

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. Education Regulation Co-optees

The Coordinating Committee, 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.

4. 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.

5. 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).

6. 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.

7. 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.

8. 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.

9. 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.

10. 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) 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.

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 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.

12. 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.

13. 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.

14. 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.

15. 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 15 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.
 - iii. Uphold the decision. (This means that the decision can be implemented with immediate effect).
- (g) 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.

16. 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.

17. Referral from Council of Notices of Motion

Council Standing Order 7 enables Notices of Motion to be referred to a Policy and Performance Committee. Under those circumstances:

- a) A member of the Council who has moved a motion which has been referred to any committee shall be given notice of the meeting at which it is to be considered. The member shall have the right to attend the meeting and an opportunity of explaining the motion.
- b) During the Policy and Performance Committee meeting:
 - i. The proposer will be invited to put the case for the Notice of Motion
 - ii. Committee will debate the proposal
 - iii. An outcome will be agreed to either endorse the proposal, reject the proposal or amend the proposal
- c) The Policy and Performance Committee shall report back to Council which will debate the report or the recommendation of the Committee.

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

- (c) 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.

- (d) 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 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 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 without delay.