

# WIRRAL COUNCIL

## REGENERATION AND ENVIRONMENT POLICY & PERFORMANCE COMMITTEE

10<sup>TH</sup> JULY 2013

<b>SUBJECT:</b>	<b><i>MEETING PROCEDURE RULES</i></b>
<b>WARD/S AFFECTED:</b>	<b><i>ALL</i></b>
<b>REPORT OF:</b>	<b><i>DIRECTOR OF PUBLIC HEALTH / HEAD OF POLICY AND PERFORMANCE.</i></b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b><i>CLLR ANN MCLACHLAN</i></b>

### 1.0 EXECUTIVE SUMMARY

- 1.1 This report describes the meeting procedure rules under which formal meetings of the Policy and Performance Committees should be undertaken. In line with Article 6 of the Council's constitution, the Policy and Performance Coordinating Committee is responsible for determining the Overview and Scrutiny rules and operational protocols. The draft meeting procedure rules are due to be agreed at the Coordinating Committee's meeting scheduled for 3<sup>rd</sup> July 2013. Members of the Regeneration and Environment Policy & Performance Committee are requested to note the procedure rules under which their meetings will operate.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 Four Policy and Performance Committees have been established to drive forward the Council's Overview and Scrutiny function. These committees are part of a wider set of improvements to the Council's governance arrangements which also include:
- Four new Constituency Committees
  - A revised Scheme of Delegation
  - Changes to the format of Council meetings
- 2.2 These improvements were approved by Cabinet on 23<sup>rd</sup> April and Council on 30<sup>th</sup> April 2013. The details in relation to the Policy and Performance Committees are set out in Article 6 of the Council's constitution which is published on the Council's website at the following link:

<http://democracy.wirral.gov.uk/ecSDDisplay.aspx?NAME=SD867&ID=867&RPID=1000732115&sch=doc&cat=12881&path=12881>

### 3.0 MEETING PROCEDURE RULES

- 3.1 A set of proposed meeting procedure rules has been developed based on the standard sections usually set out in the constitution. These include sections on membership, the scrutiny work programme, agenda setting, reporting and call-in. The draft rules are included at Appendix 1. Once agreed by the Coordinating Committee, the new rules will be included in the Council's revised constitution. Members will be updated at the Regeneration and Environment Policy & Performance meeting regarding any amendments to the draft procedure rules which are agreed by the Coordinating Committee on 3<sup>rd</sup> July.

#### **4.0 RELEVANT RISKS**

- 4.1 The rules set out in Appendix 1 mitigate the risk that Policy and Performance meetings do not have clear operating procedures.

#### **5.0 OTHER OPTIONS CONSIDERED**

- 5.1 No other options have been considered

#### **6.0 CONSULTATION**

- 6.1 The Policy and Performance Coordinating Committee will be responsible for determining the Overview and Scrutiny rules and operational protocols.

#### **7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 7.1 There are none arising directly from this report.

#### **8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 8.1 There are none arising directly from this report.

#### **9.0 LEGAL IMPLICATIONS**

- 9.1 Once approved, it will be necessary to include the new rules and operational protocols in the Council's revised constitution in Part 4.

#### **10.0 EQUALITIES IMPLICATIONS**

- 10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?  
(a) No

#### **11.0 CARBON REDUCTION IMPLICATIONS**

- 11.1 There are none arising directly from this report.

#### **12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 12.1 There are none arising directly from this report.

#### **13.0 RECOMMENDATION/S**

- 13.1 The Committee notes this report and the procedure rules detailed in Appendix 1.

#### **14.0 REASON/S FOR RECOMMENDATION/S**

- 14.1 This report was produced to address the need for updated meeting procedure rules in support of the new arrangements for Overview and Scrutiny.

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## **Appendix 1 - Policy and Performance Committee Procedure Rules**

### **1. The number and arrangements for Overview and Scrutiny Committees**

The Council has established Overview and Scrutiny arrangements in accordance with the requirements of the Local Government Act 2000.

The Council will have four Policy and Performance Committees as set out in article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub committees. The role of the Policy and Performance Committees is wide ranging and can relate to all the Council's functions and responsibilities and to external bodies.

The Council recognises that these arrangements are an important and integral part of its political structure not only in relation to calling the Cabinet to account but more importantly allowing all Members of the Council to participate in the development of the Council's policies, plans and strategies including the formulation of the Budget and the Policy and Planning Framework and to contribute to decision-making in the Council.

The role for the Council in scrutinising other public bodies such as the National Health Service is recognised and the Council's arrangements reflect these statutory responsibilities.

### **2. Membership of Policy and Performance Committees**

All Councillors except for members of the Cabinet may be members of a Policy and Performance Committee. However, no member may be involved in scrutinising a decision with which he/she has been directly involved. A member of a Policy and Performance Committee may however be involved in scrutinising the recommendations of a working party, where he or she was involved in drawing up those recommendations.

The membership of the Policy and Performance Coordinating Committee shall include the Chairs and Vice Chairs of the other three Policy and Performance Committees.

### **3. Co-optees**

Policy and Performance Committees or their sub-committees shall be entitled to recommend to Council the appointment of a number of non-voting co-optees (see also 4 below). Co-options may relate to a prescribed period of office or to specific issues under consideration.

### **4. Families and Wellbeing Policy and Performance Committee**

The Families and Wellbeing Policy and Performance Committee and any sub-committee dealing with education matters shall include in its membership the following co-optees:

- (a) One Church of England diocese representative
- (b) One Roman Catholic diocese representative
- (c) Two parent governor representatives

Where the Policy & Performance committee / sub-committee deals with other matters, these statutory consultees shall not vote on those matters, though they may stay in the meeting and speak.

## **5. Meetings of the Policy and Performance Committees**

There shall be at least four ordinary meetings of each Policy and Performance Committee in each year plus further dedicated meetings to support the annual consultation and/or budget setting process where necessary. In addition, extraordinary meetings may be called from time to time as and when appropriate. Committee meetings may be called by the Chair (after consulting the Party Leaders or spokespersons before the date is determined), or by any three members of the committee.

## **6. Quorum**

The quorum for a Policy and Performance Committee shall be set out in the Council Procedure Rules in Part 4 of the Constitution (Standing Order 29).

## **7. Policy and Performance Committees Chairs**

The Chairs and Vice Chairs of Policy and Performance Committees will be appointed by Council, sub-committee Chairs will be drawn from among the members sitting on the sub-committee.

## **8. Work Programme**

The Policy and Performance Coordinating Committee will be responsible for developing a single integrated overview and scrutiny work programme. The work programme will reflect the priorities of all four Policy and Performance Committees. In preparing the Work Programme, the Coordinating Committee will consult with other parts of the organisations where practically possible.

## **9. Agenda items**

Any member of a Policy and Performance Committee or sub-committee, Cabinet Portfolio Holder or the Leader shall be entitled to notify the Chair that they wish an item falling within the remit of the committee be included on the agenda of the next available meeting of the Committee / sub-committee. On receipt of such a request, the Chair will ensure that it is included on the next available agenda.

The Policy and Performance Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet to review particular areas of Council activity. Where it does so, the Policy and Performance Committee shall report its findings and any recommendations back to the Cabinet and / or Council. The Council and / or Cabinet shall consider the report of the Policy and Performance Committee within two months of receiving it or the next available meeting should that not be possible.

## **10. Policy review and development**

- (a) The role of the Policy and Performance Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of the constitution.

- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Policy and Performance Committees or sub-committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) Policy and Performance Committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

#### **11. Reports from Policy and Performance Committees**

- (a) Once it has formed recommendations on proposals for development, the Policy and Performance Committees will prepare a written report for submission to Cabinet (if the proposals are consistent with the existing budget and policy framework), or to the Council (if the recommendation would require a departure from or change to the agreed budget and policy framework).
- (b) If a Policy and Performance Committee cannot agree on one single final report to the Council or Cabinet, as appropriate, then up to two minority reports may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet shall consider the report of the Policy and Performance Committee within two months or the next available meeting should that not be possible.

#### **12. Making sure reports are considered by the Cabinet**

The agenda for meetings of the Cabinet will, where appropriate, include an item entitled 'Issues arising from Policy and Performance Committees'. The reports of Policy and Performance Committees referred to the Cabinet shall be included in that point in the agenda (unless they have been considered in the context of the deliberations on a substantive item on the agenda) within two months of the Policy and Performance committee completing its report/recommendations or the next available meeting should that not be possible.

#### **13. Rights of Policy and Performance Committee members to documents**

- (a) In addition to their rights as Councillors, members of Policy and Performance Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Policy and Performance Committees as appropriate depending on the particular matter under consideration.

#### **14. Members and officers giving account**

- (a) Any Policy and Performance Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may

require any member of the Cabinet, the Head of Paid Service and/or any officer to attend before it to explain in relation to matters within its remit:-

- i. any particular decision or series of decisions;
- ii. the extent to which the actions taken implement Council policy; and / or
- iii. their performance

and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend a Policy and Performance Committee under this provision, the Chair of that committee will inform the Head of Legal and Democratic Services who will inform the member or officer giving at least three working days notice of the meeting at which they are required to attend. This 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 committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where in exceptional circumstances, the member or officer is unable to attend on the required date, the Policy and Performance Committee shall in consultation with the member or officer arrange an alternative date for attendance to take place within a maximum of fifteen working days from the original request.

## **15. Attendance by others**

A Policy and Performance Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and / or answer questions. It may for example wish to hear from members and officers in other local public sector organisations, or from residents or other stakeholders and shall invite such people to attend.

## **16. Call-in**

- (a) When a decision is taken by Cabinet, committee of the Cabinet or individual Cabinet member (other than one referred to the Council or which is certified urgent by a unanimous decision of the Cabinet – see paragraph 17 below) and notified to all members of the Council (by electronic and / or other means), any six members of the Council, may by notice in writing submitted to the Chief Executive within five working days of such notification require that the decision be not implemented and be referred to the Policy and Performance Coordinating Committee for scrutiny within a further fifteen working days from receipt of the notice.

Any such notice must specify:

- i. the decision in question,
- ii. detailed reasons for the call-in,

and be signed by the members concerned.

- (b) All requests to Call in a decision must be submitted directly to the Chief Executive. The Chief Executive will liaise with the Member listed first on the call-in schedule, to ensure there is sufficient information provided to enable the call in to proceed. As long as there is a clear reason given, the call-in should be allowed.

- (c) The Chief Executive will notify the decision-taker of the call-in and shall then call a meeting of the Coordinating Committee on a suitable date in consultation with the Coordinating Committee Chair within 7 working days of the decision to call in. The relevant Senior Officer and all members will be notified of a call-in immediately and no action will be taken to implement the decision until the call-in procedure has been completed.
- (d) The Chair will consider all proposed witnesses to be relied upon in relation to the call in. The Chair shall confirm his or her agreement to the proposed witnesses, having regard to details provided by the lead signatory as to the nature of the evidence and information each witness will provide. Should the Chair not agree to a proposed witness being called, he/she will not be invited to attend and address the committee. The Chair may accept written documentary evidence where appropriate.
- (e) When a matter is referred to the Coordinating Committee, the Chair may require the presence of the relevant Cabinet member and any Council officer to answer questions on that matter and may require the production of appropriate documents or reports in the custody of the Council or may call for additional reports.
- (f) Having considered the decision, the Coordinating Committee may:-
  - i. Refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or;
  - ii. Refer the matter to full Council. Such a referral should only be made where the Coordinating Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- (g) If the Coordinating Committee agrees with the decision the relevant Senior Officer may implement it. In the event of any political group not agreeing with the majority decision of the Coordinating Committee, it may prepare a written minority report for consideration by Council when the minutes of the Coordinating Committee are considered. Any such report must be handed to the Head of Legal and Democratic Services in accordance with Standing Order 7(2). The Leader of the relevant group or his/her representative will have an opportunity to explain the minority report to the Council and Council may discuss and vote for/or against such a report without prejudice to any decision already implemented.
- (h) In considering any matter called-in the Coordinating Committee shall follow the process set out in annex 1 and will have due regard to the Call In Guidelines that have been produced to support consistency in the call-in process. The Chair of the Coordinating Committee may, from time-to-time, amend the process and guidelines as appropriate.

## **17. Call-in and urgency**

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Council is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interest. The record of the decision and the notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chief Executive must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of

urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (b) The operating of the provision relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## **18. The party whip**

When considering any matter in respect of which a member of a Policy and Performance Committee is subject to a party whip, the member must declare the existence of the whip and the nature of it before the Policy and Performance Committee's consideration of the matter. The declaration and detail of the whipping arrangement shall be recorded in the minutes of the meeting.

## **19. Procedure at Policy and Performance Committee meetings**

- (a) Policy and Performance Committees and sub-committees shall consider the following business:-

- i. declarations of interest (including Party Whip declarations);
- ii. minutes of the previous meeting(s);
- iii. response of the Cabinet to reports of the Policy and Performance Committee;
- iv. the business otherwise set out on the agenda for the meeting.

In the case of the Coordinating Committee, an additional item shall be included to cover the issue of call-ins.

- (b) Where the Policy and Performance Committees conduct investigations (e.g. with a view to policy development), the committees may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:-

- i. that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- ii. that those assisting the committee by giving evidence be treated with respect and courtesy; and
- iii. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

## **20. Matters within the remit of more than one Policy and Performance Committee**

Where a matter for consideration by a Policy and Performance Committee falls within the remit of more than one Policy and Performance Committee, the decision as to which Committee will be responsible for the matter will be resolved by the Coordinating Committee.



## **ANNEX 1 CALL IN PROCEDURE**

### **Chair's opening remarks (5 minutes)**

The Chair will open the call in setting out the following procedure.

### **Explanation of the call in by the lead signatory (5 minutes)**

The Chair will invite the lead signatory to set out the reasons for the call in.

### **Overview and explanation of the decision taken by the relevant Cabinet Member (5 minutes)**

The Chair will invite the Cabinet Member to explain the reasons for the decision.

### **Evidence from call in witnesses**

The Chair will invite the lead signatory to call the following witnesses. Members of the Committee will be invited to ask these witnesses relevant questions:

- 1.
- 2.
- 3.
- 4.
- 5.

### **Evidence from Cabinet member's witnesses**

The Chair will invite the Cabinet Member to call the following witness. Members of the Committee will be invited to ask witness relevant questions:

- 1.
- 2.
- 3.
- 4.
- 5.

### **Summary of the lead signatory (5 minutes)**

The Chair will invite the lead signatory to summarise the key points of evidence given in support of their case.

### **Summary of the Cabinet Member (5 minutes)**

The Chair will invite the Cabinet Member to summarise the key points of evidence given in support of the initial decision.

### **Committee Debate**

The Chair invites comments, observations and discussion from members of the committee.

### **Committee Decision**

The Committee having considered the evidence and debate may:-

- Refer the decision back to the Cabinet Member setting out in writing the nature of its concerns.
- Refer the matter to full Council. Such a referral should only be made where the Coordinating Committee believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.

- Uphold the decision - If the Coordinating Committee agrees with the initial decision the relevant Senior Officer may implement it.

In the event of any political group not agreeing with the majority decision of the Coordinating Committee, it may prepare a written minority report for consideration by Council when the minutes of the Coordinating Committee are considered. Any such report must be handed to the Head of Legal and Democratic Services in accordance with Standing Order 7(2).

The Leader of the relevant group or his/her representative will have an opportunity to explain the minority report to the Council and Council may discuss and vote for/or against such a report without prejudice to any decision already implemented.