

## Part 4.5 Overview and Scrutiny Procedure Rules

### 1. **SCRUTINY COMMITTEES**

- 1.1 The Council will have a Corporate Improvement Scrutiny Committee with functions as set out in Article 6.

### 2. **MEMBERSHIP**

- 2.1 All Councillors except members of the Cabinet, the Mayor and Deputy Mayor of the Council shall be eligible for appointment as members of the Corporate Improvement Scrutiny Committee.
- 2.2 The Committee shall be appointed at Annual Council.

### 3. **CO-OPTees AND PARTICIPATING OBSERVERS**

- 3.1 The Committee shall be entitled to appoint a maximum of six people as non-voting co-optees either as standing members of the Committee or on a time limited basis. Voting co-optees may only be appointed to the Committee to meet statutory requirements (see section 4 below).
- 3.2 Co-optees, and their appointment terms, shall be decided by majority vote of the Committee, with the decision taken having consideration for the positive input an individual or organisation may make to the scrutiny process.
- 3.3 The Committee Chair may invite such participating observers as may be appropriate to support the delivery of Committee priorities on a meeting-by-meeting basis, for example to assist with expert questioning on a particular topic area for a particular agenda item. Participating observers will not have voting rights and the length of their appointment will be agreed at the time of appointment. Such arrangements will be reviewed on a regular basis.

### 4. **EDUCATION CO-OPTees**

- 4.1 The Committee shall include in its membership the following voting co-optees:
- 1 Church of England diocese representative (where there is at least one maintained Church of England school in the Borough);
  - 1 Roman Catholic diocese representative (where there is at least one maintained Roman Catholic Church school in the Borough);
  - 3 parent governor representatives
- 4.2 These co-optees will only be able to vote on education matters, and invited for those items, though they may stay in the meeting and speak on other matters at the discretion of the Chair.
- 4.3 The Committee shall also include in its membership the following non-voting co-optees:
- 1 Head Teacher representative

- 1 Primary School Teacher representative
  - 1 Secondary School Teacher representative
  - Up to 1 representative of other faiths, where the council maintains a school of that faith.
- 4.4 The Headteacher representative shall be nominated by the Slough Head Teachers at their relevant termly meeting.
- 4.5 The Teacher representatives shall be nominated by the teaching unions.
- 4.6 Any faith representative shall be nominated by the appropriate faith body falling wholly or partly in the Borough.
- 4.7 The parent governor representatives shall be elected from amongst parent governors in a process carried out by Slough Borough Council in accordance with procedures which shall be shared with all parent governors at the outset of such an exercise.
- 4.8 At least one parent governor representative must be from a primary school and at least one should be from a secondary school.
- 4.9 These non-voting co-optees will be invited for education items, although they may stay in the meeting and speak on other matters at the discretion of the Chair.

## 5. **TASK AND FINISH GROUPS PROTOCOL**

- 5.1 The Committee may, at any one time, commission up to three simultaneous Task and Finish Groups to carry out detailed examination of particular topics for reporting back to the Committee. The Terms of Reference, chairmanship and membership for such Groups shall be agreed by the Committee, and may only be amended by that Committee, although the detail of the scope of the review can be determined by the Task and Finish Group, subject to this being consistent with the Terms of Reference.
- 5.2 Membership of a Task and Finish Group may vary but must include between three and seven Members and may include any member of the Council (including co-opted members of the Corporate Improvement Scrutiny Committee). There is no requirement for political proportionality although cross-party representation is desirable.
- 5.3 Membership of a Task and Finish Group may also include individuals such as officers, members of the public or expert advisors, with specific knowledge of the topic to be examined. The members of the Task and Finish Group will be responsible for agreeing the final report and presenting this back to the Committee for debate and approval of any recommendations.
- 5.4 Forthcoming Task and Finish Groups on the Committee's work programme will be publicised to all members in advance to ensure that there will be enough councillors willing to serve on each Task and Finish Group.
- 5.4 The Corporate Improvement Scrutiny Committee will elect five of its members to be included in the 'Task and Finish Group chairs pool'. Membership of the pool should be politically proportionate as far as is reasonably practicable, but the pool is not subject to proportionality rules and does not count as a committee for the purpose of calculating proportionality. The Corporate Improvement Scrutiny Committee will

appoint Task and Finish group chairs from within this pool as and when Task and Finish Groups are set up.

- 5.5 All Task and Finish Groups shall have a standard maximum duration of 4 months at which point they must bring a final report to the next scheduled Committee meeting based on their progress up to that point, or forfeit the right to report to the committee. The Chair of the Corporate Improvement Scrutiny Committee, in consultation with the Statutory Scrutiny Officer, may agree an extension to this timeline by delaying the commencement of other scheduled Task and Finish Groups.
- 5.7 Task and finish Groups should operate in accordance with the following principles of best practice:
- Wherever possible Task and Finish Groups should be led and comprised of the most appropriate and interested members for that topic – volunteers should be highly valued and any expectations of proportionality or rotation of Task and Finish Group chairs should be applied flexibly where it helps to accommodate this.
  - Task and Finish Group members should feel like they are driving the whole process from scope to recommendations. Members are encouraged to produce drafts of reports and recommendations themselves.
  - External input and evidence into the work of the Task and Finish Group should always be sought.
  - A lead officer will be appointed by the authority to support the Task and Finish Group, supported in turn by the Scrutiny Officer.
  - Engagement with the relevant cabinet portfolio holder(s) about recommendations and the evidence for them should be early and open, in order to allow them to formulate an evidence-based response to recommendations in a timely manner.
  - Recommendations should be tracked and progress reported to Members periodically.

## **6. MEETINGS OF THE COMMITTEE**

- 6.1 The Council may determine a cycle of meetings for the Committee, with the Committee meeting a minimum of four times per municipal year. The Chair, or in their absence the Vice-Chair, may change the date or cancel meetings, or call additional and/or extraordinary meetings as they consider necessary to deal with the Committee's work programme.
- 6.2 A meeting of the Committee may be called by its Chair (or in his/her absence, the Vice-Chair) or by the Head of Democratic Services, if he/she considers it necessary or appropriate, for example where senior officers or members of the Committee have requested an additional meeting.
- 6.3 Meetings of the Committee will be held in public and are subject to the Access to Information Rules.
- 6.4 Members of the Committee may be invited to informal meetings by the Scrutiny Officer or Head of Democratic Services to discuss issues relating to the functioning of Scrutiny and work programming.

## 7. **QUORUM**

7.1 The quorum for the Committee shall be 4 voting, elected Members.

## 8. **COMMITTEE CHAIR**

8.1 The Chair and Vice Chair of the Committee shall be appointed by Council.

## 9. **WORK PROGRAMME**

9.1 The Committee will set its own work programme, and in the course of deciding which items to prioritise shall consider the following criteria, in order of importance:

- It fulfil a statutory requirement eg scrutiny of health systems.
- It directly assists in the council's improvement and recovery.
- A scrutiny process will add evidenced value to the issue.
- It reflects public interest.
- It is a corporate priority (ie linked to the Corporate Plan).
- It does not duplicate work of other member bodies or work being undertaken by officers or external bodies.
- The impact of scrutiny involvement is capable of being measurable.

9.2 The committee will have a rolling programme of task and finish groups scheduled as part of its work programme, so as to minimise downtime between Task and Finish Groups.

## 10. **AGENDAS – REQUEST FOR ITEMS**

10.1 The work programme is to be reviewed annually and will be updated periodically throughout the year. Any member of the Committee shall be entitled to submit a request to the Chair that they wish an item relevant to the functions of that Committee to be included on its work programme. This request should include sufficient information to enable the Scrutiny Officer to advise about the nature and purpose of the item, with regard to the criteria set out above, and to have a discussion with the Chair of the Committee and wider membership. Members may be required to complete a form in order to assist them in this.

10.2 In finalising agendas for individual meetings of the Committee, the Scrutiny Officer shall liaise with the Chair of the Committee.

## 11. **RIGHTS OF THE COMMITTEE MEMBERS TO DOCUMENTS**

11.1 In addition to their rights as Councillors, Members of the 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.

## 12. **MEMBERS AND OFFICERS GIVING ACCOUNT**

12.1 The Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet,

the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

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

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

12.2 Where any member or officer is required to attend the Committee under this provision, the Scrutiny Officer (under instruction from the Chair) shall inform them giving at least 7 working days notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

12.3 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.

12.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Committee shall in consultation with the member or officer arrange an alternative date for attendance.

### 13. **ATTENDANCE BY OTHERS**

13.1 The Committee may invite people to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and representatives from other parts of the public sector and shall invite such people to attend. Representatives from Council companies and key contractors may be invited to attend and address or answer questions. Depending on the terms of the contract, the Council may be able to require attendance, but consideration should be given to whether any part of the meeting should be held in private if matters of commercial confidence are to be discussed.

### 14. **CALL-IN – CABINET DECISIONS**

14.1 As part of reviewing or scrutinising decisions made in connection with the discharge of executive functions, the Committee has the power to call in a decision where it has not yet been implemented. This permits the Committee to recommend that the decision be reconsidered or for it to be reviewed by Full Council. This is a power which should only be used for key strategic decisions.

14.2 It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of the Committee is to improve delivery of policies and services through pre-decision scrutiny, rather than call-ins.

14.3 A decision can be called-in when Members:

- Believe it may be contrary to the normal requirements for decision making.
- Believe it may be contrary to the Council's agreed policy framework and/or budget.

- Need further information from the decision-taker to explain why it was taken.

#### 14.4 Exceptions to call-in are as follows:

- that no decision considered and determined by the Committee within the preceding 6 months shall be subject to call-in;
- that call-in can be invoked in respect of any one decision only once;
- where the decision is taken by the Cabinet as urgent and in accordance with urgency procedures, this will only be subject to post-implementation scrutiny.

14.5 Every Cabinet decision which is subject to call-in cannot be implemented until the end of the call-in period or the conclusion of any call-in process, whichever is later. The call-in period lasts for 5 working days after the publication of the decision. Notice of the decision shall be published within 2 working days of being made, and copies of the decisions will be sent to all Committee Members.

14.6 The notice of decision 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 5 working days after the publication of the decision, unless the decision is called in under the provisions set out below.

14.7 Within the call-in period a collective of three elected Members of the Authority may sign a notice requesting that the decision is called in and submit the notice to the Statutory Scrutiny Officer and Head of Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution. Requests may also be submitted by email, and in this case, only one Member need submit the actual form, but individual emails in support of the request must be submitted by the other two members specified on the form before the end of the call-in period. A form setting out the information required when submitting a call-in is available from the Scrutiny Office.

14.8 On receipt of the notice of call-in the Statutory Scrutiny Officer will, as soon as possible, notify and seek the views of the Chair and the Monitoring Officer or in their absence, their deputies, as to the reasonableness of the request. The Monitoring Officer will assess the validity of the call-in, in consultation with the Committee Chair. If the Monitoring Officer is minded to reject the call-in, reasons will be given.

14.9 The Statutory Scrutiny Officer will submit a report to the next available meeting of the Committee giving details of the request and Monitoring Officer's reasons for refusing it.

14.10 If it is considered that the request for call-in is valid, the Statutory Scrutiny Officer will convene a meeting of the Committee, unless there is a normal meeting within a reasonable period. Committee members and the relevant lead member/senior officer are expected to make themselves available at short notice to attend the meeting and provide additional information.

#### 15. **CALL-IN – OFFICER KEY DECISIONS**

15.1 The Committee has the power to call-in key decisions made under delegated authority by officers. The purpose is to consider whether to recommend that a decision be reviewed by the Cabinet. This is a power which should only be used in exceptional circumstances.

15.2 If a key decision is made by an officer, it will be recorded in a similar format to the cabinet template and details of the decision will be published and included on the schedule of significant decisions circulated to all Members on a monthly basis.

15.3 Within the call-in period a collective of three elected Members of the Authority may sign a notice requesting that the decision is called in and submit the notice to the Statutory Scrutiny Officer and Head of Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution. Requests may also be submitted by email, and in this case, only one Member need submit the actual form, but individual emails in support of the request must be submitted by the other two members specified on the form before the end of the call-in period. A form setting out the information required when submitting a call-in is available from the Scrutiny Office.

15.4 The notice of call-in shall be dealt with as with a call-in of a Cabinet decision.

## 16. **CALL-IN – ACTIONS THE COMMITTEE CAN TAKE**

16.1 Where the Committee considers a call-in request, the format of the meeting will be as follows:-

- after the Chair opens the meeting the members who asked for the decision to be called-in will be asked to explain their reasons for the request and what they feel should be reviewed;
- the relevant portfolio holder (or holders if more than one is relevant) will then be invited to make any comments;
- the relevant Director or his/her representative will advise the Committee on the background and context of the decision and its importance to achieving Service priorities;
- Committee members will ask questions of members and officers in attendance (note: the call-in proposers would not be able to take part in the Committee's deliberations of the call-in);
- the portfolio holder(s) will be invited to make any final comments on the matter.

16.2 The Committee, after considering the evidence presented to the meeting, will make one of the following decisions:

- Agree to take no further action on the decision (reason for that decision to be recorded in the minutes and Members are advised).
- Refer the decision back to the decision-maker for re-consideration, or to Cabinet (in the case of an officer decision), making any recommendations in relation to the decision.
- Refer the matter to Full Council to scrutinise the decision.
- The Committee can make wider recommendations to Cabinet, including lessons learned as part of a recommendation to Cabinet, whilst also agreeing that no further action is required in relation to the specific decision.

## **17. RESPONSE/ACTION THAT CAN BE TAKEN BY CABINET ON RECEIPT OF VIEWS OF THE COMMITTEE**

17.1 On receipt of a call-in report from the Committee, Cabinet/the officer can:

- Make the original decision without any changes.
- Reconsider the decision and reach a different decision – reasons must be given for reaching a different decision and it must be supported by evidence.
- For an officer, refer the matter to Cabinet for a decision.
- In addition to the above options, Cabinet can decide that it wishes to receive a further report on any wider learning points resulting from the Committee's recommendations, for instance a review of policy.

17.2 On receipt of a report from Committee for other matters, Cabinet can:

- Note and agree with the recommendations of the Committee (including agreeing to some but not all recommendations).
- Request officers to undertake further work in response to recommendations.
- Refer the matter to Full Council or a committee for action.
- Note and not accept the recommendations, giving reasons back to the Committee.

## **18. URGENCY**

18.1 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.

18.2 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call-in.

## **19. CONSIDERATION OF OVERVIEW AND SCRUTINY REPORTS BY THE CABINET**

19.1 The agenda for Cabinet meetings shall include a standing item entitled 'References from Overview and Scrutiny'. The reports of the Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Cabinet within two months, the Cabinet will give an explanation of the reasons to the Chair of the Committee as soon as practicable.

19.2 The Committee will have access to the Cabinet's forward plan and decision notices.

## **20. COUNCILLOR CALL FOR ACTION**

20.1 The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council, via the Scrutiny process.



20.2 Any Member may request that an item is placed on the agenda of the Committee for consideration. The Member making that request does not have to be a member of the Committee.

20.3 The Call for Action should be an option of “last resort”. In considering whether to refer to a matter in accordance with these provisions, Members must have regard to relevant guidance issued by the Secretary of State. A Call for Action will only be included on the Committee agenda if the Chair, in consultation with the Monitoring Officer, is satisfied that:

- the Member has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners;
- the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted Council policy or legislation; and
- the issue of concern has a demonstrable impact on a part or the whole of the Member’s electoral ward.

and accordingly information to support the above matters should accompany the Call for Action request.

20.4 A Call for Action cannot, in any event, relate to:

- a planning decision;
- a licensing decision;
- any matter concerning an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Committee; or
- any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.

20.5 If the Chair rejects the Call for Action the Member who made the request shall be provided with reasons for the decision.

20.6 A valid Call for Action will be considered at the next ordinary meeting of the Committee or at a special meeting of the Committee within 14 days of validation whichever is the sooner.

20.7 The subject matter of the Call for Action will be the subject of a report from the relevant Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Committee meeting to provide that information, make representations and answer questions.

20.8 The Call for Action will be considered by the Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.

20.9 The Member who referred the matter under sub-paragraph 20.2 above may address the Committee in respect of the Call for Action for up to 10 minutes.

20.10 The Committee may also consider representations from any residents of the electoral ward affected by the Call for Action, subject to the discretion of the Chair.

20.11 If the Call for Action concerns issues that fall within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also attend the Committee to answer questions and make any representations.

## **21. REPORTS AND RECOMMENDATIONS ON CALLS FOR ACTION**

21.1 Where the Committee makes a report or recommendations to the Council or the Cabinet as a result of a reference under paragraph 20.1 above, the Committee may publish the report, subject to the provisions of Part 5 of the Local Government Act 2000 ("the 2000 Act") in relation to confidential or exempt information.

21.2 The Committee will, by notice in writing to the Head of Democratic Services, require the Council or Cabinet:

- to consider the report or recommendations;
- to respond to the Committee indicating what, if any action the Council or Cabinet proposes to take;
- if the Committee has published the report or recommendations, to publish the response, subject to the provisions of Part 5 of the 2000 Act relating to confidential or exempt information;
- if the Committee provided a copy of its report or recommendations to the Member who referred the matter to the Board, to provide that Member with a copy of the response, subject to the provisions of Part 5 of the 2000 Act in relation to confidential or exempt information;

and to do so within two months of the date when the Council or Cabinet received the report or recommendations or (if later) the date when the Head of Democratic Services received the notice.

## **22. SCRUTINY OF CRIME AND DISORDER MATTERS**

22.1 The Committee is designated as the Council's Crime and Disorder Committee (in accordance with section 19 of the Police and Justice Act 2006) with responsibility for scrutinising crime and disorder and community safety matters.

22.2 Any Member of the Council may give notice to the Scrutiny Officer that he/she wishes an item which he/she considers to be a crime and disorder matter to be included on the agenda for discussion at the Committee.

22.3 The procedure for dealing with such requests shall be the same as those for any request for an item to be added to the Committee's work programme.

22.4 The Call for Action and Call-in rules apply to crime and disorder matters in the same way as for other matters.

22.6 Where the Panel makes a report or recommendations to the Council it must:

- provide a copy of the report or recommendations to the Member who referred the matter to the Committee and
- provide a copy of the report or recommendations to such of:
  - (a) the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998); and
  - (b) the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998);

as it thinks appropriate.

22.7 Where the Committee makes a report or recommendations to the Council or provides a copy of a report or recommendations, the Committee must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:

- consider the report or recommendations;
- respond to the Committee indicating what (if any) action it proposes to take;
- have regard to the report or recommendations in exercising its functions.

22.8 For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the Committee will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than once in every 12 month period.

22.9 Where the Committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act 2006, the Committee shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

