

NORTH LINCOLNSHIRE COUNCIL

ANNUAL MEETING

CONSTITUTION

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To propose changes to the Constitution in relation to the council's working arrangements for 2011/2012.

2. BACKGROUND INFORMATION

- 2.1 The Local Government Act 2000 requires the council to adopt a Constitution. The Constitution is a "living document" which requires frequent amendment to keep up with changes made by the council to its management structure and procedures.

3. ISSUES FOR CONSIDERATION

- 3.1 The Constitution has been amended on a number of occasions since it was first adopted.
- 3.2 Following a review of some of the working practices adopted since May, 2011, and other legislative changes it is now necessary to make a number of changes to the Constitution to facilitate changes to working arrangements for 2011/2012.
- 3.3 The attached appendices detail the proposed changes to the relevant parts of the Constitution. All changes and additions are in bold type and deletions are also detailed. These include -
- (i) Cabinet Member Portfolios - **Appendix A**
 - (ii) Council Procedure Rules - **Appendix B**
 - (iii) Overview and Scrutiny Procedure Rules - **Appendix C**

4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

4.1 There are no staffing, financial, property or IT implications associated with this report.

5. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER

5.1 Changes to the council's constitution must be approved by the council in accordance with the Local Government Act 2000.

6. OUTCOMES OF CONSULTATION

6.1 The proposed changes to the Constitution are as a result of the details referred to above.

7. RECOMMENDATIONS

7.1 To consider approving the changes to the council's Constitution as detailed in paragraph 3.3 and the appendices to the report

DIRECTOR OF CORPORATE AND COMMUNITY SERVICES

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Date: 18 May 2011

Background Papers used in the preparation of this report - The Council's Constitution.

DELEGATED FUNCTIONS

CABINET MEMBERS	FUNCTION
LEADER INCLUDING REGENERATION	<ol style="list-style-type: none"> 1. To oversee the strategic financial issues relating to the council. 2. To consider policies and programmes relevant to the economic wellbeing of the area. 3. To approve initiatives to take advantage of funding mechanisms of the UK Government, the European Union and other sources of external funding. 4. To carry out and monitor approved marketing promotion and similar activities designed to enhance the area. 5. To deal with all matters relating to land reclamation within the council's approved policies. 6. To deal with all matters relating to the council's relationship with external trading agencies and new deal initiatives. 7. To approve grants for twinning/linking arrangements within a budget and in accordance with general policy. 8. The council's functions within the following broad areas <ol style="list-style-type: none"> (a) Strategic Policy, Planning and Performance (b) The Local Strategic Partnership (c) Regional and Sub-Regional Networking 9. To oversee all aspects of the Council's emergency planning arrangements

<p>HIGHWAYS AND NEIGHBOURHOODS</p>	<ol style="list-style-type: none"> 1. To exercise the council's functions as Weights and Measures Authority. 2. To exercise the council's functions as Food Authority. 3. To exercise the council's functions as Waste Collection Authority. 4. To exercise the council's functions as Waste Disposal Authority. 5. To exercise the powers, duties and functions of the council under environmental health, trading standards and consumer protection and similar legislation including:- <ol style="list-style-type: none"> A <ol style="list-style-type: none"> (i) food safety and hygiene; (ii) the control of shops; (iii) the health, safety and welfare of persons at work; (iv) the control of pollution and other nuisances; (v) communicable diseases; (vi) health education/promotion; (vii) home safety; (viii) public conveniences; and (ix) cemeteries and crematoria. B <ol style="list-style-type: none"> (i) food standards/composition and labelling; (ii) animal health and welfare; (iii) description of goods, services, property and prices; (iv) the meteorological inspection and verification of goods and equipment; (v) control/storage of hazardous and dangerous products;
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	<ul style="list-style-type: none"> (vi) legal/technical support to the business community, and (vii) consumer advice and education. <p>6. The setting of fees and charges for functions within the area of responsibility.</p> <p>7. To oversee the general preparation, implementation and monitoring of approved environmental health and waste policies and programmes of the council including:-</p> <ul style="list-style-type: none"> (a) food and water safety; (b) health and safety; (c) infectious disease control; (d) environmental control (e) health promotion, and (f) waste management <p>8. The Council's functions within the following broad areas:-</p> <ul style="list-style-type: none"> (a) Provision of school meals (b) Cleaning services (c) Fleet management/vehicle maintenance (d) Ground maintenance (e) Street cleaning (f) Parks and open spaces (g) Allotments (h) The Clean Neighbourhoods and Environment Act (i) Licensing matters other than those delegated to the Licensing Committee
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	<ol style="list-style-type: none"> 9. Any other functions not expressly listed above that are within the remit of Neighbourhood and Environmental Services. with the exception of housing functions that are the responsibility of the cabinet member for Housing and Strategic Planning. 10. To exercise the functions of the council as Highway Authority, Street Works Authority, Road Safety Authority and generally in relation to highways and traffic management. 11. The functions of the council relating to public passenger transport under the Transport Act 1985 and other enactments. 12. All matters relating to land drainage issues. 13. To develop the grant of exemptions to the Advance Payments Code. 14. The formulation of policy for disused railway lines in the council's ownership pending their permanent use. 15. Approval of private street works schemes. 16. Creation, stopping up and diversion of highways, and including applications to any appropriate court. 17. Matters within the agreed policies relating to Humberside Airport which may affect the council's overall transportation system. 18. Matters relating to apparatus, structures, signs, pipes, cables and the like in under or over the highway. 19. Approval of highway maintenance and capital programmes including letting of associated contracts and all matters relating to winter maintenance. 20. To advise on the council's public transport policies. 21. All matters relating to bus routes, bus fares, bus stops and bus signs.
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	<p>22. All matters relating to concessionary public transport facilities.</p> <p>23. To monitor programmes and achievements with regard to road safety.</p> <p>24. All matters relating to the provision of signs, street lights, signals, barriers, subways, bridges and other things necessary or desirable for traffic movement or road safety.</p> <p>25. The making of orders for the control of dogs on the highway.</p> <p>26. To approve applications for the erection of public conveniences within the highway.</p> <p>27. The provision of highway amenities under Part VIIA of the Highways Act 1980.</p> <p>28. Naming and renaming of streets and numbering and renumbering of dwellings and properties in cases where there is a dispute.</p> <p>29. To discharge the council's functions in relation to the construction and maintenance of sewers and sewage pumping stations for which the council is responsible and as a result of agency arrangements with relevant Water Authorities.</p> <p>30. To consider any new evidence and modifications to the definitive map pursuant to section 53 of the Wildlife and Countryside Act 1987.</p> <p>31. To approve the council's environment strategy plan and all associated matters relating to the protection and enhancement of the environment.</p> <p>32. To consider rural development issues and environmental improvement schemes.</p> <p>33. To keep under review and to make recommendations on all matters relating to the protection and enhancement of the environment, referring relevant matters to other service areas for consideration as appropriate.</p>
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	<p>34. To recommend standards and monitor environmental performance across services to promote an all-embracing and cohesive approach to the development of effective environmental strategies for the council regarding sustainable development.</p> <p>35. To take direction from other service areas on particular areas of environmental research and report back on their deliberations.</p> <p>36. To promote sustainability training and awareness raising throughout the council and its main partners in the industrial, commercial and voluntary sectors, as well as with the general public and local communities.</p> <p>37. To publish information on the council's function relating to environmental performance.</p> <p>38. To co-ordinate work in the implementation of an Energy Management Policy for the council.</p> <p>39. To promote, monitor and evaluate energy conservation schemes and alternative sources of energy.</p> <p>40. To consider traffic management measures, traffic regulation schemes and orders and matters in relation to the provision and maintenance of parking facilities in general.</p> <p>41. In relation to the introduction of civil parking enforcement -</p> <ol style="list-style-type: none"> 1. To provide and maintain a parking infrastructure including the following - <ol style="list-style-type: none"> (a) designation of parking spaces (b) charges for parking/prescribed fees (c) relocation, removal and disposal of vehicles and the fixing of fees/charges (d) contraventions and the fixing of penalty charges (e) parking orders
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	<p>(f) to join the Parking Tribunal service</p> <p>2. To create and review a parking policy</p> <p>3. To create and review a parking enforcement policy</p> <p>4. To set service standards for the delivery of parking enforcement</p> <p>5. To receive income from parking enforcement and use any such income for relevant purposes</p> <p>42. To exercise the council's functions as a strategic housing authority including:-</p> <p>(a) balancing housing markets through affordable housing, market renewal and planning for sustainable communities;</p> <p>(b) assessing and meeting the diverse needs of the young, elderly, disabled, homeless, learning difficulties or those from disadvantaged minority groups;</p> <p>(c) partnership working with national regional and local bodies;</p> <p>(d) matters relating to the allocation of public sector housing and dealings with tenants in consultation with North Lincolnshire Homes;</p> <p>(e) strategies for the improvement of private sector housing and determining housing policy to award loans, grants or other forms of assistance;</p> <p>(f) enforcement of housing standards and legislation relating to private sector housing:</p> <p>(g) the development of home energy conservation and affordable warmth in consultation with other cabinet members to ensure a consistent approach to environmental and climate change issues:</p>
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	<p>43. To co-ordinate and develop joint working arrangements with North Lincolnshire Homes to ensure that the council's functions as a strategic housing authority are fulfilled.</p> <p>44. To approve staffing matters relating to the service area.</p>
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ADULT AND CHILDREN SERVICES

1. To exercise, on behalf of the council, all powers and duties of the council as Local Education Authority under the various enactments in force from time to time and the byelaws and regulations made thereunder relation to:-
 - (a) education;
 - (b) the employment of children and young persons in entertainment and generally their care and control arising therefrom;
 - (c) provision of social, physical and recreational facilities for the youth service in particular and, where educational facilities are involved, the community in general.
2. The development of service and facilities for children under statutory school age and for older children outside school hours through voluntary and private provision.
3. The making of grants to groups associated or involved with the promotion or provision of facilities or services to young children.
4. The development of policy relating to schools including sixth forms.
5. The development of policies relating to the provision of special education throughout all phases.
6. To arrange for appropriate liaison with the Health Authorities, other service areas of the council and other bodies in respect of services provided by the Education Service.
7. The development of policy relating to the Youth Services within the context of council policy and national legislation.
8. To monitor and review the range, standard and quality of Youth Services and ensure effective provision within budgets determined by the council.
9. To consider and make recommendations on

	<p>the council's quality assurance service commitments and reports, notably inspection reports regarding Youth Services.</p> <ol style="list-style-type: none"> 10. Policy regarding awards and pupil support including clothing and similar grants. 11. To approve and review management plans produced by the Youth Service. 12. To consider and respond to operational matters arising from the evaluation and monitoring process, including consideration of and responses to evaluation reports from recognised external agencies. 13. To oversee the co-ordination of Youth Services and to arrange for appropriate liaison with other providers, as appropriate, including other council services, voluntary organisations, colleges and other relevant external service providers. 14. To oversee appropriate liaison with bodies engaged in services connected with the provision of those services. 15. To determine applications for grant aid including awards for fees, maintenance or transport to students and to remit tuition and related fees in appropriate cases. 16. Functions under the Local Authority (Social Services) Act 1970. 17. The powers and duties of the council under Section 7(b) Local Authority (Social Services) Act 1970 (Complaints Procedure). 18. The powers and duties of the council under the Social Security Administration Act 1992. 19. To appoint representatives to serve on governing bodies of Community Homes. 20. To deal with all matters arising from the registration, inspection, conduct and operation of children's homes, nurseries, childminders and private foster parents under The Children Act 1989.
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	<p>21. Insofar as they are not otherwise delegated all other social services functions of the council.</p> <p>22. The review and monitoring of the standard and quality of services and to make recommendations on the discharge of social services functions relating to the welfare, care, maintenance and adoption of children and young persons.</p> <p>23. Matters relating to the application for, or utilisation of grants made available by Central Government in respect of services provided for children and young persons.</p> <p>24. The development of joint policies and working with health authorities, other councils, housing associations and voluntary organisations in respect of services for children and young persons and to receive minutes and reports from such organisations as appropriate.</p> <p>25. Any consultation documents issued by Central Government departments or health authorities which have implications for social services.</p> <p>26. Action with regard to grant aid applications received from voluntary organisations in respect of children, young persons and vulnerable persons and to consider appeals in connection therewith.</p> <p>27. To appoint persons to undertake rota visits to establishments for children, young persons, vulnerable persons and sheltered workshops receive reports thereof and fulfil the requirements of the Children Act where appropriate.</p> <p>28. To determine any matters of any necessary consent relating to children or young persons that may be referred by the Director of Children's Services.</p> <p>29. To approve payments made in accordance with Section 17 of the Children Act 1989 where the amount exceeds £500.</p> <p>30. To appoint representatives to local voluntary organisations promoting the care and well</p>
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	<p>being of children and young people and vulnerable persons.</p> <p>31. The powers and duties of the council under the Access of Personal Files Act 1987 insofar as they relate to information held for the purposes of the council's social services functions.</p> <p>32. Matters other than policy arising in connection with research and with assistance to voluntary organisations in relation to the social services function.</p> <p>33. Arrangements for utilising and co-ordinating the services of voluntary organisations or individuals in relation to any matter relating to the social services function.</p> <p>34. Responsibilities for the registration of war charities and charities for disabled persons.</p> <p>35. To exercise the powers of co-option where deemed appropriate within the provisions of the Local Authority (Social Services) Act 1970 and the Chronically Sick and Disabled Persons Act 1970.</p> <p>36. To deal with all matters arising from the registration, inspection, conduct and operation of registered homes under the Registered Homes Act 1984.</p> <p>37. The review and monitoring of the standard and quality of services and to make recommendations on the discharge of social services functions relating to the welfare, care, maintenance of vulnerable persons.</p> <p>38. Matters relating to the application for, or utilisation of grants made available by Central Government in respect of services for vulnerable persons.</p>
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	<p>39. The standard and quality of Sheltered Employment provided for disabled persons as defined in Section 29 of the national Assistance Act 1948 and to receive reports in relation to Sheltered Workshops.</p> <p>40. To approve the provision of assistance of personal aids and adaptations in the home where the costs exceed £2,000 in any one case.</p> <p>41. To approve grants to approved blind and partially sighted home workers where the costs exceed £300 in any one case.</p> <p>42. To approve payments in accordance with Rent Guarantees where the amounts exceed £100.</p> <p>43. To determine any matter relating to individuals referred by the Director of Adult Services including issues relating to sheltered employment.</p> <p>44. The development of policy relating to Adult Education Services within the context of council policy and national legislation.</p> <p>45. To monitor and review the range, standard and quality of Adult Education Services and ensure effective provision within budgets determined by the council.</p> <p>46. To consider and make recommendations on the council's quality assurance service commitments and reports regarding Adult Education Services.</p> <p>47. To approve and review management plans produced by the Adult Education Service.</p> <p>48. To consider and respond to operational matters arising from the evaluation and monitoring process, including consideration of and responses to evaluation reports for recognised external</p>
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	<p>agencies.</p> <p>49. To oversee the co-ordination of Adult Education Services and to arrange for appropriate liaison with other providers, as appropriate, including other council services, voluntary organisations, colleges and other relevant external service providers.</p> <p>50. To oversee appropriate liaison with bodies engaged in services connected with the provision of those services.</p> <p>51. To determine applications for grant aid including awards for fees, maintenance or transport to students and to remit tuition and related fees in appropriate cases.</p> <p>52. All matters relating to the Council's supporting people programme.</p> <p>53 To approve staffing matters relating to the service area.</p>
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CORPORATE AND
COMMUNITY SERVICES

1. To consider and commission corporate personnel related and human resource management studies and initiatives.
2. To approve lists of selected contractors.
3. To make arrangements to secure the safety and preservation of the archives and records of the council.
4. To deal with all matters relating to Community Safety in North Lincolnshire.
5. The council's functions within the following broad areas -
 - (a) Library and Information Services
 - (b) Local Links
6. The provision of Library and Information Services within the responsibility of the Director of Corporate and Community Services -
 - (a) Static Libraries
 - (b) Mobile Libraries
 - (c) Local Links
7. To approve policies and plans in relation to all the functions set out in paragraphs 6 and 7 above.
8. Corporate Safety including personnel issues relating to council employees.
9. The council's functions within the following broad areas -
 - (a) Public Relations and Communications
 - (b) Mayoral Services
 - (c) Reprographics
 - (d) Community Cohesion and Diversity

	<p>10. To approve staffing matters relating to the service area.</p>
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ASSET AND ESTATE
MANAGEMENT, SPORT,
LEISURE AND CULTURE AND
IT SERVICES

1. The council's functions generally in relation to leisure activities.
2. To consider any matters relating to heritage and arts, especially those relating to funding and to the detailed work of regional agencies.
3. The provision of leisure and amenity services within the responsibility of the Director of Infrastructure -
 - (a) Art Galleries
 - (b) Museums
 - (c) Theatres
 - (d) Concert Halls
 - (e) Exhibitions
 - (f) Art Centres
 - (g) Swimming Baths
 - (h) Sports Facilities
 - (i) Entertainments
 - (j) Normanby Hall Country Park
 - (k) Open Spaces
 - (l) Recreational Facilities, including allotments, amenity areas and heritage and countryside recreational facilities.
4. To make decisions in respect of all applications for financial assistance received which come within the province of Leisure Services.
5. The appointment of an awards panel to consider applications for awards of North Lincolnshire Colours and Long Service Certificates.

	<ol style="list-style-type: none"> 6. The council's functions generally in relation to archaeology within North Lincolnshire. 7. The awarding of grant aid towards the provision of facilities for sporting, leisure, cultural and recreational purposes. 8. The awarding of North Lincolnshire Colours and Long Service Awards to voluntary organisations and individuals representing North Lincolnshire. 9. Grants in accordance with the Aid to Parishes and Aid to Communities schemes. 10. To consider all matters relating to the promotion of tourism in North Lincolnshire always ensuring that a consistent corporate approach is taken and particularly taking into account the need to promote the economic development of the area. 11. To deal with all matters relating to the council's markets function. 12. To oversee information technology within the council, to approve the council's information communications technology strategy and corporate information technology developments, and to determine technical standards and advise upon departmental technology developments. 13. To purchase, sell, lease or deal with commercial land and property including rental review and related matters. 14. To approve the acquisition of operational land and rights over, or under such land to meet the needs of the council, including the making of compulsory purchase orders under any statutory power available to the council and to approve the terms of such acquisition.
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	<p>15. To oversee the use and management (including the right to terminate the use for any particular purpose) of all operational land and accommodation in the occupation of the council, including proposals for its development by any public or private developer.</p> <p>16. To approve the disposal of operational land surplus to the needs of the council and of rights over, on or under land and to approve the terms of any such disposal after reference by the appropriate Director.</p> <p>17. To approve the appropriation of land from one statutory purpose to another.</p> <p>18. To discharge the functions of the council in respect of:-</p> <p style="padding-left: 40px;">purchase notices, blight notices, claims for compensation under the Town and Country Planning Acts, claims relating to</p> <p style="padding-left: 40px;">land under the Land Compensation Acts, the exercise of the council's discretion under the Land Compensation Act 1973, disturbance payments under Acts other than the Land Compensation Act 1973, User Rights (under The Local Authorities (England) (Property etc) Order 1973).</p> <p>19. To approve the setting up of new small-holdings and to have general oversight of the management of these.</p> <p>20. To make arrangements for the interview and selection of tenants for smallholdings.</p> <p>21. To advise on the repair and maintenance of all council buildings (other than, where applicable, areas not covered in statute under the local management of schools) subject to consultation each year with the appropriate service areas.</p> <p>22. To advise on the general oversight of the architectural and buildings maintenance functions of the council.</p>
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	<p>23. Without prejudice to any contractual relationship entered into by the council, to authorise the occupation of any new building by all services -</p> <p>(a) after receiving and approving a report by the Director of Infrastructure that the building is complete and fit to be occupied, and</p> <p>(b) after visiting and inspecting the building and being satisfied as to its condition and completeness.</p> <p>24. To oversee the supervision of the letting and conduct of building contracts (including the appointment of consultants) within existing budgetary provision provided that appropriate progress reports are made to the relevant service area.</p> <p>25. To oversee the use and development of land and buildings specifically provided for community uses other than those falling within the terms of reference of any other service area.</p> <p>26. Site selection and design for country parks, picnic sites, open spaces and other countryside recreational facilities.</p> <p>27. To approve staffing matters relating to the service area.</p>
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<p>FINANCE AND PROCUREMENT</p>	<ol style="list-style-type: none"> 1. To co-ordinate any central purchasing arrangements. 2. To monitor Audit Commission reports and to oversee all value for money audits in conjunction with the appropriate service areas. 3. To approve proposals for capital expenditure, increases in revenue expenditure, supplementary estimates and virements in accordance with the financial regulations of the council. 4. To deal with all applications relating to the granting of discretionary rate relief and the remission and reduction of rates in accordance with approved policy. 5. To undertake the role of procurement champion including ensuring that the corporate procurement strategy is aligned with strategic objectives; monitoring its implementation and performance and promoting it to elected members; overseeing corporate arrangements for procurement and delivery of efficiencies. 6. To write off debts in excess of £1500. 7. To oversee the council's arrangements relating to the administration of the council tax benefits and housing benefits schemes. 8. To approve staffing matters relating to the service area.
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PART D RULE 1 - COUNCIL PROCEDURE RULES

ADMINISTRATIVE ARRANGEMENTS

D1.01 GROUP SECRETARIES

Each Political Group shall appoint one member as Group Secretary and notify the Director of Corporate and Community Services. The **Chief Executive** shall report such appointments to the full Council.

The Group Secretaries shall in consultation with the Director of Corporate and Community Services be responsible for the administrative arrangements relating to council meetings.

D1.02 LEADER AND DEPUTY LEADER

- (a) The Leader shall be elected by full Council at the annual meeting of the Council in accordance with article B7.03 **and in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007**
- (b) The Deputy Leader shall be appointed by the largest political group on the Council and notified to the Director of Corporate and Community Services. The **Chief Executive** shall report such appointment to the full Council.
- (c) The Leader and Deputy Leader of the Opposition shall be appointed by the largest political group in Opposition and notified to the Director of Corporate and Community Services. The **Chief Executive** shall report such appointments to the full Council.

D1.03 ANNUAL MEETING OF THE COUNCIL

- (a) In a year when there is an ordinary election of Councillors the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:-

- (i) Elect a person to preside if the Mayor is not present;
- (ii) Elect the Mayor;
- (iii) Elect the Deputy Mayor;
- (iv) Approve the Minutes of the last meeting;

- (v) Receive any announcements from the Mayor;
 - (vi) Elect the Leader **for a four year term.**
 - (vii) **Note** the number of members to be appointed to the Cabinet.
 - (viii) Appoint at least one scrutiny committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part C1.01 of this Constitution);
 - (ix) Agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree;
 - (x) Approve a programme of ordinary meetings for the Council for the year;
 - (xi) Consider any business set out in the notice convening the meeting; and
 - (xii) Consider the Chief Executive's Report (~~if any~~).
- (b) Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council Meeting will:

- (i) Decide which Committees to establish for the new municipal year;
- (ii) Decide the size and terms of reference of those Committees;
- (iii) Decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (iv) Receive nominations of Councillors to serve on each Committee and Outside Body (where not delegated to the Director of Corporate and Community Services); and
- (v) Appoint to those Committees and Outside Bodies (except where delegated to the Director of Corporate and Community Services or where such appointments are exercisable only by the Executive).

D1.04 ORDINARY MEETINGS

- (a) Ordinary meetings of the council will take place in accordance with the programme decided at the council's annual meeting. The order of business at ordinary meetings shall be:-

- (i) To elect a person to preside if the Mayor and Deputy Mayor are not present.
- (ii) To receive any announcements from the Mayor.
- (iii) To receive any declarations of interest from members.
- (iv) To receive any announcements from the Mayor, Leader, Members of the Cabinet or the Chief Executive.
- (v) To approve as a correct record the minutes of the previous meeting(s) of the Council.
- (vi) To deal with any business from the last council meeting.
- (vii) Policy Development.
- ~~(viii) Forward Plan. DELETE~~
- ~~(viii)(ix) To receive reports from the council's committees including Scrutiny Committees. DELETE~~
- ~~(ix)(x) To receive minutes from the council's committees.~~
- ~~(x)(xi) To deal with questions on any of those minutes.~~
- ~~(xi)(xii) To receive other reports.~~
- ~~(xii)(xiii) To deal with questions relating to the Police Authority.~~
- ~~(xiii)(xiv) To deal with questions relating to the Fire Authority.~~
- ~~(xiv)(xv) To deal with questions from members of the public (including members of town and parish councils). **The time allowed for such questions to be unlimited.**~~
- ~~(xv)(xvi) To consider Notices of Motion under Rule D1.16.~~
- ~~(xvi)(xvii) To consider any other business specified in the summons to the meeting.~~
- (b) ~~To secure the efficient despatch of business the Director of Corporate and Community Services shall prepare for the guidance of members a draft timetable for each meeting showing times to be allocated to each item on the summons but the despatch of business and~~ The time actually allocated to each item shall be determined by the Mayor or other person presiding at the meeting. In dealing with the business of the council meeting the Mayor or other person presiding may

adjourn the meeting for 15 minutes or such other period as he or she thinks appropriate.

D1.05 EXTRAORDINARY MEETINGS

Extraordinary Meetings will be called by the Director of Corporate and Community Services. Those listed below may request the Director of Corporate and Community Services to call an Extraordinary Meeting:

- (a) The Council by Resolution;
- (b) The Mayor;
- (c) The Monitoring Officer; and
- (d) Any five members of the Council if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition;
- (e) The Summons to the Extraordinary Meeting shall set out a motion prepared by the person(s) requesting the meeting and relating to the subject matter specified in the request for the meeting.

D1.06 FORMAL MATTERS

- (a) The entrance and exit of the Mayor shall be announced at the commencement/adjournment/termination of the meeting and all members shall stand.
- (b) The seating positions of members in the Council Chamber shall be the responsibility of the Director of Corporate and Community Services in consultation with the group secretaries.
- (c) Photographs, video or sound recordings will not be permitted in the council chamber or during any other meeting unless prior consent is obtained.

~~D1.07 GUILLOTINE~~

~~Unless otherwise agreed by the Council any business not disposed of within 3 hours of the commencement of the Council meeting shall be put to the meeting by the Mayor for decision without speech or debate. **DELETE**~~

D1.08 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB COMMITTEES

- (a) Substitutes shall not be permitted at meetings of the Executive, or committees of the Executive.

- (b) Otherwise a councillor who is a full member of a committee or sub-committee, shall if they wish a substitute member to attend a meeting of that committee or sub-committee in their place, give the Director of Corporate and Community Services, or his representative, written notice that they are unable to attend and that a substitute member named in the substitution notice will attend in their place.
- (c) The notice shall be given prior to the Chair of the meeting opening the meeting. The notice shall be signed by the member giving the notice or the relevant Group Secretary on their behalf.
- (d) The substitute member shall be any councillor who is not a full member of the committee or sub-committee and is a member of the same political group as the member giving the notice. The leader and leader of the opposition may not act as a substitute at a meeting of the Standards Committee.
- (e) The effect of the substitution notice shall be that the member giving the notice shall cease to be a member of that committee or sub-committee for the duration of that meeting and any adjournment of it and that the substitute member shall be a full member of the committee or sub-committee for the same period.
- (f) A substitution notice once given in respect of a meeting of a committee or sub-committee may not be revoked in respect of such meeting or any adjournment of it.
- (g) The member giving the notice shall be responsible for giving notice of the meeting and any agenda and meeting papers to their substitute.

D1.09 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Director of Corporate and Community Services and notified in the Summons.

D1.10 NOTICE OF AND SUMMONS TO MEETINGS

The Director of Corporate and Community Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Director of Corporate and Community Services will send a Summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The Summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

D1.11 EXERCISING POWERS

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub Committee meetings, references to the Mayor include the Chairman of Committees and Sub Committees.

D1.12 QUORUM

The quorum at meetings of the Council will be one quarter of the whole number of members.

D1.13 EXCEPTED ITEMS/RIGHT TO SPEAK

All motions (other than those specified in Rules D1.16 and D1.20) on business set out in the Council Summons shall be moved by the Majority Group.

Any member of the council wishing to move an amendment in respect of any such business shall notify the Director of Corporate and Community Services of his/her intention in writing signed by the member and seconder not later than ~~10.30~~ **9.30** a.m. on the working day preceding the council meeting and any such items shall be referred to as excepted items.

The relevant Group Secretary shall inform the Director of Corporate and Community Services of all members who wish to speak on any business with the exception of that mentioned in Rule 1.04(a) (viii) not later than 2.00 pm on the working day preceding the council meeting.

~~No other member shall speak on any such business except that the Mayor in his or her absolute discretion may permit any other member to speak without the need for notice but any such speech shall be limited to two minutes.~~

DELETE

D1.14 MANNER OF DEALING WITH COMMITTEE MINUTES AT COUNCIL MEETINGS

- (a) Minutes of committees shall be dealt with in the order in which they appear in the Council Summons.
- (b) The approval and adoption of minutes shall be moved by (1) the Chair, or failing him/her; (2) any member of the Committee, or failing them (3) any Member of the Council who shall move "that the minutes of the committee be received and the recommendations made therein be approved and adopted save for excepted items".
- (c) After the minutes of a Committee have been moved in accordance with (b), the procedure shall be as follows:
 - (i) Excepted items shall be considered in the minute number order in which they appear in the minutes of Committees provided that

this order may be varied by the consent of the Council given by show of hands without debate. The Mayor may take two or more excepted items together if the Mayor considers it will assist the proceedings.

- (ii) Members moving excepted items may either exercise their right of reply or call upon another Member to reply on their behalf.
- (d) The only amendments which may be moved on any delegated excepted item are as follows:-
 - (i) that it be received with an instruction to the Committee or Sub Committee to submit a report giving further information; or
 - (ii) that it be received with regret at a decision arrived at by the Committee or Sub-Committee; or
 - (iii) that it be received with an instruction to the Committee or Sub-Committee as to the future policy to be adopted in relation to such matters; or
 - (iv) (if the decision has not been implemented) that it be referred back to the Committee or Sub-Committee for further consideration.

D1.15 QUESTIONS

- (a) After the minutes of a Committee are disposed of in accordance with these rules, members may ask the mover any question upon matters within the province of the Committee.
- (b) Any such questions shall be in writing signed by the member or the relevant Group Secretary and shall be submitted to the Director of Corporate and Community Services not later than 10.30 a.m. on the working day preceding the day of the meeting.
- (c) Any such questions which, in the opinion of the Mayor, are unsuitable in form, frivolous or derogatory to the dignity of the Council, shall be disallowed.
- (d) If a member ~~who~~ has submitted a question, ~~is not present when the question is called, the question may, with the consent of the Council to be given by show of hands without debate, be asked by any other member~~ **that member must be present at the meeting for the question to be asked.**
- (e) An answer may take the form of:
 - (i) a direct oral answer; or

- (ii) a reference to a publication containing the information, providing the same is readily available; or
 - (iii) a written answer circulated to all members of the Council either at the meeting or within **five working days**.
- (f) The person questioned may decline to answer or may call upon any other member of the Council to answer on their behalf.
- (g) If a question affects more than one Committee, or in part a Committee and in part the Executive, a combined reply by arrangement may be given by the Chair of one of the Committees or a member of the Executive.
- (h) There shall be no speech made or discussion allowed on any question or the answer thereto but one supplemental question may be asked at the direction of the Mayor who shall give preference to the original questioner.
- (i) Members shall not, by the unreasonable use of the right to ask a question, make a speech and no member in asking a question shall speak for more than two minutes and no member shall speak for more than five minutes in answer to any question.
- (j) Questions relating to the discharge of the functions of the Police Authority shall be dealt with in accordance with arrangements agreed from time to time with the Police Authority in accordance with the Police Act 1964 as amended by the Police and Magistrates Courts Act 1994.
- (Five clear days notice of questions must be given in relation to the functions of the Police Authority).
- (k) Questions relating to the discharge of the functions of the Fire Authority shall be dealt with in accordance with arrangements agreed from time to time with the Fire Authority.
- (Five clear days notice of questions must be given in relation to the functions of the Fire Authority).
- ~~(l) Questions relating to North Lincolnshire Homes shall be dealt with in accordance with arrangements agreed from time to time with North Lincolnshire Homes.~~
- ~~(In general five clear days notice of questions must be given in relation to the functions of North Lincolnshire Homes). **DELETE**~~
- (m) Members of the public including town and parish councils who wish to ask a question shall give notice together with a copy of the question to the Director of Corporate and Community Services not later than 9.00

a.m. on the working day preceding the council meeting. Questions will not be permitted which relate to individual planning applications, licensing and staffing issues which are, or maybe, the subject of consideration by the council's planning, licensing or appeals committees **or relate to or mention the names of individual members or officers of the Council.** The provisions of this Rule shall apply to such questions except for (a), (b), (d), (h), (j) and (k). **The time allowed for such questions to be unlimited.**

- (n) The order of questions to be asked under (m) above shall be determined by the Mayor or other person presiding at the meeting who shall give reasonable preference to persons or members who have not previously asked questions.

D1.16 NOTICES OF MOTION

- (a) All notices of motion shall be given in writing to the Director of Corporate and Community Services and shall be dated and numbered as received, and open to the inspection of every member of the Council.
- (b) The Director of Corporate and Community Services shall, if requested by a member giving notice of a motion or an amendment thereto, advise as to the legality and form of the motion or amendment and assist in its preparation.
- ~~(c) Every motion must relate to some matter in which the Council have powers or duties or which affects or may affect the area of the Council, its inhabitants or visitors.~~
- (c) **Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents. Motions or resolutions will not be permitted which relate to the personal circumstances of any individual including members of staff or elected members.**
- (c) Notices of motion must be given in writing to the Director of Corporate and Community Services at least nine clear days before the relevant meeting and must be signed by the mover and seconder. Notices of motion may only be given for the council meeting immediately following the date of the notice.
- (e) "Not more than **two** ~~three~~ notices of motion shall be listed for any council meeting. Each of the two main political groups on the council shall be entitled to have one notice of motion at each council meeting. Priority shall be given to each group on an alternating basis.

~~Additionally at any ordinary council meeting there will be the opportunity for the remaining group or the member who is not within a~~

~~political group on the council to submit a notice of motion on a proportionate rota basis. If the appropriate group/member on the rota does not wish to submit a motion it shall not be permissible for the other party to put a motion forward to that meeting by way of substitution."~~ **DELETE**

~~?(f) So far as possible the Mayor or other person presiding at the meeting shall permit a period not exceeding 20 minutes for discussion of each notice of motion. Notwithstanding anything contained in council procedure Rule 1.07 the Mayor or other person presiding at the meeting shall permit the mover of the original motion a right of reply at the end of any such debate or at the end of the 20 minute period and prior to the vote being taken. **DELETE**~~

(g) If a motion set out in the Summons is not moved or seconded by the named members who gave notice of it, it may be moved or seconded by some other member on their behalf. Any motion not moved at the meeting at which it appears upon the Summons shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

(h) If the subject matter of any such motion comes within the province of any Committee or Committees, it shall, upon being formally moved and seconded, stand referred without speech or debate, to such Committee or Committees for consideration and report, provided, however, that if in the Mayor's opinion it is a matter of urgency, the Mayor may allow the motion to be dealt with at the meeting unless the motion would, if carried, have the effect of materially increasing the expenditure or reducing the revenue of a committee, or would involve capital expenditure.

D1.17 AMENDMENT OR ALTERATION OF A MOTION

(a) A member (being the mover of a motion) may with the consent of the seconder and of Council signified without discussion: -

(i) alter a motion of which the members have given notice; or

(ii) alter a motion which the member has moved

if in either case the alteration is one which could be made as an amendment to the motion.

(b) A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council signified without discussion.

(c) No member may speak on a motion or amendment after the mover has asked to withdraw it, unless permission has been refused.

D1.18 FREQUENCY OF CONSIDERATION OF BUSINESS

- (a) Any matter which in a year shall have been decided twice by the Council (whether or not under delegated authority) in the same way shall not in the same year be again submitted for consideration, and this Rule shall not be evaded by the substitution of a motion differently worded but in principle the same.
- (b) In this Rule "year" means a period of time between Annual Meetings of the Council.

D1.19 RULES OF DEBATE

- (a) No motion or amendment shall be spoken upon except by the mover until it has been seconded.
- (b) At every meeting of the Council all motions and amendments shall be reduced into writing, signed by the mover and seconder and delivered to the Director of Corporate and Community Services or appropriate representative and to all members present in the chamber immediately upon the mover commencing his/her speech.
- (c) A member other than the named seconder may formally second a motion or an amendment in which case, they may speak later in the debate.
- (d) A member, when speaking, shall stand and address the Mayor. If two or more members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a member is speaking, the other members shall remain seated, unless rising to a point of order or in personal explanation.
- (e) Members shall direct their speeches strictly to the subject matter under discussion or to a point of order or to a personal explanation.
- (f)
 - (i) No member shall speak for more than ~~three~~ **five** minutes on the question under discussion except as provided in sub paragraph (f) (ii).
 - (ii) In dealing with a motion or an amendment to a motion, notice of which has been given under Rule D1.16, the mover of the original motion in moving the motion shall speak for not more than ~~ten~~ **five** minutes and all other speakers (including the seconder of the motion and the mover and seconder of any amendment to the motion) shall speak for not more than **five** ~~three~~ minutes.
 - ~~(iii) Whenever reports of Scrutiny Panels are submitted to council for consideration the Chairs of such panels, when introducing and moving reports, shall speak for not more than five minutes and~~

~~all other speakers (including the seconder and the mover and seconder of any amendment) shall speak for not more than three minutes. DELETE~~

- (g) A member shall not (except in the exercise of a right to reply) speak more than once on the same motion or amendment except to a point of order, or by way of personal explanation.
- (h) Any amendment to a motion, notice of which has been given under Rule D1.16, may be moved provided that the names of the mover and seconder have been submitted to the Director of Corporate and Community Services not later than 10.30 am on the working day preceding the day of the meeting and that such an amendment (i) has reference to the subject matter of the motion and (ii) is not a direct negative of the motion.
- (i) Amendments, other than those referred to in paragraph (h), shall relate to the motion and either:
 - (i) refer a matter to a Committee for consideration or reconsideration;
 - (ii) refer a matter to the Executive for consideration;
 - (iii) leave out words;
 - (iv) add or insert words; or
 - (v) leave out words and add or insert words but shall not have the effect of negating the motion.
- (j) If an amendment be carried, it shall displace the original motion and become itself a substantive motion, upon which any further amendment may be moved. However, such further amendment shall not be inconsistent with the alterations of the original motion made by the amendment which has been carried, and the further amendment must comply with the provision of paragraph (h) above.
- (k) The mover of a motion, or of an amendment which has become the substantive motion, shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. A member exercising a right of reply under this Rule shall not introduce new matter in the reply.

The mover of an amendment shall have no right of reply to the debate on the amendment

- (l) A member of the Council, other than the mover or seconder of a motion or amendment before the Council, may at any time formally move "that the Council proceed to the other business of the day" on the formal seconding of which the Mayor shall immediately put the same to the Council without speech or debate, and if carried by show of hands the subject in debate shall be considered as disposed of.
- (m) A member of the Council, other than the mover or seconder of a motion or amendment before the Council, may at any time formally move "that the question be now put", and upon being formally seconded, it shall be put forthwith without speech or debate. Where an amendment is under discussion, the motion shall apply only to that amendment. If the motion be carried, then, if the question before the Council is the original motion or a first amendment, the Mayor shall call upon the mover of the original motion to reply before putting the question.
- (n) Upon a motion for an adjournment, all the speakers shall limit their observations to the question of adjournment. After a motion for adjournment of a debate, or adjournment of the Council has been rejected, another motion for the same or like purpose shall not be moved within thirty minutes, except by consent of the Council, to be given by show of hands without debate. On resuming an adjournment debate the member who moved the adjournment shall be entitled to speak first.
- (o) The Mayor may at any time, upon being satisfied that any motion or other matter has been fully debated by the Council, require that "the question be now put" but before the question is put, the mover of the motion shall be entitled to exercise a right of reply.
- (p) A member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Rule or statutory provision and the member shall specify the Rule or statutory provision and the way in which in the Member's opinion it has been broken. A personal explanation must relate to a speech already made by the member in the debate on the motion or amendment before the Council which may have been misunderstood. The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be challenged.
- (q) Whenever the Mayor rises during a debate any members then standing shall resume their seats and the Council shall be silent.

D1.20 MOTIONS AND AMENDMENTS WITHOUT NOTICE

A member may move without notice, any of the following motions and amendments:-

- (a) to appoint a Chair for that meeting or the remainder of the meeting;

- (b) motions relating to the accuracy of the minutes;
- (c) motions to approve and adopt the recommendations of a committee;
- (d) that a matter be referred or referred back to a Committee;
- (e) that the Council proceed to the other business of the day;
- (f) that the question be now put;
- (g) that the debate be now adjourned;
- (h) that the Council do now adjourn;
- (i) that a member named be not further heard;
- (j) **that** a member **named be required** to withdraw;
- (k) that a member **named** be required to leave the meeting;
- (l) to suspend one or more Procedure Rules;
- (m) that a body be appointed, or a person appointed to a Committee or body occasioned by an item mentioned in the Summons to the meeting;
- (n) giving the consent of the Council where the consent of the Council is required under these Procedure Rules;
- (o) to vary the order of the agenda;
- (p) to give leave to withdraw a motion;
- (q) authorising the sealing of documents;
- (r) to adopt or otherwise proposals in reports to Council.
- (s) to extend the time limit for speeches.

D1.21 DISORDERLY CONDUCT

- (a) The Mayor may call a member to order for irrelevance, repetition, imputation of dishonourable conduct or improper remarks, unseemly language, offensive gestures or any breach of order and may direct any members, if speaking, to discontinue their speech; and any member of the Council may rise to call the attention of the Mayor to any of the said matters during the speech of a member.
- (b) If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor

or any other member may formally move that the member be not heard further. If seconded, the motion will be voted on without discussion.

- (c) If the member continues to behave improperly after such a motion is carried, the Mayor or any other member may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- (d) If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

D1.22 CONDUCT OF THE PUBLIC

- (a) If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.
- (b) If there is a general disturbance in any part of the meeting room open to the Public, the Mayor may call for that part to be cleared.

D1.23 VOTING

- (a) Voting at meetings of the Council will be by show of hands or using an electronic voting system at the discretion of the Mayor. If there is no dissent the Mayor may take the vote by the affirmation of the meeting. Members must be seated when the vote is taken.
- (b) If an electronic voting system is used members will have a period of 30 seconds in which to register their votes. At the expiry of the period of 30 seconds the votes then registered will be binding, unless a member immediately indicates to the Mayor that his/her vote has not been registered or has been incorrectly registered whereupon the Mayor will ask for the vote to be retaken by show of hands. Members who have not registered a vote at that time will be taken to have abstained.
- (c) Where any member requests immediately after the vote is taken, their vote will be recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.
- (d) If four members present at the meeting **rise and** demand it prior to the vote being taken, the voting shall be recorded so as to show whether each member present voted for or against the question or abstained from voting. A recorded vote may be taken using an electronic voting system or by a manual roll call. In the case of a manual roll call a period of 30 seconds shall be permitted to allow members to take their places in the meeting room immediately after which the votes shall be taken. The name or vote of any member taking his or her place after the vote shall have commenced, shall not be recorded.

D1.24 VOTING ON APPOINTMENTS

Where there are more than two persons nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

D1.25 MINUTES

- (a) The Mayor will sign the Minutes of the proceedings at the next suitable meeting.
- (b) Where in relation to any meeting of the Council, the next such meeting is a meeting called under Paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of Paragraph 41(1) and (2) of Schedule 12 relating to the signing of Minutes.

D1.26 RULING OF THE MAYOR

The ruling of the Mayor as to the construction or application of any of these Rules, or as to any proceedings of the Council, including any variation in lengths of speeches shall not be challenged at any meeting of the Council.

MEMBERS

D1.27 RECORD OF ATTENDANCE

All members of the Council attending a meeting of the Council, the Executive or any Committee or Sub-Committee of which they are members, shall sign the Attendance Book or Sheet provided for that purpose.

This record shall be used for all purposes in connection with the Scheme for Members' Allowances and shall be conclusive of attendance or otherwise at a particular meeting.

D1.28 INSPECTION AND ORDERS BY MEMBERS

- (a) Unless specifically authorised to do so by the Council or the Executive a member of the Council shall not issue any Order respecting any works which are to be or are being carried out by or on behalf of the Council or claim by virtue of membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

- (b) A member may, for purposes of duty as a member, but not otherwise, after giving reasonable notice to the Director concerned, inspect or enter upon any council premises when open.

EMPLOYEES

D1.29 RECORD OF INTEREST OF OFFICERS IN CONTRACTS

The Director of Corporate and Community Services shall record in a book to be kept for the purpose, particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract. The book shall be opened for inspection by any member of the Council during normal office hours.

D1.30 MOTIONS AFFECTING EMPLOYEES

No meeting of the Council, the Executive, Committee or Sub-Committee shall consider any issue relating to the appointment, promotion, dismissal, salary, superannuation, conditions of service or the conduct of any employee, or former employee until it has considered whether to exercise the power of exclusion of the public under Section 100 (A) of the Local Government Act 1972.

D1.31 COMMITTEES

- (a) The standing Committees of the Council shall be determined by the Council at the Annual Meeting each year.
- (b) The Council shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council.
- (c) The Council may at any time dissolve a Committee or alter its membership.
- (d) Any member of a Committee may resign membership of a Committee, Sub-Committee or other body by notice in writing signed by them and delivered to the Director of Corporate and Community Services which notice shall become immediately effective.
- (e) Every vacancy on any Committee of the Council shall be notified to the Council by the Director of Corporate and Community Services at the next meeting to be held after the vacancy occurs, with a view to the Council making such appointment as they think fit at that or any subsequent meeting.
- (f) Unless otherwise decided by the Council, the Chairman and Vice-Chair of each Committee shall be appointed by the Council.

D1.32 INFORMATION REQUIRED FOR MEETINGS

- (a) All Directors shall ensure that any reports for submission to Cabinet, a Committee or Sub-Committee shall be in the hands of the Director of Corporate and Community Services at least seven clear working days before the day of the meeting.
- (b) All Directors shall supply such information as the Director of Corporate and Community Services may require and request in relation to any matter being, or to be, considered by a Cabinet, Committee or Sub-Committee.
- (c) The Director of Corporate and Community Services shall, at the request of the Chairman, or Cabinet Member call a meeting, at which Directors concerned, or their representatives, shall be present for the purposes of discussing the agenda.

D1.33 MEETINGS

- (a) The Director of Corporate and Community Services shall summon any Committee or Sub-Committee or group of members appointed by a Committee or Sub-Committee to consider or deal with a specific matter, as follows:-
 - either
 - (i) at the time and date previously resolved: or
 - (ii) by request of the Chairman (or, in the Chairman's absence, the Vice-Chair) or any three of its members; or
 - (iii) at the discretion of the Director of Corporate and Community Services, in consultation with the Chairman, to deal with urgent business.
- (b) The Chairman (or in the Chairman's absence the Vice-Chair) of any Committee or Sub-Committee may cancel any such meeting on there being insufficient business and may vary the date and time of any meeting after consultation with the Group Secretaries.
- (c) All members attending a meeting shall sign their names on the attendance sheet provided for the purpose.
- (d) No meeting of a Committee or Sub-Committee or group of members appointed to consider or deal with a specific matter, shall be held unless the Director of Corporate and Community Services, or his representative, is present, except in the case of a Sub-Committee or group of members where the Director of Corporate and Community Services may arrange to be represented by another officer.

D1.34 QUORUM AT COMMITTEE MEETINGS

- (a) Except where authorised by Statute or ordered by the Council business shall not be transacted at a meeting of any Committee unless at least one third of the whole number of the Committee is present, provided that in no case shall the quorum of a Committee be less than three members.
- (b) Except as aforesaid, or otherwise ordered by the Committee which has appointed it, business shall not be transacted at a Sub-Committee unless at least one third of the whole number of the Sub-Committee is present, provided that in no case shall the quorum of a Sub-Committee be less than two Members.

D1.35 PETITIONS

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

(a) **What are the guidelines for submitting a petition?**

- (i) Petitions submitted to the council must include:
 - a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
 - the name and address and signature of 10 or more persons supporting the petition who live, work or study in the area of the council.
- (ii) Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.
- (iii) Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently - if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above,

the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

(b) What will the council do when it receives my petition?

- (i) An acknowledgement will be sent to the petition organiser within **5** working days of receiving the petition. It will let him/her know what we plan to do with the petition and when he/she can expect to hear from us again. It will also be published on our website.
- (ii) If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
- (iii) If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here on the council's website.
- (iv) We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
- (v) To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed.

(c) How will the council respond to petitions?

- (i) Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
 - taking the action requested in the petition
 - considering the petition at a council meeting

- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by an overview and scrutiny panel*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

(ii) *Overview and scrutiny panels are committees of councillors who are responsible for scrutinising the work of the council - in other words, an overview and scrutiny panel has the power to hold the council's decision makers to account.

(iii) In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

(iv) Where the petition does not trigger a council debate or officer evidence (see later) and relates to a matter within the brief of a cabinet member it will be referred to that member. If the petition organiser so requests a deputation comprising not more than 3 signatories to the petition may present it to a panel comprising the appropriate cabinet member, lead member, a member of the opposition group, ward members where appropriate and relevant service director. The panel will have a report from an appropriate officer on the issues raised by the petition. One member of the deputation shall be permitted to address the panel for not more than 5 minutes.

The cabinet member shall be responsible for responding to the issues raised by the petition. If the cabinet member so wishes he/she may refer the petition to the full cabinet.

(v) If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition e.g. if the petition relates to under performing health services we will work with local health partners to consider the matter raised in the petition including, where appropriate, exploring what role the Local Involvement Network (LINK) might have in reviewing and feeding back on the issue (the LINK is run by local individuals and community groups and

independently supported - their role is to find out what people want in terms of local health services, monitor those services and to use their powers to hold them to account). An appropriate scrutiny panel will also be alerted to the petition and where the matter is sufficiently or potentially serious, the issue will be referred to them to consider for review. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible from the council's website.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

(d) Full council debates

- (i) If a petition contains more than 1,500 signatures it will be debated by the full council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

(e) Officer evidence

- (i) Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to

explain the advice given to elected members to enable them to make a particular decision.

- (ii) If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the relevant scrutiny panel. A list of the senior staff that can be called to give evidence can be found here. You should be aware that the panel may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition - for instance if the named officer has changed jobs. The panel may also decide to call the relevant cabinet member or other councillor to attend the meeting. Panel members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the panel by providing details up to three working days before the meeting.

(f) **E-petitions**

- (i) The council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and e-mail address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.
- (ii) When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
- (iii) If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
- (iv) When an e-petition has closed for signature, it will automatically be submitted to Democratic Services to be dealt with. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.

- (v) A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website.

(g) **How do I 'sign' an e-petition?**

- (i) You can see all the e-petitions currently available for signature [here](#).
- (ii) When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

(h) **What can I do if I feel my petition has not been dealt with properly?**

- (i) If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the scrutiny co-ordinating panel review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.
- (ii) The panel will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the panel determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council Executive and arranging for the matter to be considered at a meeting of the full council. Once the appeal has been considered the petition organiser will be informed of the results within seven days. The results of the review will also be published on our website.

(i) **The following arrangements shall apply to meetings of the Planning Committee -**

- (i) Any member of the public (other than persons wishing to represent town or parish or other public bodies) may address the committee on any agenda item in respect of which the Planning Committee has delegated functions.
- (ii) Any member of the public who wishes to speak must notify the Director of Corporate and Community Services at least 48 hours prior to the start of the committee at which the matter is to be determined, even if they have previously notified the Head of Planning that they wish to speak when consulted on the application.
- (iii) Members of the public wishing to speak shall identify themselves prior to the beginning of the meeting.
- (iv) No more than one member of the public shall be allowed to speak in support of, or objecting to, any item on the agenda unless the application constitutes major development, as defined in the General Development Procedure Order 1995. If more than one supporter or objector wishes to speak on the same item, the chair will request that a spokesperson be appointed to represent the views of the supporters or objectors, as the case may be. In the event that the proposed speakers do not agree on the appointment of a spokesperson the first person to have contacted the Director of Corporate and Community Services will be offered the opportunity to speak.
- (v) If a member of the public speaks in support of or objecting to an agenda item the chair shall, in the interests of fairness, allow one member taking the contrary view a right of reply even if that member of the public has not given prior notice of their wish to speak.
- (vi) If the application constitutes major development, up to five members of the public may speak in support of the application and up to five members of the public may speak objecting to the application.
- (vii) No member of the public shall speak for longer than **5** minutes unless the application constitutes major development. In such a case, if there are more members of the public wishing to object to the application than to support it, or vice versa, the chair may at his discretion adjust the period allowed for the exercise of the right of reply to ensure parity of debate.
- (viii) No member of the public shall distribute any photograph or other document at or prior to the commencement of any meeting of the committee or leave any documents in the room where the meeting is to be held.

- (ix) If consideration of the agenda item is deferred for any reason members of the public wishing to speak may do so at any meeting when the item is considered.
- (x) Nothing in this rule shall affect the right of any member of the council attending the meeting of the committee under the provisions of any other rule to speak if so invited. However, any member of the council having a personal and prejudicial interest in the application but wishing to exercise their right to make representations under Clause 12 (2) of the Members Code of Conduct 2007 will be required to abide by the same rules as apply to members of the public.

Site Visits

- (a) Any member of the planning committee proposing a site visit must identify the benefit which will accrue from such a visit. The motion shall be seconded and voted upon in accordance with the council's procedure rules.
- (b) The committee should not resolve to hold a site visit unless the benefit is substantial. The reasons for holding a site visit will be recorded in the minutes of the meeting.
- (c) The following principles will govern the conduct of site visits:
 - (i) The purpose of the site visit is for members of the committee to visit and inspect the site and its surroundings. Councillors representing wards in which site visits are to take place will be informed of the site visit and, subject to (iii) below, will be permitted to attend those visits.
 - (ii) Applicants and/or their agents will be informed of arrangements for site visits but, except where there is a need to arrange access to the site or for members to be escorted around it, they will not be invited to join members on the visit.
 - (iii) Members will be informed of the proposed schedule for site visits. The letter advising of arrangements for site visits does not however constitute a formal Notice of Meeting and whilst the first visit on any one day will not commence until the stated time, subsequent timings can only be approximate. Members wishing to ensure that they are present at any one visit are therefore advised to join the committee at the start of the day's visits.
 - (iv) There is to be no discussion on the merits of the application. The council is particularly concerned:
 - that the inspection is conducted in an orderly manner;

- that there are not distractions preventing a proper inspection;
 - that the inspection is conducted at arm's length from applicants and objectors, thus ensuring fairness and impartiality
- (v) No member of the public (including any applicants) shall be allowed to address members at the site visit. Consideration of the planning merits of the case will take place at the subsequent meeting of the committee which will be held at a different venue from the site to be inspected. The right of the public to speak at meetings of the committee is set out in Procedure Rule D1.35(f).
- (j) **The following arrangements shall apply to meetings of the Licensing and any other committee(s) which may be established by the council.**

Any petition shall be brought to the attention of the committee or sub-committee responsible for the function of the council to which the subject matter of the petition relates, in the following manner.

- (i) A petition sent to the Council will be reported to the next ordinary meeting of the committee or sub-committee immediately after the business necessary for the meeting to begin.
- (ii) Provided that 5 clear days notice in writing is given to the Proper Officer a deputation comprising not more than 3 persons may present a petition to the chair of the committee or sub-committee immediately after the business necessary for the meeting to begin or, if appropriate, immediately after the report of the receipt of any petitions, and one member of the deputation shall be permitted to address the meeting for not more than 5 minutes on the subject matter of and the background to the petition.
- (iii) Any member of the Council may present a petition sent to them and the arrangements set out in (ii) above shall apply.
- (iv) A committee or sub-committee to which a petition is presented, or to which receipt of is reported, shall note the receipt or presentation and may call for a report on the subject matter if considered necessary. Members may ask questions or discuss the subject of the petition at its presentation or the report of its receipt for a period not exceeding 10 minutes subject to this not prejudicing a full debate on the subject as an agenda item at that meeting.

D1.36 VOTING IN COMMITTEES AND SUB-COMMITTEES

- (a) Voting at meetings of committees or sub-committees will be by show of hands or using an electronic voting system (if one is available in the meeting room) at the discretion of the Chairman. If there is no dissent the Chairman may take the vote by the affirmation of the meeting. Members must be seated when the vote is taken.
- (b) If an electronic voting system is used members will have a period of 30 seconds in which to register their votes. At the expiry of the period of 30 seconds the votes then registered will be binding, unless a member immediately indicates to the Chairman that his/her vote has not been registered or has been incorrectly registered whereupon the Chairman will ask for the vote to be retaken by show of hands. Members who have not registered a vote at that time will be taken to have abstained.
- (c) Where any member requests immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the question or abstained from voting.
- (d) If four members present at the meeting **rise and** demand it prior to the vote being taken, the voting shall be recorded so as to show whether each member present voted for or against the question or abstained from voting. A recorded vote may be taken using an electronic voting system or by a manual roll call. In the case of a manual roll call a period of 30 seconds shall be permitted to allow members to take their places in the meeting room immediately after which the votes shall be taken. The name or vote of any member taking his or her place after the vote shall have commenced, shall not be recorded.

D1.37 PROPOSER OF MOTION MAY ATTEND COMMITTEES

- (a) A member of the Council who has moved a motion which has been referred to any Committee or Sub-Committee shall be given notice of the meeting of the Committee or Sub-Committee at which it is proposed to consider the motion. The member shall have the right to attend the meeting and have an opportunity of explaining the motion.
- (b) A member of the Council may be present at any meeting of a Committee or Sub-Committee of which they are not a member, but shall not take part in the business of such Committee or Sub-Committee unless invited to speak.

D1.38 MINUTES OF SUB-COMMITTEES

Each Sub-Committee shall submit its minutes to the Committee from which it is formed.

D1.39 PROCEDURE AT MEETINGS

Subject to any express provision in these rules, the conduct of any meeting of a Committee or Sub-Committee and the rules of debate applicable thereto are at the discretion of the Chair thereof who may apply the provisions of these Rules in relation to meetings of the Council to such extent as the Chair deems appropriate in the circumstances.

GENERAL

D1.40 VARIATION OR REVOCATION OF PROCEDURE RULES

These Rules form part of the Council's Constitution and may only be amended or altered in accordance with Article B.15.

D1.41 SUSPENSION OF RULES

- (a) A motion to suspend these Rules may be moved without notice in accordance with Rule D1.20 (m).
- (b) All of these council rules of procedure except rules 1.12, 1.23(c), 1.25(b) and 1.36(c) may be suspended for the duration of the meeting provided at least one half of the whole number of members of the Council are present.

PART D RULE 5 - OVERVIEW AND SCRUTINY PROCEDURE RULES

D5.01 WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR SCRUTINY PANELS?

The council will at its annual meeting appoint ~~four~~ **three** scrutiny panels with the functions specified in Article 6 and with the membership and terms of reference set out in paragraph D5.08 of these procedure rules. **Scrutiny panels shall demonstrate an apolitical approach and perspective, working together on behalf of local people.** ~~In addition a scrutiny co-ordinating panel will be established which will comprise the chairs and vice-chairs of the four service scrutiny panels and one other scrutiny member from the ruling group. The panel will meet approximately every three months to co-ordinate and manage the performance of the service scrutiny panels.~~
DELETE

D5.02 WHICH ELECTED COUNCILLORS MAY SIT ON SCRUTINY PANELS?

All councillors, except members of the Executive, may be members of a scrutiny panel. However, no member may be involved in scrutinising a decision of another of the council's other committees/sub-committees of which they may also be a member. (This does not include scrutiny panel members who may also be 'lead members', unless they have a clear personal and prejudicial interest which should be declared in any case).

Members and co-opted members of scrutiny panels shall comply with the council's Code of Conduct for Members, (paragraph E1.06 of the Code refers to members involved in overview and scrutiny business).

Also see paragraph D5.03 below and paragraph D5.12(e)(iv) for statutory co-opted and other co-opted members of scrutiny panels.

D5.03 EDUCATION REPRESENTATIVES

Any relevant scrutiny panel dealing with education matters shall include in its membership the following voting representatives:

- (a) One Church of England Diocese representative.
- (b) One Roman Catholic Diocese representative.
- (c) Two Parent Governor representatives.

Any relevant scrutiny panel in this paragraph is a scrutiny panel of the council where the panel's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If a scrutiny panel deals with any other matter, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

D5.04 MEETINGS OF SCRUTINY PANELS

- (a) A schedule of meetings for every scrutiny panel will be determined at the Council's Annual Meeting. In exceptional circumstances, the **chairman**, or in the **chairman**'s absence the vice-chairman, together with the agreement of every member of their panel, may vary the date and time of a specific meeting and omit or call further meetings to ensure an efficient and expedient process. Any such changes shall also be agreed with Group Secretaries. The **chairman** of a scrutiny panel shall ensure that the business to be carried out by the panel at each meeting is dealt with in a careful and responsible way to ensure the effective use of members' and officers' time and use of resources.
- (b) A scrutiny panel meeting will normally focus on one or a combination of the following overview and scrutiny functions:
- Policy Review and Development;
 - Overview of policy, procedure and performance
 - Added Items;
 - ~~Forward Plan Items;~~ **Cabinet member service area priorities**
 - Performance Monitoring and Assessment;
 - Improvement and action plan monitoring;
 - ~~Implementation, consultation and development of~~ Health scrutiny functions defined in the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002, and associated legislation and guidance;
 - Call-Ins;
 - **Joint scrutiny work with other councils/partners.**
 - **Councillor Call for Action.**
 - **Relevant functions as the council's Crime and Disorder Committee under Paragraph 1, Section 19 of Part 3 of the Police and Justice Act 2006.**
 - **Meet responsibilities relating to flood management**

This is likely to involve:

- project planning;
- evidence gathering;
- analysis and evaluation;
- conclusion reaching; or
- holding the council's Executive and/or external partners to account.
- making recommendations

On occasions it may be necessary or desirable to include a mix of these overview and scrutiny functions on the agenda for a single meeting, especially if two or more topics are being scrutinised concurrently.

- (c) **Substitutions** – as member continuity is essential in the conduct of scrutiny reviews/work substitutes will only be used in circumstances which make it necessary/appropriate. However in such circumstances the Director of Corporate and Community Services shall be notified in writing of substitutes before the meeting the substitute is due to attend.

Any nominated substitutes ~~will be required~~ **should try** to attend a briefing with a relevant scrutiny officer on current work in progress (at least half an hour) before the start of the meeting which that substitute is due to attend. Nominated substitutes shall contact a relevant scrutiny officer to arrange a convenient time and date for the briefing.

- (d) Meetings are usually held in public, but at the discretion of the **chairman** and/or panel, can be held in private for 'planning and evaluation' purposes or where exclusion of access by the public and media to meetings is applied in accordance with the Constitution's Access to Information Procedure Rules.

D5.05 QUORUM

The quorum for a scrutiny panel shall be as set out for 'committees' in the Council Procedure Rules detailed in part D of this Constitution (ie. at least one third but no less than three members).

D5.06 WHO CHAIRS SCRUTINY PANEL MEETINGS?

Unless the council decides otherwise, the **chairmen** and vice-**chairmen** of scrutiny panels shall be appointed by the council at the annual meeting.

The **chairman** of a scrutiny panel shall normally preside at meetings of a panel. In the absence of the **chairman**, the vice-**chairman** will preside. If neither the **chairman** nor the vice-**chairman** are present, a panel will appoint a person from among those present to preside at that meeting. ~~(This paragraph also applies to meetings of the Scrutiny Co-ordinating Panel).~~ **DELETE**

D5.07 SCRUTINY OFFICERS

- (a) Scrutiny Officers will be appointed in respect of each of the scrutiny panels.
- (b) Scrutiny Officers will be responsible to the Director of Corporate and Community Services for the provision of high level support, guidance and detailed advice to scrutiny panels and their sub-groups including:

- drafting work programmes and scrutiny topic project plans for scrutiny panel approval;
 - researching, analysing and comparing information, policy and good practice for scrutiny topics;
 - compiling briefing reports and background papers on each scrutiny topic for scrutiny panel consideration;
 - suggesting lists of potential witnesses;
briefing witnesses invited to attend scrutiny panel meetings;
 - briefing scrutiny panel members regarding witnesses and suggesting possible lines of questioning;
 - drafting overview and scrutiny reports for scrutiny panel approval reflecting evidence obtained and views expressed/decisions taken and recommendations agreed by members;
 - arranging publication of approved scrutiny reports following consultation with interested parties where appropriate;
 - referring on for further consideration elsewhere issues identified which scrutiny panels have been unable to fully explore during reviews;
 - developing and maintaining good relationships with relevant external partners (especially local health, **police** and voluntary sector partners);
 - applying and advising members and officers of new and good practice relating to all overview and scrutiny functions, and
 - identifying member and officer training needs.
- (c) Whilst it is recognised that Scrutiny Officers will normally perform a dual role by also acting as the committee administrator, in the case of complex reviews it may be necessary to provide additional assistance with:
- the co-ordination of meeting arrangements;
 - the drafting of agendas;
 - the collation of reports;
 - the provision of advice on the interpretation/application of terms of reference/procedure rules, and
 - the production of notes and minutes of meetings.

D5.08 MEMBERSHIP AND TERMS OF REFERENCE OF SCRUTINY PANELS AND THE SCRUTINY CO-ORDINATING PANEL DELETE

(a) PEOPLE SCRUTINY PANEL

Membership:

7 Councillors (and 4 statutory co-opted members when dealing with education matters, paragraph D5.03 refers)

Terms of Reference:

To carry out relevant scrutiny functions relating to services delivered by the council and its partners to individuals and groups of all ages, and to carry out relevant health functions defined in the Local Authority

(Overview and Scrutiny Functions) Regulations 2002 and associated legislation and guidance.

(b) PLACES SCRUTINY PANEL

Membership:

7 Councillors (and 4 statutory co-opted members when dealing with education matters, paragraph D5.03 refers).

Terms of Reference:

To carry out the relevant overview and scrutiny functions relating to services delivered by the council and its partners for stronger, safer and cleaner places and infrastructure, and to carry out all appropriate functions as the council's Crime and Disorder Committee under paragraph 1 Section 19 Part 3 of the Police and Justice Act 2006. Also, to meet responsibilities expected by the Pitt Review relating to flood risk management.

(c) CORPORATE SCRUTINY PANEL

Membership:

7 Councillors (and 4 statutory co-opted members when dealing with education matters, paragraph D5.03 refers).

Terms of Reference:

To carry out the relevant overview and scrutiny functions relating to services delivered by the council and its partners relating to corporate and strategic services, performance and/or cross cutting issues.

(d) SUB-GROUPS OF SCRUTINY PANELS

- (i) Scrutiny panels may appoint sub-groups (working groups) when required to carry out overview and scrutiny business within their terms of reference or whilst carrying out cross cutting issues. Sub-groups shall consist of members of the appointing scrutiny panel, and if required, have cross-membership from two or more scrutiny panels whilst dealing with cross cutting issues.**

A sub-group may consist of a minimum of two members, or any number up to the full size of an appointing panel, if so agreed by its members. Membership of a sub-group therefore need not reflect political proportionality of the council, but shall include statutory co-opted members where applicable (see paragraph D5.03 of these procedure rules). Non-statutory (non-voting) co-opted members may also be co-opted onto sub-groups following consultation with

the appointing scrutiny panel(s) **chairman**. A nominated member of the appointing scrutiny panel and of the ruling group shall chair meetings of sub-groups. If this is not possible based upon the political composition of the sub-group then the **chairman** shall be appointed from within its membership. Substitution rules as described in paragraph 4(c) of these procedure rules shall apply.

- (ii) Sub-groups may meet as and when required to carry out business in between timetabled scrutiny panel meetings. Members of a sub-group, in consultation with the relevant scrutiny officer, shall agree dates, times, location and format of meetings as business determines.
- (iii) Sub-groups of scrutiny panels may meet in public or in private as business requires. As 'working groups' Access to Information procedure rules need not apply to sub-groups, although notice shall be given to the press and public if the sub-group is to meet in public or their attendance and participation is invited.
- (iv) Sub-groups, following consultation with scrutiny officers, shall determine business carried out and the agenda and working papers required for meetings. Scrutiny officers shall record notes of outcomes and action points from meetings.
- (v) Overview and Scrutiny business, especially conclusions and recommendations of sub-groups shall be referred back to the appointing scrutiny panel(s) upon completion for consideration and approval. Appointing scrutiny panel(s) shall approve any final overview or scrutiny review documents, containing work carried out by sub-groups, prior to submission to the council, executive or responsible external organisation.

~~(f) **SCRUTINY CO-ORDINATING PANEL**~~

- ~~(i) The Scrutiny Co-ordinating Panel shall be politically proportionate. It shall co-ordinate and manage the council's overview and scrutiny process.~~
- ~~(ii) The Scrutiny Co-ordinating Panel (SCP) shall comprise the chair and vice-chairman of each of the council's four service scrutiny panels and one other scrutiny member from the ruling group.~~
- ~~(iii) The chair of the SCP shall be appointed from the ruling group's members.~~
- ~~(iv) The SCP will be supported and advised by the Service Director Legal and Democratic.~~

Delete

~~(v) The Chief Executive or a Deputy Chief Executive shall attend where possible, meetings of the SCP. Other relevant senior officers shall be invited as and when required to attend.~~

~~(vi) The SCP will meet approximately every three months (or as and when required).~~

~~(vii) Items of business for consideration at meetings of the SCP shall be submitted to the Service Director Legal and Democratic at least seven working days prior to the date of a scheduled meeting. Items appearing on SCP agendas shall be at the discretion of the chair and vice-chairman following consultation with the Service Director Legal and Democratic.~~

The SCP shall also:-

~~(viii) Monitor ongoing work of the four scrutiny panels.~~

~~(ix) Monitor the work of scrutiny panels as it progresses through the council, Executive and other partners/organisations.~~

~~(x) Liaise with the Executive and other councillors on overview and scrutiny or related matters.~~

~~(xi) Liaise with the Chief Executive and Deputy Chief Executive and/or other relevant officers on overview and scrutiny or related matters.~~

~~(xii) Liaise with other partners/organisations on overview and scrutiny or related matters.~~

~~(xiii) Deal with all decisions called in under the Council's procedure for call-in as set out in Section 5.22 of these rules.~~

~~The Scrutiny Co-ordinating Panel shall have no delegated functions. It shall make recommendations on the following-~~

~~(xiv) to the above four scrutiny panels on their annual work programme, identifying and selecting shortlists of potential reviews or similar work that the panels could decide to carry out;~~

~~(xv) on the performance and effectiveness of the work of scrutiny panels;~~

~~(xvi) on the correct and consistent application of overview and scrutiny working arrangements, practices, procedures, protocols and disciplines;~~

Delete

Delete

- ~~(xvii) to the council on the training needs of councillors/officers in relation to overview and scrutiny skills and disciplines;~~
- ~~(xviii) on the level, capacity and effectiveness of resources provided to support the council's overview and scrutiny function;~~
- ~~(xiv) on the working requirements, relationships and dialogue with the council's Executive and other partners/organisations, and~~
- ~~(xx) on any other issue which relates to overview and scrutiny functions as defined within the Local Government Act 2000 and the Health and Social Care Act 2001.~~

~~Substitute provision for members of the SCC shall be the same as for the above four scrutiny panels (paragraph D5.04 (c) of these procedure rules refers).~~

D5.09 CHAIRMAN AND VICE-CHAIR BRIEFING MEETINGS

Chairmen and vice-chairs of each scrutiny panel shall **be encouraged to** meet informally, together with the appropriate Scrutiny Officer, at a suggested minimum of two working days before meetings of their panel (and at other times as appropriate) to be briefed, discuss and co-ordinate current and future business, or any matter referred to them for consideration by another scrutiny panel.

At the request of the **chairman** and **vice-chairman** of each scrutiny panel, following consultation with the Director of Corporate and Community Services, other members and/or officers of the council or representatives of other organisations shall be invited to attend such meetings.

D5.10 GENERAL PROCEDURE AND STANDARD ITEMS AT SCRUTINY PANEL MEETINGS

Scrutiny panels shall consider the following business where appropriate:

- (a) Minutes of the last meeting (public meetings);
- (b) Declarations of interest (including whipping declarations);
- (c) Consideration of any matter referred to them for a decision in relation to a call-in of a decision;
- (d) Added items;
- (e) ~~Forward Plan Items;~~ **Consideration of business of Cabinet Member Service Area Priorities**

- (f) Performance Monitoring and Assessment;
- (g) Responses of the Executive to reports of the scrutiny panels;
- (h) The business otherwise set out on the agenda for the meeting, and

Any other business deemed appropriate.

- (j) Requests from the public to speak at scrutiny panel meetings
 - (i) Any member of the public may request to address a scrutiny panel on any appropriate matter that falls within its terms of reference. This will appear as a standard agenda item for scrutiny panel meetings held in public.

Any member of the public who wishes to speak must notify the Director of Corporate and Community Services in writing/by email/by phone or in person prior to the start of a meeting. The Director of Corporate and Community Services, in consultation with the **chairman** of the relevant panel, will confirm receipt and arrangements with the individual requesting to speak. They may also (in exceptional circumstances) decide and inform an individual that their request is not appropriate (giving reasons) and refuse the opportunity to speak. Any request to speak at a panel meeting by a member of the public shall remain at the discretion of the **chairman** of that panel.

- (ii) ~~No member of the public shall address a scrutiny panel for more than three minutes at a meeting.~~ **A member of the public shall address a scrutiny panel for a reasonable period of time, which shall be at the discretion of the chairman.** Speakers should confine the content of their remarks to the issue they have raised. They should not be repetitive, irrelevant, or make personal remarks. The **chairman** of the meeting will intervene should they attempt to do so, and at their discretion, stop the individual from speaking.
- (iii) ~~After the three minutes or when~~ the individual has stopped speaking **or been requested to stop speaking by the chairman**, the **chairman** at their discretion, shall invite other members of the scrutiny panel to comment or ask questions of the member of the public who has spoken.

The panel may then wish to recommend to note the content of the speech, or recommend/vote upon a course of action.

- (iv) Only two separate public speakers will be allowed to address a scrutiny panel at any one meeting. This maybe about the same issue, if one is for or against for example, or be two different matters. Where a group of people request to speak they must nominate a spokesperson to represent their views and only that individual will be invited to speak.
- (v) If any matter raised by a member of the public is then deferred for any reason by a scrutiny panel, then the panel shall decide whether or not to invite the individual back to speak ~~for three minutes~~ at a further meeting. **(See paragraph (ii) above).**
- (vi) Nothing in this rule shall prevent any member of the council attending a meeting of a scrutiny panel under the provisions of any other rule to speak if so invited or requested.

D5.11 URGENT DECISIONS, CONSULTATION ON AND THE DEVELOPMENT OF THE COUNCIL'S BUDGET AND POLICY FRAMEWORK

- (a) The role of overview and scrutiny panels relating to urgent decisions, consultation on and development of the council's budget and policy framework is set out in the Constitution's Budget and Policy Framework procedure rules.
- (b) A relevant overview and scrutiny panel(s) shall be consulted on draft proposals for the council's annual budget before it is approved and adopted for each council year. Similarly, relevant overview and scrutiny panel(s) shall also be consulted on new and/or significant changes to the council's policy framework before they are approved and adopted.

D5.12 OVERVIEW AND SCRUTINY - WORKING PROCEDURES

In accordance with its Terms of Reference and General Procedures at scrutiny panel meetings (see paragraphs D5.08 and D5.10) a Scrutiny Panel (and their sub-groups where applicable) shall conduct its business using the following working procedures where applicable:

- (a) **'Added items'** shall be a standard agenda item for each meeting and the following procedure used for discussion -

- (i) Any member of any scrutiny panel, including statutory co-opted members shall be entitled to request in writing to the Director of Corporate and Community Services, that he/she/they wish an item relevant to the functions of the council, (post policy making decisions) and/or in the interests of the local community, to be included on the agenda for a future scheduled meeting of the panel. A member(s) shall at the time of the request give clear reasons why the item has been requested and also identify the subject matter and nature of any questions likely to be asked at a future meeting when the item is discussed
- (ii) A relevant report or briefing paper (with any background papers) shall be submitted by the Chief Executive, and/or Director(s) for inclusion as part of that meeting's agenda.
- (iii) Consideration of these added items shall be held in public, unless exclusion of access by the public and media is applicable, in accordance with the Constitution's Access to Information Procedure Rules, this being at the discretion of the panel.
- (iv) To assist with the efficient management of business a limit of one individual 'added item' shall be included on the panel's agenda for each meeting.
- (v) The **chairman** of the panel will agree the item to be considered at individual panel meetings in consultation with the Director of Corporate and Community Services on the basis of the order in which requests to include items are received.
- (vi) The **chairman** of the panel will report to each meeting on those requests received which will not be considered at that particular panel meeting because of the limit on the number of items. The **chairman** will inform the panel at which scheduled meeting a particular item is likely to be considered by the panel.
- (vii) For all 'added items' the Chief Executive and/or Director(s) (or his/her representative) shall be invited to attend the meeting. It is at the discretion of the panel whether they are required to speak to their report, provide information and respond to the panel's questions. (Officers are in attendance to deal with the factual content of their report, not to comment upon decisions taken by members). It is also at the discretion of the panel, whether any other individual including cabinet members are invited to attend the meeting to speak to an added item, if required. (Holding the cabinet/cabinet member to account for a decision made, but not yet implemented, is a matter for the 'call-in' procedure, paragraph D5.22 refers).

(viii) Where requests to include 'added items' have been agreed they should be dealt with at a meeting of the scrutiny panel as follows, also applying the requirements of paragraph D5.19 of these procedure rules:-

- The **chairman** to introduce the item and the scrutiny panel to decide whether the Chief Executive and/or Director(s) are required to summarise his/her corresponding report or briefing paper.
- The **chairman** shall require the scrutiny panel member(s) that requested the item to initiate discussions on it and ask questions of the Chief Executive and/or Director(s) (or any other relevant **chairman**/cabinet member/or member) present at the meeting.
- The **chairman** shall invite any other scrutiny panel member or other members present at the meeting to ask questions of the Chief Executive and/or Director(s) (or any other relevant **chairman**/cabinet member/or member) present at the meeting.
- The panel to determine how to deal with the item. The panel shall either note the item, recommend a specific course of action, and/or recommend that further work, or an overview or full scrutiny review be carried out by an appropriate scrutiny panel, under its terms of reference, as part of its annual work programme.
- The **chairman** to conclude business and move on to the next item on the agenda for that meeting.

Delete

(b) ~~'Forward Plan items' shall be a standard agenda item for each meeting and the following procedure used for their discussion also applying the requirements of paragraph D5.19 of these procedure rules.~~

~~(i) The most up to date version of the Forward Plan shall be submitted to each meeting of the panel, (Items appear on the Forward Plan as 'key decisions', and are pre-decision).~~

~~(ii) Members of the panel shall identify items on the Forward Plan they wish to discuss. A member(s) shall at that time give clear reasons why an item(s) has been requested and also identify the subject matter and nature of any questions likely to be asked at a future meeting when the item is discussed. The panel shall avoid repetition, agree these and request that the Chief Executive, and/or Director(s) produces a briefing paper on the item for submission and attend a future scheduled meeting to inform of respond to the panel's questions relating to that~~

particular item. (The number of items and the time allocated to deal with these items at the future scheduled meeting is at the discretion of the chair).

(iii) ~~Cabinet members should not normally be expected to attend for these items (as Forward Plan items are pre-decision). However, cabinet members may wish to attend and contribute to the discussion.~~

(iv) ~~Consideration of these Forward Plan items shall be held in public, unless exclusion of access by the public and media is applicable, in accordance with the Constitution's Access to Information Procedure Rules, this being at the discretion of the panel.~~

(v) ~~Where requests to include Forward Plan items have been agreed they shall be dealt with at a scrutiny panel meeting as follows:-~~

~~- The chair to introduce the item and invite the Chief Executive and/or Director(s) to summarise his/her corresponding briefing paper.~~

~~- The chair shall require the panel member(s) that requested the item to initiate discussions on it and ask questions of the Chief Executive and/or Director(s) present at the meeting.~~

~~The chair shall invite any other scrutiny panel member present, or other members present at the meeting to ask questions of the Chief Executive and/or Director(s) present at the meeting.~~

~~- The panel to determine how to deal with the item. The panel shall either note the item, submit comments or recommend a specific course of action to the Chief Executive and/or Director(s) who should address them with the cabinet or relevant cabinet member prior to its/their decision.~~

~~- The chair to conclude business and move onto the next item on the agenda.~~

(vi) ~~The Chief Executive and/or Director(s) following consultation with the appropriate cabinet member(s), shall respond in writing to the scrutiny panel's comments and/or recommended course of action prior to a decision being made on the item by the Executive. The written response shall be received and considered, where possible at a meeting of the scrutiny panel before a decision is made by the Executive~~

Delete

(b) Cabinet Member Service Area Priorities Meetings

Scrutiny Panels shall meet at least every two months with relevant Cabinet Member(s) to consult, discuss and consider business within his/her service area portfolio and/or a scrutiny panel's terms of reference. This business may include –

- (i) discussion of items prior to decision; (post decision, refer to 'Added Items' in paragraph D5.12(a).**
- (ii) opportunities for Cabinet Members to discuss and possibly refer appropriate business to a relevant scrutiny panel for consultation, and/or consideration for inclusion in its work programme;**

Business to be consulted on, discussed and considered by a scrutiny panel shall be at the discretion of the chairman, the relevant cabinet member(s) and in consultation with the Director of Corporate and Community Services..

- (c) (i) 'Performance Monitoring and Assessment' –** Scrutiny Panels shall monitor and evaluate the progress of implementation, effectiveness and performance of action taken or to be taken by the council's cabinet and cabinet members, known as the 'Executive'. The panel shall 'hold the Executive' and/or external partners/partnerships to account' on the performance of selected corporate, service, strategic and budgetary issues. The following performance information and plans (along with others as and when identified) may be used –
 - **Performance Indicators and targets**
 - **Budget Monitoring Reports**
 - **Benchmarking data**
 - **Executive Action Plans for previous overview and scrutiny reports**
 - **Appropriate internal and external audit action plans.**
 - **Value for money reports.**
- (ii)** Performance monitoring issues shall be held in public, unless exclusion of access to the public and media is applicable in accordance with the Constitution's Access to Information Procedure Rules, this being at the discretion of the panel.
- (iii)** The panel shall report its findings in public giving an 'overview' of the key issues and responses of cabinet members and officers involved. The panel shall also comment upon, form conclusions, and make recommendations suggesting any necessary improvement action which should be carried out by the Executive using an action plan.

- (iv) The panel's report and recommendations shall be submitted to **the next available Cabinet meeting** ~~a full meeting of the council for debate, and consideration prior to submission to the cabinet/cabinet member for~~ **and** action. (see paragraph D5.21)
- (v) When conducting the above performance monitoring 'overview' reviews the panel shall, where possible, use the following suggested procedure -
- First Stage
- Receive a report from the Chief Executive and/or Director(s) containing the relevant performance document/action plan, comments and evidence supporting achievements, implementation, improvements and targets met or otherwise, with appropriate explanations.
 - The Chief Executive and/or Director(s) and cabinet member(s) shall attend the meeting to inform and respond to question from the panel.
- Second Stage
- Findings and evidence from **the** first stage ~~meetings~~ shall be collated and presented to the panel for discussion and evaluation. The panel, if no further 'overview' information is required, shall agree any comments and recommendations for inclusion in a succinct draft report.
 - If the panel has significant major concerns it may recommend ~~to the Scrutiny Co-ordinating Panel~~ that a full scrutiny review (Policy Review and Development Procedure) be carried out by an appropriate scrutiny panel as part of its work programme. ~~The Scrutiny Co-ordinating Panel may then recommend this course of action to the appropriate panel for its consideration.)~~
- Third Stage
- A succinct draft report containing the panel's key findings, comments and recommendations shall be received, considered and approved for submission to council ~~(prior to the report being submitted to the~~ **Cabinet/cabinet**

member for action.

- (vi) The length and depth of the above procedure can be varied if required, with the agreement of the panel and as advised by the Director of Corporate and Community Services.
- (d) (i) **'Best Value Improvement Plans' and 'Executive Action Plans for previous scrutiny reports'** - Approximately 12 months following the adoption of a ~~Best Value Improvement Plan~~ and/or an Executive Action Plan for a previous scrutiny report, the Chief Executive and/or Director(s) **at the request of a relevant scrutiny panel** shall prepare and submit a brief report to ~~it the Scrutiny Co-ordinating Panel~~ outlining progress in implementing the plan, its effectiveness and identifying any particular problems encountered.

If the **relevant scrutiny panel** ~~Scrutiny Co-ordinating Panel~~ has any concerns about progress or effectiveness of implementation of above plans, it can ~~recommend to a relevant scrutiny panel that~~ **undertake** an 'overview review' ~~be carried out~~ as part of its work programme as soon as possible. (A relevant scrutiny panel may ~~be a scrutiny panel which~~ **wish to include members who** carried out the original scrutiny review).

When a relevant panel decides to carry out an overview review the procedure set out in paragraph D5.12c(v) above of these procedure rules shall be adopted.

(e) **Policy Review and Development**

- (i) Policy review and development shall be carefully project managed and, at the discretion of a panel, focus upon selected cross cutting services, or be service specific (within its Terms of Reference). External issues **and joint scrutiny** may also be considered in the interests of the local **and wider** community.

Policy Review is likely to focus on examining whether intended or current policy outcomes have been achieved and/or have been effective. Take up of services, awareness, procedures involved and other factors may be explored.

Policy Development is likely to involve shaping the formulation of new or existing policy by examining options, alternatives and preferences balanced against resources, needs, best practice, **potential outcomes** and other factors.

(It is impossible to separate completely policy development from policy review. Undertaking policy review usually leads to making recommendations for developing policy)

- (ii) Having agreed topics for inclusion in its work programme, a scrutiny panel shall conduct both policy review and policy development scrutiny reviews using the following suggested procedure also applying the requirements of paragraph D5.19 of these procedure rules. This shall be applied and varied, with the agreement of the panel, as advised by the Director of Corporate and Community Services and to suit the nature, complexity and length of a scrutiny review:-

Scrutiny Review Procedure

Objectives and recommendations of scrutiny reviews approved by relevant scrutiny panels shall be SMART (Specific, Measurable, Achievable, Realistic and Timely). Also they shall address value for money and potential financial savings.

The stages of the scrutiny review procedure shall aim to be flexible and include half-day scrutiny panel meetings for evidence gathering, interviewing and analysis for example, as agreed by the scrutiny panel, to ensure that reviews are completed in a reasonable period of time – approximately two months. (subject to agreed variation by the scrutiny panel in consultation with the Director of Corporate and Community Services.

- | | | |
|--------------|---|--|
| First Stage | - | Background information/presentation on subject area and key issues. |
| | - | Scoping sessions identifying review aims, realistic objectives, approaches and possible impact and outcomes in order to proceed. |
| Second Stage | - | Information/evidence gathering and fact finding using research, analysis, evaluation and assessment techniques - usually identifying the national and council's position, policies, resources and performance; applying relevant legislation, guidance and good practice; using statistics, benchmarking and comparisons with other local councils, and organisations and consulting key stakeholders, service providers, users, partner organisations, politicians, employees and members of the public, for example. |

Workshop sessions with and site visits to the above.

- Third Stage
 - Interviewing (and evaluation of feedback) from witnesses including key stakeholders, experts, advisers, assessors, representatives of government, local councils partner organisations, service providers and users, politicians, employees and members of the public, for example.
 - ~~Workshop sessions with and site visits to the above.~~
- Fourth Stage
 - Drafting and consideration of findings, conclusions and recommendations.
 - Consideration and approval of draft scrutiny review report for submission to ~~Council and then to~~ **cabinet**.

- (iii) The panel shall report its agreed findings, conclusions and recommendations formally for each scrutiny review to the ~~Council for debate prior to the report being submitted to~~ **cabinet for consideration and action**.

(An illustrated version of the above procedure is set out for ease of reference in Table one at the end of these procedure rules)

- (iv) The panel following consultation with the Director of Corporate and Community Services may appoint or co-opt (with non-voting rights) experts, advisers or assessors to assist them. It may commission research, conduct public surveys, and do all other things that are reasonably considered necessary to inform its deliberations. The panel may ask key stakeholders and expert witnesses to provide written evidence and/or attend meetings to address members on any matter under consideration (see paragraph D5.16).

External experts, advisers, assessors or witnesses may be paid a reasonable fee and/or expenses for their attendance.

- (v) **On occasions and where necessary a scrutiny panel may request a short informal pre-meeting/briefing prior to a scheduled meeting of a panel, where individuals, groups and representatives have been invited to interview or consultation for example.**

D5.13 HEALTH SCRUTINY

- (a) (i) **The People Scrutiny Panel** shall scrutinise any matter relating to the planning, provision and operation of health services provided or commissioned by local National Health Services (NHS) bodies within the council's area, or services provided outside the council's area for inhabitants within it. These include services which promote health or prevent ill-health and provide treatment for individual patients which are managed, arranged and provided by a strategic health authority, primary care trust or NHS trusts.

The panel shall also scrutinise any issue which may have a wider effect on people's health, to address health inequalities and seek improvements to people's physical and mental wellbeing. This may involve a number of public and private organisations and agencies including the council, NHS bodies and the voluntary and community sectors.

- (ii) Having agreed topics for inclusion in its work programme, following consultation with members and officers of the council, local NHS bodies, **Local Involvement Networks (LINKs)** and relevant voluntary sector organisations, the panel shall conduct health scrutiny reviews using a similar suggested procedure as outlined in paragraph D5.12 (e) (ii) and applying the requirements of paragraph D5.19 of these procedure rules.
- (iii) The panel may co-opt non-voting individuals onto the panel with an interest in, or knowledge of an issue being scrutinised. They shall remain a co-opted member of the panel for the duration of the issue being scrutinised, unless the panel decides otherwise. On occasions it may be preferable for the individual to act as an adviser to the panel, rather than be co-opted formally.

(b) **Making Reports and Recommendations to the relevant NHS Body**

The People Scrutiny Panel has no power to make decisions or to require that others act upon their suggestions (although an NHS Body is required, on request, to respond in writing to recommendations made). The panel shall make reports and recommendations to the council, **council's cabinet**, relevant NHS bodies or other local agencies on any appropriate matter it reviews or scrutinises in accordance with the Health and Social Care Act, 2001 and associated legislation. The following procedure shall also be used:-

- (i) Reports shall include -
- an explanation of the issue addressed;
 - a summary of the evidence considered;
 - a list of the participants involved in the review or scrutiny;
 - the panel's findings and conclusions, and

- any recommendations on the matters considered.
- (ii) A draft report shall be sent to any NHS body that has been involved in the review to check for factual accuracy. All participants shall be informed of the report's date of publication.
- (iii) Where the panel has sent an approved, published report to any NHS body that has been involved in a review, it shall also request a response from that organisation. A response should be received within 28 days (however a shorter or longer period can be negotiated) and should include -
 - the views of the NHS body on the recommendations;
 - the proposed action in response to the recommendations, and
 - any reason for inaction to the recommendations made.
- (iv) Where a health scrutiny review has implications for, comments upon or makes recommendations to any service provided by the council, the panel shall submit the report to **the full council's cabinet** for debate, consideration and any action. A similar suggested procedure set out in paragraph D5.22 of these procedure rules shall then be applied where appropriate.

(c) **Consultation by NHS Bodies**

- (i) Each local NHS body has a duty to consult the **People Scrutiny Panel** on any proposal it has under consideration for a substantial development of the health service(s), or a substantial variation in the provision of a service(s) in the council's area.
- (ii) The relevant NHS body is likely to discuss any proposals for the above changes with the panel at an early stage, in order to agree whether or not the proposal is considered substantial. The discussions should also include agreement of how long the consultation shall last and how it is to be carried out, taking into account local community needs, relevant documentation, communication with and response from interested parties, and their analysis and evaluation.
- (iii) An NHS body undertaking a consultation shall, if necessary, be invited to attend a meeting(s) of the **People Scrutiny Panel** upon request to explain and answer questions on the rationale behind the proposals and the options for change being considered.
- (iv) Having considered the above proposals and local evidence gathered, the panel shall prepare and submit its comments (if any) to the relevant NHS body(ies). If the panel has any comments it shall respond within the time-scale specified by the NHS body.

In accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations, 2002 the committee can either:-

- (i) support the proposals of the NHS body;
 - (ii) not support the proposals, and provide reasons and evidence for this;
 - (iii) make suggestions or comments as agreed and deemed appropriate, and
- (v) in exceptional cases where the panel is not satisfied -
- with the content of the consultation or that sufficient time has been allowed or
 - that the reasons given for not carrying out consultation with the scrutiny panel are inadequate.

it may report the issue to the Secretary of State in writing making its reasons and conclusions clear. The panel shall not consider any referral to the Secretary of State until the relevant NHS body(ies) has had an opportunity to respond to the panel's comments, and if it so wishes, an effort has been made to resolve the matter locally.

- (vi) Where referral has been made to the Secretary of State he/she may ask an Independent Reconfiguration Panel (IRP) to advise him/her on the matter before direction is given to the NHS body and/or **People Scrutiny Panel** on the above matters.
- (vii) Responses to consultations by NHS bodies shall be made available in public, unless the matter is exempt for reasons defined in the council's Constitution, Access to Information Procedure Rules or by Patient Confidentiality legislation.

(d) **Joint Committees/Panels**

- (i) Joint scrutiny committees/panels may be required to be established by two or more appropriate local authorities where -
 - a specific scrutiny review is planned, reviewed and undertaken of a NHS health service provided and spanning more than one local council area, and
 - a response is required or directed by the Secretary of State to a NHS body(ies) consultation on any proposal to substantially develop or vary services where those services are provided to populations that span more than one council area.

- (ii) Joint committees/panels shall have political proportionality for members from each participating local authority unless members of all authorities agree to waive that requirement.
- (iii) Joint committees/panels shall only undertake the functions which appointing authorities allocate to them, making their roles, responsibilities and terms of reference clear.
- (iv) Local authorities participating should share the costs and resource implications of working together. It may be appropriate to agree a 'lead' council for a review.
- (v) When a joint committee/panel has completed its scrutiny review it should produce one report - reflecting the views of all local authority scrutiny committees/panels involved in the joint committee/panel. The report should aim to be consensual. The NHS body receiving the report must respond in writing to any requests for responses to the report or recommendations, within 28 days of receipt of a request.

A joint committee/panel commenting on proposals for a substantial variation or development of a service shall comment back to the relevant NHS body using the options in paragraph c (iv) above.

D5.14 DEVELOPING AND IMPLEMENTING THE OVERVIEW AND SCRUTINY WORK PROGRAMME

- (a) Each scrutiny panel will be responsible for setting their own programme of work for a council year or for an agreed longer period of time. This work will form the council's Overview and Scrutiny Work Programme. In setting their own work programmes overview and scrutiny panels shall operate within their terms of reference, or jointly with other panels for cross-cutting issues, and take account of the following:-
 - (i) ~~Scrutiny Co-ordinating Panel's~~ **Consideration of other scrutiny panels' work and** recommendations for potential overview and scrutiny reviews and **avoid possible duplication.**
 - (ii) ensuring that overview and scrutiny topics do not fall disproportionately on individual council services, partners or National Health Service Bodies at any one time;
 - (iii) scrutiny reviews of whole council service units should normally be avoided;
 - (iv) ~~scrutiny of a council service area within a period commencing twelve months prior to a planned best value review and terminating at least six months following the completion of such~~

~~a review should normally be avoided (see procedure rule D5.12(d) (i));~~ **DELETE**

- (v) National Health Service bodies statutory duty to consult local overview and scrutiny panels on any proposal it has under consideration for a substantial development of the health service(s) or a substantial variation in the provision of such a service(s) in the council's area;
- (vi) a statutory requirement to establish a joint overview and scrutiny committee/panel of two or more local authorities to respond to a National Health Service body's consultation on any proposal to substantially develop or vary services where those services are provided to areas that span more than one council area.
- (vii) overview and scrutiny reviews shall only be carried out and continued if, having taken into consideration relevant advice given by the Director of Corporate and Community Services (a panel is of the opinion that) a review is likely to -
 - contribute real improvements for ~~the local community~~ **people and or the** council or;
 - delivers council priorities or;
 - improves performance or;
 - contributes to ~~the council's local strategic and crime reduction~~ partnerships;
 - or, contributes to or improves the health of the local population and/or the quality of health services in the area, and
 - the aims, objectives and ~~outcomes~~ **recommendations** of a review are ~~realistic and achievable~~. **SMART (Specific, Measurable, Achievable, Realistic and Timely), and they address value for money and potential savings.**
- (viii) scrutiny panels shall invite all council members, the Chief Executive and Directors and members of the public to suggest possible topics for inclusion in their work programmes. **Informal consultation between scrutiny chairmen and the council's Executive shall encourage cabinet members to refer appropriate business to a relevant scrutiny panel for its consideration for inclusion in its work programme.**

Appropriate National Health Service bodies, **health organisations** and voluntary and community sector organisations **and other partners** shall also be consulted on proposals for reviews of and/or associated with services they deliver in the council area;
- (ix) **Scrutiny panels shall also consult with Cabinet Members who shall have opportunities to discuss and refer**

appropriate business to a relevant scrutiny panel for its consideration for inclusion in its work programme (see paragraph D5.12(b)).

- (x) proposed co-options and experts required to provide specific advice for a review;
- ~~(x) scrutiny panels shall aim to identify an optimum time requirement to carry out each review contained in their work programme, and set aside time to allow for reviews to be extended where necessary;~~ **DELETE**
- (xi) where a scrutiny panel conducts a review or scrutinises a matter which also falls (whether in whole or part) within the remit of another scrutiny panel, then the panel conducting the review shall invite the **chairman and all panel members** of the other panel (or his/her nominee) to attend its meetings when the matter is being considered.
- (xii) An annual report or summary of the work carried out by the council's overview and scrutiny panels each council year may be presented by the Director of Corporate and Community Services to **either** the council, **cabinet** and/or members of the public.

D5.15 RIGHTS OF SCRUTINY PANEL MEMBERS TO DOCUMENTS

- (a) In addition to their rights as councillors, members of scrutiny panels (and statutory co-opted members) have the additional right to council documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part D of this Constitution.
- (b) Nothing in paragraph (a) prevents more detailed liaison between the Executive and scrutiny panels as appropriate, depending on the particular matter under consideration on which the Director of Corporate and Community Services shall advise.
- (c) In accordance with the Health and Social Care Act 2001 and subsequent statutory regulations, local National Health Service (NHS) bodies must provide scrutiny panel with such information about the planning, provision and operation of health services in the area of the ~~committee's~~ **panel's** local authority as the panel may reasonably require to undertake effective overview and scrutiny. (A number of exceptions to this requirement are detailed in Part 1 of Schedule 1 of the Health and Social Care Act, 2001).

Where a local NHS body relates to more than one overview and scrutiny panel and a joint committee/panel has been established, it will have fulfilled its duty in providing information to all those ~~committees~~/**panels** by providing it to the joint committee/panel.

- (d) Also, if a request for information is made by an overview and scrutiny panel, and an NHS body refuses to provide the information, the overview and scrutiny panel may refer the issue to the body responsible for "performance managing" the NHS organisation. The performance managing body should consider the request seriously and negotiate for a speedy resolution to the request.
- (e) Freedom of Information requests may also be received relating to the work of and documents produced by overview and scrutiny panels. These requests will be dealt with in accordance with the requirements of the Freedom of Information Act 2000 and associated procedures adopted by the council.

D5.16 MEMBERS AND OFFICERS OF THE COUNCIL REQUESTED TO ATTEND MEETINGS

- (a) Any scrutiny panel 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 and/or any officer to attend before it to explain in relation to matters within their remit;
 - (i) any particular decision or series of decisions (information pre-decision shall normally be provided by an officer);
 - (ii) the extent to which the actions taken implement council policy;
 - (iii) their performance and/or
 - (vi) their views and options

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

- (b) Where any member or officer is required to attend a scrutiny panel under this provision, the chairman of that panel will inform the Director of Corporate and Community Services giving as much notice as possible. The Director of Corporate and Community Services shall inform the member or officer in writing of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the panel.

Where the account to be given to the panel requires 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, then the scrutiny panel shall in consultation with the member or officer arrange an alternative date for

attendance to take place again giving as much notice as possible.

D5.17 ATTENDANCE AT MEETINGS BY A REPRESENTATIVE(S) OF A LOCAL NATIONAL HEALTH SERVICE (NHS) BODY

- (a) Overview and scrutiny panels can request the attendance of an appropriate officer from a local NHS body to answer questions during a scrutiny review. NHS bodies are under a duty to comply with these requests. A scrutiny panel shall give reasonable notice of its request for an officer to attend, and provide an indication of the issues being considered, and where possible an outline of the potential lines of enquiry.
- (b) The Health and Social Care Act, 2001 and subsequent statutory regulations does not require the **chairman** or non-Executive directors to attend before an overview and scrutiny panel. However, there may be times when they may wish to accept invitations to enable the panel to discuss issues of governance and policy relating to the NHS body.

D5.18 ATTENDANCE BY OTHERS

A scrutiny panel may invite people other than those people referred to in paragraph D5.16 and D5.17 above to address, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and representatives of other parts of the public sector, **partners**, voluntary sector and local businesses, and shall invite such people to attend.

D5.19 MEMBER, OFFICERS AND OTHERS GIVING ACCOUNT, EVIDENCE, INFORMATION AND/OR ANSWERING QUESTIONS AT MEETINGS

Where scrutiny panels request those identified in paragraphs D5.16, 17 and 18 above to attend meetings to give account, evidence, information and/or to answer questions to assist their investigations business shall be conducted in accordance with the following principles:-

- (i) That the investigation be conducted fairly and all members of the panel be given the opportunity to ask relevant and appropriate questions of attendees, and to contribute and speak;
- (ii) That those assisting the panel by attending to give account, evidence, information and/or answer questions be treated with respect and courtesy;
- (iii) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis, and

- (iv) The content of the debate and questioning is at the discretion of the chairman, who shall take into consideration whether sensitive information and/or exempt information is likely to be disclosed, and if necessary with the agreement of the panel, take appropriate action in accordance with the Constitution's Access to Information Procedure Rules and/or appropriate exemptions relating to information provided by a NHS body.

D5.20 THE PARTY WHIP

- (a) When considering any matter in respect of which a member of a scrutiny panel is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the panel's deliberations on the matter. The declaration, and the detail of the whipping arrangements shall be recorded in the minutes of the meeting;

or

- (b) when considering any matter in the following categories:

for example

any matter referred to the overview and scrutiny panel by the Executive;

or the review of any decision;

or the performance of any member of the Executive.

In respect of which a member of a scrutiny panel is subject to a party whip, the member must declare the existence of the whip and the nature of it, before the commencement of the panel's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes.

D5.21 MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE COUNCIL'S EXECUTIVE (AND RELEVANT NATIONAL HEALTH SERVICE BODIES)

- (a) Following completion of an overview and scrutiny review (see paragraph D5.13 for 'health reviews') a scrutiny panel shall make its approved report public prior to its submission to ~~council~~ and the Executive **Council's cabinet**. Electronic and/or hard copies of the report shall be made available to all key stakeholders.
- (b) Completed and public reports will be submitted to the next available ~~full council~~ **cabinet** meeting for ~~debate~~ **its consideration**. ~~Where the report relates to a council function, the full council will consider what action to take in respect of it.~~

Where the report relates to an Executive function the report will be referred to the next available meeting of the cabinet, ~~together with any recommendations of council.~~**where:-**

- (i) The cabinet will ~~then~~ consider the **content of the** report, ~~together with any recommendations of council at its next available meeting.~~ **and its recommendations.**
- (ii) The chairman (and scrutiny officer) of the relevant scrutiny panel may be required to attend that meeting of the cabinet to speak on the ~~overview of~~ scrutiny report, and respond to any questions asked by cabinet members.
- (iii) The Cabinet ~~or relevant cabinet member(s)~~ will then produce a draft action plan responding to the ~~overview of~~ scrutiny report's recommendations **within 30 days** ~~within three months of the above meeting~~ **and submit it for consideration/approval to its next meeting.**
- (iv) The draft action plan will **also** be submitted to the relevant scrutiny panel for comment before consideration by the Cabinet ~~or relevant cabinet member(s)~~. Any comments will then be included in a corresponding report containing the draft action plan, to be submitted and considered by the Cabinet or relevant cabinet member(s) for approval. ~~at a future scheduled meeting.~~

This report will explain clearly why any recommendation contained in the scrutiny panel's report cannot be implemented. The action plan will give target dates when all other recommendations are likely to be implemented. A relevant Cabinet Member(s) and/or Chief Executive or Director may be required to attend a meeting of a relevant scrutiny panel to discuss and respond to questions on their action plan.

- (v) Review of progress and effectiveness of implementation of the Executive Action Plan shall be carried out in accordance with paragraph D5.12 (c) (v) of these procedure rules.
- (c) Consideration by relevant National Health Bodies and the council (or any other key stakeholder), and their response to an overview and scrutiny report relating to the planning, provision, and operation of local health services, shall be carried out in accordance with paragraph D5.13 (b) of these procedure rules.

D5.22 CALL-IN PROCEDURE

Call-in should only be used in exceptional circumstances. These are where members of the appropriate scrutiny panels have evidence

which suggest that the cabinet or decision maker did not take the decision in accordance with the principles set out in Article 13 of the Constitution. (Call-in is of a decision made, but not yet implemented).

- (a) When decisions are made by the cabinet, an individual member of the cabinet or a committee of the cabinet, or a key decision is made by an officer under delegated authority from the cabinet, or an area committee or under joint arrangements, those decisions shall be published, including wherever possible by electronic means, and shall be available at the main offices of the council normally within two working days of being made.
- (b) **Chairmen** and vice-chairmen of all scrutiny panels will also be sent copies of the records of all such decisions within the same timescale by the person responsible for publishing the decision, i.e. the proper officer of the council or his representative.
- (c) On publication of decisions and in accordance with the council's executive arrangements, those decisions which can be subject to call-in will come into force and may then be implemented on the expiry of **two** working days after publication, unless a scrutiny panel objects to a particular decision and calls it in.
- (d) During the period referred to in (c) above, the Director of Corporate and Community Services shall call in a decision for scrutiny by ~~the scrutiny co-ordinating~~ **the relevant scrutiny** panel if so requested by the chairman or any ~~three~~ **two** members of any scrutiny panel, and shall then notify the decision taker of the calling in of a particular decision. The request shall also give clear reasons why the decision has been called in. (A proforma is available electronically from the Head of Democratic Services).
- (e) Where a decision has been called in, any action to implement that decision will be suspended until it may be made in accordance with the following provisions of this ~~protocol~~. **procedure rule.**
- (f) In consultation with the chairman of the ~~scrutiny co-ordinating~~ **relevant scrutiny** panel, the Director of Corporate and Community Services shall call a meeting of that panel on such a date and at such time to be determined within five working days of the decision to call-in. The relevant cabinet member (together with the Chief Executive and/or Director(s) shall be requested to be available to attend the meeting in order to respond to any questions from the panel on or relevant to the decision.
 - An agenda for the meeting to consider the called in decision will be sent to members of the scrutiny panel with a copy of the request for call-in, a copy of the decision and a copy of the report on which the decision was based.

- At the meeting of the panel the **chairman** or a nominee of the members who have requested the call-in, shall be required to present the reasons why the decision has been called in and initiate any questioning of the relevant cabinet member(s), together with the Chief Executive and/or Director(s), on or relevant to the decision.
 - The **chairman** shall then invite other members of the panel to ask the relevant cabinet member (together with the Chief Executive and/or Director(s) any further questions on or relevant to the decision.
 - The panel will then consider whether it has sufficient material before it on which to decide the next course of action i.e. to take no further action on the decision, refer it back to the decision maker for reconsideration or (in limited circumstances) to refer it to the council (see paragraphs (g) - (m) below).
 - If the panel decides that it needs further information and/or the attendance of particular persons in order to reach a decision it shall arrange a further meeting to enable the information and/or persons to be available.
 - The decision will remain suspended until the scrutiny process has been completed and one of the outcomes set out in paragraph (g) has been achieved.
- (g) If, having considered the decision, the ~~scrutiny co-ordinating~~ **relevant scrutiny** panel is still concerned about it, then it may -
- (i) recommend (with any representations), that the decision be reconsidered by the body or person that made it, or
 - (ii) arrange for the full council to consider the decision and, where necessary, ask the executive or decision maker to reconsider it.
- If the decision is referred back to the decision maker or decision making body, that decision should be reconsidered within a further five working days.
- (h) Where the decision maker or decision making body reconsiders the decision it could -
- (i) confirm the original decision, or
 - (ii) agree to change that decision having considered the representations made by the scrutiny panel.
- (i) If, following an objection to a particular decision, the panel does not meet, or does meet but does not refer the matter back to the decision

making person or body, that decision shall take effect on the date of the scrutiny meeting, or the expiry of that further five working day period referred to in paragraph (f) above, whichever is the earlier.

- (j) The ~~scrutiny co-ordinating~~ **relevant scrutiny** panel may exercise its power in section 21(3)(b) of the Local Government Act 2000 to refer a matter to the ~~full~~ council only if the panel considers that the decision is contrary to the policy framework or contrary to, or not wholly in accordance with the budget.
- (k) If a matter is referred to the full council in accordance with paragraph (j) above, the Director of Corporate and Community Services in consultation with the Mayor shall call an extraordinary meeting of the council within seven working days.
- (l) If the council does not object to a decision which has been made, then no further action is necessary and the decision will become effective on the date of that council meeting. However, if the council does object it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the council will refer any decision to which it objects back to the decision making person or body, together with its 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 cabinet as a whole or a panel of it, a meeting will be convened to reconsider that decision within five working days of the council request. Where the decision was taken by an individual cabinet member, that individual should reconsider the decision within five working days of the council request.
- (m) If the council does not meet, or if it does but does not refer the decision back to the decision making person or body, that decision will become effective on the date of the council meeting or expiry of the period in which the council meeting should have been called, whichever is the earlier.
- (n) The call-in procedure set out above shall not apply where the decision being taken by the Executive 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 interests. The record of the decision, and 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. In the case of a key decision the Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Such decisions taken as a

matter of urgency must be reported to the next available meeting of the council, together with the reasons for urgency.

- (o) 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.
- (p) In order to ensure that call-in is not abused, nor causes unreasonable delay, but at the same time to ensure that there is an appropriate balance between effectively holding the Executive to account, being able to question decisions before they are implemented and allowing effective and efficient decision making by the Executive within the policy framework and budget agreed by the council, the following limitations have been placed on its use -
 - (i) Call-in of any Executive decision must be within four working days of the publication of a decision.
 - (ii) The chairman or any ~~three~~ **two** members of any overview and scrutiny panel are needed for a decision to be called in.
 - (iii) Overview and scrutiny panels may ~~only~~ call-in ~~eight~~ **fifteen** Executive decisions in total in ~~any six month period~~ **the twelve month period, annual meeting to annual meeting**. ~~The six month period will run from the annual meeting of the council each year to the end of November and the beginning of December to the following annual meeting of the council.~~

(An illustrated version of the 'Call-in' procedure is set out for ease of reference in Table two at the end of these procedure rules).

Table One

**POLICY REVIEW AND DEVELOPMENT
SCRUTINY PROCEDURE**

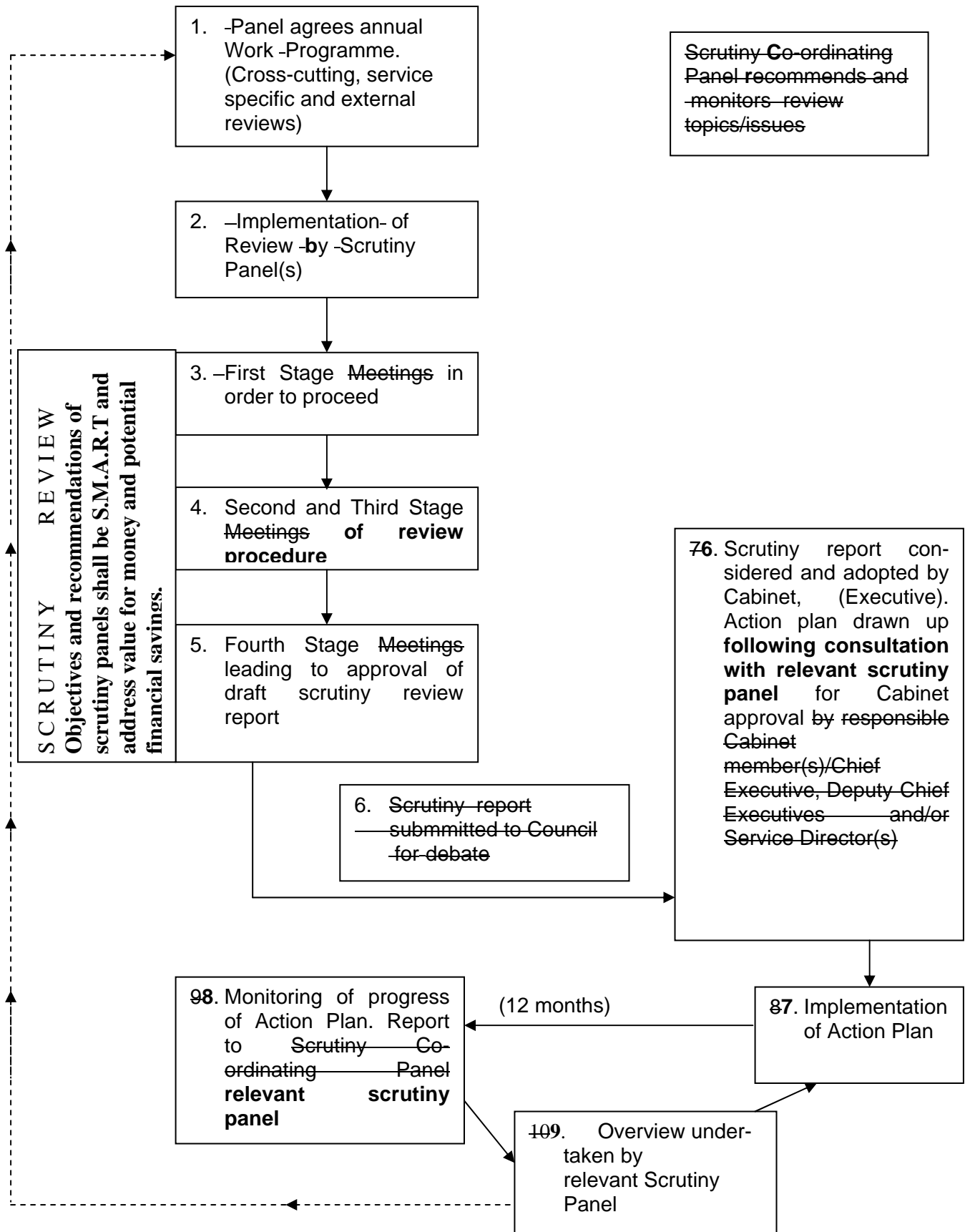


Table Two

'CALL IN' OF DECISIONS MADE BUT NOT IMPLEMENTED (AND NOT URGENT)

PUBLICATION OF EXECUTIVE DECISION
 (within 2 working days of it being made)
 - 'CALL IN' of any Executive decision must be within **2** working days of the date of publication by the chairman or any **3** **2** members of any **relevant** Scrutiny Panel. Decision maker to be notified.

§15 Executive Decisions in total may be 'called-in' in ~~any 6 month period.~~ (See para D5.22 p ((iii) **the twelve month period annual meeting to annual meeting**

Meeting of the ~~Scrutiny Co-ordinating Panel~~ **relevant scrutiny panel** to be arranged within 5 working days of the notice to 'call in' the decision.

Action 1
 If the ~~Co-ordinating~~ **scrutiny** panel does not meet or does, but does not refer the decision to Council * or back to the decision maker then the decision will take effect on the date of the Panel meeting or expiry of the 5th day whichever is the earliest
 (or)

Action 2
 Decision referred to Council * if considered to be contrary to the policy framework or contrary to or not wholly consistent with the council's budget.
 If so, an extraordinary meeting of the Council to be called within 7 working days
 (or)

Action 3
 Decision referred back to the decision maker and must be re-considered within 5 working days and either
 (i) confirms the original decision
 (ii) agrees to change the decision having considered the representations made by the ~~Scrutiny Co-ordinating~~ Panel.

Action A
 If the Council does not object to the decision then no further action is necessary and the decision will become effective on the date of the council meeting or if it does not meet on the expiry of the 7th day whichever is the earliest

Action B
 If the Council does object to the decision, (it has no power to make a decision on an executive decision unless it is contrary to the policy framework or not wholly consistent with the budget) - the council will refer it back to the decision maker with its views. A meeting must then be held on the decision within 5 working days and can either choose to amend the decision or not before reaching a final decision and implementing it.

D5.23 COUNCILLOR CALL FOR ACTION PROTOCOL

(a) Introduction

- (i) The "Councillor Call for Action"(CCfA) was introduced under section 119 of the Local Government and Public Involvement in Health Act 2007, and came into force on 1 April 2009.
- (ii) The Act enables any member of the Council to refer to an appropriate scrutiny committee/panel any local government matter or any crime and disorder matter which affects their ward.¹ In North Lincolnshire, CCfAs regarding local government matters shall be referred to and dealt with by the ~~Scrutiny Coordinating Panel~~ **relevant scrutiny panel as defined by its terms of reference**. Crime and disorder matters shall be referred to and dealt with by the council's Crime and Disorder Committee as stated in the Police and Justice Act 2006, Crime and Disorder (Overview and Scrutiny) Regulations. This will be deemed to be the ~~Safer and Stronger Communities Scrutiny~~ **Places Scrutiny** Panel. However, all referrals to either panel shall apply this protocol.
- (iii) The power to refer a matter as a CCfA is available only where the matter is of direct concern to the ward which the councillor represents. A councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for councillors in multi-member wards to agree - any of them can refer a matter.

(b) Limitations

- (i) It is important to recognise that CCfA is a 'last resort' and is also not guaranteed to solve a given problem. CCfA can provide a method for discussing such problems and through discussion, trying to overcome them.

(c) Issues excluded from referral as a CCfA

- (i) The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:
 - Individual complaints concerning personal grievances or commercial issues.
 - Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example;

Planning and licensing applications and appeals, Council Tax/Housing Benefits complaints and queries, and issues currently under dispute in a court of law.

- Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the appropriate scrutiny panel. (or its sub-groups)².

1. For definitions of a local government matter and a local crime and disorder matter please see explanatory notes pages at appendix 2.

2. For definitions of vexatious, discriminatory and not reasonable please see explanatory notes pages at Appendix 2.

(ii) In addition to the above, a matter which is the same or substantially similar to one which has been the subject of a CCfA within the period of twelve months shall be regarded as an excluded matter.

(iii) A referral, provided it is not an excluded matter (see above), will ensure that the matter can be considered by the scrutiny panel. It is then up to the panel to decide whether or not to take the matter further as a CCfA.

(iv) Advice and determination of exclusions will be given by the Head of Democratic Services and ultimately the Monitoring Officer.

(d) Steps to be taken prior to making a Councillor Call for Action referral

(i) Prior to a councillor referring a matter as a CCfA to the scrutiny panel, a councillor must have tried to resolve the issue/problem themselves using all mechanisms and resources available to them at ward level. Councillors should:

- If a local crime and disorder matter, have raised the issue through the North Lincolnshire Safer Neighbourhoods Partnership and Neighbourhood Action Teams to find a way to resolve it.

- Ensure that all relevant partner organisations have been informed of the issue and have been given enough time to attempt to resolve it, for example, through formal letters written on behalf of constituents, discussion at public meetings, petitions, communication with local MPs, parish and town councils and especially Neighbourhood Action Teams.

- Ensure that all relevant and potential routes to solution within the council have been followed, for example informal/formal discussions with officers and/or cabinet members, questions at committees and petitions.
- Ensure that it is not an issue that is currently being or should be pursued via the Council's complaints procedure or any other appropriate complaints procedure.
- Ascertain whether or not any other form of local scrutiny is investigating the issue, (for example, Standards and Audit Committees).

(e) How to make a Councillor Call for Action referral

(i) After carrying out the above, and if the issue/problem is still not resolved, the councillor can refer it to the scrutiny panel as a "Councillor Call for Action ". To do this the councillor should complete and submit to the Head of Democratic Services a 'CCfA Request Form' outlining what the issue is and what steps have been taken towards a resolution. The request form is available from the Head of Democratic Services (electronically or hard copy). See Appendix 1. The request form for a CCfA should include:

- The name of the councillor and ward they represent
- Title of the CCfA and date of submission
- Why the councillor thinks the issue should be looked at by the appropriate scrutiny panel
- A brief synopsis of what the main areas of concern are
- What evidence the councillor has in support of their CCfA
- Which areas or community groups are affected by the CCfA
- What the councillor has done to try and resolve the issue prior to requesting a CCfA (Any letters, emails etc should be attached to the form as evidence of what has been tried to resolve the issue).
- Whether the CCfA is currently the subject of legal action by any party (to the councillor's knowledge) or is being examined by a formal complaints process
- Whether there are any deadlines associated with CCfA of which the appropriate scrutiny panel needs to be aware.

(ii) The Head of Democratic Services shall receive the referral form, log it to track its progress, and following the advice of the monitoring officer, shall assess the issue to ensure that it is not a matter excluded from referral to the scrutiny panel.

- (iii) Following confirmation by the Monitoring Officer, the Head of Democratic Services shall inform the **chairman** of the appropriate scrutiny panel that the request has been received and whether it shall be an agenda item for consideration by the panel. The referring councillor(s) shall also be informed whether or not their referral has been successful.
- (iv) A successful referral will ensure that the CCfA shall be placed on the next agenda of the scrutiny panel (public meeting). It is then up to the panel to decide whether or not to take the matter further. (see timescales, page 5)

(f) Decision of the Scrutiny Panel whether to take the matter further

- (i) In deciding whether or not to take the matter further the panel shall consider:
 - Any work that the councillor has done in relation to this matter; and
 - Representations made by the councillor as to why the panel should take the matter up; Councillors are expected to present their CCfA and to submit a brief covering statement setting out their views, for consideration by the scrutiny panel. Any statements prepared by councillors shall be circulated with the agenda alongside the CCfA referral form (This information will need to take account of the disclosures of exempt information as described in Part 1 of Schedule 12A of The Local Government Act 1972 (as amended))
- (ii) In considering the CCfA the **chairman** of the scrutiny panel may invite the relevant cabinet member (or other member) Chief Executive, or Director(s) or external organisation or any other witnesses to discuss the issue with the panel and answer any questions. Appropriate notice should be given. All those invited should make every effort to attend (or send an appropriate representative).
- (iii) The criteria the scrutiny panel shall use to decide whether or not to take the matter further shall include:
 - Is the scrutiny panel satisfied that all reasonable attempts have been made to resolve the issue by the ward councillor? Do the responses received by the referring councillor demonstrate that the matter is not being progressed?
 - Has the scrutiny panel considered a similar issue recently - if yes have the circumstances or evidence changed?

- Is there a similar or related issue which is the subject of a overview/review on the current scrutiny work programme? (It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account)
- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the councillor received?
- Is this a case that is being or should be pursued via the Council's corporate complaints procedure or any other complaints process?
- Is the issue part of an individual's own personal agenda (an issue of genuine local concern should have an impact on the ward's local community)?
- Is this an issue currently being looked at by another form of local scrutiny, (for example, a Standards or Audit Committee)?
- And as with all overview and scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which can realistically be implemented and lead to improvements for anyone living or working in the referring member's ward?

(g) Considering the CCfA

- (i) If the panel decides not to accept the CCfA referral it must inform the referring councillor(s) and provide reasons in writing.
- (ii) If the panel decides to accept the CCfA referral, it must agree how and when it intends to take the matter forward and include the CCfA in its annual work programme.
- (iii) The panel should agree how the CCfA is dealt with (possibly using a sub-group if necessary) and which members, witnesses, partners, officers, co-optees be invited, following advice received from the Head of Democratic Services.
- (iv) The councillor(s) shall be informed in writing that the referral has been successful and the course of action to be taken.

(h) Potential outcomes

- (i) Following consideration after CCfA investigations, there are the following possible outcomes from the appropriate scrutiny panel:

- The scrutiny panel write a report and make recommendations on the CCfA to the cabinet and/or relevant partners organisations.
 - The scrutiny panel could determine that it is a complex issue that requires further investigation and commissions a full policy review and development scrutiny review of the issue:
- (ii) Once the scrutiny panel has completed its work on the CCfA referral the councillor who made the CCfA referral, shall receive a copy of any report and recommendations made. The report shall also be made available on the council's website, unless the matter was an exempt item, in which case the report may not be made public.
- (iii) Once published the report should be referred to the cabinet where its recommendation should be considered and an action plan agreed (see 9.4 below).

(i) Timescales

- (i) Once a CCfA has been assessed as not being a matter which is excluded from referral to the scrutiny panel, the item will be included on the next scrutiny panel's (public meeting) agenda. If a meeting of the scrutiny panel is not scheduled within 28 days of receipt, a special meeting may be arranged following consultation with the chairman.
- (ii) If the scrutiny panel decides to accept the referral as a CCfA, it will agree how to take the matter forward (following advice received from the Head of Democratic Services) and include it within its annual work programme.
- (iii) Should a CCfA hearing result in a report and recommendations to the cabinet being made, the cabinet shall consider these together with an action plan at its next appropriate meeting.
- (iv) Should a CCfA hearing result in recommendations to partner organisations, such organisations shall be requested to make a response (with action to be taken) to the report and recommendations within one month.
- (v) The action/outcomes of the CCfA will be revisited by the appropriate scrutiny panel within 6-8 months of above response/agreed action plan.

Appendix 1 - Councillor Call for Action Request Form

This form should be used by any Councillor who would like the appropriate Scrutiny Panel to consider a Councillor Call for Action in their ward.

Councillor

The ward you represent

Title of your councillor Call for Action
--

Date of Submission

Have you approached the appropriate scrutiny panel on the same issue in the past twelve months?			
Yes		No	

Would you like your response by:			
Email		Letter	

Why you think the issue should be looked at by the scrutiny panel ?

Please give a brief synopsis of the main areas of concern
--

What evidence do you have in support of your CCfA (please attach)

Which areas or community groups are affected by the CCfA

How have you tried to resolve the issue? (please attach any evidence)

Is the CCfA currently the subject of legal action by any party (to your knowledge) or being examined by a formal complaints process?

Are there any deadlines associated with the CCfA of which the scrutiny panel needs to be aware?

(please expand upon an attached sheet of paper if required).

Please complete and return the form to:

**Head of Democratic Services
Pittwood House
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB**

Appendix 2 - Explanatory Notes

1. Definition of a local government matter and a local crime and disorder matter

Local government matter

For the purpose of the Act a local government matter, in relation to a member of a local authority is one which:

- Relates to the discharge of any function of the council,
- Affects all or part of the electoral area for which the referring member is elected or any person who lives or works in the area (i.e. it must be specific to a particular locality); and
- Is not an excluded matter.

However, the guidance produced by the Centre for Public Scrutiny and Improvement and Development Agency advises that, to give full effect to CCfA, the interpretation of "local government matter" needs to be broader. This includes issues relating to the Council's partners, in line with the area focus of Comprehensive Area Assessment (CAA), and the fact that an authority's duties increasingly impact on other organisations, and involve partners within and outside the Local Strategic Partnership (LSP).

Local crime and disorder matter

A local crime and disorder matter, in relation to a member of a local authority, has been defined to mean a matter concerning:

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (b) the misuse of drugs, alcohol and other substances that affects the electoral area represented by the member, or the people who live or work in that area.

2. Definitions of "vexatious", "persistent", "discriminatory" and "not reasonable"

Statutory regulations deal with matters that can be excluded from CCfA, stating that "any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the scrutiny committee is to be excluded".

Vexatious/Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or

definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid - it may relate to a systematic problem that has not been effectively resolved.

CCfAs need to be looked at on their merits, rather than on the basis of who is bringing them, or whether somebody thinks there is an ulterior motive for them being brought.

Where a request for a CCfA is clearly vexatious, detailed reasons for coming to this decision will be given to the councillor concerned. There could, however, be instances where changes to the scope of the CCfA, or its focus, could make it more acceptable while still meeting the councillor's requirements.

Discriminatory

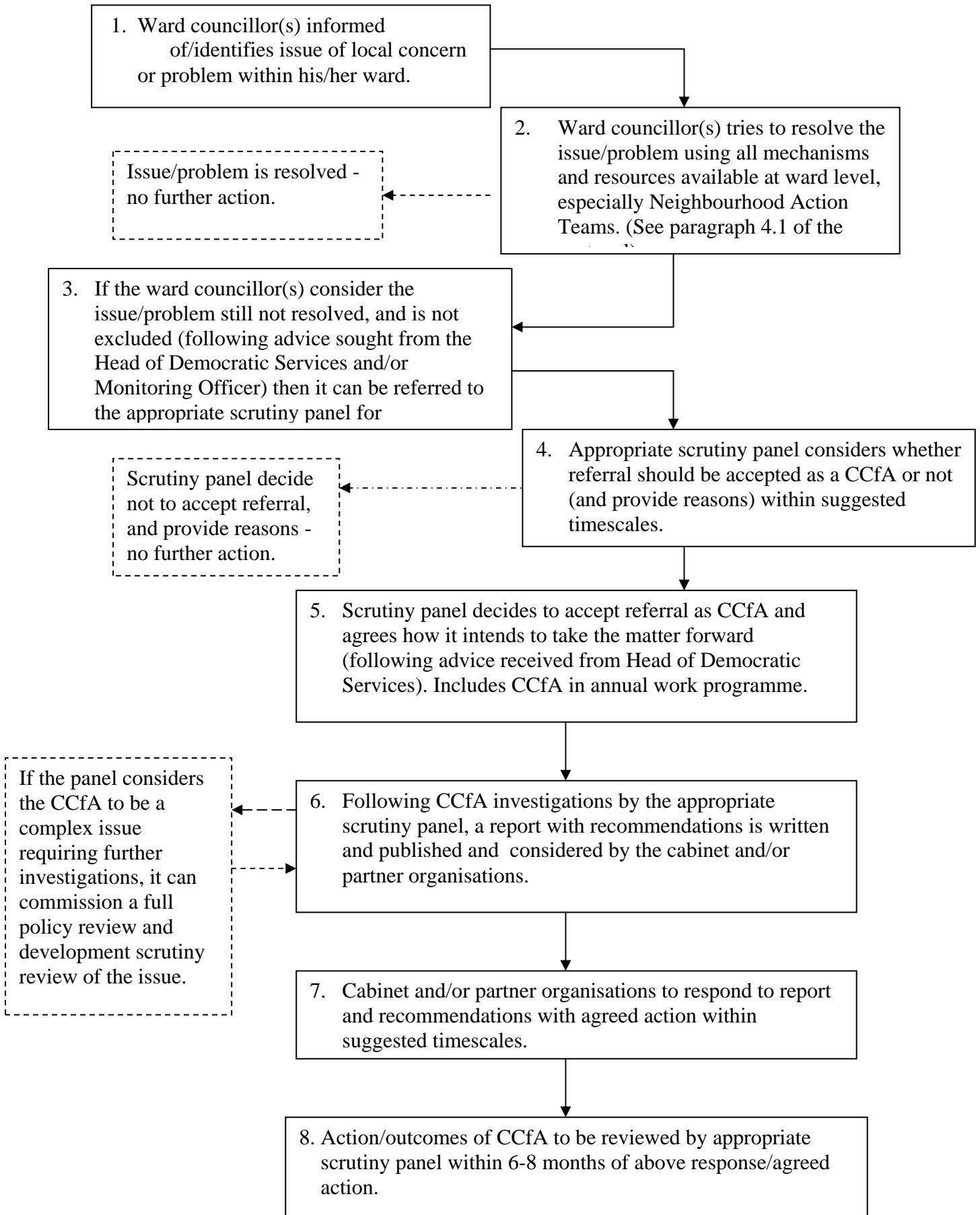
A modern interpretation of the word "discrimination" is provided at Section 45 of the Equality Act 2006, in relation to religion and belief, as follows:-

A person (A) discriminates against another (B) if on the grounds of the religion or belief of B or of any other person except A, A treats B less favourably than he treats others. This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and/or race. So a discriminatory CCfA might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

Not reasonable

It is suggested that, in the interests of transparency, authorities do not interpret "not reasonable" as being the same as the legal word "unreasonable". It is best to consider it as a qualifier to the word "vexatious", as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.

Appendix 3 - Summary of CCfA Process



D5.24 SCRUTINY OF THE CRIME AND DISORDER REDUCTION PARTNERSHIP

(a) Introduction

- (i) In accordance with Part 3 of the Police and Justice Act 2006, local authorities have the power to scrutinise the Crime and Disorder Reduction Partnership in their area (in North Lincolnshire this is the Safer Neighbourhoods Partnership) and make reports and recommendations to the Local Authority and the partnership. In North Lincolnshire, this is undertaken by the ~~Safer and Stronger Communities~~ **Places** Scrutiny Panel, which has been designated the "Crime and Disorder Committee" under Paragraph 1, Section 19 of Part 3 of the Act.
- (ii) This Protocol has been produced between North Lincolnshire Council, The ~~Safer and Stronger Communities~~ **Places** Scrutiny Panel and the respective partners comprising the North Lincolnshire Safer Neighbourhoods Partnership. The publication of Regulations and good working practice has shaped this Protocol which may be revised by agreement between all the interested parties in order to continually improve the scrutiny process.

(b) Principles of Scrutiny Operation

- (i) Scrutiny in North Lincolnshire is positive, objective and constructive. It acknowledges good practice and recommends improvements where it feels that these would be of benefit. Scrutiny concentrates on service outcomes and seeks to add value to each service that it considers.
- (ii) Community safety and freedom from crime and disorder for the people of North Lincolnshire is dependant upon many factors including the services provided in partnership by partners in the Safer Neighbourhoods Partnership. This shared responsibility will be acknowledged by scrutiny and will feature in scrutiny reviews.
- (iii) Scrutiny of the reduction of crime and disorder will only be truly successful if key organisations work and co-operate together in an atmosphere of mutual respect and trust with an understanding and commitment to its aims.
- (iv) The key organisations involved in scrutiny of crime and disorder must be willing to share information, knowledge and reports which relate to the delivery and success of services in North Lincolnshire and carry out duties that would be reasonably expected of them to enable crime and disorder scrutiny to be successfully undertaken.
- (v) At all times both officers and members of the organisations involved in crime and disorder scrutiny, representatives and members of the public

will be treated with respect and courtesy. Matters of confidentiality will be treated with respect.

- (vi) Crime and disorder scrutiny will be open and transparent. Any person involved in crime and disorder scrutiny will always declare any personal or other pecuniary interest that they have either in a scrutiny exercise or during a meeting of the scrutiny panel in accordance with the Code of Conduct relating to standards of conduct and ethics.
- (vii) The North Lincolnshire ~~Safer and Stronger Communities~~ **Places** Scrutiny Panel, whilst working in partnership, is independent of the respective partners comprising the North Lincolnshire Safer Neighbourhoods Partnership.
- (viii) Scrutiny of Crime and Disorder will try to maximise the involvement of the community and will work with other agencies representing the public.
- (ix) Scrutiny of Crime and Disorder will be focused on improving services and service provision for the people of North Lincolnshire and will concentrate on outputs that are intended to help improve community safety and reduce the fear of crime in North Lincolnshire.

(c) The North Lincolnshire ~~Safer and Stronger Communities~~ Places Scrutiny Panel

- (i) All dates and times of meetings of the Scrutiny Panel, agendas, minutes and reports will be circulated to members and the North Lincolnshire Safer Neighbourhoods Partnership in accordance with the Local Government Act 2000 or subsequent legislation.
- (ii) The North Lincolnshire Safer Neighbourhoods Partnership will be consulted on Annual Work Programmes and informed in advance of scrutiny exercises that the Scrutiny Panel is intending to undertake. They will also be informed of the scope of all scrutiny exercises and will be given adequate notice of invitations to attend meetings of Scrutiny Panels and any required information.
- (iii) The North Lincolnshire Safer Neighbourhoods Partnership will be consulted on any draft reports before they are published. Final reports will be presented to North Lincolnshire Council, the North Lincolnshire Safer Neighbourhoods Strategy Board, be published on the Council's website and circulated in accordance with the regulations on scrutiny of crime and disorder.
- (iv) Crime and disorder scrutiny is not to be used as a complaints procedure. Case studies may however be used as part of supporting information for scrutiny exercises.

- (v) The North Lincolnshire Safer Neighbourhoods Partnership will be informed of any press releases relating to crime and disorder scrutiny although the council Public Relations Department may speak to the press in advance of meeting to brief them about forthcoming Scrutiny Panel meetings.
- (vi) The ~~Safer and Stronger Communities~~ **Places** Scrutiny Panel will at all times comply with the Constitution of North Lincolnshire Council.

(d) North Lincolnshire Safer Neighbourhoods Partnership

- (i) The North Lincolnshire Safer Neighbourhoods Partnership will work in partnership with the ~~Safer and Stronger Communities~~ **Places** Scrutiny Panel to provide objective and effective scrutiny of crime and disorder in North Lincolnshire.
- (ii) The Safer Neighbourhoods Partnership will provide information relating to the planning and operation of crime and disorder reduction activities and strategies that is required by the Scrutiny Panel so that it can undertake its required scrutiny reviews. This excludes information reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating persons or bodies.
- (iii) Information provided to the Scrutiny Panel shall be depersonalised unless the identification of an individual is necessary or appropriate in order to enable the Scrutiny Panel to properly exercise its powers (not withstanding the paragraph above).
- (iv) The Safer Neighbourhoods Partners will provide the Scrutiny Panel with such information within 20 working days of the receipt of the request, in line with Freedom of Information legislation. The partners will endeavour to provide such information as soon as it is practicable.
- (v) The North Lincolnshire Safer Neighbourhoods Partnership will respond to crime and disorder scrutiny reviews by written, considered response as soon as practicable and otherwise within a maximum of twelve weeks. The Safer Neighbourhoods Partnership will provide acknowledgement of the report and an initial response within four weeks of the presentation of the report, if a considered response is not ready at that time.
- (vi) A separate protocol and procedure will be agreed to cover references to the Scrutiny Panel from the elected members via the Councillor Call for Action.
- (vii) ~~The Safer Neighbourhoods Partnership will be consulted by the Scrutiny Panel to compile annual work programmes for crime and disorder scrutiny.~~

- (vii) The Safer Neighbourhoods Partnership will nominate a main contact person for each crime and disorder scrutiny exercise and maintain regular contact with the Scrutiny Panel, attending in person when invited.
- (viii) The Safer Neighbourhoods Partnership will ensure that staff members attending Scrutiny Panel meetings are able to answer questions openly and are given appropriate support by their line managers.
- (ix) The Safer Neighbourhoods Partnership will be proactive and suggest potential topics and items of interest for inclusion on the ~~Safer and Stronger Communities~~ **Places** Scrutiny Panel's work programme.
- (x) The Safer Neighbourhoods Partnership will contribute where appropriate to other cross-cutting reviews that have incidental impact on Crime and Disorder matters.
- (xi) The Humberside Police Authority will be fully engaged in the ~~Safer and Stronger Communities~~ **Places** Scrutiny Panel where crime and disorder matters are being considered.