

23 June 2015

Introduction to Overview and Scrutiny, Future Reviews and Report Tracker

Introduction

1. This is the first meeting of the new Overview and Scrutiny Committee following the May elections. The membership of the Committee has been reduced from 16 Members to 12 Members from the start of this Municipal Year following a suggestion from the Leader of the Council who considered that by reducing the number of members it would enable the Committee to operate more akin to the Government Select Committee arrangements when undertaking its scrutiny role. This will also enable the whole committee to meet around the oval table in the Council Chamber and therefore aid discussion.
2. Attached as an appendix to this report is a copy of the Overview and Scrutiny Procedure Rules from the Council's Constitution. These rules explain the role of the committee in terms of setting its own work programme and also sets out in detail how the Call-In process works by which the Chairman and any two members of the committee or a minimum of five members of the committee can call-in a decision of the Cabinet before it can be implemented. From reading the Annual Report 2014/15 earlier on in this agenda Members can see the nature of the various topics scrutinised by the committee over the past year together with information regarding the one item which was subject to Call-in.
3. The Chairman and three other Members of this Committee and four non committee Members were able to attend the Overview and Scrutiny Training session on Friday 5 June 2015 which was well received. Members of the Committee who were unable to attend the training have been supplied with a copy of the slides and other presentational material used on the day.

Future Meeting Arrangements

4. Meetings of the Committee have traditionally been held at 7.00pm and dates are set for the whole of the Municipal Year. As external witnesses and indeed Officers from the Council are required to attend meetings the Chairman wishes to seek the Committees views on whether they would be supportive of the meetings being held during the day, in either the morning or the afternoon. If the Committee is

mindful to agree to the Chairman's suggestion suitable times can be identified for the meetings and Members advised accordingly.

5. In terms of the programmed meeting dates for the year, the committee was next due to meet on 28 July 2015, however the Chairman has agreed to bring this forward a week to Tuesday 21 July 2015 to take account of the start of the school holiday period.
6. The dates for the rest of the year are: 25 August; 22 September, 27 October; 24 November; 15 December 2015; 26 January, 23 February; 22 March and 26 April 2016.

Future Reviews and Report Tracker

7. The current Year Plan for 2015/16 and the report tracker is attached to this report. The Committee is asked to consider whether there are any items they wish to suggest that the Committee considers for review as part of its 2015/16 work programme, or if there are any items on the current list that they would prefer not to be carried forward.
8. The Committee will need to agree any items put forward for review.
9. If Members wish to make any suggestions for review following the meeting these can be sent to Keith Fearon who will liaise with the Chairman and present them to a future meeting for consideration by the whole committee.

Recommendations

The Committee has asked to consider:-

- **Whether the committee should change the times of its meetings to during the day or to continue to meet at 7.00pm.**
- **To agree the change of date of the July meeting from 28 July to 21 July.**
- **Items for future review or report and whether any items on the existing tracker should be deleted.**

Keith Fearon
Member Services and Scrutiny Manager
01233 330564 keith.fearon@ashford.gov.uk

Year Plan 2015/16

Month	items	Task Group
June	O&S Annual Report 2015/15 Sickness and Absenteeism Annual Report	
July	Formation of Budget Scrutiny Task Group Annual Report on the Housing Framework	
August		
September	3 Year Review of Mayoralty ABC Business Plan Performance Report International House – report on full years trading Disabled Adaptions	
October		
November	ABC Business Plan Performance Report	
December		Council's draft 2016/17 budget - Budget Scrutiny TG meetings
January	Budget Scrutiny Report	Budget Scrutiny TG meetings
February	ABC Business Plan Performance Report Community Safety Partnership – Annual Update	
March		
April		
May	ABC Business Plan Performance Report	

O&S Committee – Report Tracker – Current position

Minute No.	Report Title	Officer	Date due	Current position	Recommended action
405/04/14	Overview and	Member Services	May/June	On the agenda for June 2015	Timetable for

	Scrutiny Annual Report	and Scrutiny Manager	2015		May/June each year
142/09/12	O&S Review of Mayoralty – Further Review - 2015	Member Services and Scrutiny Manager	Sept 2015	In 2010 the O&S Task examined the Mayoralty and put forward changes to make savings in line with Business Plan at that time. The operation of the service following the changes was reviewed in September 2012. A further review was requested in 3 years.	
431/04/12	ABC Business Plan performance reports – 2013/14	Policy & Performance Officer	Sept/Nov/ Feb/ May	The report comes before the O&S Committee following consideration by the Cabinet.	
398/03/13	Refurbishment of the Stour Centre	TBA	TBA	Final Report from Task Group to be presented to O&S	
367/02/15	Community Safety Partnership – annual update	Health, Parking & Community Safety Manager	February 2016	Annual update for the Committee in fulfilling its Crime and Disorder responsibilities	
216/11/13	Council play parks	TBA	TBA	Awaiting confirmation of date of report	
102/07/14	Annual report on Housing Framework	Housing Strategy Manager/Head of Housing	July 2015	Report will be on the agenda for the July meeting.	

103/07/14	Sickness and Absenteeism – annual report	Head of Personnel & development	June/July 2015	Report on agenda for June meeting.	
301/12/14	Disabled Adaptations	Head of Communities and Housing	September 2015	Report to include the current policy, scheduled programme of works, spending for the last two years and planned spend and benchmarking against other authorities.	
413/3/15	Report of Budget Scrutiny Task Group on HRA Business Plan – Universal Credit	Head of Communities and Housing	September 2016	The O&S Committee wishes to have an update report on the roll out of Universal Credit.	
414/3/15	Purchase of Commercial Property – International House – Update report	Head of Communities and Housing	September 2015	O&S requested a further report when the full years trading figures are available.	

Overview and Scrutiny Procedure Rules

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Overview and Scrutiny Procedure Rules

1. What will be the Number and Arrangements for Overview and Scrutiny Committees?

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them, as it considers appropriate from time to time. Such Committees may appoint Sub-Committees and Task Groups (Minute No. 568/5/04, 54/6/04 and 602/5/08). Overview and Scrutiny Task Groups and Sub-Committees may be appointed for a fixed period, on the expiry of which they shall cease to exist.

The Overview and Scrutiny Committees appointed by the Council will perform all Overview and Scrutiny functions on behalf of the Council. The number of Members of each Overview and Scrutiny Committee will be set out in the terms of reference as contained in Part 3 of this Constitution. Overview and Scrutiny Committees and Sub-Committees may appoint co-optees.

Task Groups will comprise between five and seven Members from the Overview and Scrutiny Committee, selected on the basis of their expertise in a particular area. The Task Groups will be established for a specific purpose and will be disbanded once the task has been completed. There is a presumption that the Task Groups are 'open meetings' unless discussing subjects that would not be open to the press and public if being discussed in a Committee (exempt).

2. Who may Sit on Overview and Scrutiny Committees?

All Councillors except Members of the Cabinet (Executive) may be Members of an Overview and Scrutiny Committee. No Member may, however, be involved in scrutinising a decision in which s/he has been directly involved.

3. Co-optees

Each Overview and Scrutiny Committee or Sub-Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees as it considers appropriate. When acting as the Crime and Disorder Committee additional non voting members may be co-opted to serve on the Committee in accordance with the Regulations.

4. Meetings of the Overview and Scrutiny Committees

The Overview and Scrutiny Committee will hold at least six ordinary meetings in each year and shall carry out its function as the Crime and Disorder Committee at no less than one meeting in every 12 month period. In addition, extraordinary meetings may be called from time to time as and

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when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman and two Members of the Overview and Scrutiny Committee, or by a minimum of five Members of the Overview and Scrutiny Committee. The Proper Officer may also call a meeting of an Overview and Scrutiny Committee if s/he considers it necessary or appropriate.

5. **Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out in the Terms of Reference of the individual Committees and Sub-Committees as appended to the General Procedure Rules in Part 4 of this Constitution.

6. **Who Chairs Overview and Scrutiny Committee Meetings?**

The Chairman and Vice Chairman of the Overview and Scrutiny Committee shall be appointed by the Full Council at its Annual Meeting as detailed in the General Procedure Rules.

7. **Work Programme**

The Overview and Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account the wishes of all Members on the Committee.

8. **Agenda Items**

Any Member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Proper Officer that he wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

Furthermore, Councillors are entitled to give notice to the Proper Officer that they wish an item relating to their Ward, which is relevant to the functions of the Overview and Scrutiny Committee of which they are not a Member, to be included on the Agenda for the next available Meeting of the Overview and Scrutiny Committee as a Councillor Call for Action (CCfA). On receipt of such a request the Chairman of the Overview and Scrutiny and Proper Officer (Head of Legal and Democratic Services) will determine whether to take the CCfA forward. If it is agreed that the item is to be progressed then the Proper Officer will ensure it is included on the next available Agenda in accordance with the CCfA protocol. In putting forward such a request the Councillor must have regard to the CCfA protocol (Appendix A(i), attached to the Overview and Scrutiny Procedure Rules) and government guidance. The Councillor concerned will be able to make representation to the Committee when it considers whether to take the item further. If the matter is a Crime and Disorder issue,

responsible authorities (Crime and Disorder Reduction Partnership Members) must be notified by the Proper Officer. (See Appendix A(ii): Additional Procedure Rules of the Overview and Scrutiny Committee when acting as the Crime and Disorder Committee).

The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet (Executive) to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet (Executive) and/or the Full Council. The Full Council and/or the Cabinet (Executive) shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

9. Policy Review and Development

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee or Sub-Committees may make proposals to the Cabinet (Executive) for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from the Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet (Executive) (if the proposals are consistent with the existing budgetary and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet (Executive) as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet (Executive) with the majority report.
- (c) The Council or Cabinet (Executive) shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Proper Officer.

11. Making Sure that Overview and Scrutiny Reports are Considered by the Cabinet (Executive)

- (a) Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Cabinet (Executive) and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the Proper Officer refers the matter to Council, he will also serve a copy on the Leader with notice that the matter is to be referred to Council. From the date of receipt of the report by the Leader, the Cabinet (Executive) will have four weeks in which to respond to the Overview and Scrutiny report, and the Council shall not consider it within that period unless not to do so, (and the Cabinet's (Executive) response is available earlier) would adversely affect the Council's budget setting timetable. When convened five clear days notice of the Extraordinary Meeting of the Council will be given pursuant to Rule 6 of the General Procedure Rules. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Cabinet (Executive) to the Overview and Scrutiny proposals.
- (b) Where an Overview and Scrutiny Committee or Sub-Committee prepares a report for consideration by the Cabinet (Executive) in relation to a matter where the Leader or Council has delegated decision making power to another individual Member of the Cabinet (Executive), then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Proper Officer and the Leader. If the Member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee then s/he must refer the matter to the next available meeting of the Cabinet (Executive) for debate before exercising his decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Cabinet (Executive) Member to whom the decision making power has been delegated

will respond to the Overview and Scrutiny Committee within four weeks of receiving it. A copy of his written response to it shall be sent to the Proper Officer and the Cabinet (Executive) Member will attend a future meeting of the Overview and Scrutiny Committee to respond.

- (c) Reports may be submitted by an Overview and Scrutiny Committee to the Cabinet (Executive) under this section as necessary.
- (d) The Overview and Scrutiny Committee will in any event have access to the Cabinet's (Executive) Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Cabinet's (Executive) consultation process in relation to any key decision.

12. **Rights of Overview and Scrutiny Committee Members to Documents**

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

13. **Members and Officers Giving Account**

- (a) Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet (Executive), the Head of Paid Service, Head of Service or other members of staff on Ashford Management Grade 8 or above to attend before it to explain in relation to matters within their remit.
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance.

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

- (b) Where any Member or Officer is required to attend an Overview and Scrutiny Committee under this provision, the chairman of that Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least five working days notice of the meeting at which s/he is required to attend. The notice will state the nature of the item on which he is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or Officer arrange an alternative date for attendance, to take place within a maximum of twenty one days from the date of the original request.

NB: Council employees below Management Grade 8, may be invited to attend but may not be required to attend.

14. Attendance by Others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. Attendance is entirely optional.

15. Call-In

- (a) When a decision is made by the Cabinet (Executive) or an individual Member of the Cabinet (Executive) or a Committee of the Cabinet (Executive), or a key decision is made by an Officer with delegated authority from the Cabinet (Executive), or an Area Committee or under Joint Arrangements, the decision shall be published and shall be available at the main offices of the Council in hard copy and on the website normally within 3 working days of being made.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in.

- (c) During that period, the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by the Chairman of that Committee and two other Members or any five Members of the Overview and Scrutiny Committee, and shall then notify the decision-taker of the call-in. He shall call a meeting of the appropriate Overview and Scrutiny Committee on such date as he may determine, where possible after consultation with the Chairman of that Committee, and in any case within 5 days of the decision to call-in. Five clear working days notice of the meeting must be given.
- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision (which shall not be subject to call-in).
- (e) If following an objection to the Cabinet (Executive) decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting or at the expiry of that further five working day period from the decision to call in the matter.
- (f) If the matter is referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. If the Council does object, however, it has no locus 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 the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet (Executive) as a whole or a Committee of it, a meeting of the Cabinet (Executive) or the Cabinet (Executive) Committee as the case may be will be convened to reconsider the original decision within five working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of

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the period in which the Council meeting should have been held, whichever is the earlier.

- (h) Where an executive decision has been taken by an Area Committee, then the right of call-in shall extend to a group of at least half the total number of voting Members of another Area Committee if they are of the opinion that the decision, made but not implemented, will have an adverse effect on the area to which their Committee relates. In such cases, those Members may request the Proper Officer to call-in the decision. He shall call a meeting of the Overview and Scrutiny Committee on such a date as he may determine, where possible after consultation with the Chairman of the Committee, and in any case within five days of the decision to call-in. All other provisions relating to call-in shall apply as if the call-in had been exercised by Members of the Overview and Scrutiny Committee.

Exceptions

- (i) The Council has not adopted a procedure to avoid abuse of the 'call-in system' but will monitor its operation with a view to adopting a control procedure if the call-in provision is abused to the extent that it prevents the effective operation of the Cabinet (Executive)
- (j) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet (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 interest. 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. The Chairman of the Overview and Scrutiny Committee 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 Chairman of the Overview and Scrutiny Committee, the Mayor will be asked if s/he considers the decision urgent. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Proper Officer or his nominee's consent shall be required, and in the absence of the Overview and Scrutiny Chairman, his nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (k) 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.

16. The Party Whip

The Party Whip is defined as follows:

“Any instruction given by or on behalf of a political group to any Councillor who is a Member of that Group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should s/he speak or vote in any particular manner”.

When considering any matter in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. Procedure at Overview and Scrutiny Committee Meetings

- (a) Overview and Scrutiny Committees and Sub-Committees shall consider the following business:
 - (i) Minutes of the last meeting;
 - (ii) Declarations of Interest (including whipping declarations);
 - (iii) Consideration of any matter referred to the Committee for a decision in relation to call-in of a decision made by the Cabinet (Executive);
 - (iv) Responses of the Cabinet (Executive) to reports of the Overview and Scrutiny Committee; and
 - (v) The business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (eg with a view to policy development) the Committee may ask people to attend to give evidence. Such meetings are to be conducted in accordance with the following principles:
 - (i) the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) those assisting the committee by giving evidence be treated with respect and courtesy; and

- (iii) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee or Sub-Committee shall prepare a report, for submission to the Cabinet (Executive) and/or the Council as appropriate, and shall make its report and findings public.

18. **Matters Within the Remit of More than One Overview and Scrutiny Committee**

- (a) If the Council constitutes more than one Overview and Scrutiny Committee the following paragraph details how matters falling within the remit of more than one Committee should be dealt with.
- (b) Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, before submitting its findings to the Cabinet (Executive) and/or the Council for consideration, the report of the reviewing Overview and Scrutiny Committee shall be submitted to the other Overview and Scrutiny Committees for comment. That Committee's comments shall be incorporated into the report which is then referred back to the other Overview and Scrutiny Committee for consideration.