



Policy and Performance - Coordinating Committee

Date:	Wednesday, 15 June 2016
Time:	6.00 pm
Venue:	Committee Room 3 - Wallasey Town Hall

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AGENDA

1. **APOLOGIES FOR ABSENCE**
2. **CODE OF CONDUCT - DECLARATIONS OF INTEREST RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012, INCLUDING PARTY WHIP DECLARATIONS**

Members are reminded of their responsibility to declare any disclosable pecuniary or and / or any other relevant interest which they have in any item of business on the agenda no later than when the item is reached.

Members are reminded that they should also declare whether they are subject to a party whip in connection with any item(s) to be considered at this meeting and, if so, to declare it and state the nature of the whipping arrangement.

3. **MINUTES (Pages 1 - 6)**

To confirm the Minutes of the last meeting of the Committee held on 23 March 2016 as a correct record. **(Attached)**
4. **REVIEW OF SCRUTINY ARRANGEMENTS (Pages 7 - 42)**

Report of the Strategic Director – Transformation and Resources.
5. **URGENT BUSINESS AGREED BY THE CHAIR (PART 1)**

- 6. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**
- 7. URGENT BUSINESS APPROVED BY THE CHAIR (PART 2)**

POLICY AND PERFORMANCE - COORDINATING COMMITTEE

Wednesday, 23 March 2016

Present:

Councillor M McLaughlin (Chair)

Councillors	P Doughty	T Anderson
	B Kenny	W Clements
	C Muspratt	A Sykes
	W Smith	S Williams
	M Sullivan	P Gilchrist
	KJ Williams	RL Abbey (In place of P Brightmore)
	J Williamson	

35 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Brightmore and D Burgess-Joyce and from Mr M Harrison.

36 **CODE OF CONDUCT - DECLARATIONS OF INTEREST RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012, INCLUDING PARTY WHIP DECLARATIONS**

No declarations of interest were received.

37 **MINUTES**

Resolved:

That the Minutes of the meeting of the Committee held on 16 February 2016 be confirmed as a correct record.

38 **PEER REVIEW REPORT**

The Strategic Director – Transformation and Resources introduced his summary report on the Council's Corporate Peer Challenge. The report informed that Wirral Council was committed to external review and challenge in order to continue to improve how it works and how it is able to achieve positive outcomes for residents. The Strategic Director reported that the Council had a strong track record for participating in peer reviews and that in

November 2015 a team of experts from across the public sector were invited to conduct a Corporate Peer challenge.

The Committee noted that at the Council's request an invitation had been presented to the Local Government Association (LGA) to organise the review. Members noted that the peer review team was led by Mark Rogers, Chief Executive of Birmingham City Council and had included peer members and officers from other local authorities. The team had been asked to focus on the Council's capacity to deliver the Wirral Plan, its approach to partnership working, and the work currently underway to develop new models of service delivery.

Members were informed that the findings of the report had been published and the Council had developed an action plan in response to its findings, which it had immediately set to work on delivering. The peer review team had confirmed that the Council had the appropriate plans in place and also helped to identify where additional attention was required to ensure the Council and its partners focussed on 'the right things in the right order' to deliver improved outcomes for residents and businesses and were fit for purpose.

Members noted that the Council had agreed a new five year plan in July 2015 that had been adopted by all Wirral partners. The report informed that the Wirral Plan committed to achieving a set of 20 Pledges by 2020 to improve the quality of life enjoyed by all Wirral residents.

The peer team feedback / findings were attached at Appendix 1 to the report and were considered by the Coordinating Committee. Members questioned the Strategic Director on a variety of points contained within the report that included:

- The time taken to compile the report (delays incurred due to general drafting and FOI enquiry relating to peer challenge correspondence).
- Corporate Leadership (issues regarding senior leadership adequacy / capacity - arising from new Chief Executive in post, significant changes underway, and senior leadership focus on operational matters at the time).
- Actions to identify commercial skills, capability and capacity required to develop the Council's approach to commercialism.
- Review of short term capacity gaps in the Council's corporate functions.

The Strategic Director informed that long term planning was now taking place and Officers were being released from operational matters to create

leadership capability within the organisation in support of the identified actions in the peer review report.

Resolved: That

- 1) the contents of the Corporate Peer Challenge report and associated action plan be noted; and**
- 2) the Committee be updated on progress of the listed actions.**

39 2015/16 QUARTER 3 CORPORATE PLAN PERFORMANCE

The Strategic Director – Transformation and Resources introduced his summary report on the Council’s Quarter 3 (October to December) performance against the delivery of the 2015/16 Corporate Plan (as approved by the Council at its meeting on 8 December 2014). A detailed report was attached to the Director's report as Appendix 1 and detailed progress against a suite of agreed performance indicators. The performance indicators related to a range of pledges under the three Wirral Plan themes of People, Business and Environment.

Members were informed that of the 21 reportable indicators, using a RAG (Red, Amber, Green) rating – assigned depending on the performance level against the target - 15 were rated Green, 3 were rated Amber and 3 were rated Red.

A briefing note was circulated that provided information on the background to, and take-up of, the NHS Health checks programme (Red indicator PHCP03). Members were informed that the mandatory programme was currently delivered through 50 Wirral GP practices and that lead commissioning responsibility had changed from the CCG to the Council in 2013. The briefing note informed that performance across targets in Wirral, along with most other areas (across England) was falling consistently below the target uptake of 66%.

Annual uptake for the previous two years were reported as follows:

	2013-14	2014-15
Wirral	53.09%	44.43%
England	49.04%	48.82%

The briefing concluded that GP practices were still in the best position to deliver all that the programme required, and that once results had been collated for Q4, it was proposed that discussion regarding options for the future delivery of the programme be undertaken with other Wirral commissioners.

Members noted that significant discussion had recently taken place regarding the two remaining 'Red' report indicators i.e. Performance Appraisals (TRCP03) and Sickness Absence (TRCP04) and that the earlier reporting had informed all staff members should receive their performance appraisal on the in line with the anniversary of their last. Further corrective actions for all Red or Amber indicators were listed in Appendix 1 to the report.

Resolved:

That the contents of the report be noted.

40 **2015/16 QUARTER 3 CAPITAL & REVENUE FINANCIAL MONITOR REPORTS**

The Strategic Director – Transformation and Resources introduced his report that provided the Committee with the Quarter 3 Capital and Revenue Financial Monitoring details, as reported to the Cabinet at its meeting on 22 February 2016. This was done to enable the Committee to scrutinise progress against the 2015/16 Revenue and Capital budgets and to highlight any areas for further clarification. The Revenue and Capital monitoring reports were appended to the Director's report.

The Cabinet reports as appended provided the Coordinating Committee with detail regarding the Capital Programme as referred to Council, with the revised Capital Programme of £46.9 million that included the return of the £0.4 million Liverpool City Region Sustainable Transport Enhancement Package grant to Merseytravel. See summary table below:

Capital Programme 2015/16 at 31 December 2015

	Capital Strategy	Revisions Since Budget Cabinet	Revised Capital Programme	Actual Spend December 2015
	£000	£000	£000	£000
Transformation Resources	10,556	-3,258	7,298	3,663
Families – Children	8,517	2,287	10,804	5,404
Families – Adults	8,263	-5,386	2,877	649
Families – Sport & Rec	1,865	599	2,464	1,531
R&E– Env & Regulation	12,633	-1,089	11,544	7,256
R&E– Hsg & Comm Safety	6,412	-984	5,428	2,319
R& E – Regeneration	1,808	4,694	6,502	5,344
Total expenditure	50,054	-3,137	46,917	26,166

The Cabinet report also set out the projected revenue position for 2015/16 as at the close of quarter 3 (31 December 2015). The projected outturn showed an improvement of £0.65 million on the quarter 2 position. The latest position forecast an £80,000 year end overspend.

2015/16 Projected Budget variations by Directorate £000's (Revenue)

	Revised Budget	Forecast Outturn	(Under) Overspend	Change from Previous
FWB – Adult Social Care	71,066	73,478	2,412	2
FWB – Children & Young People	72,458	75,143	2,685	885
FWB – Further Areas: Safeguarding, Schools, Leisure, Public Health	9,406	9,791	385	135
Regeneration & Environment	89,461	87,651	-1,810	-1,080
Transformation & Resources	31,040	27,590	-3,450	-450
Corporate Growth, Savings & Grant	-4,656	-4,796	-140	-140
TOTAL	268,775	268,857	82	-648

Members questioned the officers on billing and collection, and the 75% recovery rates currently being achieved. Further questioning took place on the practice of court proceedings and charges against property, time involved and minimum charge levels.

The Committee was apprised that, for example, in the case of care home costs or contributions, arrangements for deferred payments were often agreed in advance.

Resolved:

That the contents of the report be noted.

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Policy and Performance - Coordinating Committee Wednesday, 15 June 2016

REPORT TITLE:	Review of Scrutiny Arrangements
REPORT OF:	Strategic Director: Transformation and Resources

REPORT SUMMARY

At its meeting 6 June, Cabinet considered a report setting out proposed new arrangements for the Council's Overview and Scrutiny function. The proposals seek to amend the Council's overview and scrutiny arrangements to better align with, support and challenge the effective delivery of the Wirral Plan. This will ensure the scrutiny function adds value in support of better outcomes for Wirral residents. The Cabinet Report is attached to this report as Annexe 1.

The changes would involve replacing the four Policy and Performance Committees with three Overview and Scrutiny Committees based around the Wirral Plan themes of People, Business and Environment. This would mean that Coordinating Committee would no longer continue.

The resolution of Cabinet supports the proposals referring the matter for consideration by Coordinating Committee in advance of being referred to full Council for approval. Subject to approval, consideration would need to be given to how existing items in the scrutiny work programme would be transferred and a proposal for this is included as Appendix 1 to the Cabinet report. The changes would also require a number of amendments to the constitution and the required revisions are included as Appendix 2 – 5 of the Cabinet report.

RECOMMENDATION/S

That:

- The Coordinating Committee considers the proposals approved by Cabinet.
- The resolution of Coordinating Committee be referred to Extraordinary Council on 27 June 2016 for consideration as part of the Cabinet's recommendation to Council seeking approval of the proposals

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 For Coordinating Committee to consider the changes to the Council's Scrutiny function and for the views of the Committee to be referred to an extraordinary meeting of Council on 27 June.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 N/A.

3.0 BACKGROUND INFORMATION

- 3.1 The existing arrangements for scrutiny were established in April 2013 as part of a series of changes to the Council's governance and constitution. This involved the creation of four Policy and Performance Committees, with one aligned to each of the Council's three Strategic Directorates and an additional Coordinating Committee responsible for cross-cutting matters and call-in.
- 3.2 The new arrangements would replace the four Policy and Performance Committees with three Overview and Scrutiny Committees. These would be aligned to the Wirral Plan themes of People, Business and Environment. This would ensure scrutiny focuses on supporting the delivery of better outcomes for Wirral residents in support of the delivery of the Wirral Plan.
- 3.3 In addition to the normal statutory scrutiny requirements, the arrangements will provide non-executive Members with the opportunity to scrutinise progress against the twenty Wirral Plan pledges. The arrangements will also allow for scrutiny of the effectiveness of partnership arrangements in place to deliver the Wirral Plan and the transformation proposals being developed to deliver change.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The reduction from four to three committees will mean a reduction in the number of formal committee meetings and a corresponding reduction in officer time required.

5.0 LEGAL IMPLICATIONS

- 5.1 The implementation of these proposals will require changes to the Council's Constitution. The proposed amendments are included as Appendix 3, 4 and 5 to the Cabinet report.
- 5.2 The proposal is in line with the Council's legal obligations in relation to its overview and scrutiny functions.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

6.1 There are none arising from this report.

7.0 RELEVANT RISKS

7.1 There are none arising from this report.

8.0 ENGAGEMENT/CONSULTATION

8.1 The report is being presented to Coordinating Committee for consideration in advance of the decision of full Council.

9.0 EQUALITY IMPLICATIONS

9.1 No because there is no relevance to equality.

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ANNEXES/APPENDICES

Annexe 1 – Review of Scrutiny Arrangements Cabinet Report 6 June 2016

Appendix 1 – Transfer of Scrutiny Work Programme Items

Appendix 2 – Appointments and Meeting Calendar

Appendix 3 – Article 6 Overview and Scrutiny Committees

Appendix 4 – Call in of Decisions

Appendix 5 – Overview and Scrutiny Procedure Rules

REFERENCE MATERIAL

N/A

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	6 June 2016

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**COUNCILLOR
ANN MCLACHLAN
CABINET MEMBER FOR
TRANSFORMATION,
LEISURE & CULTURE**

CABINET
Monday, 6 June 2016
REVIEW OF SCRUTINY
ARRANGEMENTS

Councillor Ann McLachlan, Cabinet Member - Transformation and Leisure, said:

“The Wirral Plan sets the vision for what we want this borough to look like in 2020: good jobs, an attractive local environment and people living happy and fulfilling lives. To get there, with vastly diminished Council and public sector resources, requires radical thinking and new ways of working.

“This Council will go through major change in the coming years, and as a responsible and inclusive Administration we welcome effective scrutiny and the views of our Elected Member colleagues. These new Scrutiny arrangements provide an absolute focus on the Wirral Plan, allowing Elected Members from all parties to bring their experience and expertise to the fore in supporting and scrutinising our progress towards achieving all 20 of our Pledges.”

REPORT SUMMARY

This report sets out proposals for amending the Council’s overview and scrutiny arrangements to better align with, support and challenge the effective delivery of the Wirral Plan. This will ensure the scrutiny function adds value in support of better outcomes for Wirral residents.

The new arrangements will also deliver better value for money through a reduction from the four existing Policy and Performance Committees to three new Overview and Scrutiny Committees that clearly align with the three Wirral Plan themes of People, Business and Environment. This will help ensure that the focus of scrutiny is targeted towards the Wirral Plan and its partnership delivery arrangements.

The new arrangements would involve the three committees driving forward a scrutiny work programme that is prioritised around the twenty pledges in the Wirral Plan. This would involve the creation of task and finish groups and standing panels which examine the effectiveness of Wirral Plan delivery. This would provide non-executive members with the opportunity to challenge and influence partnership delivery arrangements and to harness the views of service users and residents to ensure the best outcomes for Wirral residents.

The changes to the Scrutiny function require a change to the Council's Constitution, Calendar of Meetings and appointments to the new committees and as such would need to be referred to Council for approval.

RECOMMENDATION/S

That:

- 2.1 Cabinet considers and approves the proposed changes to the Council's scrutiny arrangements set out within this report (and Appendices);
- 2.2 Cabinet refers the proposed changes detailed within this report (and Appendices) to the Coordinating Committee for consideration at its meeting on 15 June 2016 for consideration;
- 2.3 The proposed changes to the Council's scrutiny arrangements set out within this report (including Appendices) and the views of the Co-ordinating Committee as confirmed at its meeting on 15 June be referred to an extraordinary meeting of Council to be held on 27 June 2016 for consideration and approval.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 For the Council's scrutiny arrangements to be re-organised to ensure they fit with the Wirral Plan objectives and delivery arrangements up to 2020.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Scrutiny arrangements are for Council's to determine as they see fit, depending on their local operational structures and strategic objectives. As part of this review, a number of alternative models have been considered including a one committee model, a two committee model and multiple committee models. The three committee model is favoured as it provides a direct link to the three Wirral Plan themes.

3.0 BACKGROUND INFORMATION

- 3.1 Overview and Scrutiny (O&S) was introduced by the Local Government Act 2000. It places a statutory requirement on Councils that operate executive arrangements to have an O&S function in place. This is discharged through the creation of dedicated committees composed of Councillors who are not on the Executive Committee or Cabinet. Wirral Council's O&S function is currently delivered through four Policy and Performance Committees.

- 3.2 O&S is a vital component of good governance. It provides a mechanism to engage non-executive Members in reviewing the effectiveness of Council policy and service delivery as well as that of local partners and other providers. It has the potential to drive improvement and significantly enhance the quality of Council decision-making, service provision and cost-effectiveness.

- 3.3 The following are widely recognised roles of the O&S function:

- Holding the Executive to account.
- Holding Partners to account.
- Horizon-scanning.
- Policy Development and Review.
- Pre-decision scrutiny.
- Post-decision scrutiny.
- Performance management and improvement.

Existing Arrangements

- 3.4 The current arrangements were implemented three years ago following the last major refresh of the Council's constitution in April 2013. The arrangements comprise of four Policy and Performance Committees as follows:

- Coordinating Committee – responsible for coordinating the work of scrutiny, scrutinising over-arching issues and undertaking the call-in duty for the authority.

- Families and Wellbeing Policy and Performance Committee – responsible for scrutinising service delivery falling under the remit of the Families and Wellbeing Directorate and the statutory responsibility for local health scrutiny. The Committee has established a Children Sub-Committee and the Health and Care Performance Panel.
- Regeneration and Environment Policy and Performance Committee – responsible for scrutinising service delivery falling under the remit of the Regeneration and Environment Directorate and the statutory responsibility for local flood risk. Provides a link to the Liverpool City Region Combined Authority scrutiny panel.
- Transformation and Resources Policy and Performance Committee – responsible for scrutinising service delivery falling under the remit of the Transformation and Resources Directorate and the statutory responsibility for the Crime and Safety Partnership.

Drivers for Change

3.5 The following have been identified as key drivers for change for the Council's scrutiny function:

- The Wirral Plan shifts the focus on delivery of outcomes and not on process.
- A new council operating model will be established removing Directorates.
- Wirral Plan delivery will result in the development of new delivery models and a new approach to partnership working.
- Through Wirral Plan implementation, the Councils relationship with residents will significantly change.
- Councils and service delivery models are changing. The transformation agenda will require committee functions to become more flexible in their approach.
- It is anticipated the pace of transformation will be much faster with committees needing to respond quickly to changes in requirements.
- Devolution and the extension of the remit of the Liverpool City Region will lead to ramifications for governance structures in the composite Local Authorities.
- Need to utilise available resources as effectively as possible whilst maximising the focus of scrutiny.

Proposed New Arrangements

3.6 To ensure the function can respond appropriately to the drivers for change, the proposal is to establish a three committee model aligned to the Wirral Plan themes of People, Business and Environment. This would create a model which enables scrutiny to best support and add value to the Wirral Plan.

3.7 The proposed model allows for partnership delivery arrangements to become more embedded to deliver the Wirral Plan and its supporting strategies. This will enable each of the committees to focus more on the delivery of outcomes for Wirral residents rather than Council services as they have previously.

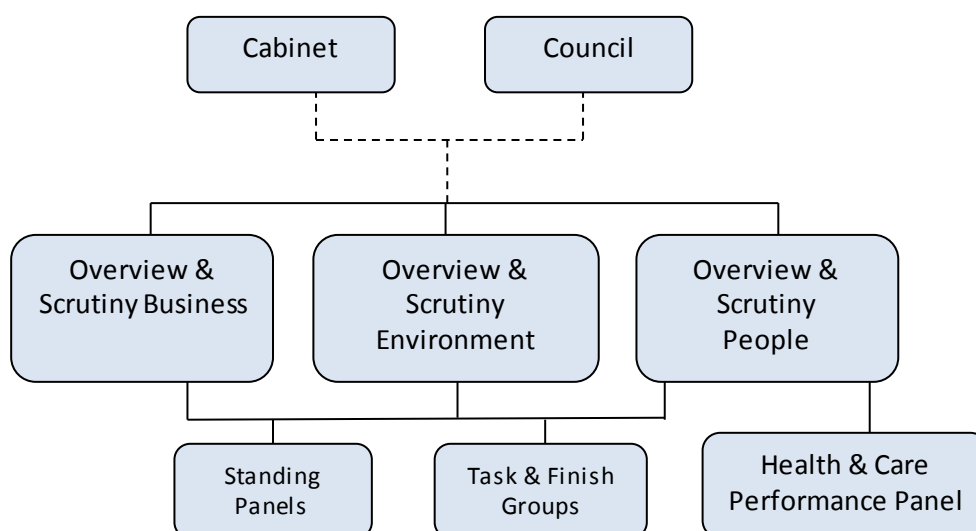
3.8 The proposed model would promote an approach to scrutiny focussed around the Wirral Plan. The majority of work would be conducted through designated standing panels and task and finish groups organised around the delivery of the 20 pledges and the Council's transformation agenda. To complement the inter-dependencies across

the Wirral Plan, there would also be an opportunity for joint working groups to be set up with representatives from different committees to cover cross-cutting themes.

- 3.9 To avoid duplication and ensure cross-cutting themes and Member capacity are effectively managed, joint planning sessions would be convened between the Chairpersons and spokespersons for the three committees. This would effectively lead to a single scrutiny work programme that would clearly support the Wirral Plan.
- 3.10 In terms of the regulations around the scrutiny of education matters, the Diocesan and Parent Governor Representatives would be co-opted onto the People Committee as necessary and appropriate.

CALL-IN

- 3.11 Under the proposed model, responsibilities for dealing with call-in would be split across the three committees depending on the nature of the call-in received. Where there is a cross-cutting matter/issue, the allocation of the call-in would be determined by agreement of the three committee Chairpersons.
- 3.12 An overview of the model is set out in the diagram below.



- 3.13 Key to the success of the new model will be the development of new arrangements for establishing a single, integrated scrutiny work programme. This will promote a more focused approach to ensure only topics of significance are included as a means for scrutiny to add value to delivering the Wirral Plan.
- 3.14 This will be achieved by:
- Greater coordination between committees to develop a single Scrutiny Work Programme, through regular informal meetings between the Chairs and spokespersons.
 - Closer engagement with the Executive to define the priorities for scrutiny to achieve the greatest impact.

- Increased use of scrutiny as a vehicle to enable the voice of service users and residents to be heard.
- Setting clear objectives for scrutiny work with a clear focus on improved outcomes for residents and service users.
- Maximising opportunities for the use of pre-decision scrutiny to influence and shape better decision-making.
- Reducing the focus on formal committee meetings and increasing the focus on scrutiny work that produces member-led reports with clear recommendations.
- Time-limiting task and finish work to free up capacity to undertake more scrutiny inquiries.

The Transfer Process

- 3.15 In terms of transferring from the current to the new arrangements, the existing scrutiny workload has been mapped onto the new committees. This is set out in Appendix 1 attached to this report.
- 3.16 Subject to Cabinet approval, the proposed changes would be referred to Coordinating Committee (15 June) for consideration and comments, and thereafter referred for approval to an extraordinary Council on 27 June 2016. Council will be the final arbiter on approving the proposed model and requisite changes to the Council's Constitution, and Calendar of Meetings set out in the Appendices to this report.

POLITICAL PROPORTIONALITY and MEMBERSHIP

- 3.17 As the proposal includes one less Council committee it is necessary to review the number of committee seats and the political proportionality calculation. The proposal reduces the number of seats to 118 from 133 (a reduction of 15) – see Appendix 2. The proposal does not require any alteration to or otherwise affect the allocation of seats and political make-up of any of the other Council Committees as approved by Council at its Annual meeting on 17 May 2016. It is proposed that the current membership of the Policy and Performances Committees be transferred/aligned to the proposed overview and scrutiny committees as detailed within Appendix 2.

CALENDAR OF MEETINGS

- 3.18 Subject to Council's approval, it is proposed that the next scheduled meetings of the Policy and Performance Committees (29 June, 5 July and 12 July) are cancelled and alternative dates are confirmed for the first meetings of the three Overview and Scrutiny Committees. The dates of 12, 14 and 18 July are proposed as first meeting dates for the new committees. Details regarding appointments and a revised calendar of meeting dates are included as Appendix 2 to this report.

OTHER CONSTITUTIONAL CHANGES

- 3.19 If the proposal is agreed, references within the Constitution to the Co-ordinating Committee and Policy and Performances Committees be replaced/changed as detailed within Appendix 2.

4.0 FINANCIAL IMPLICATIONS

4.1 The reduction from four to three committees will mean a reduction in the number of formal committee meetings and a corresponding reduction in officer time required.

5.0 LEGAL IMPLICATIONS

5.1 The implementation of these proposals will require changes to the Council's Constitution. The proposed amendments are included as Appendix 3, 4 and 5 to this report.

5.2 The proposal is in line with the Council legal obligations in relation to its overview and scrutiny functions.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are none arising from this report.

7.0 RELEVANT RISKS

7.1 This proposal seeks to mitigate the risk of not refreshing the Council's scrutiny arrangements in the light of the drivers for change highlighted at 3.5 (above). The current scrutiny model, based on the Directorate structure, does not effectively align with the Wirral Plan in terms of the 20 pledges and the partnership delivery model.

8.0 ENGAGEMENT / CONSULTATION

8.1 The proposal will be presented to the current Coordinating Committee at its first meeting of the new municipal year for consideration.

9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

No because the report is provided for information.

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APPENDICES

Appendix 1 – Transfer of Scrutiny Work Programme Items

Appendix 2 – Appointments and Revised Calendar of Meetings

Appendix 3 – Revised Article 6 and Table 2 - Responsibility for Functions of the Constitution

Appendix 4 – Revised Part 4a - Standing Order 35

Appendix 5 – Revised Part 4d Overview and Scrutiny Procedure Rules

REFERENCE MATERIAL

N/A

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

Appendix 1 – Transfer of Scrutiny Work Programme Items

Outstanding Work Programme Items	Transfer to New Model
<p>Coordinating Committee</p> <ul style="list-style-type: none"> • Cumulative Impact on Public Health • Review of Councillors <p>Families & Wellbeing</p> <ul style="list-style-type: none"> • Avoiding Hospital Admissions Review • Children Ready for School Review <p>Regeneration & Environment</p> <ul style="list-style-type: none"> • Tourism Scrutiny Review • Coastal Strategy Review • Reducing Pedestrian Casualties Notice of Motion • Wirral Waters Notice of Motion <p>Transformation & Resources</p> <ul style="list-style-type: none"> • Disaster Recovery Scrutiny Review • Freedom of Information Scrutiny Review • Libraries Scrutiny Review • Local Welfare Assistance Scheme Review 	<p>People</p> <ul style="list-style-type: none"> • Cumulative Impact on Public Health • Avoiding Hospital Admissions Review • Children Ready for School Review • Local Welfare Assistance Scheme Review <p>Environment</p> <ul style="list-style-type: none"> • Coastal Strategy Review • Review of Councillors • Libraries Scrutiny Review • Reducing Pedestrian Casualties Notice of Motion <p>Business</p> <ul style="list-style-type: none"> • Tourism Scrutiny Review • Disaster Recovery Scrutiny Review • Freedom of Information Scrutiny Review • Wirral Waters Notice of Motion

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A. APPOINTMENT AND CONSTITUTION OF COMMITTEES 2016/2017- PROPOSED NEW SCRUTINY COMMITTEES

That Council agrees:

- (1) This note advises on the allocation of committee places to political groups in the light of the relative strength of the groups for the municipal year 2016/17 following the 5 May 2016 election and if the proposed revision to the number of scrutiny committees is agreed:

Labour	39 seats	59.1 %
Conservative	21 seats	31.82 %
Liberal Democrat	5 seats	7.57 %
Green	1 seat	1.51 %
	66 seats	Totals 100.00%

Allocation of Committee Places

- (2) Applying the percentages in (1) above to the overall number of committee places (Members of the Cabinet are not included in those calculations) and based upon a proposed total of 118 committee places, the three political groups and the Green Party member would be entitled to a **total** of committees places as shown below:

Labour	69.74 rounded up to	70
Conservative	37.55 rounded down to	37
Liberal Democrat	8.93 rounded up to	9
Green	1.78 rounded up to	2

- (3) Applying the arithmetical entitlement to **individual** committees would result in the following allocations:

Committee	Places	Lab	Con	L/Dem	Green
Standards & Constitutional etc.	9	5	3	1	
Audit and Risk Management	9	5	3	1	
Employment and Appointments	8	5	2	1	
Licensing Act 2003 Committee	15	10	4	1	
Licensing, Health & Safety etc.	9	5	3	1	
Pensions	10	6	3	0	1
Planning	13	7	4	1	1
Overview & Scrutiny: Business	15	9	5	1	
Overview & Scrutiny: Environment	15	9	5	1	
Overview & Scrutiny: People	15	9	5	1	
Total	118	70	37	9	2

- (4) For two committees an arithmetical adjustment has been made to enable the Green Member to have his entitlement of 2 committee places.

- (5) These adjustments are made with regard to the requirement for the Labour Group, as the majority group on the Council, to maintain an overall majority on each committee and for each group's entitlement to committee places to be in accordance with those figures set out in (2) above.

B. MEMBERSHIP

Council agrees that the appointments made by Council at its Annual Meeting on 17 May be transferred/realigned as follows:

<u>MEMBER APPOINTMENTS MADE TO:</u>	<u>TRANSFFERRED MEMBER APPOINTS:</u>
Coordinating Policy and Performance	N/a
Families & Wellbeing P&P	People Overview and Scrutiny Committee
Regeneration & Environment P&P	Business Overview and Scrutiny Committee
Transformation & Resources P&P	Environment Overview and Scrutiny Committee

C. OTHER CONSTITUTIONAL CHANGES

That to give effect to the proposed changes Council agrees that the following changes be made to the Constitution:

1. All references to the Co-ordinating Committee within the Constitution be removed and replaced with the names of the three proposed Overview and Scrutiny Committees.
2. All references to:

Families & Wellbeing Policy and Performance Committee be changed to People Overview and Scrutiny Committee

Regeneration & Environment Policy and Performance Committee be changed to Business Overview and Scrutiny Committee

Transformation & Resources Policy and Performance Committee be changed to Environment Overview and Scrutiny Committee

D. REVISED CALENDAR OF MEETINGS FOR OVERVIEW AND SCRUTINY COMMITTEES

That Council agrees:

<u>COMMITTEE</u>	<u>CANCELLED</u>	<u>RE-ARRANGED</u>
Coordinating Policy and Performance	Tuesday, 21 June	Wednesday, 15 June
Families & Wellbeing P&P	Wednesday, 29 June	
Regeneration & Environment P&P	Tuesday, 5 July	
Transformation & Resources P&P	Tuesday, 12 July	

Proposed new Overview and Scrutiny Committees Meetings

<u>COMMITTEE</u>	JULY	SEPTEMBER	NOVEMBER	JANUARY	MARCH
Business	Tuesday 12	Tuesday 13	Tuesday 29	Tuesday 24	Wednesday 29
Environment	Monday 18	Wednesday 21	Wednesday 30	Tuesday 31	Tuesday 28
People	Thursday 14	Thursday 8	Monday 28	Monday 16	Thursday 23

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Article 6 – Overview and Scrutiny Committees

6.1 Appointment

The Council will annually constitute and appoint three Overview and Scrutiny Committees, comprising of fifteen councillors, to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.

6.2 General Role

Within their terms of reference, Overview and Scrutiny Committees will:

- (a) Review and / or scrutinise the decisions made or actions taken in connection with the discharge of the Council's functions;
- (b) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny committee about their activities and performance;
- (c) Support joint work planning arrangements in developing an integrated scrutiny work programme;
- (d) Make reports and / or recommendations to the Council and / or the Cabinet in connection with any policy or the discharge of any functions;
- (e) Exercise the right to call in, for reconsideration decisions made but not yet implemented by the Executive function of the Council;
- (f) Assist the Council and the Cabinet in the development and monitoring of the annual budget;
- (g) Review and scrutinise the Council's transformation governance and processes as well as monitoring the outcomes and benefits of the Transformation Programme;
- (h) Review and scrutinise the Council's partnership arrangements;
- (i) Review and scrutinise the Council's commissioning activities;
- (j) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas; and
- (k) Have the authority to establish task & finish groups, standing panels and sub-committees as necessary to discharge the functions falling within the remit of the committee.

6.3 Overview and Scrutiny Committees Terms of Reference

Each Overview and Scrutiny Committee is aligned to one of the Wirral Plan themes of People, Business and Environment with responsibility for reviewing and / or scrutinising decisions made or actions taken in connection with the

pledges that make up the respective theme of the Wirral Plan. The Overview and Scrutiny Committee is also responsible for scrutinising the strategies, policies, partnerships, transformation projects / programmes and supporting functions which operate in support of their Wirral Plan theme.

People Overview and Scrutiny Committee

<p>Wirral Plan Pledges</p>	<ul style="list-style-type: none"> • Older People Live well • Children are ready for school • Young people are ready for work and adulthood • Vulnerable children reach their full potential • Reduce child and family poverty • People with disabilities live independently • Zero tolerance to domestic violence
<p>Scope of the Committee</p>	<p>To review and / or scrutinise any strategies and plans, and the delivery of these plans, including:</p> <ul style="list-style-type: none"> • Ageing well Strategy • Wirral’s Strategy for Children, Young People and Families • Improving Life Chances Strategy • All Age Disability Strategy • Zero Tolerance to Domestic Abuse Strategy • Safeguarding Strategy • Schools Strategy • Health and Wellbeing Strategy <p>To review and / or scrutinise the commissioning, management and performance of services for:</p> <ul style="list-style-type: none"> • Older People • Health and Social Care • Mental Health (all age) • Learning Disabilities (all age) • Children’s Care • Children’s Services • Education • Safeguarding

	<p>To perform the Council's statutory responsibilities to undertake health scrutiny. The Committee will:</p> <ul style="list-style-type: none"> • Review and scrutinise any matter relating to the planning, provision and operation of health services in the Borough, including significant change to service provision and those jointly commissioned or delivered by the council. • Require the provision of information or the attendance of an officer of a local NHS body to answer questions and provide explanations about the planning, provision and operation of health services in the Borough. • Participate in cross-boundary overview and scrutiny of health services with other local authorities; including the establishment of joint committees; or the delegation of functions to another local authority, where appropriate. • Report to the Secretary of State for Health: <ul style="list-style-type: none"> - Where the committee is concerned that consultation on substantial variation or development of services has been inadequate - Where the committee considers that the proposal is not in the interest of the local health service.
<p>Cross-Cutting Themes</p>	<ul style="list-style-type: none"> • Wirral residents live healthier lives pledge (link with Environment theme) • Community services are joined up and accessible pledge (link with Environment theme) • Liverpool City Region Combined Authority

Business Overview and Scrutiny Committee

<p>Wirral Plan Pledges</p>	<ul style="list-style-type: none"> • Greater job opportunities in Wirral • Workforce skills match business needs • Increase inward investment • Thriving small businesses • Vibrant Tourism economy • Transport and technology fit for the future • Assets and buildings are fit for purpose
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<p>Scope of the Committee</p>	<p>To review and / or scrutinise any strategies and plans, and the delivery of these plans, including:</p> <ul style="list-style-type: none"> • Wirral’s Growth Plan • Wirral Visitor Economy Plan • Wirral’s Transport Strategy • Wirral’s Digital Strategy • Wirral Asset Strategy <p>To review and / or scrutinise the commissioning, management and performance of services for:</p> <ul style="list-style-type: none"> • Growth • Transport • Digital • Regulatory Services • Asset Management • Customer Services
<p>Cross-Cutting Themes</p>	<ul style="list-style-type: none"> • Good quality Housing that meets the needs of residents pledge (Link with Environment theme) • Community services are joined up and accessible pledge (link with Environment theme) • Liverpool City Region Combined Authority

Environment Overview and Scrutiny Committee

<p>Wirral Plan Pledges</p>	<ul style="list-style-type: none"> • Leisure and cultural opportunities for all • Wirral Residents live healthier lives • Community services are joined up and accessible • Good quality housing that meets the needs of residents • Wirral’s Neighbourhoods are safe • Attractive local environment for Wirral residents
<p>Scope of the Committee</p>	<p>To review and / or scrutinise any strategies and plans, and the delivery of these plans, including:</p> <ul style="list-style-type: none"> • Wirral’s Leisure Strategy

	<ul style="list-style-type: none"> • Wirral's Culture Strategy • Wirral Residents Live Healthier Lives Strategy • Neighbourhood Strategy • Housing Strategy • Ensuring Wirral's Neighbourhoods are Safe • Managing Our Waste Strategy 2015 - 2020 • Loving Our Environment Strategy <p>To review and / or scrutinise the commissioning, management and performance of services for:</p> <ul style="list-style-type: none"> • Leisure • Community Services • Safer Neighbourhoods • Housing Services • Environment <p>To perform the Council's statutory responsibilities to undertake scrutiny in relation to:</p> <ul style="list-style-type: none"> • The review and scrutiny of the flood and coastal erosion risk management functions under the Flood and Water Management Act 2010. • The review and scrutiny of decisions made or action taken in connection with the discharge by the Responsible Authorities and Co-operating bodies of the Wirral Community Safety Partnership of their crime and disorder functions.
<p>Cross-Cutting Themes</p>	<ul style="list-style-type: none"> • Vibrant tourism economy pledge (link with Business Theme) • Transport & Technology Infrastructure fit for the future (link to Business theme) • Liverpool City Region Combined Authority

RESPONSIBILITY FOR FUNCTIONS

Table 2 - Responsibility for Council Functions

(Page 65 Council's Constitution)

Proposed Amendment:

Committee	Membership	Functions	Onward Delegation of Functions
Overview and Scrutiny Committees	15 Members of the Authority	The statutory functions of a Overview and Scrutiny Committee with the terms of reference set out in Article 6.	

s35. Calling-In of decisions

(1) All decisions of:

- (i) the Cabinet;
- (ii) an individual member of the Cabinet; or
- (iii) a committee of the Cabinet; and
- (iv) key decisions taken by an officer

shall be published, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent a copy of the decision.

(2) That Minute(s) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, unless the decision is called in for scrutiny by 5:00p.m. on the final day of the Call-In period of **within** five clear working days from the date of publication. (Adjusted by a maximum of one day if there is one or more Bank Holidays in that period).

(3)

- (i) During that period, the Chief Executive shall Call-In a decision for scrutiny by the responsible Overview and Scrutiny Committee in which the matter relates if so requested by any six members of the Council who have given detailed reasons for the Call- In of the decision. The detailed reasons must be provided by the Lead signatory by the Call-In deadline. When a Call-In is requested, the Chief Executive shall 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. He/she shall then notify the decision-taker of the Call-In. He/she shall call a special meeting of one of the Overview and Scrutiny Committees, designated through consultation with the Chairs of the committees, on such date as he/she may determine, where possible and in any case within 15 working days of the decision to Call-In.
- (ii) The relevant Chief 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. A decision of the Cabinet, a committee of the Cabinet or individual Cabinet member may be called in only once.
- (iii) The meeting of the committee to consider the Call-In shall be quorate if four (4) or more members are in attendance.

- (iv) The meeting of the Overview and Scrutiny Committee shall commence at 4:00pm unless otherwise agreed by the Chairperson.
 - (v) Should a committee meeting be adjourned part-heard it must be convened within 7 working days thereafter otherwise it shall be abandoned and a new committee meeting convened within 7 working days.
- (4) Having considered the decision, the Overview and Scrutiny 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 Overview and Scrutiny 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.
- (5) If a decision is referred back to the decision making person or body it shall be reconsidered in the light of the written concerns of the Overview and Scrutiny Committee before a final decision is made.
- (6) If following a Call-In, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body and does not refer the matter to Council, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting. If the Overview and Scrutiny does not meet the decision shall take effect from the date when the Committee should have met.
- (7) If the matter is referred to full Council and the Council does not object to a decision which has been made, then the decision will become effective on the date of the Council meeting.
- (8) If the Council does object the Council may take a decision, which is outside the policy and budgetary framework. Otherwise the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive Board as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.
- (9) Call-In should only be used in exceptional circumstances where members have evidence which suggests that the decision was not made in accordance with the principles of decision making in the constitution.

(10) Call-In and urgency

- (a) The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet 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 the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to Call-In and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

(11) Call-In shall be consistent with the Scrutiny Call-In Guidelines. The Scrutiny Call-In Guidelines shall be amended / approved by Overview and Scrutiny Committee Chairs as required.

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Appendix 5 - Overview and Scrutiny 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 three Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny Committees

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

3. Education Regulation Co-optees

The People Overview and Scrutiny 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 People Overview and Scrutiny 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.

4. Meetings of the Overview and Scrutiny Committees.

There shall be at least four ordinary meetings of each Overview and Scrutiny 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.

5. Quorum

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

6. Overview and Scrutiny Committees Chairs

- (a) The Chairs and Vice Chairs of Overview and Scrutiny Committees will be appointed by Council. Sub-committee Chairs will be drawn from among the members sitting on the sub-committee.
- (b) The Chairs and Vice Chairs of the Overview and Scrutiny Committees shall have discretion to determine how cross-cutting matters / issues will be allocated between the committees.
- (c) Regular meetings of the committee Chairs will be convened to review the work programme and allocation of cross-cutting matters / issues as appropriate.

7. Work Programme

The Overview and Scrutiny Committees will be responsible for developing a single integrated Overview and Scrutiny work programme. The work programme will reflect the priorities of the Wirral Plan.

8. Agenda items

Any member of an Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and / or Council. The Cabinet and / or Council shall consider the report of the Overview and Scrutiny Committee within two months of receiving it or the next available meeting should that not be possible.

9. Policy review and development

- (a) The role of the Overview and Scrutiny 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, Overview and Scrutiny 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) Overview and Scrutiny 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 advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from Overview and Scrutiny Committees

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny 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) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within two months or the next available meeting should that not be possible.

11. 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 Overview and Scrutiny Committees'. The reports of Overview and Scrutiny 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 Overview and Scrutiny committee completing its report/recommendations or the next available meeting should that not be possible.

12. Rights of Overview and Scrutiny Committee members to documents

- (a) In addition to their rights as Councillors, members of Overview and Scrutiny 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 Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

13. Members and officers giving account

- (a) Any Overview and Scrutiny 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:-

- 1) any particular decision or series of decisions;

- 2) the extent to which the actions taken to implement Council policy; and / or
 - 3) their performance
- (b) Where any member or officer is required to attend an Overview and Scrutiny 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 Overview and Scrutiny 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.

14. Attendance by others

An Overview and Scrutiny Committee may invite people other than those people referred to 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.

15. Call-In

Arrangements for Call-In shall be conducted in accordance with Part 4a of the Council's Constitution (Standing Order 35).

In considering any matter called-in the Overview and Scrutiny 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.

16. Referral of Notices of Motion from Council

Council Standing Order 7 enables Notices of Motion to be referred to an Overview and Scrutiny Committee. Under those circumstances:

- (a) The Proposer and Seconder of a motion which has been referred above shall be given at least 7 days notice of the meeting at which the motion is to be considered. The Proposer (or in his/her absence, the Seconder) shall be expected to attend the meeting and explain the Motion.
- (b) The Chairperson may call an extraordinary meeting of the Committee if he/she considers the matter to be time sensitive and the matter should be considered before the next scheduled meeting of the Committee.
- (c) At the discretion of the Chairperson, other persons with expertise on the subject of the Motion may be invited to attend the meeting at which it is to be considered.

(d) The following shall apply to speakers:-

- (1) the Proposer (or in his/her absence, the Secunder) of the Motion – shall have up to 5 minutes to explain the motion (unless otherwise permitted by the Chairperson).
- (2) any other person – up to 3 minutes (unless otherwise permitted by the Chairperson).
- (3) the Proposer (or in his/her absence, the Secunder) of the Motion shall have the right of reply - not exceeding 3 minutes (unless otherwise permitted by the Chairperson).
- (4) Questions may be asked of speakers by the Committee – not exceeding 5 minutes (unless otherwise permitted by the Chairperson).

(e) Should both the Proposer and Secunder of the motion be unable to attend, no written submission on their behalf will be permitted and the motion shall be considered in their absence.

(f) Consideration of the motion may be deferred to a future meeting to allow further information to be provided or other persons to attend.

(g) Subject to (f) above, the Committee shall debate the Motion and reach a decision.

(h) Any decision taken in respect of the motion shall be referred to the next Ordinary Council meeting for consideration.

17. The party whip

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

18. Procedure at Overview and Scrutiny Committee meetings

(a) Overview and Scrutiny Committees and sub-committees shall consider the following business:-

- 1) declarations of interest (including Party Whip declarations);
- 2) minutes of the previous meeting(s);
- 3) response of the Cabinet to reports of the Overview and Scrutiny Committee;
- 4) the business otherwise set out on the agenda for the meeting.

(b) Where the Overview and Scrutiny 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:-

- 1) that the investigation be conducted fairly and all members of the

- committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- 2) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - 3) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19. Matters within the remit of more than one Overview and Scrutiny Committee

Where a matter for consideration by an Overview and Scrutiny Committee falls within the remit of more than one Overview and Scrutiny Committee, the decision as to which Committee will be responsible for the matter will be resolved by agreement of the Chairs of the Overview and Scrutiny Committees.

ANNEX 1 CALL IN PROCEDURE

Chair's opening remarks (5 minutes)

The Chair will open the special Committee meeting convened to consider the Call-In and set out the procedure as follows:

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. Members of the Committee will be invited to ask the lead signatory questions.

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. Members of the Committee will be invited to ask the Cabinet Member questions.

Evidence from call in witnesses

The Chair will invite the following witnesses to come forward. Witnesses may read out a written statement (not to exceed 5 minutes) if they wish, prior to questions from Members of the Committee.

(Running order of witnesses)

Evidence from decision-taker's witnesses

The Chair will invite the following witnesses to come forward. Witnesses may read out a written statement if they wish (not to exceed 5 minutes), prior to questions from Members of the Committee.

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 decision-taker (5 minutes)

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

Committee Debate

The Chair will invite 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 the Council. Such a referral should only be made where the Overview and Scrutiny 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 Overview and Scrutiny Committee agrees with the initial decision the relevant Senior Officer may implement it without delay.

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