

Notice of Audit and Governance Committee

Date: Thursday, 31 March 2022 at 6.00 pm

Venue: Committee Suite, Civic Centre, Poole BH15 2RU



Membership:

Chairman:

Cllr J Beesley

Vice Chairman:

Cllr L Williams

Cllr M F Brooke
Cllr D Butt
Cllr M Cox

Cllr L Fear
Cllr A Filer
Cllr M Phipps

Cllr Dr F Rice

All Members of the Audit and Governance Committee are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to view the live stream of this meeting at the following link:

<https://democracy.bcpCouncil.gov.uk/ieListDocuments.aspx?MIId=5296>

If you would like any further information on the items to be considered at the meeting please contact: on 01202 096660 or email democratic.services@bcpCouncil.gov.uk

Press enquiries should be directed to the Press Office: Tel: 01202 118686 or email press.office@bcpCouncil.gov.uk

This notice and all the papers mentioned within it are available at democracy.bcpCouncil.gov.uk

GRAHAM FARRANT
CHIEF EXECUTIVE

23 March 2022

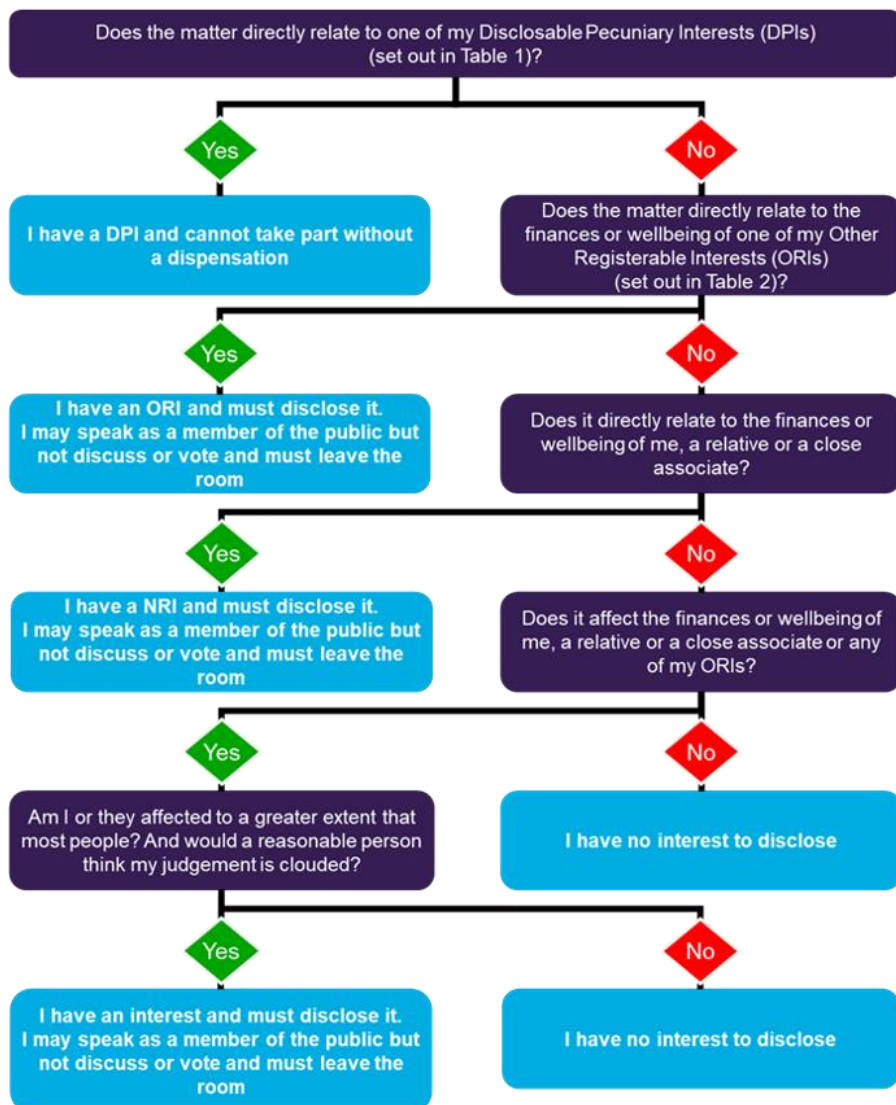


Maintaining and promoting high standards of conduct

Declaring interests at meetings

Familiarise yourself with the Councillor Code of Conduct which can be found in Part 6 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests



What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item.

Bias Test

In all the circumstances, would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased?

Predetermination Test

At the time of making the decision, did the decision maker have a closed mind?

If a councillor appears to be biased or to have predetermined their decision, they must NOT participate in the meeting.

For more information or advice please contact the Monitoring Officer
(susan.zeiss@bcpcouncil.gov.uk)

Selflessness

Councillors should act solely in terms of the public interest

Integrity

Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships

Objectivity

Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

Accountability

Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this

Openness

Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing

Honesty & Integrity

Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned

Leadership

Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Councillors.

2. Substitute Members

To receive information on any changes in the membership of the Committee.

Note – When a member of a Committee is unable to attend a meeting of a Committee or Sub-Committee, the relevant Political Group Leader (or their nominated representative) may, by notice to the Monitoring Officer (or their nominated representative) prior to the meeting, appoint a substitute member from within the same Political Group. The contact details on the front of this agenda should be used for notifications.

3. Declarations of Interests

Councillors are requested to declare any interests on items included in this agenda. Please refer to the workflow on the preceding page for guidance.

Declarations received will be reported at the meeting.

4. Confirmation of Minutes

To confirm as a correct record the minutes of the Meeting held on 17 March 2022 (To follow).

5. Public Issues

To receive any public questions, statements or petitions submitted in accordance with the Constitution. Further information on the requirements for submitting these is available to view at the following link:-

<https://democracy.bcpccouncil.gov.uk/ieListMeetings.aspx?CommitteeID=151&info=1&bcr=1>

The deadline for the submission of public questions is 4 clear working days before the meeting.

The deadline for the submission of a statement is midday the working day before the meeting.

The deadline for the submission of a petition is 10 working days before the meeting.

6. Development of the Overview and Scrutiny Function

In January 2022 Council requested that the Audit and Governance Committee consider the future model of the Overview and Scrutiny function. Council requested that any changes required to the function be implemented by the new municipal year. Options for Overview and Scrutiny have been developed in consultation with relevant stakeholders and are presented within this report for Audit and Governance Committee

consideration.

No other items of business can be considered unless the Chairman decides the matter is urgent for reasons that must be specified and recorded in the Minutes.

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Development of the Overview and Scrutiny Function
Meeting date	31 March 2022
Status	Public Report
Executive summary	In January 2022 Council requested that the Audit and Governance Committee consider the future model of the Overview and Scrutiny function. Council requested that any changes required to the function be implemented by the new municipal year. Options for Overview and Scrutiny have been developed in consultation with relevant stakeholders and are presented within this report for Audit and Governance Committee consideration.
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> (a) Audit and Governance Committee consider and select an option for the future of the Overview and Scrutiny function for recommendation to Council; (b) Draft pages of the Constitution, appended to this report, be considered and approved for recommendation to full Council in accordance with agreements made under (a) above; (c) 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 provide full Council with a recommendation for the Overview and Scrutiny function and appropriate constitution amendments that can be implemented in time for the 2022/23 municipal year.

Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Lindsay Marshall (Overview and Scrutiny Specialist) Richard Jones (Head of Democratic Services)
Wards	Council-wide
Classification	For Recommendation

Background and previous decision making

1. Development of the Overview and Scrutiny (O&S) function was considered by the Audit and Governance (A&G) Committee in 2021, as part of a review of the Constitution. Considerations by the A&G Committee were informed by detailed work carried out by the Constitution Review Working Group and recommendations were passed from the A&G Committee to Council to consider in January 2022.
2. Proposals relating to the O&S function were based on amendments to the existing O&S committee structure, rather than a wholesale review of the structure which was not included within the scope of the Constitution Review Working Group.
3. The main proposal supported by the A&G Committee was for an additional 'Place Overview and Scrutiny Committee' to be introduced, transferring some of the remit of the O&S Board to provide a more even balance of scrutiny responsibilities across the O&S function. The proposal was for the committee to consist of 11 members, meeting six times a year on the same timetable as the Children's Services and Health and Adult Social Care O&S Committees.
4. Considerations were informed by discussions with all O&S Chairs, political group leaders and non-aligned councillors which identified an appetite to establish an additional O&S committee to transfer some of the responsibilities from the O&S Board's remit. Feedback from members of the O&S Board highlighted concerns at the level of workload experienced and the frequency of meetings for the Board. Board members also expressed a wish to create greater capacity within the workplan for more overview work to be undertaken.
5. Effective Governance workshops were held in November 2020 and April 2021 for all councillors, with support provided by the LGA. A general theme in the comments made by councillors was the need for non-executive councillors to be more engaged in decision making, and importantly at an earlier stage.
6. Prior to Council consideration in January 2022, an all member seminar was held to present proposals relating to constitutional changes and gather views.

Council views

7. Council agreed in January 2022 that recommendations relating to O&S be referred back to the A&G Committee for reconsideration. In making this decision,

councillors made various comments, including expressing a view that the function was not operating effectively in its current format, and a wish for a wider review of the whole O&S function to take place at this time, in readiness for any and all necessary changes to the function to be agreed prior to the next municipal year.

8. The Chairman of the A&G Committee undertook to use best endeavours to support the Committee to review all available options for O&S, in order that Council may consider the matter again in April 2022.
9. Since this direction provided by Council, the Chair and Vice Chair of the A&G Committee have held informal discussions with councillors and officers, including an informal meeting of all political group leaders and deputy leaders; unaligned members; the Chairs and Vice Chairs of current O&S bodies; the Chief Executive and the Monitoring Officer. The aim of these discussions has been to explore three possible options for the O&S structure and to understand where consensus and concerns may lie.
10. Underpinning discussions has been a focus on designing a stable O&S function that can remain in place for some time - in the lead up to the next Council elections and beyond – without the need for further change. The design must promote effective O&S outputs aligned to the principles of good scrutiny as detailed in the Constitution (see paragraph 13 below).
11. Options and associated considerations for the O&S committee structure are outlined in the body of this report. Where informal discussions have identified broad consensus on an issue from informal consultees, comments have been included. Consultees have also been encouraged to share the options outlined within their political groups and bring formal comments to the A&G Committee meeting on 31 March. All councillors are encouraged to provide their views to the meeting of the A&G Committee in order that proposals to Council can best reflect the majority view of councillors.

Options for the Overview and Scrutiny committee structure

12. It is widely accepted that there is no one suitable model for O&S and that any committee structure should instead fit with the organisation, its culture, political dynamics and aims and priorities.
13. The Constitution sets out six fundamental principles upon which O&S is based at BCP Council. These reflect accepted good practice. Any O&S model should be developed with the promotion of these principles in mind –
 - Contributes to sound decision making in a timely way by holding decision makers to account as a ‘critical friend’
 - A member led and owned function – seeks to continuously improve through self-reflection and development
 - Enables the voice and concerns of the public to be heard and reflected in the Council’s decision-making process
 - Engages in decision making and policy development at an appropriate time to be able to have influence
 - Contributes to and reflects the vision and priorities of the Council.
 - Agile – able to respond to changing and emerging priorities at the right time with flexible working methods.

14. Informal discussions have focussed on the three options outlined in table 1 below with the main related considerations outlined alongside. A more detailed outline of the breakdown of O&S committee remits is attached at Appendix 1.

Table 1 – Summary of O&S structure options and principal considerations

Option Summary	Considerations
<p>Option 1 – No change to current structure</p> <ul style="list-style-type: none"> Existing O&S function of one O&S Board and two O&S Committees remains unchanged. Structure was developed by the shadow authority in 2019 in order to create a ‘day one’ operating model. The model was designed to enable focussed scrutiny in the areas of children’s services and health and adult social care, and agile and timely scrutiny of Cabinet decisions at O&S Board. O&S Board was timetabled to track Cabinet as part of a robust governance framework for the new Council in light of the volume and complexity of decisions that were anticipated within the first few years of its operation. The structure has been successful in enabling this regular engagement in Cabinet decision making by O&S since vesting of the authority in 2019. 	<p>a. Retaining existing arrangements will provide no remedy for the high workload at O&S Board. O&S Board is highly focussed on Cabinet scrutiny. Additional meetings have been planned to accommodate this workload and the frequency of meetings is double the level originally anticipated by the shadow authority. This is considered to be unsustainable for councillors and officers to continue to accommodate within existing resources. Workload in the other two O&S Committees, meeting six times per year, is considered high but sustainable.</p>
	<p>b. The high level of Cabinet scrutiny taking place at O&S Board leaves limited room for proactive overview work to take place. All members have the right to request that a topic is considered by O&S, but it can be difficult to find appropriate opportunity within the O&S Board forward plan for such requests to be fulfilled.</p>
	<p>c. A benefit of the current structure is that opportunity exists for pre-decision scrutiny to take place in relation to any important Cabinet decisions with recommendations being made in a timely way. This is made possible because the O&S Board timetable tracks the Cabinet. This can be important if items are late to join the Cabinet Forward Plan and O&S feel it is important to engage in the decision before it is made. Special meetings, and the resource implications of establishing these, are therefore not often required.</p>

Option Summary	Considerations
<p>Option 2 – Introduce a ‘Place Overview and Scrutiny Committee’</p> <ul style="list-style-type: none"> • The function is developed according to the recommendations previously agreed by the A&G Committee, i.e. committee structure remains as is excepting the introduction of a ‘Place O&S Committee’ • There is a reduction in the number of O&S Board meetings in order to accommodate the additional committee. • The Place O&S Committee would have a remit as per the outline provided under ‘option 3’ below. • O&S Board would remain the designated body in place for consideration of i) cross-cutting matters which span more than one committee, ii) call-in, iii) oversight, resource use and reporting across the whole function. 	<p>d. This option will address concerns raised regarding workload balance across the function. The establishment of a more focussed committee on place related and environmental issues, and in turn a more defined remit for the O&S Board, should give rise to greater development of councillors’ knowledge as they focus on a smaller collection of topics. A natural consequence of this should be more targeted work planning, which may enable the committees to focus on their own work suggestions, rather than predominantly Cabinet related scrutiny.</p>
	<p>e. Improved agenda capacity would provide potential for greater and more effective space for community insight to play a bigger role in scrutiny. This has often been the first element to be lost from the O&S process when agendas are regularly too full.</p>
	<p>f. Retaining a ‘Cabinet tracking’ timetable at O&S Board will provide the agility to engage in Cabinet decisions and limit special meetings, as outlined in more detail at paragraph 18 above. However, this also risks O&S Board agendas continuing to be dominated by Cabinet scrutiny rather than a balance of Cabinet scrutiny and O&S led overview work.</p>
	<p>g. This structure would provide the authority with a wider spread of scrutiny workload across four bodies, rather than three. O&S Board meetings would continue on the same timetable but with one meeting per month rather than two which would enable resource to be used to support the new Place O&S Committee.</p>

Option Summary	Considerations
<p>Option 3 – establish a new structure of four O&S committees, each meeting six times per year</p> <ul style="list-style-type: none"> The structure is recast in the form of a total of four O&S committees each of equal status with no single committee having responsibility for oversight of the function, call-in or cross-cutting matters. The current Overview and Scrutiny Board would be disbanded. All of the four committees would meet on the same timetable of six times per year with 11 members on each committee. The focus of the four committees would be <ul style="list-style-type: none"> children’s services – remit as per current O&S committee, including acting as the council’s statutory education committee health and adult social care – remit as per current O&S committee, including statutory health scrutiny place – all housing and planning related services; all environmental matters - parks, beaches, flooding, waste services; sustainability, transport; statutory flood risk management. corporate & community – finance and transformation; regeneration, economic development and communication; culture, events, libraries, museums community safety, regulatory services, licensing; leisure, sport, tourism; statutory crime & disorder scrutiny. 	<p>h. This option will provide more defined remits for each O&S committee, and promote greater levels of overview work, as opposed to Cabinet scrutiny – as set out in more detail at ‘d’ above.</p>
	<p>i. This option will provide greater and more effective space for community insight to play a bigger role in scrutiny – as set out in more detail at ‘e’ above.</p>
	<p>j. The division of responsibilities outlined are based on the current division of Portfolio Holder responsibilities. This provides transparency to the fundamental role of O&S which is to hold decision-makers to account. Portfolio Holders may report to more than one O&S committee. This is not unusual in councils operating a multi-committee O&S structure. Portfolios are changeable, as are the way council services are organised under directorates. Modifications may be required to the remit of the O&S committees from time to time to ensure an efficient fit and clear lines of accountability. A more detailed breakdown of the proposed remit of each O&S committee is attached at Appendix 1.</p>
	<p>k. An O&S structure without one ‘leading’ committee would need to be complemented by robust arrangements for dealing with co-ordination of resource across the structure; cross-cutting matters and call-in. This is addressed in paragraphs below.</p>

Additional considerations across all options

Resource implications

15. The Authority originally agreed a total of 22 scheduled O&S meetings per year, plus one working group per committee at any one time. This was based on the resources available from Democratic Services and other officers in the wider Council to provide support.
16. Since 2019, the Council has absorbed 10 additional ordinary O&S Board meetings per year, whilst ongoing organisational review of staffing structures and budget constraints has resulted in an overall reduction in staffing levels within the team.
17. The current level of meetings is not sustainable. Officer support across the Council is stretched in its ability to support O&S to achieve effective outcomes. Direct support from the Democratic Services team is focussed highly on committee meeting support as opposed to support for proactive overview work - such as research, engagement with external partners, accessing public insight and provision of support to working groups. Reducing meetings of O&S will release capacity for officers to support O&S in more diverse ways to promote effective scrutiny outcomes.
18. The impact of alterations to the O&S function and meeting frequency are illustrated below in table 2. The introduction of any new O&S committees must be offset by a reduction of other O&S meetings if changes are to be accommodated within existing resources. Current meetings are at 32 per year which is ten higher than originally planned. The net result for option 2 would be a total of 28 meetings per year, and a total of 24 meetings per year for option 3, not including special meetings. Whilst all options are still a net increase above the number originally agreed for O&S in 2019, options 2 and 3 will be more sustainable for officers to support than the current arrangements.

Table 2 – Frequency of Overview and Scrutiny Committee meetings

O&S Committee	Meetings per year		
	Option 1	Option 2	Option 3
O&S Board	20	10	-
Children's Services	6	6	6
Health and Adult Social Care	6	6	6
Place	-	6	6
Corporate and Community	-	-	6
TOTAL	32	28	24

19. It is suggested that all meetings take place in the evening, commencing at 6pm, to allow working councillors to attend.
20. Under current arrangements, each O&S body can undertake one working group at a time. This will be continued and clarified within the constitution to ensure that

the structure and any work commissioned can be accommodated within existing resources.

21. Effective use of the Cabinet Forward Plan, and effective planning for O&S in decision making, will be essential to ensure that O&S can direct its resources appropriately. This will ensure that special meetings – which create a drain on resource and have potential to delay decision making - are not required on a regular basis. There is otherwise a risk that, where existing meeting timetables don't align to allow for timely scrutiny of a Cabinet decision, O&S members may wish to call special meetings to scrutinise particular reports to Cabinet. Call-in requests may also become more frequent if members feel that scrutiny is necessary but there has not been suitable opportunity provided for O&S to engage in a Cabinet decision. The convening of unplanned special meetings, including those for call-in, should be a rare occurrence to be used in exceptional circumstances.
22. The risks outlined at 21 above can be managed by ensuring that officers are supported by leadership to plan for O&S engagement in Cabinet decisions; the Cabinet forward plan is populated in a timely way to allow O&S to use this as an effective planning tool; and communications, both formal and informal, between executive members and O&S are effective so that O&S members have a good understanding of where to direct their resources. Current O&S committees relating to children and health are able to effectively engage in selected Cabinet decisions by applying these good practices to their forward planning.

Financial implications of an additional committee

23. Both option 2 and 3 would represent a net gain of one O&S committee. If an additional committee is established within the Overview and Scrutiny structure, there will be an additional Special Responsibility Allowance for the Chair of that Committee. The O&S Committee Chair SRA is £7,706, whilst the O&S Board SRA is £10,275. Anticipating changes to the O&S structure, an additional O&S Committee SRA was included within the current year's budget. All options can therefore be accommodated within existing budgets.

Membership and political balance

24. O&S Board has 15 members, and all other current and proposed O&S committees have/ would have 11. Consequently, option 1 requires a total of 37 seats to be filled across the O&S function. Option 2 would require 48 seats to be filled. Option 3 would require 44 seats to be filled.
25. All O&S committees are committees of the Council and must be politically balanced under the Local Government and Housing Act 1989 as far as practicably possible. The table below illustrates the total number of seats on all committees based on the three options and the overall entitlement for each political group based on the political balance of the Council. The final calculations and the allocations to each committee would be presented to full Council as a separate paper based on the preferred option, however, it can be observed that Option 2 would require Council to allocate seats other than by political balance or alter the total number of seats on other committees to achieve political balance.

Table 3 – Total seat allocation on all Council committees

	No of Seats on Council	% of Seats on Council	Option 1 Total Seats 97	Option 2 Total Seats 108	Option 3 Total Seats 104
			Entitlement	Entitlement	Entitlement
Conservative	41	53.95%	52	58	56
Liberal Democrats	13	17.11%	17	18	18
Christchurch Independents	7	9.21%	9	10	10
Poole Independents	5	6.58%	6	7	7
Bournemouth Independent & Greens	4	5.26%	5	6	5
Labour	3	3.95%	4	4	4
Unaligned	3	3.95%	4	4	4
Totals	76	100.00%	97 ✓	107 ✗	104 ✓

O&S Chairs responsibilities

26. Under current O&S arrangements, the Chairs and Vice Chairs of each O&S body meet on an informal basis with support officers throughout the year to maintain an oversight of the function, consider any cross-cutting areas of work, shared learning and development requirements. It is proposed that this be included as a requirement for O&S Chairs and Vice Chairs within the constitution under all options. This would represent a formalising of good practice, and under option 3, will provide a vital mechanism for maintaining regular oversight of the function and promoting effective outputs, in the absence of one O&S committee having overarching responsibility for the O&S function.
27. Under all options, accountability for the O&S function ultimately sits with full Council, which must receive a report on the work of the function on an annual basis. This is good practice and is already a requirement within the constitution.

Cross-cutting matters and joint committees

28. Occasionally, matters impact on the remit of more than one O&S committee. Under option 1 and 2 O&S Board will be the designated lead for such matters as is the current arrangement, with other Chairs being invited to attend and contribute to discussions at O&S Board as appropriate. The exception to this will be where matters are clearly within the remit of committees other than O&S Board – eg. a health matter with a children's services impact, in which circumstance the relevant chairs will discuss and determine the appropriate lead committee.
29. Under option 3 cross-cutting matters will be designated to a lead O&S committee, with representation and discussion invited from members of other O&S committees as appropriate. This will allow the greatest level of flexibility for the appropriate group of members to engage in a decision in an agile way.

30. Under option 3, and where it is considered necessary, a joint committee of more than one O&S committee may be established to consider a cross-cutting matter. Convening of a joint committee will usually require a special meeting and should be used only in exceptional circumstances and where the arrangements detailed at paragraph 29 above will not suffice. Where a joint committee is established, a Chair will be selected from the Chairs of those committees involved.
31. Under option 3, designation of a lead committee for a cross-cutting matter and the establishment of any joint committee will be determined by the Monitoring Officer in consultation with the O&S Chairs. Consultation will be informal and may take place virtually.
32. For the avoidance of doubt, under option 3, scrutiny of the council's finances and annual budget cycle will take place at the Corporate & Community Overview and Scrutiny Committee. This will not prevent other O&S committees considering budget matters within their areas and contributing to discussions by invitation, as appropriate.

Call-in

33. For executive key decisions that have been made but not implemented, scrutiny has statutory power to 'call-in' a decision in order to revisit it and delay its implementation. O&S cannot change the decision, but it can ask the Cabinet to take a second look at the decision in question. Call-in is an important tool in the governance framework of councils operating executive models, but one that should be used in exceptional circumstances and for issues of particular contention. To use it otherwise would prolong the decision-making process overall and create unnecessary tension between the executive and O&S. Effective pre-decision scrutiny will help to avoid the need for call-in.
34. The facility to call-in a decision will apply to key decisions under all options and will apply to decisions of a Portfolio Holder, Officer and the Cabinet. This reflects the intention of the related legislation. The grounds for call-in – which relate to concerns in the way that the decision was made, rather than an opposition to the decision itself - should remain as currently outlined in the constitution.
35. Under option 1 and 2, three or more members of the O&S Board may call-in a decision. Under option 3, three or more members of the O&S committee with the remit aligned to the decision topic may call-in a decision. Under all options, ten councillors who are not members of the Cabinet may also call-in a decision. Councillors should note that the Centre for Governance and Scrutiny (CfGS) highlights that setting the numbers of call-in signatories too high can act as a de facto bar to call-in being exercised, which should be avoided.
36. Under option 1 and 2 call-in requests will be considered by the O&S Board. Under option 3, call-in will be considered by the relevant O&S committee according to subject matter. Designation of the relevant committee for the purposes of call-in will be determined by the Monitoring Officer in consultation with the O&S Chairs. Consultation will be informal and may take place virtually.
37. No councillor should consider a call-in request where they have been involved in making the decision under review. Where the Monitoring Officer considers that an Overview and Scrutiny Committee has played a significant part in the decision subject to call-in (for example, through developing the policy in question in a working group), the Monitoring Officer may find it appropriate to designate an

alternative O&S Committee to consider the call-in request. This will apply under all options.

O&S / Executive engagement

38. The effectiveness of O&S is as much based on the culture within which it operates as the structure of committees operating. It is likely that a structure that does not track Cabinet meetings will lead to a higher level of policy development work taking place in O&S committees, however, it is important that this work is timely and well informed to ensure that it adds value to the priorities of the Council. Effective O&S outputs are the responsibility of both O&S members and Executive members, with meaningful and regular engagement with the executive being essential to ensure that the workplan of O&S can align to known and emerging policies and decisions for the Council. Good working practices, as outlined at paragraph 22 above will be important in maintaining the effectiveness of O&S.
39. Legislation includes a right for scrutiny to 'hold to account' Portfolio Holders and Officers. It is considered good practice to hold Portfolio Holders accountable for strategic direction of council policy and to seek detailed technical input from officers. How this right is best exercised is entirely within the gift of O&S councillors and individual O&S committees will wish to consider how to most appropriately enact the legislation to ensure that scrutiny outcomes are effective.
40. The BCP Executive currently operates a 'Cabinet plus' model which includes a number of lead members who support the Cabinet in designated areas, but who do not have any delegated powers to take individual decisions. These councillors are currently able to sit on a scrutiny committee provided there is no conflict between their Cabinet support work and the matters under consideration by O&S. It is recommended that this flexibility be maintained under all options with the ability for Cabinet lead members to sit on a scrutiny committee where there is no possible conflict. Guidance on this will be strengthened within the constitution under all options and is outlined in draft constitution pages at Appendices 2-4.

The relationship between A&G and O&S

41. The Audit and Governance Committee is a key component of the Council's corporate governance structure. It provides an independent and high-level focus on the governance and risk environment within the council to ensure it is effective and that financial management is fit for purpose. As such it has separate functions and sits firmly outside the structure of O&S which is concerned with the review of policy, its formulation and implementation.
42. CIPFA recommends independence between audit and overview and scrutiny to avoid conflicts of interest and loss of clarity between the important statutory functions of both. It is recommended that the constitution be strengthened under all options to require that the Chair and Vice Chair of the A&G Committee should not also be a member of any O&S committee.
43. Notwithstanding the need for independence between the committees, the functions of audit and scrutiny relate to similar areas meaning there will be matters of common interest and a need to collaborate and avoid duplication. Regular conversations between leading councillors for O&S and A&G will provide strength to the Council's governance arrangements through the sharing of insight. It is recommended that the Chair and Vice Chair of A&G be engaged as appropriate in O&S Chairs meetings as detailed at paragraph 26 above. This

will ensure good understanding of the separate committees' work programmes and responsibilities; mutual understanding of issues of emerging concern; and opportunity to discuss specific matters such as external auditor's opinions, the Annual Governance Statement and discussions over the robustness of the Council's budget process.

Work planning

44. Under all models, each committee will be responsible for its own work programme, although in option 1 and 2 the O&S Board will have additional responsibility for oversight of the use of the resource across the function.
45. The remit of O&S is broad and can extend to any matter which affects 'the authority's area or the inhabitants of the area'. Notwithstanding this statutory power, scrutiny resource is limited and the latest Government guidance on scrutiny suggests that councils will need to consider a more narrow focus for scrutiny activity which offers the opportunity for maximum impact. Under all options, O&S bodies are recommended to agree key 'themes' or areas of focus on annual basis, to guide their work plan selections and ensure effective direction of resource.

Changes to the Constitution

46. Under all options, minor Constitution changes have been drafted to strengthen or clarify an existing rule where required. Additional Constitution changes have been drafted to support options 2 and 3.
47. All changes, with the exception of minor typographical changes consistent with each option, have been included in Appendices 2-4. Changes are highlighted for ease of review. A&G Committee is asked to consider the drafts when making its decision on options and to refer updates to the Constitution to Council for approval as appropriate.
48. It is possible that consequential changes to wording and paragraph numbers may also be required as a result of recommendations to Council. A&G Committee is recommended to approve that these be updated by officers under delegated powers.

Consultation

49. Opportunity for informal consultation on the options for O&S was provided on 9 March to a meeting of all political group leaders, deputy leaders, unaligned members and the Chairs and Vice Chairs of O&S; led by the Chair of Audit and Governance.
50. Discussions highlighted consensus that the workload at O&S Board under current arrangements was too high, with meeting duration too long leading to the potential for scrutiny to be less effective. For this reason, there was a consensus that option 1 in its current form was an unsustainable way forward for O&S and some form of change was required. There was also a commonly held desire for more O&S led overview work to take place, as opposed to Cabinet report scrutiny. Consensus was also seen for all meetings to start at 6pm to allow for maximum attendance, as opposed to current Board meetings taking place at 2pm.
51. Some attendees expressed concerns regarding democratic access to decision making, such as how O&S would engage in Cabinet decisions if the Council were

to move away from a Cabinet tracking model. It was also highlighted that the current O&S Board, consisting of 15 members, allows for all political groups to be represented on the Board, as well as unaligned members. This representation would instead be spread across all O&S committees with the removal of the O&S Board with no one O&S committee representing all sections of the Council.

52. A number of attendees highlighted that discussions at O&S Board can be more overtly political than in the other current O&S Committees. A wish to depoliticize scrutiny was seen as a cross -party desire from those in attendance. It was also highlighted that, should option 3 be pursued, it would be important to promote effective scrutiny discussions and avoid politicisation in all O&S committees. It was felt that refreshed training to promote effective O&S behaviours was required to support the implementation of all options.

Options Appraisal

53. The options for the O&S function and implications are outlined in detail in the body of this report. In summary, the options are:

Option 1 – no change to the current O&S structure

Option 2 – introduction of a 'Place O&S Committee' with changes to the O&S Board remit and meeting frequency

Option 3 - establishment of a new structure of four O&S committees, each meeting six times per year.

54. Councillors are requested to consider the options and implications outlined in the body of this report and recommend to Council a suitable long -term option for O&S, along with consequential changes required to the Constitution.

Summary of financial implications

55. Both option 2 and 3 would represent a net gain of one O&S committee. If an additional committee is established within the Overview and Scrutiny structure, there will be an additional Special Responsibility Allowance for the Chair of that Committee. The O&S Committee Chair SRA is £7,706, whilst the O&S Board SRA is £10,275. Anticipating changes to the O&S structure, an additional O&S Committee SRA was included within the current year's budget. All options can therefore be accommodated within existing budgets.

Summary of legal implications

56. All options outlined in the report will ensure that the Constitution of BCP Council complies with relevant legislation.

Summary of human resources implications

57. There are no human resource implications arising from this report.

Summary of sustainability impact

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

Summary of public health implications

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

Summary of equality implications

60. The Constitution of BCP Council sets out the rights of public access to the democratic process.

Summary of risk assessment

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

Background papers

There are none.

Appendices

Appendix 1 - Division of responsibilities across O&S committees

Appendix 2 – Draft revisions to Part 2,3 and 4 of the Constitution consistent with option 1

Appendix 3 – Draft revisions to Part 2,3 and 4 of the Constitution consistent with option 2

Appendix 4 – Draft revisions to Part 2,3 and 4 of the Constitution consistent with option 3



Overview and Scrutiny Board	Place Overview and Scrutiny Committee	Children's Services Overview and Scrutiny Committee	Health and Adult Social Care Overview and Scrutiny Committee
15 Members	11 Members	11 Members	11 Members
			
<div>PORTFOLIO AREAS</div> <div> Finance and Transformation (full) Finance, transformation of all council services </div> <div> Council Priorities and Delivery (partial) Delivery of council services and operations </div> <div> Development, Growth and Regeneration (partial) Regeneration, economic development, communication </div> <div> Culture and Vibrant Places (full) Culture, place animation, events, libraries, museums and activities. </div> <div> Community Safety & Regulatory Services (partial) Community safety, regulatory services, licensing operations </div> <div> Tourism and Active Health (partial) Leisure services, sport, tourism operations </div> <div> Plus Statutory Crime and Disorder Scrutiny </div>	<div>PORTFOLIO AREAS</div> <div> Development, Growth and Regeneration (partial) House building, strategic planning and policies. </div> <div> Community Safety and Regulatory Services (partial) Planning operations </div> <div> People and Homes (partial) Housing services </div> <div> Council Priorities and Delivery (partial) Cleaner, Greener Safer agenda </div> <div> Environment and Place (full) Parks, beaches, place services, flooding, waste services </div> <div> Sustainability and transport (full) Sustainability and transport </div> <div> Plus Statutory Flood Risk Management Scrutiny </div>	<div>PORTFOLIO AREAS</div> <div> Children and Young People (full) Children's Services </div> <div> Council Priorities and Delivery (partial) Education </div> <div> Plus to act as the Council's Statutory Education Committee </div>	<div>PORTFOLIO AREAS</div> <div> People and Homes (partial) Adult social care </div> <div> Tourism and Active Health (partial) Public health </div> <div> Plus Statutory Health Scrutiny </div>
OVERALL RESPONSIBILITY FOR O&S FUNCTION OVERSIGHT, DEVELOPMENT AND REPORTING, CALL-IN AND ANY CROSS-CUTTING ISSUES WHICH SPAN MORE THAN ONE COMMITTEE/BOARD			



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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 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 Committees

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

6.3. Current Overview and Scrutiny Committees

6.3.1. There shall be three Overview and Scrutiny bodies:

- a) **Overview and Scrutiny Board** which shall comprise of 15 Councillors meeting approximately 10 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 approximately six times each year; and
- c) **Children’s Services Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six 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 Committees.

6.4.2. As they have no delegated powers to take individual decisions, Lead Members of the Cabinet may be a member of the Overview and Scrutiny Board or

Committees only where there is no conflict between their Cabinet support work and the matters under consideration by O&S.

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

6.4.4. The Board and Committees are to be politically balanced in accordance with the requirements of the Local Government and Housing Act 1989.

6.4.5. 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.

6.8. Conduct of Overview and Scrutiny Committee meetings

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

6.9. Commissioned Work

6.9.1. In addition to Committee meetings, the Overview and Scrutiny Board and Committees may commission work to be undertaken in the following ways as considered 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 one commission 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 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 Committee's work for ongoing, in-depth monitoring. May be time limited or be required as a long-standing 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 committee on its findings. A main 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.

- 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.

4. Overview and Scrutiny Function

Overview and Scrutiny Board

- 4.1. For the avoidance of doubt, any responsibility relating to an Overview and Scrutiny Committee in 4.2 below may also relate to the Overview and Scrutiny Board.
- 4.2. The Overview and Scrutiny Board has responsibility for:
 - 4.2.1. discharging the statutory duties for which the Overview and Scrutiny function is responsible, other than those that relate to Health, Adult Social Care and Children's Services;
 - 4.2.2. overseeing the Council's overall Overview and Scrutiny function including the preparation, implementation, monitoring and review of a work programme for Overview and Scrutiny;
 - 4.2.3. keeping the Overview and Scrutiny function under review, suggesting changes as appropriate to ensure that it remains fit for purpose;
 - 4.2.4. considering decisions that have been called-in pursuant to the Procedures set out in this Constitution for further scrutiny;
 - 4.2.5. 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;

- 4.2.6. maintaining oversight and establishing priorities for the training needs of the whole Overview and Scrutiny function;
- 4.2.7. establishing such commissioned work as appropriate after taking into account the availability of resources, the work programme and the matter under review;
- 4.2.8. scrutinising decisions of the Cabinet, offering advice or making recommendations on the matter;
- 4.2.9. referring to Full Council, the Cabinet or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Board/Committee determines should be brought to the attention of the Council, Cabinet or the Committee or Sub-Committee;
- 4.2.10. 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**;
- 4.2.11. assisting the Council in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- 4.2.12. 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; and
- 4.2.13. monitoring the implementation of decisions to examine their effect and outcomes.

Health and Adult Social Care Overview and Scrutiny Committee

- 4.3. The Health and Adult Social Care Overview and Scrutiny Committee will carry out those duties as outlined in 4.2.7 to 4.2.13 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.
- 4.4. 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

- 4.5. The Children's Services Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.2.7 to 4.2.13 above, in relation to matters which relate to the delivery of services for children in Bournemouth, Christchurch and Poole.
- 4.6. Education co-optees will be appointed to this Committee in line with legislation, as set out in this Constitution.

Changes to the functions of Overview and Scrutiny Boards and Committees

- 4.7 The remit of the Overview and Scrutiny Board and Committees is based on the division of Portfolio Holder responsibilities. Portfolio Holders may report to more than one Overview and Scrutiny Committee.
- 4.8 Portfolio Holder responsibilities are changeable and from time to time it may be necessary to modify the designation of functions across the Overview and Scrutiny Board and Committees to maintain an efficient fit and clear lines of accountability. Changes will be included as required within the annual report of the Overview and Scrutiny Board 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.
- 5.8. To consider arrangements for counter-fraud and corruption, including 'whistle-blowing' including approval of the Counter Theft, Fraud & Corruption Policy and the outcomes of any investigations in relation to this policy.

PART 4B

CABINET PROCEDURE RULES

B. Cabinet Procedure Rules

1. The Cabinet

The Cabinet consists of the Leader of the Council and up to nine other Councillors appointed by the Leader, not being the Chair or Vice-Chair of the Council.

2. Application of the Cabinet Procedure Rules

These procedure rules shall apply to the exercise of all Cabinet decisions whether taken collectively or individually.

3. Frequency of Cabinet Meetings

The Cabinet will meet as indicated in the Council's Programme of Meetings. The Cabinet or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/they see fit. Locations of meetings will be published in the Calendar of Meetings.

4. Public and Private Cabinet Meetings

- 4.1. The Cabinet may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out at Part 4A in this Constitution.
- 4.2. Attendance by other Councillors and the public shall be in accordance with the Access to Information Procedure Rules set out at Part 4A in this Constitution, by invitation under Rule 4.3 of this Part 4B, or as set out Rule 7 of this Part 4B.
- 4.3. The Cabinet may invite any person considered appropriate to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to Confidential and/or Exempt Information on terms to be decided by the Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed.

5. Quorum at Cabinet Meetings

The quorum for meetings of the Cabinet is as set out in the Meeting Procedure Rules at Part 4D of this Constitution.

6. Decision Making Process

- 6.1. Cabinet decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules set out at Part 4A in this Constitution,
- 6.2. Cabinet decisions shall not be implemented where the right of Call-In has been exercised until that Call-In process has been concluded, unless the urgency procedure set out at Rule 14 of Part 4C of this Constitution applies.
- 6.3. Records of Cabinet decisions must be confirmed at the next meeting.

- 6.4. In taking decisions, the Cabinet must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that advice is taken into consideration in determining the matter. Where there is any doubt about whether the Cabinet has the legal power to make the decision or an issue of probity arises then advice must be obtained from the Monitoring Officer and the Section 151 Officer.

7. Conduct of Cabinet Meetings

Chair of Cabinet Meetings

- 7.1. The Leader will chair meetings of the Cabinet or in their absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the members present, may appoint one member of the Cabinet to preside.

Councillors attending and speaking at Cabinet Meetings

- 7.2. The Chair of the Overview and Scrutiny Board shall be entitled to attend any formal public meeting of the Cabinet to refer to any recommendations made by the Board to that meeting of the Cabinet, and to speak to any matter on the agenda for that meeting.
- 7.3. Other Councillors not previously described above may also speak at such meetings with the permission of the Leader or person presiding in their absence.

Business to be conducted

- 7.4. The business to be transacted at meetings of the Cabinet will be set out in an agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules set out at Part 4A of this Constitution.
- 7.5. The Cabinet will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 7.6. The Cabinet is obliged to consider matters referred to it by the Overview and Scrutiny Board or Committees, or by the Full Council for consideration under the Overview and Scrutiny Procedure Rules set out at Part 4C of this Constitution.
- 7.7. The Access to Information Procedure Rules set out at Part 4A of this Constitution will apply to notice of meetings, agendas, and access to reports and background papers. Where matters are for decision, the agenda must stipulate those which are Key Decisions and those which are not, in accordance with the Access to Information Procedure Rules.

Agenda

- 7.8. The agenda may be supported by additional papers prepared by the Officers or by or on behalf of other bodies, subject to requirements about disclosure of Confidential or Exempt Information.

- 7.9. The Monitoring Officer or their nominated representative shall be responsible for preparing and distributing the Agenda for Cabinet meetings, attending meetings for the purpose of advising the Cabinet on matters within their area of responsibility and recording decisions as required under this Constitution.
- 7.10. Any member of the Cabinet may require the Monitoring Officer to place an item on the agenda for a stipulated meeting of the Cabinet.
- 7.11. The Monitoring Officer will ensure that any matters referred to the Cabinet by Full Council or the Council's Overview and Scrutiny Board or Committees are placed on the agenda for the next appropriate meeting of the Cabinet.
- 7.12. The Chief Executive, the Monitoring Officer and/or the Section 151 Officer can include an item for consideration on the agenda of a Cabinet Meeting. In pursuance of their statutory duties they can require that a Special Meeting of the Cabinet be convened.
- 7.13. Business cannot be conducted at formal meetings of the Cabinet unless it is included in the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules set out at Part 4A of this Constitution must be complied with.

Questions

- 7.14. Questions, statements and petitions can be submitted by members of the public at meetings of the Cabinet in accordance with Rule 12 of Part 4D of this Constitution.

Key Decisions

- 7.15. The Cabinet will report to the Council as required under the Access to Information Procedure Rules set out at Part 4A of this Constitution on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.

8. Voting at Cabinet Meetings

- 8.1. Voting at Cabinet meetings will be by a show of hands.
- 8.2. Any member may require, immediately after the vote is taken, that the record of decision of the meeting record how they voted or abstained.
- 8.3. Where there are equal votes cast, the Leader, or in their absence, the person presiding, will have a second and casting vote.
- 8.4. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by secret ballot conducted in accordance with Rule 18 of Part 4D of this Constitution.

9. Cabinet Committees/Sub-Committees

- 9.1. The Cabinet may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions.

- 9.2. In making such appointments, the Cabinet must specify the name of the Committee/Sub-Committee, its membership (including its Chair and, if appropriate, Vice-Chair) and the terms of reference of the body.

10. Motion under Procedure Rule 9 of Part 4D

A mover of a motion under Procedure Rule 9 of Part 4D of this Constitution which has been referred to the Cabinet for consideration must attend the meeting of the Cabinet when their motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and they will be sent a copy of the relevant papers.

11. Resolving disputes

In the case of any dispute during the proceedings of the Cabinet the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person presiding at the meeting will rule on the issue in question and their ruling will be final.

12. Reserves/substitute members

There shall be no reserve or substitute members of the Cabinet.

13. Conflicts of Interest

- 13.1. Where the Leader or any Cabinet member has a conflict of interest, they will follow the requirements of the Council's Code of Conduct for Councillors.
- 13.2. If all (or a majority) of the members of the Cabinet present have a conflict of interest then consideration will be given to applying to the Monitoring Officer for a dispensation from the provisions of the Council's Code of Conduct for Councillors.
- 13.3. If the discharge of a Cabinet function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual who delegated the matter to take the decision. Where that body or individual also has a conflict of interest then action set out in Rule 13.2 of this Part 4B shall be considered.

PART 4C

OVERVIEW AND SCRUTINY PROCEDURE RULES

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.
- 1.2. The Board and Committees will perform the functions as set out in Article 6 at Part 2 of this Constitution.
- 1.3. No Councillor may be involved in scrutinising a decision in which they have been directly involved. Where the relevant Overview and Scrutiny Committee 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.

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.
- 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.

3. Consultation and Suggestions

- 3.1. 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.
- 3.2. 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.
- 3.3. All suggestions for Overview and Scrutiny work will be accompanied by:
 - 3.3.1. detail outlining the background to the issue suggested;
 - 3.3.2. the proposed method of undertaking the work;

- 3.3.3. likely timescale associated with undertaking the work; and
 - 3.3.4. the anticipated outcome and value to be added by the work proposed.
 - 3.3.5. No item of work shall join the work plan of any Overview and Scrutiny Committee without an assessment of this information.
- 3.4. 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 3.3 of this Part 4C.
- 3.5. 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.

4. Requests

- 4.1. 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.
- 4.2. 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.
- 4.3. 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.
- 4.4. 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 3.3 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.

- 4.5. Any Councillor raising an item under Rule 4.4 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.

5. Crime and Disorder Issues

The Overview and Scrutiny Board shall undertake Overview and Scrutiny of Crime and Disorder issues, as required by legislation, at least once a year.

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 one piece 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 Committees

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

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

14.2.2. 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. the decision is not in accordance with the Key Policy Framework or Budget.

14.3. When a **Key** Decision is made by the Cabinet, a member of the Cabinet, or a Committee or Sub-Committee of the Cabinet, or 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. Subject to any urgency provisions a decision taken and to which Rule 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 14.3 of this Part 4C.

14.5. Where a decision referred to in Rule 14.3 of this Part 4C has been made, any three or more members of the Overview and Scrutiny Board, 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 14.4 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. A valid Call-In request must comply with the following:

14.6.1. have the correct number of signatures; and

14.6.2. 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.

14.7. 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 Overview and Scrutiny Board, alternative arrangements to avoid any delay in implementing Cabinet decisions not subject to Call-In.

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

14.9. The Board, having considered the matter, will decide whether to refer the decision to Cabinet for reconsideration. Where the matter is referred for reconsideration, advice must be offered by the Overview and Scrutiny Board. The 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 of the Board.

14.10. Where a matter is considered and advice is offered by the Overview and Scrutiny 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.

14.11. Once the Overview and Scrutiny 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.

14.12. 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.

14.13. The Call-In facility does not apply to the determination of a Motion under Procedure Rule 9 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 Overview and Scrutiny Board 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 Overview and Scrutiny Board.

16.4. It is for the Overview and Scrutiny Board 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 meeting'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.

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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 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 Committees

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

6.3. Current Overview and Scrutiny Committees

6.3.1. There shall be **four** Overview and Scrutiny bodies:

- a) **Overview and Scrutiny Board** which shall comprise of 15 Councillors meeting approximately 10 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 approximately six times each year;
- c) **Children’s Services Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six times each year; and
- d) **Place Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six 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 Committees.

6.4.2. As they have no delegated powers to take individual decisions, Lead Members of the Cabinet may be a member of the Overview and Scrutiny Board or Committees only where there is no conflict between their Cabinet support work and the matters under consideration by O&S.

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

6.4.4. The Board and Committees are to be politically balanced in accordance with the requirements of the Local Government and Housing Act 1989.

6.4.5. 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. Childrens 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.

6.8. Conduct of Overview and Scrutiny Committee meetings

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

6.9. Commissioned Work

6.9.1. In addition to Committee meetings, the Overview and Scrutiny Board and Committees may commission work to be undertaken in the following ways as

considered 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 one commission 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 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 Committee's work for ongoing, in-depth monitoring. May be time limited or be required as a long-standing 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 committee on its findings. A main 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.

- 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.

4. Overview and Scrutiny Function

Overview and Scrutiny Board

- 4.1. For the avoidance of doubt, any responsibility relating to an Overview and Scrutiny Committee in 4.2 below may also relate to the Overview and Scrutiny Board.
- 4.2. The Overview and Scrutiny Board has responsibility for:
 - 4.2.1. discharging the statutory duties for which the Overview and Scrutiny function is responsible, other than those that relate to Flood Risk Management, Health, Adult Social Care and Children's Services;
 - 4.2.2. overseeing the Council's overall Overview and Scrutiny function including the preparation, implementation, monitoring and review of a work programme for Overview and Scrutiny;
 - 4.2.3. keeping the Overview and Scrutiny function under review, suggesting changes as appropriate to ensure that it remains fit for purpose;
 - 4.2.4. considering decisions that have been called-in pursuant to the Procedures set out in this Constitution for further scrutiny;
 - 4.2.5. 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;

- 4.2.6. maintaining oversight and establishing priorities for the training needs of the whole Overview and Scrutiny function;
- 4.2.7. establishing such commissioned work as appropriate after taking into account the availability of resources, the work programme and the matter under review;
- 4.2.8. scrutinising decisions of the Cabinet, offering advice or making recommendations on the matter;
- 4.2.9. referring to Full Council, the Cabinet or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Board/Committee determines should be brought to the attention of the Council, Cabinet or the Committee or Sub-Committee;
- 4.2.10. 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**;
- 4.2.11. assisting the Council in the development of the Budget and Policy Framework by in-depth analysis of policy issues;
- 4.2.12. 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; and
- 4.2.13. monitoring the implementation of decisions to examine their effect and outcomes.

Health and Adult Social Care Overview and Scrutiny Committee

- 4.3. The Health and Adult Social Care Overview and Scrutiny Committee will carry out those duties as outlined in 4.2.7 to 4.2.13 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.
- 4.4. 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

- 4.5. The Children's Services Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.2.7 to 4.2.13 above, in relation to matters which relate to the delivery of services for children in Bournemouth, Christchurch and Poole.
- 4.6. Education co-optees will be appointed to this Committee in line with legislation, as set out in this Constitution.

Place Overview and Scrutiny Committee

- 4.7. The Place Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.2.7 to 4.2.13 above, in relation to matters such as strategic planning, house building, homes, environment, cleansing, waste, transport and sustainability.
- 4.8. This Committee carries out all the Council's overview and scrutiny functions relating to flood risk management as required by legislation.

Changes to functions of the Overview and Scrutiny Board and Committees

- 4.9 The remit of the Overview and Scrutiny Board and Committees is based on the division of Portfolio Holder responsibilities. Portfolio Holders may report to more than one Overview and Scrutiny Committee.
- 4.10 Portfolio Holder responsibilities are changeable and from time to time it may be necessary to modify the designation of functions across the Overview and Scrutiny Board and Committees to maintain an efficient fit and clear lines of accountability. Changes will be included as required within the annual report of the Board 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.

PART 4B

CABINET PROCEDURE RULES

B. Cabinet Procedure Rules

1. The Cabinet

The Cabinet consists of the Leader of the Council and up to 9 other Councillors appointed by the Leader, not being the Chair or Vice-Chair of the Council.

2. Application of the Cabinet Procedure Rules

These procedure rules shall apply to the exercise of all Cabinet decisions whether taken collectively or individually.

3. Frequency of Cabinet Meetings

The Cabinet will meet as indicated in the Council's Programme of Meetings. The Cabinet or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/they see fit. Locations of meetings will be published in the Calendar of Meetings.

4. Public and Private Cabinet Meetings

- 4.1. The Cabinet may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out at Part 4A in this Constitution.
- 4.2. Attendance by other Councillors and the public shall be in accordance with the Access to Information Procedure Rules set out at Part 4A in this Constitution, by invitation under Rule 4.3 of this Part 4B, or as set out Rule 7 of this Part 4B.
- 4.3. The Cabinet may invite any person considered appropriate to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to Confidential and/or Exempt Information on terms to be decided by the Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed.

5. Quorum at Cabinet Meetings

The quorum for meetings of the Cabinet is as set out in the Meeting Procedure Rules at Part 4D of this Constitution.

6. Decision Making Process

- 6.1. Cabinet decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules set out at Part 4A in this Constitution,
- 6.2. Cabinet decisions shall not be implemented where the right of Call-In has been exercised until that Call-In process has been concluded, unless the urgency procedure set out at Rule 14 of Part 4C of this Constitution applies.
- 6.3. Records of Cabinet decisions must be confirmed at the next meeting.

- 6.4. In taking decisions, the Cabinet must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that advice is taken into consideration in determining the matter. Where there is any doubt about whether the Cabinet has the legal power to make the decision or an issue of probity arises then advice must be obtained from the Monitoring Officer and the Section 151 Officer.

7. Conduct of Cabinet Meetings

Chair of Cabinet Meetings

- 7.1. The Leader will chair meetings of the Cabinet or in their absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the members present, may appoint one member of the Cabinet to preside.

Councillors attending and speaking at Cabinet Meetings

- 7.2. The Chair of the Overview and Scrutiny Board shall be entitled to attend any formal public meeting of the Cabinet to refer to any recommendations **made by the Board to that meeting of the Cabinet**, and to speak to any matter on the agenda for that meeting.
- 7.3. Other Councillors not previously described above may also speak at such meetings with the permission of the Leader or person presiding in their absence.

Business to be conducted

- 7.4. The business to be transacted at meetings of the Cabinet will be set out in an agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules set out at Part 4A of this Constitution.
- 7.5. The Cabinet will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 7.6. The Cabinet is obliged to consider matters referred to it by the Overview and Scrutiny Board or Committees, or by the Full Council for consideration under the Overview and Scrutiny Procedure Rules set out at Part 4C of this Constitution.
- 7.7. The Access to Information Procedure Rules set out at Part 4A of this Constitution will apply to notice of meetings, agendas, and access to reports and background papers. Where matters are for decision, the agenda must stipulate those which are Key Decisions and those which are not, in accordance with the Access to Information Procedure Rules.

Agenda

- 7.8. The agenda may be supported by additional papers prepared by the Officers or by or on behalf of other bodies, subject to requirements about disclosure of Confidential or Exempt Information.

- 7.9. The Monitoring Officer or their nominated representative shall be responsible for preparing and distributing the Agenda for Cabinet meetings, attending meetings for the purpose of advising the Cabinet on matters within their area of responsibility and recording decisions as required under this Constitution.
- 7.10. Any member of the Cabinet may require the Monitoring Officer to place an item on the agenda for a stipulated meeting of the Cabinet.
- 7.11. The Monitoring Officer will ensure that any matters referred to the Cabinet by Full Council or the Council's Overview and Scrutiny Board or Committees are placed on the agenda for the next appropriate meeting of the Cabinet.
- 7.12. The Chief Executive, the Monitoring Officer and/or the Section 151 Officer can include an item for consideration on the agenda of a Cabinet Meeting. In pursuance of their statutory duties they can require that a Special Meeting of the Cabinet be convened.
- 7.13. Business cannot be conducted at formal meetings of the Cabinet unless it is included in the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules set out at Part 4A of this Constitution must be complied with.

Questions

- 7.14. Questions, statements and petitions can be submitted by members of the public at meetings of the Cabinet in accordance with Rule 12 of Part 4D of this Constitution.

Key Decisions

- 7.15. The Cabinet will report to the Council as required under the Access to Information Procedure Rules set out at Part 4A of this Constitution on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.

8. Voting at Cabinet Meetings

- 8.1. Voting at Cabinet meetings will be by a show of hands.
- 8.2. Any member may require, immediately after the vote is taken, that the record of decision of the meeting record how they voted or abstained.
- 8.3. Where there are equal votes cast, the Leader, or in their absence, the person presiding, will have a second and casting vote.
- 8.4. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by secret ballot conducted in accordance with Rule 18 of Part 4D of this Constitution.

9. Cabinet Committees/Sub-Committees

- 9.1. The Cabinet may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions.

- 9.2. In making such appointments, the Cabinet must specify the name of the Committee/Sub-Committee, its membership (including its Chair and, if appropriate, Vice-Chair) and the terms of reference of the body.

10. Motion under Procedure Rule 9 of Part 4D

A mover of a motion under Procedure Rule 9 of Part 4D of this Constitution which has been referred to the Cabinet for consideration must attend the meeting of the Cabinet when their motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and they will be sent a copy of the relevant papers.

11. Resolving disputes

In the case of any dispute during the proceedings of the Cabinet the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person presiding at the meeting will rule on the issue in question and their ruling will be final.

12. Reserves/substitute members

There shall be no reserve or substitute members of the Cabinet.

13. Conflicts of Interest

- 13.1. Where the Leader or any Cabinet member has a conflict of interest, they will follow the requirements of the Council's Code of Conduct for Councillors.
- 13.2. If all (or a majority) of the members of the Cabinet present have a conflict of interest then consideration will be given to applying to the Monitoring Officer for a dispensation from the provisions of the Council's Code of Conduct for Councillors.
- 13.3. If the discharge of a Cabinet function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual who delegated the matter to take the decision. Where that body or individual also has a conflict of interest then action set out in Rule 13.2 of this Part 4B shall be considered.

PART 4C

OVERVIEW AND SCRUTINY PROCEDURE RULES

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.
- 1.2. The Board and Committees will perform the functions as set out in Article 6 at Part 2 of this Constitution.
- 1.3. No Councillor may be involved in scrutinising a decision in which they have been directly involved. Where the relevant Overview and Scrutiny Committee 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.

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.
- 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.

3. Consultation and Suggestions

- 3.1. 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.
- 3.2. 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.
- 3.3. All suggestions for Overview and Scrutiny work will be accompanied by:
 - 3.3.1. detail outlining the background to the issue suggested;
 - 3.3.2. the proposed method of undertaking the work;

- 3.3.3. likely timescale associated with undertaking the work; and
 - 3.3.4. the anticipated outcome and value to be added by the work proposed.
 - 3.3.5. No item of work shall join the work plan of any Overview and Scrutiny Committee without an assessment of this information.
- 3.4. 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 3.3 of this Part 4C.
- 3.5. 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.

4. Requests

- 4.1. 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.
- 4.2. 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.
- 4.3. Where the Committee chooses not to exercise its powers in relation the request, it will provide reasons for this to the body that made the original request.
- 4.4. 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 3.3 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.

- 4.5. Any Councillor raising an item under Rule 4.4 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.

5. Crime and Disorder Issues

The Overview and Scrutiny Board shall undertake Overview and Scrutiny of Crime and Disorder issues, as required by legislation, at least once a year.

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 one piece 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 Committees

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

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

14.2.2. 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. the decision is not in accordance with the Key Policy Framework or Budget.

14.3. When a **Key** Decision is made by the Cabinet, a member of the Cabinet, or a Committee or Sub-Committee of the Cabinet, or 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. Subject to any urgency provisions a decision taken and to which Rule 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 14.3 of this Part 4C.

14.5. Where a decision referred to in Rule 14.3 of this Part 4C has been made, any three or more members of the Overview and Scrutiny Board, 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 14.4 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. A valid Call-In request must comply with the following:

14.6.1. have the correct number of signatures; and

14.6.2. 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.

14.7. 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 Overview and Scrutiny Board, alternative arrangements to avoid any delay in implementing Cabinet decisions not subject to Call-In.

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

14.9. The Board, having considered the matter will decide whether to refer the decision to Cabinet for reconsideration. Where the matter is referred for reconsideration, advice must be offered by the Overview and Scrutiny Board. The 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 of the Board.

14.10. Where a matter is considered and advice is offered by the Overview and Scrutiny 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.

- 14.11. Once the Overview and Scrutiny 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.
- 14.12. 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.
- 14.13. The Call-In facility does not apply to the determination of a Motion under Procedure Rule 9 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 Overview and Scrutiny Board 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 Overview and Scrutiny Board.
- 16.4. It is for the Overview and Scrutiny Board 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 meeting'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.

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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 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 Committees

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

6.3. Current Overview and Scrutiny Committees

6.3.1. There shall be **four** Overview and Scrutiny bodies:

- a) **Corporate and Community Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six times each year;
- b) **Health and Adult Social Care Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six times each year;
- c) **Children’s Services Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six times each year; and
- d) **Place Overview and Scrutiny Committee** which shall comprise of 11 Councillors meeting approximately six times each year.

6.4. Membership

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

6.4.2. As they have no delegated powers to take individual decisions, Lead Members of the Cabinet may be a member of the Overview and Scrutiny Committees only where there is no conflict between their Cabinet support work and the matters under consideration by O&S.

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

6.4.4. The Committees are to be politically balanced in accordance with the requirements of the Local Government and Housing Act 1989.

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. Childrens 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.

6.8. Conduct of Overview and Scrutiny Committee meetings

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

6.9. Commissioned Work

6.9.1. In addition to Committee meetings, the Overview and Scrutiny Committees may commission work in the following ways as considered necessary after taking into account the availability of resources, the work programme and the matter under review. Each Committee is limited to one commission 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 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 Committee's work for ongoing, in-depth monitoring. May be time limited or be required as a long-standing 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 committee on its findings. A main 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.

- 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.

4. Overview and Scrutiny Function

Functions of all Overview and Scrutiny Committees

- 4.1. Each Overview and Scrutiny Committee is of equal status and has responsibility for:
 - 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. maintaining oversight and establishing priorities for the training needs of the Committee;

Health and Adult Social Care Overview and Scrutiny Committee

4.2. The Health and Adult Social Care Overview and Scrutiny Committee will carry out those duties as outlined in 4.1.1 to 00 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. 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

4.4. The Children's Services Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.1.1 to 00 above, in relation to matters which relate to the delivery of services for children in Bournemouth, Christchurch and Poole.

4.5. Education co-optees will be appointed to this Committee in line with legislation, as set out in this Constitution.

Place Overview and Scrutiny Committee

4.6. The Place Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.1.1 to 00 above, in relation to matters such as strategic planning, house building, homes, environment, cleansing, waste, transport and sustainability.

4.7. 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 00 above, in relation to matters such as finance and transformation, regeneration, economic development, communication, culture, events, libraries, museums, community safety, regulatory services, licensing, leisure, sport and tourism.

4.10 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.

4.11 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

4.12 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.

4.13 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.

PART 4A

ACCESS TO INFORMATION PROCEDURE RULES

A. Access to Information Procedure Rules

1. Interpretation

1.1. In these Procedure Rules:

- 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 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 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.

6. Agenda and Supporting Papers - Rights of Access

Local
Government Act
1972, (S.100B)

- 6.1. The Council shall ordinarily make copies of the agenda and supporting papers for non-confidential business open to the public available for inspection on the Council's website, at least five clear working days before the meeting.
- 6.2. Where an item is added to an agenda at a later date and the report is open to the public, a revised agenda will ordinarily be made available for inspection, together with any supporting papers, as soon as possible.
- 6.3. The Council will as far as possible, supply to any member of the public on request (and subject to payment to the Council of a charge for postage and any other costs), copies of any agenda and reports which are open to public inspection, and if the Monitoring Officer thinks fit, copies of any further documents supplied to Councillors relating to that item.

Local
Government Act
1972, (S.100C)

7. Access to Decision Records, Minutes, Agenda and Supporting Papers after a meeting

- 7.1. The Council will make electronically available, for a period of six years from the date of the meeting:
 - 7.1.1. the minutes of the meeting where, under these Rules or the Constitution, minutes are required to be made, excluding any part of the minutes relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
 - 7.1.2. the records of decisions taken, together with reasons by the Cabinet, excluding any part of the record relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
 - 7.1.3. where information relating to a decision is not considered in public, a summary of the proceedings to provide a reasonably fair and coherent record, excluding any information which is of a confidential or exempt nature; and
 - 7.1.4. reports relating to items which were considered when the public were entitled to be present.

Local
Government Act
1972, (S.100D)

8. Background Documents

- 8.1. Background Documents are those documents which relate to the subject matter of the report which in the opinion of the Monitoring Officer:
 - 8.1.1. relate to the subject matter of the item in question;
 - 8.1.2. disclose any facts or matters on which the report or an important part of it has been based; and
 - 8.1.3. has been relied upon to a material extent in preparing the agenda item.

- 8.2. The requirements in Rule 8.1 of this Part 4A do not apply to or include any published works or any document in whole or in part which would disclose confidential or exempt information.
- 8.3. Background Documents which have been made available for public inspection will continue to be available for a period of four years from the date the decision is made, including those made by an individual Councillor or Officer.

9. Definition of Confidential and Exempt Information

9.1. Confidential Information

Confidential Information means information supplied or given to the Council by a Government department on terms which forbid the disclosure of the information to the public or information which cannot be disclosed to the public by or under any enactment or by the order of a Court.

9.2. Exempt Information

Exempt Information means information falling within the following categories (subject to any qualification listed at Rule 9.3 of this Part 4A):

- 9.2.1. information relating to any individual;
- 9.2.2. information which is likely to reveal the identity of an individual;
- 9.2.3. information relating to the financial or business affairs of any particular person (including the authority holding that information);
- 9.2.4. information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority;
- 9.2.5. information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
- 9.2.6. information which reveals that the authority proposes:
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment; and
- 9.2.7. information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

9.3. Exempt Information – Qualifications

- 9.3.1. Information falling within the categories set out in Rule 9.2 of this Part 4A is not exempt information if it is required to be registered under:
- a) the Companies Acts (as defined in Section 2 of the Companies Act 2006);

- b) the Friendly Societies Act 1974;
- c) the Friendly Societies Act 1992;
- d) the Co-operative and Community Benefit Societies Act 2014;
- e) the Building Societies Act 1986; or
- f) the Charities Act 2011.

9.3.2. Information is not exempt information if it relates to proposed development for which the Local Planning Authority may grant itself planning permission or permission in principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

9.3.3. Information which:

- a) falls within any of the descriptions referred to in Rule 9.2 of this Part 4A; and
- b) is not prevented from being exempt by the previous two qualifications is exempt information if having considered all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Local
Government Act
1972, (S.100A)

10. Exclusion of the Public from Meetings

10.1. Confidential Information – Requirement to Exclude

The public will be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the proceedings, that Confidential Information, as described in Rule 9.1 of this Part 4A will be disclosed.

10.2. Exempt Information – Discretion to Exclude

The public may be excluded from a meeting where it is likely that Exempt Information will be disclosed, as described in Rule 9.2 of this Part 4A.

11. No public right of access to agenda papers

The Monitoring Officer, where they consider it necessary, may refuse access by the public to any agenda or supporting papers which in their opinion relate to items during which, in accordance with Rule 7 above, the meeting is likely not to be open to the public. Any such papers will be clearly marked “Not for Publication” and will contain the category of information to be disclosed as set out in Rule 9.2 of this Part 4A. Similar provisions apply to the disclosures of documents related to decisions of the Council, including the Cabinet.

12. Application of these Rules to the Cabinet

Rules 13 to 22 of this Part 4A will apply only to the Cabinet and any Committees or Sub-Committees which it may establish from time to time.

13. Procedure before taking a Key Decision

13.1. Subject to Rule 15 (General Exception) or Rule 16 (Special Urgency) of this Part 4A, a Key Decision cannot be taken unless:

- 13.1.1. a notice ("the Forward Plan") has been published in connection with the matter in question and made available to the public;
- 13.1.2. at least 28 clear calendar days have elapsed since publication of the Forward Plan; and
- 13.1.3. where the decision is to be taken at a meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, public notice of the meeting has been given under Rule 5 above.

14. The Forward Plan

- 14.1. The Forward Plan will be prepared on behalf of the Leader on a monthly basis to cover the 12-month period beginning with the first day of any month. The Forward Plan will be rolled forward and published each month to cover the 12-month period beginning again with the new date of publication. There will be instances where it is impracticable to include an item in the Forward Plan. In this case Rule 15 (General Exception) or Rule 16 (Special Urgency) of this Part 4A will apply.
- 14.2. The Forward Plan will contain such matters as the Leader has reason to believe will be Key Decisions to be taken by the Leader, the Cabinet, a Portfolio Holder, a Committee or Sub-Committee of the Cabinet, an Officer in the course of the discharge of a Cabinet function during the period covered by the Forward Plan.
- 14.3. The Forward Plan will describe in respect of each matter, the following particulars:
 - 14.3.1. the matter relating to the decision to be made;
 - 14.3.2. the name and title of the decision taker if an individual, or the name and details of the membership where the decision taker is a body;
 - 14.3.3. the date on which, or the period within which, the decision will be taken;
 - 14.3.4. the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - 14.3.5. the means by which any such consultation is proposed to be undertaken;

- 14.3.6. the steps any person might take to make representations to the Cabinet or decision taker about the matter before the decision is made, and the date by which those steps must be taken;
 - 14.3.7. a list of the documents to be submitted to the decision taker for consideration in relation to the matter;
 - 14.3.8. the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
 - 14.3.9. that other documents relevant to the matter may be submitted to the decision taker; and
 - 14.3.10. the procedure for requesting details of those documents (if any) as they become available.
- 14.4. Where in relation to any matter where the public may be excluded from a public meeting under Rule 10 of this Part 4A, or documents relating to the decision need not be disclosed to the public, the Forward Plan must contain the particulars of the matter, but may not contain any Confidential Information or Exempt Information.

15. General Exception for Key Decisions

- 15.1. If a matter which is likely to be a Key Decision has not been included in the Forward Plan then, subject to Rule 16 (Special Urgency) of this Part 4A, the decision may still be taken if the following apply:
- 15.1.1. the decision has to be taken by such a date that it is impracticable to defer the decision until it can be included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
 - 15.1.2. the Monitoring Officer has informed by way of Notice in writing the Chair of the relevant Overview and Scrutiny Committee, or if there is no such person, each member of that Committee of the matter to which the decision is to be made;
 - 15.1.3. the Monitoring Officer has made copies of that Notice available to the public; and
 - 15.1.4. at least five clear working days have elapsed since the Monitoring Officer complied with their obligations under this paragraph.
- 15.2. Where such a decision is taken by the Cabinet, it must be taken in public subject to any requirements relating to the disclosure of Confidential or Exempt Information and the exclusion of the public.

16. Special Urgency for Key Decisions

- 16.1. If by virtue of the date by which a Key Decision must be taken, the requirements of Rule 15 (General Exception) of this Part 4A cannot be followed, then the decision can only be taken if the decision taker (in the case of an individual) or the Chair of the body taking the decision, obtains the

agreement of the Chair of the **relevant** Overview and Scrutiny **Committee** that the taking of the decision cannot be reasonably deferred.

- 16.2. If there is no Chair of the Overview and Scrutiny **Committee** or if they are unable to act, then the agreement of the Chair of the Council, or in their absence the Vice-Chair of the Council will suffice.
- 16.3. In addition to the requirement to agree to the matter being dealt with as urgent business, the Chair of the **relevant** Overview and Scrutiny **Committee**, or the Chair or Vice-Chair of the Council if applicable, will be consulted on the subject matter of the decision itself and may comment on the proposed decision to be taken.

17. Report to Council

- 17.1. If an Overview and Scrutiny **Committee** is of the opinion that a Key Decision has been taken which was not:

- 17.1.1. included in the Forward Plan;
- 17.1.2. the subject of the General Exception procedure under Rule 15 of this Part 4A;
- 17.1.3. the subject of an agreement with the **relevant** Overview and Scrutiny **Committee** Chair, or the Chair/Vice-Chair of the Council under Rule 16 of this Part 4A,

the **Committee** may require the Cabinet to submit a report to Full Council within such reasonable time as the **Committee** specifies.

- 17.2. In response to any requirement under Rule 17.1 of this Part 4A, the Cabinet must prepare a report for submission to the next available meeting of Full Council. However, if the next meeting of the Council is within 7 days of the resolution of the **Overview and Scrutiny Committee**, then the report may be submitted to the subsequent meeting. The report to the Council must set out particulars of the decision, the individual or body taking the decision, and if the Cabinet is of the opinion that it was not a Key Decision, the reasons for that opinion.

18. Record of Decisions of the Cabinet

- 18.1. After any meeting of the Cabinet or any of its Committees or Sub-Committees, whether held in public or private, the Monitoring Officer or their nominee, or, where no officer was present, the person presiding at the meeting, will produce as soon as practicable an electronic record of every decision taken at that meeting. The record will include the following:

- 18.1.1. a record of the decision including the date it was made;
- 18.1.2. a record of the reasons for the decision;
- 18.1.3. details of any alternative options considered and rejected by the decision taker;

- 18.1.4. a record of any conflict of interest relating to the matter decided which is declared by any member of the body making the decision; and
- 18.1.5. in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

19. Cabinet Meetings relating to matters which are not Key Decisions

The Cabinet will decide whether meetings relating to matters which are not Key Decisions will be held in public or private.

20. Meeting of the Cabinet in Private

- 20.1. Where a meeting of the Cabinet, including a Committee or Sub- Committee of the Cabinet, is to be held in private under these Rules, at least 28 clear days before the meeting, the Cabinet shall make available at the Main Office of the Council a notice of its intention to hold a meeting in private giving reasons as to why the meeting is to be held in private.
- 20.2. At least five clear days before the meeting, the Cabinet must make available at the Main Office of the Council a further notice of its intention to hold a meeting in private containing: the reasons as to why the meeting is to be held in private; details any representations received by the Cabinet about why the meeting should be open to the public; and a statement of the Cabinet's response to any such representations.
- 20.3. All members of the Cabinet shall be entitled to be given five clear working days' notice of the meeting, whether or not they are summoned to attend, unless the meeting is convened at shorter notice on urgency grounds.
- 20.4. Copies of the notices required by Rule 20.1 and Rule 20.2 of this Part 4A shall be sent to the Chairs of the Overview and Scrutiny **Committees**.
- 20.5. Where the date by which a private meeting must be held makes compliance with Rules 17.1 and 17.2 of this Part 4A impracticable, the meeting may only be held in private where the Cabinet has obtained agreement from:
 - 20.5.1. the Chair/s of the **relevant** Overview and Scrutiny **Committee/s**; or
 - 20.5.2. if there is no such person, or if the Chairs of the Overview and Scrutiny **Committees** are unable to act, the Chair of the Council; or
 - 20.5.3. where there is no Chair of either the Overview and Scrutiny **Committees** or of the Council able to act, the Vice-Chair of the Council,
 that the meeting is urgent and cannot reasonably be deferred.

21. Attendance at private meetings of the Cabinet

Cabinet Members

- 21.1. Any member of the Cabinet may attend a private meeting of a Committee or Sub-Committee of the Cabinet whether or not they are members of that body unless the body determines otherwise.
- 21.2. Any Cabinet member who is not a member of such a Committee or Sub-Committee shall be entitled to speak with the consent of the person presiding but not to vote.

Officers

- 21.3. The Head of the Paid Service, the Section 151 Officer and the Monitoring Officer, or their nominees, are entitled to attend any meeting of the Cabinet. The Cabinet cannot meet unless the Monitoring Officer has been given reasonable notice that a meeting is to take place. This provision also applies to Committees and Sub-Committees of the Cabinet.
- 21.4. A private meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, may only take place in the presence of the Monitoring Officer or their nominee, who shall have responsibility for recording and publicising any decisions.

22. Decisions by Portfolio Holders

- 22.1. Decisions made by individual Portfolio Holders must be taken in accordance with the procedure established by the Monitoring Officer which will provide for a written report template to be prepared by the relevant officer, and formal sign off by the Monitoring Officer and Section 151 Officer before the decision is made.
- 22.2. As soon as reasonably practicable after an executive decision has been taken by a Portfolio Holder, the written record of the decision must be published which should include the following:
 - 22.2.1. the decision made including the date it was made;
 - 22.2.2. the reasons for the decision;
 - 22.2.3. details of any alternative options considered and rejected by the Portfolio Holder making the decision;
 - 22.2.4. a record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet who is consulted by the Portfolio Holder which relates to the decision;
 - 22.2.5. in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer;
 - 22.2.6. the financial and legal implications of the decision and confirmation that the decision has been considered by the Section 151 Officer and Monitoring Officer; and
 - 22.2.7. the consultation undertaken prior to the decision being made, including any consideration by the relevant Overview & Scrutiny Committee and Ward Councillors.

- 22.3. The provisions of Rules 7 (Access to Decision Records) and 8 (Background Documents) of this Part 4A will also apply to the making of decisions by Portfolio Holders. This does not require the disclosure of Exempt or Confidential Information or advice from a political assistant.

23. Record of Executive and Non-Executive decisions taken by Officers

- 23.1. As soon as reasonably practicable after an Officer has made a decision which is an Executive Decision a written record of the decision will be published which will include the following:
- 23.1.1. the decision made and the date it was made;
 - 23.1.2. a record of the reasons for the decision;
 - 23.1.3. details of any alternative options considered and rejected by the Officer when making the decision;
 - 23.1.4. a record of any conflict of interest declared by any Cabinet member who is consulted by the Officer which relates to the decision;
 - 23.1.5. in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer;
 - 23.1.6. the financial and legal implications of the decision and confirmation that the decision has been considered by the Section 151 Officer and Monitoring Officer; and
 - 23.1.7. the consultation undertaken prior to the decision being made, including any consideration by the relevant Overview & Scrutiny Committee and Ward Councillors.
- 23.2. Any record prepared in accordance with Rule 23.1 of this Part 4A and any report considered by the Officer and relevant to the decision will be available for public inspection on the Council's website.
- 23.3. Rules 23.1 to 23.2 of this Part 4A apply to Major Operational Decisions made by Officers as defined by Article 12 of the Constitution. These rules do not apply to day to day administrative or operational decisions taken by Officers in connection with the discharge of functions.
- 23.4. When an Officer makes a Major Operational Decision the Monitoring Officer must be provided with a completed Delegated Record of Decision within two working days of the date of taking the decision together with a copy of any report upon which the decision was made.
- 23.5. The Monitoring Officer will keep a record of all such decisions made by Officers including any report upon which each decision was made and will ensure that the decision is recorded and published by the Council on its website.
- 23.6. As soon as reasonably practicable after an Officer has made a decision under an express delegation from Full Council, its Committees, Sub Committees or any Joint Committee in which the Council is involved or under a general delegation from one of these bodies where the effect of the decision is to grant

a permission or licence, affect the rights of an individual or award a contract or incur expenditure, which in either case materially affects the Council's position, a written statement will be prepared including:

- 23.6.1. a record of the decision including the date it was made;
 - 23.6.2. a record of the reasons for the decision;
 - 23.6.3. details of any alternative options considered and rejected by the Officer when making the decision; and
 - 23.6.4. a record of the name of any Councillor or local government body who has declared an interest (for decisions taken under an express delegation).
- 23.7. Any record prepared in accordance with Rule 23.6 of this Part 4A together with any background papers considered by the Officer and relevant to the decision will be available for public inspection on the Council's website.
- 23.8. Rules 23.6 to 23.7 of this Part 4A do not apply to:
- 23.8.1. routine administrative and organisational decisions;
 - 23.8.2. decisions on operational matters such as day to day variations in services;
 - 23.8.3. decisions if the whole or part of the record contains Confidential or Exempt Information; or
 - 23.8.4. decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

24. Access to documents - Overview and Scrutiny Committees

Right to Copies of Documents

- 24.1. Subject to Rule 24.3 of this Part 4A, any member of the Overview and Scrutiny Committees is entitled to copies of any document which is in the possession or control of the Leader, the Cabinet including its Committees and Sub-Committees, and which contains material relating to:
- 24.1.1. any business transacted at a public or private meeting of the Cabinet including any of its Committees and Sub-Committees;
 - 24.1.2. any decision taken by an individual member of the Cabinet; or
 - 24.1.3. any executive decision taken by an Officer in accordance with Part 3 of this Constitution.
- 24.2. Where a member of an Overview and Scrutiny Committee (including its Sub-Committees) requests a document which falls within Rule 24.1 of this Part 4A the Leader must provide that document as soon as reasonably practicable and in any case no later than 10 clear working days after the Leader receives the request.

- 24.3. Subject to Rule 24.4 of this Part 4A the Chair, or in the absence of the Chair, the Vice-Chair of an Overview and Scrutiny **Committee** is entitled to see papers in relation to private decisions of the Cabinet before the decision is made.
- 24.4. Overview and Scrutiny Committee members will be entitled to any such document or part of a document that contains Exempt or Confidential Information unless the Monitoring Officer determines that the information is not relevant to an action or decision they are reviewing or scrutinising or any review contained in any programme of work of the Overview and Scrutiny Committees.

Limits on Right to Copies

- 24.5. Where the Leader so determines, a member of the Overview and Scrutiny Committees will not be entitled to:
- 24.5.1. any document that is in draft form; or
 - 24.5.2. the advice of a political advisor.
- 24.6. Where the Leader or Monitoring Officer determines that a member of the Overview and Scrutiny Committees is not entitled to a copy of a document or part of any such document, under Rule 24.4 and Rule 24.1 of this Part 4A, the Leader or Monitoring Officer as applicable must provide the Overview and Scrutiny Committee with a written statement setting out their reasons for that decision.

25. Additional rights of access for Councillors

- 25.1. All Councillors will be entitled to inspect any document which is in the possession or under the control of the Leader and/or the Cabinet, including its Committees or Sub-Committees, and contains material relating to:
- 25.1.1. any business to be transacted at a public meeting;
 - 25.1.2. any business previously transacted at a private meeting;
 - 25.1.3. any decision made by a Portfolio Holder; or
 - 25.1.4. an Executive decision by an Officer;
- unless in the opinion of the Monitoring Officer it contains Confidential or Exempt Information or it contains the advice of a political advisor.
- 25.2. All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader or the Cabinet including its Committees and Sub-Committees which relates to any Key Decision unless Rule 24.4 of this Part 4A applies.
- 25.3. In relation to public meetings, where a document is required to be available for inspection by all Councillors under Rule 25.1 of this Part 4A it must be available for at least 5 clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice in which case the document must be available for inspection when the meeting is convened or the item is added to the agenda.

- 25.4. In relation to private meetings, decisions made by a Portfolio Holder or Executive decisions made by an Officer, where a document is required to be available for inspection by all Councillors under Rule 25.1 of this Part 4A it must be available within 24 hours of the meeting concluding or where an Executive decision is made by a Portfolio Holder or Officer within 24 hours of the decision being made.
- 25.5. These rights are in addition to any other rights to access information provided by law the Councillors may have.

PART 4B

CABINET PROCEDURE RULES

B. Cabinet Procedure Rules

1. The Cabinet

The Cabinet consists of the Leader of the Council and up to 9 other Councillors appointed by the Leader, not being the Chair or Vice-Chair of the Council.

2. Application of the Cabinet Procedure Rules

These procedure rules shall apply to the exercise of all Cabinet decisions whether taken collectively or individually.

3. Frequency of Cabinet Meetings

The Cabinet will meet as indicated in the Council's Programme of Meetings. The Cabinet or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/they see fit. Locations of meetings will be published in the Calendar of Meetings.

4. Public and Private Cabinet Meetings

- 4.1. The Cabinet may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out at Part 4A in this Constitution.
- 4.2. Attendance by other Councillors and the public shall be in accordance with the Access to Information Procedure Rules set out at Part 4A in this Constitution, by invitation under Rule 4.3 of this Part 4B, or as set out Rule 7 of this Part 4B.
- 4.3. The Cabinet may invite any person considered appropriate to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to Confidential and/or Exempt Information on terms to be decided by the Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed.

5. Quorum at Cabinet Meetings

The quorum for meetings of the Cabinet is as set out in the Meeting Procedure Rules at Part 4D of this Constitution.

6. Decision Making Process

- 6.1. Cabinet decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules set out at Part 4A in this Constitution,
- 6.2. Cabinet decisions shall not be implemented where the right of Call-In has been exercised until that Call-In process has been concluded, unless the urgency procedure set out at Rule 14 of Part 4C of this Constitution applies.
- 6.3. Records of Cabinet decisions must be confirmed at the next meeting.

- 6.4. In taking decisions, the Cabinet must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that advice is taken into consideration in determining the matter. Where there is any doubt about whether the Cabinet has the legal power to make the decision or an issue of probity arises then advice must be obtained from the Monitoring Officer and the Section 151 Officer.

7. Conduct of Cabinet Meetings

Chair of Cabinet Meetings

- 7.1. The Leader will chair meetings of the Cabinet or in their absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the members present, may appoint one member of the Cabinet to preside.

Councillors attending and speaking at Cabinet Meetings

- 7.2. The Chairs of the Overview and Scrutiny Committees shall be entitled to attend any formal public meeting of the Cabinet to refer to any recommendations made by their Committee to that meeting of the Cabinet, and to speak to any matter on the agenda for that meeting.
- 7.3. Other Councillors not previously described above may also speak at such meetings with the permission of the Leader or person presiding in their absence.

Business to be conducted

- 7.4. The business to be transacted at meetings of the Cabinet will be set out in an agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules set out at Part 4A of this Constitution.
- 7.5. The Cabinet will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 7.6. The Cabinet is obliged to consider matters referred to it by the Overview and Scrutiny Committees, or by the Full Council for consideration under the Overview and Scrutiny Procedure Rules set out at Part 4C of this Constitution.
- 7.7. The Access to Information Procedure Rules set out at Part 4A of this Constitution will apply to notice of meetings, agendas, and access to reports and background papers. Where matters are for decision, the agenda must stipulate those which are Key Decisions and those which are not, in accordance with the Access to Information Procedure Rules.

Agenda

- 7.8. The agenda may be supported by additional papers prepared by the Officers or by or on behalf of other bodies, subject to requirements about disclosure of Confidential or Exempt Information.

- 7.9. The Monitoring Officer or their nominated representative shall be responsible for preparing and distributing the Agenda for Cabinet meetings, attending meetings for the purpose of advising the Cabinet on matters within their area of responsibility and recording decisions as required under this Constitution.
- 7.10. Any member of the Cabinet may require the Monitoring Officer to place an item on the agenda for a stipulated meeting of the Cabinet.
- 7.11. The Monitoring Officer will ensure that any matters referred to the Cabinet by Full Council or the Council's Overview and Scrutiny Committees are placed on the agenda for the next appropriate meeting of the Cabinet.
- 7.12. The Chief Executive, the Monitoring Officer and/or the Section 151 Officer can include an item for consideration on the agenda of a Cabinet Meeting. In pursuance of their statutory duties they can require that a Special Meeting of the Cabinet be convened.
- 7.13. Business cannot be conducted at formal meetings of the Cabinet unless it is included in the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules set out at Part 4A of this Constitution must be complied with.

Questions

- 7.14. Questions, statements and petitions can be submitted by members of the public at meetings of the Cabinet in accordance with Rule 12 of Part 4D of this Constitution.

Key Decisions

- 7.15. The Cabinet will report to the Council as required under the Access to Information Procedure Rules set out at Part 4A of this Constitution on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.

8. Voting at Cabinet Meetings

- 8.1. Voting at Cabinet meetings will be by a show of hands.
- 8.2. Any member may require, immediately after the vote is taken, that the record of decision of the meeting record how they voted or abstained.
- 8.3. Where there are equal votes cast, the Leader, or in their absence, the person presiding, will have a second and casting vote.
- 8.4. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by secret ballot conducted in accordance with Rule 18 of Part 4D of this Constitution.

9. Cabinet Committees/Sub-Committees

- 9.1. The Cabinet may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions.

- 9.2. In making such appointments, the Cabinet must specify the name of the Committee/Sub-Committee, its membership (including its Chair and, if appropriate, Vice-Chair) and the terms of reference of the body.

10. Motion under Procedure Rule 9 of Part 4D

A mover of a motion under Procedure Rule 9 of Part 4D of this Constitution which has been referred to the Cabinet for consideration must attend the meeting of the Cabinet when their motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and they will be sent a copy of the relevant papers.

11. Resolving disputes

In the case of any dispute during the proceedings of the Cabinet the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person presiding at the meeting will rule on the issue in question and their ruling will be final.

12. Reserves/substitute members

There shall be no reserve or substitute members of the Cabinet.

13. Conflicts of Interest

- 13.1. Where the Leader or any Cabinet member has a conflict of interest, they will follow the requirements of the Council's Code of Conduct for Councillors.
- 13.2. If all (or a majority) of the members of the Cabinet present have a conflict of interest then consideration will be given to applying to the Monitoring Officer for a dispensation from the provisions of the Council's Code of Conduct for Councillors.
- 13.3. If the discharge of a Cabinet function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual who delegated the matter to take the decision. Where that body or individual also has a conflict of interest then action set out in Rule 13.2 of this Part 4B shall be considered.

PART 4C

OVERVIEW AND SCRUTINY PROCEDURE RULES

C. Overview and Scrutiny Procedure Rules

1. How Overview and Scrutiny operates

- 1.1. The Overview and Scrutiny Committees will perform the functions as set out in Article 6 at Part 2 of this Constitution.
- 1.2. 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.

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 maintain oversight of the Overview and Scrutiny function. 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. 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. 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 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 one piece 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 Committees

- 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.
- 13.2 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. 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. 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. the decision was not made in accordance with the principles of decision-making set out in Article 12 of this Constitution;
 - 14.2.2. 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. the decision is not in accordance with the Key Policy Framework or Budget.
- 14.3. When a **Key Decision** is made by the Cabinet, a member of the Cabinet, or a Committee or Sub-Committee of the Cabinet; or 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. Subject to any urgency provisions a decision taken and to which Rule 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 14.3 of this Part 4C.
- 14.5. Where a decision referred to in Rule 14.3 of this Part 4C has been made, any three or more members of the Overview and Scrutiny **Committee 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 14.4 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 - 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, or to a specially convened meeting of the Committee should the Chair of the Committee consider this to be appropriate in the circumstances.
- 14.10. The Overview and Scrutiny Committee, having considered the matter, will decide whether to refer the decision to Cabinet for reconsideration. Where the matter is referred for reconsideration, advice must be offered by the Overview and Scrutiny Committee. The Committee 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, 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 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 9 of Part 4D (Notices of Motion).

15. Call-In and Urgency

15.7. 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.

15.8. 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.

15.9. The Chair of the **relevant** Overview and Scrutiny **Committee – 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.

15.10. 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

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

16.8. 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.

16.9. The Councillor Call for Action will be placed on the next available agenda of the **relevant** Overview and Scrutiny **Committee**.

16.10. 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

18.7. Matters to be considered will be set out in an agenda, together with appropriate and relevant supporting papers.

18.8. The Overview and Scrutiny meeting shall consider the following business:

18.8.1. record of the last meeting;

18.8.2. declarations of interest;

18.8.3. public items;

- 18.8.4. consideration of any matter referred to the Committee by Full Council or by the Cabinet;
- 18.8.5. consideration of any matter referred to the Committee for advice in relation to Call-In of a decision;
- 18.8.6. responses of the Cabinet on reports of the Overview and Scrutiny meeting;
- 18.8.7. the business otherwise set out on the agenda for the meeting; and
- 18.8.8. 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.