
- 10.1.9. providing leadership to the Cabinet and chair Cabinet meetings;
- 10.1.10. where the Leader judges it to be the most suitable course of action, the Leader may require any decision proposed by one or more Portfolio Holders to be taken by the full Cabinet;
- 10.1.11. exercising discretion to personally discharge any Executive Functions or make arrangements for their discharge by the Cabinet, another Member of the Cabinet, a Committee of the Cabinet or an Officer (without prejudice to their continued power to discharge that function); and
- 10.1.12. responsibility for all Executive Functions not expressed to be within the remit of the Leader or otherwise delegated by the Leader to the Cabinet, a Cabinet Member, Committee of the Cabinet or to Officers.

The Deputy Leader

- 10.2. In addition to their Portfolio responsibilities, the Deputy Leader will Deputise in the Leader's absence or inability to act due to a conflict of interest.

Delegation to Cabinet Members

- 10.3. All Cabinet Members will be publicly accountable for the Executive Functions of the Council. This will include specific responsibility for matters within the scope of their Portfolio as follows:
 - 10.3.1. to make decisions consistent with the Council's Key Policy Framework;
 - 10.3.2. to make decisions within approved budgets or within virement discretion in accordance with the Financial Regulations;
 - 10.3.3. to make decisions which do not compromise any existing or proposed policy;
 - 10.3.4. to refer to the Leader any matter considered by the Portfolio Holder or the Leader to be too sensitive or controversial to be decided 'within Portfolio';
 - 10.3.5. to agree decisions with other Portfolio Holders where the matter is a cross-portfolio matter. To refer to the Leader any such matter which cannot be agreed;
 - 10.3.6. to give public account of the functions and decisions made within the Portfolio areas of responsibility;
 - 10.3.7. to maintain clear communication with the Chairs of the relevant Overview and Scrutiny [Board and](#) Committees;
 - 10.3.8. to represent the Council with external bodies and agencies in order to promote the work of the Council and the Council's interests and improve Council influence with external bodies;

- 10.3.9. to develop clear, affordable policies and strategies for services which are consistent with the Council's wider objectives and consistent with the Council's cross cutting objectives;
 - 10.3.10. to set clear priorities which are consistent with the Council's policies and strategic objectives;
 - 10.3.11. to ensure that resources are efficiently managed within allocations set by Council and that risk is well managed; and
 - 10.3.12. specific projects as agreed with the Leader of the Council.
- 10.4. Where matters are to be discharged by the Cabinet then (unless the Leader directs otherwise) the Cabinet may exercise its discretion to delegate those matters to a Committee of the Cabinet or to an Officer.
 - 10.5. Where matters are to be discharged by a single Cabinet Member then unless the Leader directs otherwise that Cabinet Member may exercise their discretion to delegate those matters to an Officer.
 - 10.6. Where Executive Functions have been delegated that does not prevent the discharge of the delegated functions by the person or body who delegated them or by the Leader who retains the authority to make any executive decision.

Cabinet Portfolio Scheme

- 10.7. The Portfolios must be contained within a Schedule which will be published on the Council's website, part of this Constitution and subject to review and updating by the Leader of the Council at their discretion.

Leader Delegation to Chief Executive

- 10.8. The Leader will set out specific additional delegations within a Schedule to the Chief Executive over and above those set out below in the Scheme of Delegation to Officers which will be published, part of the Constitution and subject to review and updating by the Leader of the Council at their discretion.

A. Access to Information Procedure Rules

1. Interpretation

- 1.1. In these and subsequent Procedure Rules in this Part 4:
- 1.1.1. references to 'the Council' means 'Full Council', unless otherwise stated;
 - 1.1.2. references to 'committees' includes 'committees and boards' unless otherwise stated;
 - 1.1.3. references to 'sub-committees' includes 'sub-committees, working groups, panels and forums' unless otherwise stated;
 - 1.1.4. references to the serving of notice to 'Monitoring Officer' shall, unless otherwise stated, include notice to 'Democratic Services'; and
 - 1.1.5. references to 'Rules' means these Procedure Rules, unless otherwise stated.
 - 1.1.6. unless otherwise required by law, references to 'copies of documents being made available for public inspection' means the publication online or sent electronically upon request.

2. Scope

These Rules apply to all meetings of the Council, its Committees and Sub-Committees and to public meetings of the Cabinet (together referred to as "meetings").

3. Additional Rights to Information

These Rules do not affect any other specific rights to information contained elsewhere in this Constitution or otherwise provided by law.

4. Rights to Attend and Report upon Meetings

- 4.1. Members of the public may attend all public meetings subject to the exceptions contained in these Rules.
- 4.2. Members of the press and public are also entitled to film, audio record and report on meetings of the Council, Committees, Sub-Committees and Cabinet, except in circumstances where the public have been excluded in accordance with this Constitution or as permitted by law. Any such filming, audio recording or reporting shall be in accordance with any guidelines published by the Council on its website or made available at the meeting.

5. Notice of Meetings

The Council shall ordinarily give at least five clear working days' notice of any meeting by publicising a copy of the official notice on the Council's website and at the Council's main office.

C. Overview and Scrutiny Procedure Rules

1. How Overview and Scrutiny operates

1.1. Any Procedure Rule applying to a Committee shall also apply to the Overview and Scrutiny Board unless otherwise stated.

~~4.4.1.2.~~ The Overview and Scrutiny Committees will perform the functions as set out in Article 6 at Part 2 of this Constitution.

~~4.2.1.3.~~ No Councillor may be involved in scrutinising a decision in which they have been directly involved.

2. Overview & Scrutiny Work Plan/s

2.1. The proposed work of the Overview and Scrutiny Committees will be set out in a Work Plan which shall consist of work aligned to the principles for the function, as set out in this Constitution. Each Committee will be responsible for its own Work Plan.

2.2. Once any Work Plan has been approved, a copy will be published with the agenda for each meeting of the Overview and Scrutiny Committees and available to any Councillor on request.

2.3. The Overview and Scrutiny Board will maintain oversight of all Work Plans relating to the Overview and Scrutiny function. The purpose of this oversight is to ensure a balance of resource is available across the function and all overview and scrutiny work is adding value to the Council as a whole. The Overview and Scrutiny Board may comment on or make recommendations in relation to the Work Plans of other Overview and Scrutiny Committees as it sees appropriate to ensure overview and scrutiny work is adding value to the Council as a whole.

3. Responsibilities of Overview and Scrutiny Chairs and Vice-Chairs

3.1. The Overview and Scrutiny Committee Chairs and Vice-Chairs will meet on a regular basis to assist the Board in maintaining oversight of the Overview and Scrutiny function, for example monitoring actions for improvement for Overview and Scrutiny, training and development needs, resource availability and cross-cutting scrutiny issues. Meetings will be informal and may be virtual.

~~3.2. Oversight of the Overview and Scrutiny function referred to at 3.1 will include collective monitoring of all Work Plans relating to the Overview and Scrutiny function to ensure a balance of resource is available across the function and all overview and scrutiny work is adding value to the Council as a whole.~~

~~3.3. As outlined at procedure rules 13.3 and 14.1 the Overview and Scrutiny Chairs and Vice-Chairs will provide views to the Monitoring Officer on the designation of cross-cutting matters, including those that are the subject of a call-in.~~

~~3.4.3.2.~~ The Chair and Vice-Chair of the Audit and Governance Committee will be invited to attend informal meetings of the Chairs and Vice-Chairs of Overview and Scrutiny as appropriate to discuss matters of mutual interest.

~~3.5.3.3.~~ The Statutory Scrutiny Officer will report to Council on an annual basis on the work of Overview and Scrutiny, including recommendations for any changes that may be required to ensure the function remains fit for purpose. This report will be informed by consultation with the Chairs and Vice-Chairs of the Overview and Scrutiny Committees and referred to the four Overview and Scrutiny Committees for comment.

4. Consultation and Suggestions

- 4.1. The Overview and Scrutiny Committees will consult with other parts of the Council as appropriate, including the Cabinet, on the preparation of any Work Plan. They should also take into account the resources, including Councillor availability, Officer and financial resources, available to support their proposals.
- 4.2. The Overview and Scrutiny Committees may take suggestions from a variety of sources to form their Work Plans. This may include suggestions from members of the public, Officers of the Council, Portfolio Holders, the Cabinet and Council, members of the Committee, and other Councillors who are not on the Committee.
- 4.3. All suggestions for Overview and Scrutiny work will be accompanied by:
 - 4.3.1. detail outlining the background to the issue suggested;
 - 4.3.2. the proposed method of undertaking the work;
 - 4.3.3. likely timescale associated with undertaking the work; and
 - 4.3.4. the anticipated outcome and value to be added by the work proposed.
 - 4.3.5. No item of work shall join the work plan of any Overview and Scrutiny Committee without an assessment of this information.
- 4.4. Members of the public may make suggestions for Overview and Scrutiny work. Suggestions will be made in writing and accompanied by the detail outlined at Rule 4.3 of this Part 4C.
- 4.5. A facility will be made for members of the public to make suggestions for overview and scrutiny work on the Council's website. Suggestions will be considered by the relevant Overview and Scrutiny Committee. The Overview and Scrutiny Committees will maintain oversight of suggestions made by the public and will assess the value to be added by the work suggested when determining whether to exercise their powers in this respect. Any member of the public raising an item under this Rule shall be precluded from raising the matter again for a period of 12 months from the date it is considered by the Committee.

5. Requests

- 5.1. Where Portfolio Holders, the Cabinet or Council request that Overview and Scrutiny Committees undertake a specified piece of work, the relevant Overview and Scrutiny Committee shall respond to the request as soon as it is possible to do so.
- 5.2. The Committee will assess the value to be added by the work suggested when determining whether to exercise its powers in this respect. Where it chooses to exercise its powers in relation to the request, it will report back its findings and any recommendations to Cabinet and/or Full Council in accordance with Rule 11 of this Part 4C.
- 5.3. Where the Committee chooses not to exercise its powers in relation to the request, it will provide reasons for this to the body that made the original request.
- 5.4. All Councillors have the right to suggest that an item be considered for Overview and Scrutiny provided that the item to which the suggestion is made must be relevant to the functions of the Overview and Scrutiny Committee. Councillors must make this suggestion in writing to the Scrutiny Officer who will arrange for the publication of the request on the next available agenda of the relevant Overview and Scrutiny Committee agenda. The request will be accompanied by the information as set out at 4.3 above. The Overview and Scrutiny Committee shall consider the request, assess the value to be added by the work proposed and determine whether the matter shall join the Work Plan. Where a decision is made by the Committee not to exercise its powers in relation to the matter the Committee must provide its decision to the Councillor making the request, giving reasons for this.
- 5.5. Any Councillor raising an item under Rule 5.4 of this Part 4C shall be precluded from raising the matter again for a period of 12 months from the date it is considered by the Committee.

6. Engagement with the Overview and Scrutiny Committee

- 6.1. Consideration will be given at the scoping stage as to how others, in addition to Councillors and Officers of the Council, may be engaged in the work of Overview and Scrutiny and the benefit that this engagement will bring to the work. This may include, but is not limited to, contribution from subject experts with relevant specialist knowledge and/or expertise; representatives of stakeholder groups and service users.
- 6.2. Overview and Scrutiny has a key role in the development of the Budget and Policies of the Council. The Overview and Scrutiny Committees may make proposals to the Cabinet or Full Council for development or review of key strategies, plans and policies to the extent that they relate to matters within the respective terms of reference for each Committee.

7. Commissioned Work

- 7.1. When considering additions to its Work Plan, the Overview and Scrutiny Committees may commission work to be undertaken outside of Committee meetings in accordance with Article 6 at Part 2 of this Constitution.
- 7.2. When commissioning work, the Committees will take into account the availability of resources as highlighted above. Committees may undertake ~~two~~one pieces of commissioned work at a time to ensure availability of resource across all Committees.
- 7.3. Bodies commissioned by the Overview and Scrutiny Committees may have conferred upon them the power to act on behalf of the parent Committee in considering issues within the remit of the parent Committee and making recommendations directly to Portfolio Holders, Cabinet, Council or other bodies or people within the Council or externally as appropriate.

8. Rights of Overview and Scrutiny Committee members to information

- 8.1. The Overview and Scrutiny Committee will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation.
- 8.2. In addition to their rights as Councillors, members of the Overview and Scrutiny Committee have the additional right of access to documents, and to notice of meetings as set out in the Access to Information Procedure Rules set out at Part 4A of this Constitution.
- 8.3. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate. Regular, informal dialogue between the two is considered good practice to ensure that the Overview and Scrutiny function can understand developing Cabinet priorities, discuss and assess the value that Overview and Scrutiny can provide and contribute in a timely way to policy development.

9. Councillors and Officers giving account

- 9.1. The Overview and Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function or matters which affect the Council's area or the inhabitants of that area. As well as reviewing documentation, in fulfilling its scrutiny role, it may require the Leader, any Portfolio Holder or Officer to attend before it to provide information in relation to matters within their remit. It is the duty of those persons to attend if so required. The Overview and Scrutiny Committees shall have sole discretion to determine which Councillors and Officers will be requested to attend and the format that discussions with invitees will take. All discussions will be based on respect and courtesy - consistent with the Code of Conduct - and will be undertaken with the aim of maximising the effectiveness of the scrutiny being conducted.

- 9.2. Where any Councillor or Officer is required to attend the Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Scrutiny Officer, who will inform the Councillor or Officer in writing giving at least seven clear working days' notice of the meeting. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Overview and Scrutiny Committee will require the production of a report, then the Councillor or Officer concerned will be given reasonable notice to allow for its preparation.
- 9.3. Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, then the Committee shall consider, in consultation with the Councillor or Officer, an alternative date for attendance or whether another Councillor or officer should attend in their place.
- 9.4. Officers should not be expected to enter, and should avoid being drawn into, discussions of politically contentious matters and any Officer input should be consistent with the requirements for political impartiality.
- 9.5. The requirements of any protocols on Councillor/Officer relationships and the Code of Conduct must be adhered to where an Officer is attending an Overview and Scrutiny Committee.

10. Attendance by others

- 10.1. With reasonable notice, the Overview and Scrutiny Committees may invite individuals other than those referred to in Rule 9 of this Part 4C to address it, to discuss issues of local concern and/or answer questions.
- 10.2. Where the Overview and Scrutiny Committees conduct investigations (for example with a view to policy development), the Committee may ask individuals to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:
 - 10.2.1. the investigation is to be conducted fairly and all members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;
 - 10.2.2. those assisting the Committee by giving evidence will be treated with respect and courtesy; and
 - 10.2.3. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

11. Reports from the Overview and Scrutiny Committee

- 11.1. The Overview and Scrutiny Committees will report on findings of their work to Cabinet and Full Council, as appropriate according to the matter under review and recommendations being made.

- 11.2. Once recommendations have been formed, the Overview and Scrutiny Committee will submit a formal report for consideration by the Cabinet, or where the Leader has delegated decision-making to a Portfolio Holder, the Portfolio Holder (if the proposals relate to an Executive Function and are consistent with the existing Budget and Policy Framework); or to Full Council as appropriate (if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 11.3. Where recommendations have been submitted, Full Council or the Cabinet shall consider the report of the Overview and Scrutiny Committee within two months (or the next available meeting in the case of the Council). A response will be provided to the Overview and Scrutiny Committee indicating what action, if any, the Cabinet or Full Council proposes to take.
- 11.4. Where the Overview and Scrutiny Committee submits recommendations for consideration by a Portfolio Holder, the Portfolio Holder must consider the report and respond in writing to the Overview and Scrutiny Committee within two months of receiving it indicating what action, if any, the Portfolio Holder proposes to take. The Portfolio Holder must also attend a future meeting of the Overview and Scrutiny Committee to present their response.

12. Where the Decision Maker is an External, non-Council Organisation

- 12.1. Where that organisation has a statutory duty to respond to the Committee, a written response shall be requested within the timescale required or, if mutually agreed, by another set deadline so the response can be placed on the agenda of the next scheduled meeting of the Committee, if appropriate.
- 12.2. Where that organisation does not have a statutory duty to respond to the Committee, a written response shall be invited within 2 months.
- 12.3. Where scrutiny is being undertaken in relation to the Council's statutory Health or Crime and Disorder Scrutiny functions this will be done in accordance with the relevant legislation and statutory guidance.

13. Joint Committees

- 13.1. Overview and Scrutiny Committees may jointly scrutinise a particular matter to provide for effective Overview and Scrutiny. To ensure agile scrutiny can take place, there will be a presumption that this will be undertaken by a lead Overview and Scrutiny Committee, with invitation extended to the Chairs of other relevant Committees to attend and contribute to discussions. The Monitoring Officer will determine the lead Overview and Scrutiny Committee.
- 13.2. Where the Monitoring Officer determines that arrangements at 13.1 above will not lead to effective Overview and Scrutiny, a joint committee of more than one Overview and Scrutiny Committee may be formed. This will include all members of the relevant Overview and Scrutiny Committees. A Chair for the joint committee will be selected from between the Chairs of the relevant committees.

13.3. Determination of the matters at 13.1 and 13.2 above will be made by the Monitoring Officer in consultation with the Chairs and Vice-Chairs of the Overview and Scrutiny Committees. Consultation will be informal and may take place virtually.

13.4. Joint Overview and Scrutiny Committees may be established with other councils to provide for effective Overview and Scrutiny of a particular matter. This includes making provision for joint Overview and Scrutiny Committees relating to Health, and to Crime and Disorder, as permitted under legislation.

14. Call-In

14.1. All requests for Call-In shall be considered by the Overview and Scrutiny Board.

14.2. Where the relevant Overview and Scrutiny Committee referred to at 14.1 above has been engaged as part of the decision-making process of a decision subject to Call-In the Monitoring Officer shall have discretion to refer the consideration of the Call-In to another Overview and Scrutiny Committee.

~~14.1. Requests for Call-In shall be considered by the Overview and Scrutiny Committee with the remit most closely aligned to the matter that is the subject of the call-in. This will be determined by the Monitoring Officer on a case-by-case basis in consultation with the Chairs and Vice-Chairs of the Overview and Scrutiny Committees. Consultation will be informal and may take place virtually.~~

~~14.2.~~ 14.3. Call-In is the exercise of Overview and Scrutiny's statutory power to review an Executive Key Decision which has been made but not carried out. Call-In should only be used in exceptional circumstances. This Rule shall apply to a Key Decision of the Cabinet, the Leader, Portfolio Holder or a Key Decision made by an Officer and there are reasonable grounds that one of the following is applicable:

~~14.2.1.~~ 14.3.1. the decision was not made in accordance with the principles of decision-making set out in Article 12 of this Constitution;

~~14.2.2.~~ 14.3.2. the decision was neither published in accordance with the requirements for the Cabinet Forward Plan and not subject to the 'general exception' or 'special urgency' procedures set out in this Constitution; or

~~14.2.3.~~ 14.3.3. the decision is not in accordance with the Key Policy Framework or Budget.

~~14.3.~~ 14.4. When a Key Decision is made by the Cabinet, a member of the Cabinet, or a Committee or Sub-Committee of the Cabinet, or a Key Decision is made by an Officer with delegated authority from the Cabinet, the decision shall be published, by electronic means, and shall be made available for inspection normally within 2 clear working days of being made. All Councillors will be sent an electronic record of all such decisions within the same timescale.

~~14.4.~~14.5. Subject to any urgency provisions a decision taken and to which Rule ~~14.4~~14.3 of this Part 4C refers will not come into force, and may not be implemented, until the expiry of 5 clear working days after the decision was made, recorded and published in accordance with Rule ~~14.4~~14.3 of this Part 4C.

~~14.5.~~14.6. Where a decision referred to in Rule ~~14.4~~14.3 of this Part 4C has been made, any three or more members of the Overview and Scrutiny ~~Committee Board~~with the remit most closely aligned to the matter of the decision, or alternatively 10 Councillors who are not members of the Cabinet, may submit a Call-In notice, in writing, within the period specified in Rule ~~14.5~~14.4 of this Part 4C, to the Monitoring Officer or their nominated representative. Voting education members of an Overview and Scrutiny Committee may only sign a Call-In request when the matter relates to an education function. Where the notice is valid, the decision cannot be implemented until the procedures in this section have been followed. The Monitoring Officer will consider the Call-In request and confirm its validity or otherwise.

~~14.6. Where the relevant Overview and Scrutiny Committee referred to at 14.5 above has been engaged as part of the decision-making process of a decision subject to Call-In the Monitoring Officer shall have discretion to refer the consideration of the Call-In to another Overview and Scrutiny Committee.~~

14.7. A valid Call-In request must comply with the following:

14.7.1. have the correct number of signatures; and

14.7.2. give reasons for the Call-In. The reasons must set out the grounds upon which the Call-In is based with reference to Rule 14.2 of this Part 4C and the evidence to support the grounds. Reasons must be legitimate and not designed to create an obstacle to or delay the proper transaction of business nor should they be vexatious, repetitive or improper in any other way.

14.8. Where, as a result of a corporate electronic system failure or planned shutdown, the issuing of or access to decisions is prevented; or the submission of a Call-In notice by electronic means in accordance with the Council's Call-In provisions is prevented, the periods for notification or submission shall be extended by the period of delay, provided that period is in excess of four hours. When, in the opinion of the Monitoring Officer, the period of delay is likely to extend beyond two clear working days, they shall agree with the Chair of the ~~relevant~~ Overview and Scrutiny ~~Committee Board~~ – as outlined at 14.1 above - alternative arrangements to avoid any delay in implementing Cabinet decisions not subject to Call-In.

14.9. The decision subject to Call-In will be referred to the first available meeting of the ~~relevant~~ Overview and Scrutiny ~~Committee Board~~, or to a specially convened meeting of the ~~Committee Board~~ should the Chair of the ~~Committee Board~~ consider this to be appropriate in the circumstances.

14.10. The Overview and Scrutiny ~~Committee Board~~, having considered the matter, will decide whether to refer the decision to Cabinet for consideration. Where the

matter is referred for reconsideration, advice must be offered by the Overview and Scrutiny ~~Committee~~Board. The ~~Committee~~Board may decide to offer no advice in which case the decision may be implemented immediately. Where advice is offered, the Cabinet will reconsider the decision in light of the advice provided.

14.11. Where a matter is considered and advice is offered by the Overview and Scrutiny ~~Committee~~Board, its advice will be submitted to the Cabinet for a decision to be made on the matter. The Cabinet shall consider the advice, but shall not be bound to accept it in whole or in part. It shall have sole discretion to decide on any further action to be taken in relation to the decisions in question, including confirming, with or without amendment, the original decision or deferment pending further consideration, or making a different decision. There are no further rights to enable a Councillor to submit a Call-In notice. The decision may then be implemented.

14.12. Once the Overview and Scrutiny ~~Committee~~Board has decided to offer advice or not to offer advice, no further Call-In notices may be served in respect of that matter subject to the decision in question. This does not prevent the matter being scrutinised further by an Overview and Scrutiny Committee after the decision has been implemented in accordance with these Rules.

14.13. A submitted Call-In notice can only be withdrawn with the written consent of sufficient of the signatories such as to reduce the number of signatories to below the relevant threshold set out in Rule 14.5 of this Part 4C.

14.14. The Call-In facility does not apply to the determination of a Motion under Procedure Rule 10 of Part 4D (Notices of Motion).

15. Call-In and Urgency

15.1. The Call-In procedure set out above shall not apply where the Key Decision being taken by the Cabinet, the Leader, Portfolio Holder or an Officer is urgent.

15.2. A decision will be urgent if any delay, caused by the Call-In process, would be likely to seriously prejudice the Council's or the public's interests.

15.3. The Chair of the ~~relevant~~ Overview and Scrutiny ~~Committee~~Board—~~as set out at 14.1 above~~—or, in their absence, the Vice-Chair or in their absence the Chair of the Council must agree that the decision should be treated as urgent, and that the Call-In procedure should not apply.

15.4. In the absence of the Chair of the Council, the Vice-Chair's consent shall be required. In the absence of all of the above Councillors, the Chief Executive's, or their nominee's, consent shall be required.

16. Councillor Call for Action

16.1. Any Councillor may submit a Councillor Call for Action.

- 16.2. The Councillor Call for Action is intended to be a process of last resort and therefore a Councillor must demonstrate that reasonable steps have been taken to resolve the matter including a response from the relevant Portfolio Holder and the Chief Executive.
- 16.3. The Councillor Call for Action will be placed on the next available agenda of the relevant Overview and Scrutiny Committee.
- 16.4. It is for the Overview and Scrutiny Committee to determine how it wishes to respond to the Councillor Call for Action and, in the case of refusal to undertake a review, then reasons must be provided.

17. The Party Whip

The use of the Party Whip is incompatible with the role of Overview and Scrutiny and shall not be used.

18. Procedure at Overview and Scrutiny Meetings

- 18.1. Matters to be considered will be set out in an agenda, together with appropriate and relevant supporting papers.
- 18.2. The Overview and Scrutiny meeting shall consider the following business:
- 18.2.1. record of the last meeting;
 - 18.2.2. declarations of interest;
 - 18.2.3. public items;
 - 18.2.4. consideration of any matter referred to the Committee by Full Council or by the Cabinet;
 - 18.2.5. consideration of any matter referred to the Committee for advice in relation to Call-In of a decision;
 - 18.2.6. responses of the Cabinet on reports of the Overview and Scrutiny meeting;
 - 18.2.7. the business otherwise set out on the agenda for the meeting; and
 - 18.2.8. the Overview and Scrutiny Committee's Work Plan, including requests for items of scrutiny from Councillors and members of the public in accordance with the procedure set out in this Constitution.

Scheme of Members' Allowances – 2023/2024

Bournemouth, Christchurch and Poole Council in exercise of the powers conferred by the Local Authorities' (Members' Allowances) (England) Regulations 2003, hereby makes the following scheme:

- a. This scheme may be cited as the Bournemouth, Christchurch and Poole Council Members' Allowances Scheme and shall have effect from 23 May 2023.
- b. In this scheme "Councillor" means a member of the Bournemouth, Christchurch and Poole Council who is a Councillor.

1. Basic Allowance

- 1.1. A Basic Allowance of £13,543 shall be paid to each Councillor.
- 1.2. The Basic and Special Responsibility Allowances shall be adjusted by an amount equivalent to any officers' pay award for 2023/24 in line with the Employees' National Salary Award and shall be applied retrospectively to 23 May 2023. Where the pay award is determined as a fixed amount the average pay award for BCP employees shall be applied for this purpose.
- 1.3. The Basic Allowance is intended to recognise the time devoted by Councillors to their work, including their community representative role, and to cover some incidental expenses incurred by them encompassing;
 - (a) the community representative role that all Members undertake that includes
 - representing constituents' views at meetings of the Council and, as appropriate, on other organisations;
 - ensuring that individual problems which have not been dealt with by the normal procedure are dealt with satisfactorily;
 - holding community meetings and consultations;
 - dealing with correspondence and obtaining information;
 - meeting with officers to make them aware of local concerns;
 - acting as the representative on another body, requiring briefing and reporting back to Council;
 - (b) attendance at and preparation for committee meetings;
 - (c) travel time and time spent representing the Council on outside bodies;
 - (d) the use of the home as an office including internet, telephone and postage costs and the purchase of stationery and related items; and
 - (e) some subsistence costs.

2. Special Responsibility

- 2.1. A Special Responsibility Allowance shall be paid to those Councillors (in addition to the Basic Allowance) who hold the special responsibilities; this is in recognition of

the additional workload and levels of responsibility and accountability placed upon members appointed to these roles:

Leader	£29,339
Cabinet Members (including Deputy Leader)	£19,559
Lead Members	£10,834
Chair of the Council	£10,834
Vice-Chair of the Council	£5,418
Chair of Audit & Governance Committee	£10,834
Chair of Planning Committee	£10,834
Chair of Corporate and Community Overview & Scrutiny <u>CommitteeBoard</u>	£8,125
Chair of <u>Environment and</u> Place Overview & Scrutiny Committee	£8,125
Chair of Children's Services Overview & Scrutiny Committee	£8,125
Chair of Health & Adult Social Care Overview & Scrutiny Committee	£8,125
Chair of Licensing Committee	£10,834
Vice-Chair of Licensing Committee	£2,709
Chair of Appeals Committee	£3,251
Chair of Standards Committee	£3,251
Group Leaders*	£3,251

(***NOTE:** minority parties must have a membership of no fewer than 5 for their Leader to receive an SRA)

- 2.2. Councillors shall be restricted to claiming only one Special Responsibility Allowance (and may elect which SRA to receive) with the exception that a Group Leader's SRA can be payable as a second SRA.
- 2.3. Subject to paragraph 2.4 below, no Special Responsibility Allowance shall be paid to vice-chair of committees (with the exception of the vice-chair of Council and the Licensing Committee).
- 2.4. Where the relevant chair is permanently unavailable to perform their duties, the entitlement to a special responsibility allowance shall transfer to the elected vice-chair.

3. Travel allowances

- 3.1. Councillors and appointed members are entitled to claim travel allowances in line with MAP (HMRC approved Mileage Allowance Payments) for undertaking official business and travelling to the BCP Council offices for meetings and official business.