

Appendix B

Proposed Changes to the Constitution

Part 6.4

Council Bodies

Appendix: Health and Adult Social Care Scrutiny Committee

1 Preamble

- 1.1 Part 3 (Council Bodies) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part 3 and this Appendix, this Appendix will prevail.

2 Scope of Role

2.1 The role of this Committee is to:

2.1.1 undertake scrutiny of the planning, development and operation of Public Health and NHS services for citizens of West Berkshire, in accordance with the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013;

2.1.1 undertake scrutiny of adult social care and adult safeguarding services provided or commissioned by West Berkshire Council; and

2.1.2 hear call-ins of Executive decisions that relate to public health, adult social care and adult safeguarding services.

~~2.2 Scrutiny of Social Care services within West Berkshire shall remain with the Council's Scrutiny Commission and the Health Scrutiny Committee will report to the Commission.~~

3 Membership

- 3.1 There will be ~~five~~ Members of the Committee, which will be politically balanced and its membership will be as set out in the Committees List and Meetings Rules Table.
- 3.2 No Executive Member may be a Member or Substitute Member of the Committee or any of its Sub Bodies.
- 3.3 The Committee may appoint up to two non-voting co-opted Members ~~co-optees can be appointed~~ to the Committee or any of its Task and Finish Groups to provide ~~particular specialist health~~ expertise. This may be on an ongoing basis or to assist with a particular review.
- 3.4 No ~~Committee~~ Member may be involved in scrutinising a decision in which they have been directly involved. Any query about the meaning of "directly involved" will be decided by the Monitoring Officer.

4 Terms of Reference

4.1 Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities specifies that effective overview and scrutiny should:

- provide constructive 'critical friend' challenge
- amplify the voices and concerns of the public
- be led by independent people who take responsibility for their role
- drive improvement in public services and strategic decision-making

4.14.2 The Committee has the power to review and scrutinise any matter relating to the planning, provision and operation of Adult Social Care, Public Health and NHS services for citizens of West Berkshire, and in doing so to ensure that services are safe and effective in improving health and wellbeing of local citizens and reducing health inequalities.

4.24.3 Although the Committee may make recommendations for changes or improvements in the way that the Council or other bodies enact their business it does not have any direct decision-making powers, except in the way that it discharges its own responsibilities.

4.34.4 The Committee shall:

4.4.1 hold the Council's Executive and other decision makers to account for matters relating to Public Health, Adult Social Care and Adult Safeguarding;

4.4.2 review existing policies and strategies that relate to Public Health, Adult Social Care and Adult Safeguarding;

4.3.14.4.3 proactively seek information about the quality of local Public Health and NHS services, and about the performance of the commissioners and providers of these services, and also to test information provided by commissioners and providers by drawing on different sources of intelligence;

4.3.24.4.4 consider and respond to consultations by relevant NHS bodies or health service providers, on proposals that both parties agree constitute a substantial development or substantial variation in the provision of health services for citizens of West Berkshire, using the powers set out in the relevant legislation and referring to any guidance issued by the Secretary of State for Health;

4.3.34.4.5 develop and maintain a joint protocol about how the Committee and responsible NHS bodies and health service providers will reach a view as to whether or not a proposal constitutes a "substantial development" or "substantial variation";

4.3.44.4.6 require the relevant NHS body or health service provider to provide information about the proposal under consideration and its impacts on patients in West Berkshire, and where appropriate to require the attendance of a representative of NHS body or health service provider before the Committee to answer such questions as appear to it to be necessary for the discharge of its function in connection with the consultation;

4.3.54.4.7 liaise with Healthwatch West Berkshire (or its contractors) in relation to the health care element of their work programme, and to consider and respond to referrals from Healthwatch West Berkshire in relation to the planning, provision and operation of health services in the area;

4.3.64.4.8 set up task and finish groups to undertake in-depth scrutiny reviews in relation to the above services on behalf of the Committee;

4.3.74.4.9 consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by task and finish groups, for submission to the Executive, relevant NHS organisation or other decision maker. Such reports and recommendations to include:

- an explanation of the matter reviewed or scrutinised;
- summary of the evidence considered;
- a list of participants involved in the review or scrutiny; and
- an explanation of any recommendations on the matter reviewed or scrutinised.

4.3.84.4.10 report on a quarterly basis to the Commission on progress against the work programme and any recommendations it makes.

4.44.5 Where there is a disagreement between the Committee and the relevant NHS body or health service provider, which cannot be resolved after reasonable practicable steps and the Committee believes that:

- the proposed substantial variation or development would not be in the interests of the citizens of West Berkshire; or
- the arrangements put in place by the relevant NHS body or health service provider for consultation have not been adequate in relation to content or time allowed; or
- the reasons given for not consulting by the relevant NHS body or health service provider are not adequate;

the Committee may determine whether to ~~refer the matter to~~request that the Secretary of State for Health calls-in the matter for review, in accordance with the relevant legislation and any government guidance, and taking account of any protocol agreed between the Committee and the NHS body or health service provider.

4.54.6 In undertaking the above, the Committee should seek opportunities to engage with and represent local people, and engage them in the ~~health~~ scrutiny process.

5 Proceedings

- 5.1 The Committee is responsible for setting its own work programme.
- 5.2 The Committee is not obliged to pursue a matter referred by a Member, Committee or Task Group but it must give reasons for its decision.
- 5.3 If it decides to pursue the matter, the Committee shall:
 - 5.3.1 consider representations from the Member who referred it; and
 - 5.3.2 report its findings and any recommendations back to the relevant person.
- 5.4 Where a matter is referred to the Committee by local Healthwatch organisations or contractors the Committee must:
 - 5.4.1 acknowledge receipt of referrals within 20 working days.
 - 5.4.2 keep the local Healthwatch organisations (or contractors as the case may be) informed of any action it takes in relation to the matter referred.

6 Evidence - Documents

- 6.1 All relevant NHS bodies and health service providers (including GP practices and other primary care providers and any private, independent or third sector providers delivering services under arrangements made by Integrated Care Boards, NHS England, the Department of Health and Social Care, or the Council) have a duty to provide such information about the planning, provision and operation of health services in the area of the authority as the Council may reasonably require to discharge its health scrutiny functions.
- 6.2 The type of information requested and provided will depend on the subject under scrutiny. It may include:
 - financial information about the operation of an NHS trust, ICB or other body;
 - management information such as commissioning plans for a particular type of service;
 - operational information such as information about performance against targets or quality standards, waiting times;
 - patient information such as patient flows, patient satisfaction surveys, numbers and types of complaints and action taken to address them.

- any other information relating to the topic of a health scrutiny review which can reasonably be requested.
- 6.3 As commissioners or providers of public health services and as providers of health services to the NHS, services commissioned or provided by local authorities are themselves within the scope of the health scrutiny legislation. To that end the Council may be a body that is scrutinised, as well as a body that carries out health scrutiny. The duties which apply to scrutinised bodies such as the duty to provide information, to attend before health scrutiny and to consult on substantial reconfiguration proposals will apply to the Council insofar as it may be a “relevant health service provider”.
- 6.4 In relation to services provided or commissioned by the Council, Committee and Task Group Members have the right to documents as set out in the Access to Information Rules in Part [H10](#).
- 6.5 To facilitate effective scrutiny, more detailed liaison between the Executive and the Committee or a Task Group may take place depending on the particular matter under consideration.
- 6.6 The Committee will be entitled to copies of any document which is in the possession or control of the Executive that relates to a matter under review and which contains material relating to:
- 6.6.1 any business transacted at a meeting of the Executive or its Committees; or
 - 6.6.2 any decision taken by an individual Member of the Executive; or
 - 6.6.3 any decision made by an Officer under the Executive arrangements
- 6.7 But the Committee will not be entitled to:
- 6.7.1 any document that is in draft form;
 - 6.7.2 any part of a document that contains Exempt or Confidential Information, unless:
 - 6.7.2.1 that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; and
 - 6.7.2.2 the Monitoring Officer decides that it is appropriate for such Exempt or Confidential Information to be provided (in which event Commission Members shall respect the confidentiality of the information); or
 - 6.7.2.3 the advice of a political adviser or Group Executive that would be exempt under a Freedom of Information Act request.

7 Evidence – Testimony

- 7.1 Members and employees of a relevant NHS body or relevant health service provider have a duty to attend before the Committee or a Task Group (provided reasonable notice has been given) to answer questions the Committee or a Task Group believes are necessary to carry out its health scrutiny functions.
- 7.2 In relation to services provided or commissioned by the Council, the Committee or a Task Group may require the attendance of the relevant Executive Member, or any Senior Officer, to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.
- 7.3 The Committee or a Task Group may invite other persons relevant to an item of business or matter under review to address it and/or answer questions on a voluntary basis.
- 7.4 The Committee may consider evidence in open or confidential session as the Chairman thinks appropriate following advice from the Monitoring Officer.

- 7.5 Where the Committee or a Task Group conducts a scrutiny review, the Committee will ask people to attend to give evidence at meetings which will be conducted in accordance with the following principles:
- 7.5.1 that the meeting is conducted fairly and all Members of the Committee are given an opportunity to ask questions of attendees and speak;
 - 7.5.2 that those assisting the Committee by giving evidence are treated with respect and courtesy; and
 - 7.5.3 that the meeting is conducted so as to maximise the efficiency of the review.
- 7.6 Where any Member or Officer is required to attend the Committee, or Task Groups under this provision, the Chairman of the Committee will inform the Monitoring Officer. Senior Officers can be asked to attend. Officers below second tier may attend but will usually be accompanied by a senior manager.
- 7.7 The Monitoring Officer shall inform the Member or Officer in writing giving at least five clear working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee or Task Group. Where the account to be given to the Committee or Task Group will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for the preparation of that documentation.

8 Reports

- 8.1 Following any review, the scrutinising body shall prepare a draft report, with recommendations as appropriate, for publication and submission to the Committee. The Committee will agree or amend the report and direct it to the Monitoring Officer. In cases where the Committee is the scrutinising body, the agreed report will be directed to the Monitoring Officer. The Monitoring Officer will then refer the report, via the Chief Executive and S151 Officer, to check for factual errors and consideration of any financial implications, to:
- 8.1.1 the Council (if the recommendations would require a departure from, or a change to, the agreed Budget or Policy Framework); or
 - 8.1.2 the Executive (if the proposals are consistent with the Budget and Policy Framework); or
 - 8.1.3 another Body as they deem appropriate for a formal response to the report's recommendations; or
 - 8.1.4 an outside body or bodies in respect of a report with implications for such.
- 8.2 Where the Committee or Task Group requests a response from the relevant NHS body or health service provider to which it has made a report or recommendation, there is a statutory requirement (Regulation 22) for the body or provider to provide a response in writing within 28 days of the request.
- 8.3 The response to a recommendation from a decision-maker should consist of:
- 8.3.1 a clear commitment to delivering the measure within the timescale set out
 - 8.3.2 a commitment to be held to account on that delivery in six months or a year's time
 - 8.3.3 where it is not proposed that a recommendation be accepted, the provision of detailed, substantive reasons why not.
- 8.4 It is the Committee's responsibility to monitor and evaluate recommendations once they are implemented.

9 Minority Report

- 9.1 If the Committee or a Task Group cannot agree on one single report to the Executive or to Council or to a named external organisation as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

10 Response to Consultation

- 10.1 Where the Committee has been consulted by a relevant NHS body or health service provider on substantial developments or variations, the Committee has the power to make comments on the proposals by the date notified by the body or provider undertaking the consultation. Having considered the proposals and local evidence, the Committee should normally respond in writing to the body undertaking the consultation.

10.2 Where the Committee's comments include a recommendation and the consulting organisation disagrees with that recommendation, that organisation must notify the Committee of the disagreement. Both the consulting organisation and the Committee must take such steps as are reasonably practicable to try to reach agreement. Where NHS England or ~~a clinical commissioning group~~ an Integrated Care Board (ICB) is acting on behalf of a provider, in accordance with the Regulations, the Committee and NHS England or the ICB (as the case may be) must involve the provider in the steps they are taking to try to reach agreement.

~~10.2~~ 10.3 In the event that agreement cannot be reached, the Committee (or any other interested party) may request that the Secretary of State uses their power of call-in to review the matter. The Committee will notify the consulting organisation where it has made such a request.

~~10.3~~ Where the Committee has not commented on the proposal or has commented but without making a recommendation, it must notify the consulting organisation as to its decision as to whether to refer the matter to the Secretary of State and if so, the date by which it proposes to make the referral or the date by which it will make a decision on whether to refer the matter to the Secretary of State.

11 ~~Referral to Secretary of State~~ Call-In

- 11.1 The Committee ~~(or any other interested party)~~ may refer request that the Secretary of State use their powers of call-in to review proposals for substantial decisions related to developments or variations in Health Services to the Secretary of State in writing if:

- 11.1.1 it is not satisfied with the adequacy of the content of the consultation;
- 11.1.2 it is not satisfied that sufficient time has been allowed for consultation;
- 11.1.3 it considers that the proposal would not be in the interests of the health service in its area;
- 11.1.4 it has not been consulted, and it is not satisfied that the reasons given for not carrying out consultation are adequate.

- 11.2 Where the Committee has made a recommendation and the relevant NHS body or health service provider has disagreed with the recommendation, the health scrutiny body ~~may~~ should not request not refer a that the proposal decision be called-in unless:

- 11.2.1 it is satisfied that reasonably practicable steps have been taken to try to reach agreement (with steps taken to involve the provider where NHS England or an ICB ~~CCG~~ is acting on the provider's behalf) but agreement has not been reached within a reasonable time; or
- 11.2.2 it is satisfied that the relevant NHS body or health service provider has failed to take reasonably practicable steps to try to reach agreement within a reasonable period.

- 11.3 In a case where the Committee has not commented on the proposal or has commented without making a recommendation, it may not ~~refer a proposal~~ request that the Secretary of State uses their power of call-in unless:
- 11.3.1 it has informed the relevant NHS body or health service provider of:
- 11.3.1.1 its decision as to whether to ~~exercise its power of referral~~ make such a request and, if applicable, the date by which it ~~proposed to exercise that power~~ made the request, or
- 11.3.1.2 the date by which it proposes to make a decision as to whether to ~~exercise its power of referral~~ make such a request; and
- 11.3.2 in a situation where it informed the relevant NHS body or health service provider of the date by which it proposed to ~~decide whether to exercise the power of referral~~ make the request to the Secretary of State, it has made that decision by that date and informed the body or provider of the decision.
- ~~11.4 Before making a referral to the Secretary of State, the referral shall be checked by the Monitoring Officer to ensure that it satisfies the requirements as set out in the Regulations and contains the necessary information and evidence.~~

12 Report to Council – Key Decision

- 12.1 The Committee can require a report if it thinks that a Key Decision that affects the health and wellbeing of the local population or relates to Adult Social Care / Adult Safeguarding has been taken which was not:
- 12.1.1 treated as being a Key Decision; or
- 12.1.2 included in the Forward Plan; or
- 12.1.3 the subject of the general exception procedure; or
- 12.1.4 the subject of an agreement with the Committee Chairman, or the Chairman/Vice-Chairman of the Council.
- 12.2 The Committee may then require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the Committee.

13 Decisions of the Executive

- 13.1 All decisions of the Executive are subject to rules regarding publicity as set out in Part [] (Executive Rules).
- 13.2 Any decision of the Executive which affects the health and wellbeing of the local population may be subject to the Call in Procedure that is fully set out in Part [] (the Scrutiny Commission Appendix). Rules 11 to 17 of the Scrutiny Commission Appendix will apply to the Health Scrutiny Committee, save that any reference to Commission shall be taken for these purposes to refer to the Health Scrutiny Committee.

Part 6.9

Council Bodies

Appendix: Resources and Place Scrutiny Committee ~~Commission~~

1 Preamble

- 1.1 Part 3 (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part 3 and this Appendix, this Appendix will prevail.

2 Scope of Role

- 2.1 The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
- 2.2.2 Additional requirements for Overview and Scrutiny Committees with responsibility for scrutiny of Crime and Disorder Matters are set out in section 19 of the Police and Justice Act 2006.
- 2.2.3 The ~~Council's Scrutiny Commission ("the Commission")~~Resources and Place Scrutiny Committee ("the Committee") will be, and will perform the functions of, its overview and scrutiny committee as required by that legislation.
- 2.3.4 The role of the ~~Commission~~Committee in relation to the development of the Council's Budget and Policy Framework is set out within Part 7~~7~~.
- 2.5 The role of the ~~Commission~~Committee in relation to matters outside the development of the Council's Budget and Policy Framework is set out within this Appendix.

3 Membership

- 3.1 There will be X Members on this Committee, The Commission which shall be politically balanced and its membership will be as set out in the Bodies List and Meetings Rules Table.
- 3.2 The Committee may appoint non-statutory, co-opted Members to the Committee or to any of its Task and Finish Groups. This may be done at any time to provide specialist input from those with specific expertise in relation to a particular aspect of the Committee's remit. This may be on an ongoing basis or to inform a particular review.
- 3.3 No Executive Member may be a Member or Substitute Member of the ~~Commission~~Committee or any of its Sub Bodies.
- 3.3.4 No ~~Commission~~ Member may be involved in scrutinising a decision in which they have been directly involved. Any query about the meaning of "directly involved" will be decided by the Monitoring Officer.

4 Terms of Reference

- 4.1 Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities specifies that effective overview and scrutiny should:
 - provide constructive 'critical friend' challenge
 - amplify the voices and concerns of the public
 - be led by independent people who take responsibility for their role

- drive improvement in public services and strategic decision-making

4.2 The Committee shall review and scrutinise how the needs of residents and other service users are met by the Resources and Place Directorates of Council and the Council's partners; and how performance is evaluated and improved.

4.3 Its remit shall include the following services:

- Housing
- Economic Development
- Planning
- Transport Planning
- Public Transport
- Parking
- Highways
- Flood Risk
- Countryside (including Parks and PRoW)
- Environment Delivery
- Waste Management
- Public Protection
- Emergency Planning
- Building Communities Together Partnership
- Culture
- Sports and Leisure
- Commissioning and Procurement
- Customer Engagement and Transformation
- Finance and Property (including scrutiny of the budget)
- People Management
- Legal and Democratic Services
- Communications
- ICT

4.4 The Committee shall be designated as the Council's Crime and Disorder Committee established in accordance with s.19, Police and Justice Act 2006 (which requires the Council to have a crime and disorder committee with power (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and (b) to make reports or recommendations to the local authority with respect to the discharge of those functions). It shall ensure that at least one such review is undertaken each year.

4.5 The ~~Commission~~Committee has the power to review or scrutinise decisions taken by the Executive or any other part of the Council (excluding decisions made by Council) in relation to the above services.

4.14.6 ~~#~~The Committee can make reports or recommendations to the Executive or to the Council. It can also make reports or recommendations on any matters that affect the District and Residents. Its role includes both developing and reviewing policy and holding the Executive to account for their decisions and actions.

4.24.7 Although the CommissionCommittee may make recommendations for changes or improvements in the way that the Council or other bodies enact their business, it does not have any direct decision-making powers, except in the way that it discharges its own responsibilities.

4.34.8 The CommissionCommittee is responsible for setting its own work programme and in doing so shall take into account the wishes of Councillors.

4.44.9 The CommissionCommittee has ~~responsibility for progressing and monitoring the overall objectives of the scrutiny function and~~ the power to:

4.4.14.9.1 co-ordinate and develop the scrutiny function through which ~~the relevant~~ decisions taken by the Executive, Bodies or Officers are scrutinised, and their use of resources/the provision of services are reviewed;

4.4.24.9.2 undertake pre-decision scrutiny of items on the Executive Forward Plan;

4.4.34.9.3 discharge the overview function in terms of policy development activities;

4.4.44.9.4 monitor decisions taken by or on behalf of the Executive;

4.4.54.9.5 monitor the activities of Directorates;

4.4.64.9.6 manage the Call-In process for decisions related to services delivered by the Resources and Place Directorates, and recommend for reconsideration any relevant decisions made but not yet implemented by on or behalf of the Executive, Leader, Executive Members or Officers under delegated powers;

4.4.74.9.7 consider requests from Councillors, Officers, residents and organisations for particular topics to be scrutinised and determine the appropriate action;

4.4.84.9.8 take responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies (excluding partnerships and external bodies that fall within the remit of the Children and Young People Scrutiny Committee and the Health Adult Social Care Scrutiny Committee);

4.4.94.9.9 undertake scrutiny reviews, as deemed appropriate.

4.54.10 The CommissionCommittee shall coordinate its activities with those of the other Scrutiny Committees ~~(but not direct the work of) the Council's Health Scrutiny Committee, established in accordance with the Health and Social Care Act 2012 and responsible for the scrutiny of health bodies as detailed in its Appendix.~~

4.6 ~~It will be normal practice for the Health Scrutiny Committee Chairman to be a member of the Commission.~~

4.7 ~~The Commission shall be the Council's Crime and Disorder Committee established in accordance with s.19, Police and Justice Act 2006 (which requires the Council to have a crime and disorder committee with power (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and (b) to make reports or recommendations to the local authority with respect to the discharge of those functions).~~

5 Proceedings

- 5.1 The ~~Commission~~Committee shall respond, as soon as its work programme permits, to requests from the Council and Executive to undertake a piece of work on their behalf that is relevant to the remit of the Committee. Where the ~~Commission~~Committee does so, it shall report its findings and any recommendations back to the Executive or Council, which shall consider the report of the ~~Commission~~Committee at its first available Meeting unless the Monitoring Officer determines that it should be considered at a later Meeting.
- 5.2 Any Councillor shall be entitled to give notice to the Monitoring Officer that they wish an item relevant to the functions of the ~~Commission~~Committee or a ~~Commission~~Committee Sub Body to be included on the agenda for the next meeting, or referred to the ~~Commission~~Committee for inclusion in the approved work programme, and:
- 5.2.1 in deciding whether to pursue the matter, the ~~Commission~~Committee shall consider representations from the Councillor who referred it;
- 5.2.2 the ~~Commission~~Committee is not obliged to pursue such a matter but it must let the Councillor in question know the reasons for its decision;
- 5.2.3 if the ~~Commission~~Committee pursues the matter it shall report its findings and any recommendations back to the Councillor who referred it.
- 5.3 Members of the public are entitled to suggest topics for scrutiny review. Suggestions can be submitted online or in writing (either by post or electronic mail) to the Monitoring Officer and must specify the name, address and contact telephone number of the member of the public (or representative) making the suggestion.
- ~~5.4 In order to be considered for the Commission's work programme topics must:~~
- ~~5.4.1 relate to the business of the Council; or~~
- ~~5.4.2 be a matter for which the Council has responsibility; or~~
- ~~5.4.3 be related to the wellbeing of West Berkshire.~~
- ~~5.5~~5.4 ~~In order to be considered for the Committee's work programme topics must relate to a topic that falls within the scope of the Committee as set out in Section 4.~~ Submissions that do not meet the above criteria will be rejected by the Monitoring Officer.
- ~~5.6~~5.5 ~~The Chairman may reject an item if, in his opinion,~~An item may be rejected if the Chairman considered that it is not considered conducive to the ~~Commission~~Committee's Work Programme.
- ~~5.7~~5.6 The member of the public will be notified as to whether their suggestion has been added to the ~~Commission~~Committee's Work Programme or has been rejected. The reasons for the rejection will be communicated to the individual.

6 Evidence - Documents

- 6.1 ~~Commission~~Committee and ~~Commission~~Committee Sub-Body Members have the right to access relevant documents as set out in Part ~~10F~~ (Access to Information Rules).
- 6.2 To facilitate effective scrutiny, more detailed liaison between the Executive and the ~~Commission~~Committee or a ~~Commission~~Committee Sub-Body may take place depending on the particular matter under consideration.
- 6.3 The ~~Commission~~Committee will be entitled to copies of any document which is in the possession or control of the Executive that relates to a matter under review and which contains material relating to:
- 6.3.1 any business transacted at a meeting of the Executive or its Bodies; or

- 6.3.2 any decision taken by an individual Member of the Executive; or
- 6.3.3 any decision made by an Officer under the Executive arrangements
- 6.4 But the CommissionCommittee will not be entitled to:
 - 6.4.1 any document that is in draft form;
 - 6.4.2 any part of a document that contains Exempt or Confidential Information, unless:
 - 6.4.3 that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; and
 - 6.4.3.1 the Monitoring Officer decides that it is appropriate for such Exempt or Confidential Information to be provided (in which event CommissionCommittee Members shall respect the confidentiality of the information); or
 - 6.4.3.2 the advice of a political adviser or Group Executive that would be exempt under a Freedom of Information Act request.

7 Evidence – Testimony

- 7.1 The CommissionCommittee or a CommissionCommittee Sub-Body may require the attendance of the relevant Executive Member, or Officer at the level of Head of ServiceService Lead/Service Director or above, to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.
- 7.2 The CommissionCommittee or a CommissionCommittee Sub-Body may invite other persons relevant to an item of business or matter under review to address it and/or answer questions on a voluntary basis.
- 7.3 The CommissionCommittee may consider evidence in open or confidential session as the Chairman thinks appropriate following advice from the Monitoring Officer.
- 7.4 Where the CommissionCommittee or a CommissionCommittee Sub-Body conducts a scrutiny review, the CommissionCommittee will ask people to attend to give evidence at meetings which will be conducted in accordance with the following principles:
 - 7.4.1 that the meeting is conducted fairly and all Members of the CommissionCommittee or the CommissionCommittee Sub-Body are given an opportunity to ask questions of attendees and speak;
 - 7.4.2 that those assisting the CommissionCommittee by giving evidence are treated with respect and courtesy; and
 - 7.4.3 that the meeting is conducted so as to maximise the efficiency of the review.
- 7.5 Where a petition to Hold an Officer to Account is referred to the CommissionCommittee under the Council’s Meeting Rules:
 - 7.5.1 it will be reported to the next convenient meeting of the CommissionCommittee unless the matter is deemed urgent, in which case an extraordinary meeting may be convened;
 - 7.5.2 in advance of the CommissionCommittee meeting, the Petition Organiser will be invited to submit a list of questions they would like to put to the Officer at the meeting, and:
 - 7.5.2.1 the questions will be provided to the Chairman and Vice Chairman of the CommissionCommittee, who will decide whether they are appropriate, and
 - 7.5.2.2 (if they are deemed appropriate) they will be provided to the Officer concerned in advance of the meeting.
 - 7.5.3 the Officer named in the petition and any other relevant Officers will be required to attend the CommissionCommittee;

- 7.5.4 the Officer will be provided with the petition and any questions submitted by the petition organiser;
- 7.6 Where any Member or Officer is required or requested to attend the ~~Commission~~Committee or a ~~Commission~~Committee Sub-Body under this provision:
- 7.6.1 the Chairman of the ~~Commission~~Committee will inform the Monitoring Officer;
- 7.6.2 the Monitoring Officer shall inform the Member or Officer in writing giving at least five Clear Working Days' notice of the meeting at which they are required to attend;
- 7.6.3 the notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the ~~Commission~~Committee or ~~Commission~~Committee Sub-Body; and
- 7.6.4 where the account to be given to the ~~Commission~~Committee or ~~Commission~~Committee Sub-Body will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for the preparation of that documentation.
- 7.7 Where Officers below the level of ~~Head of Service~~Service Lead/Service Director attend the ~~Commission~~Committee or a sub-Body, they will usually be accompanied by a senior manager.
- 7.8 At the meeting of the ~~Commission~~Committee, the Chairman will invite the Petition Organiser to address the ~~Commission~~Committee for a maximum of five minutes on the issue. The relevant Officer will then be asked to respond to the ~~Commission~~Committee on the subject matter of the petition. The ~~Commission~~Committee may question the Officer and the Chairman may invite questions from the Petition Organiser to be put to the Officer through the Chairman.

8 Reports

- 8.1 Following any review, the scrutinising body shall prepare a draft report, with recommendations as appropriate, for publication and submission to the ~~Commission~~Committee. The ~~Commission~~Committee will agree or amend the report and direct it to the Monitoring Officer. In cases where the Scrutiny ~~Commission~~Committee is the scrutinising body, the agreed report will be directed to the Monitoring Officer. The Monitoring Officer will then refer the report, via the Chief Executive and S151 Officer, to check for factual errors and consideration of any financial implications, to:
- 8.1.1 the Council (if the recommendations would require a departure from, or a change to, the agreed Budget or Policy Framework);
- 8.1.2 the Executive (if the proposals are consistent with the Budget and Policy Framework) or other Body as they deem appropriate for a formal response to the report's recommendations.
- 8.2 Reports with implications for outside bodies shall be passed to the appropriate person at those outside bodies.
- 8.3 The body receiving the report will be requested to consider and respond within eight weeks of it being submitted to the Monitoring Officer, or such longer timescale as the Chairman of the Body may agree.
- 8.4 The response to a recommendation from a decision-maker should consist of:
- a clear commitment to delivering the measure within a timescale set out;
 - a commitment to be held to account on that delivery;
 - where it is not proposed that a recommendation be accepted, the provision of detailed, substantive reasons why not.

- 8.5 It is the ~~Commission~~Committee's responsibility to monitor and evaluate recommendations once they are implemented.

9 Minority Report

- 9.1 If the ~~Commission~~Committee or a ~~Commission~~Committee Sub-Body cannot agree on one single report to the Executive or to Council or to a named external organisation as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

10 Report to Council – Key Decision

- 10.1 The Scrutiny ~~Commission~~Committee can require a report if it thinks that a Key Decision has been taken which was not:
- 10.1.1 treated as being a Key Decision; or
 - 10.1.2 included in the Forward Plan; or
 - 10.1.3 the subject of the general exception procedure; or
 - 10.1.4 the subject of an agreement with the Scrutiny ~~Commission~~Committee Chairman, or the Chairman/Vice-Chairman of the Council.
- 10.2 The Scrutiny ~~Commission~~Committee may then require the Executive to submit a report to the Council within such reasonable time as the Scrutiny ~~Commission~~Committee specifies. The power to require a report rests with the ~~Commission~~Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Scrutiny ~~Commission~~Committee when so requested by the Chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the Scrutiny ~~Commission~~Committee.

11 Decisions of the Executive

- 11.1 The Monitoring Officer shall publish all decisions taken by the Executive, Individual Executive Members or Officers under delegated powers to all Members of Council normally within three Clear Working Days of the decision, but generally by 17:00 on the day after the meeting.
- 11.2 Where a decision taken is one to which the Call-In procedure does not apply (see below), the reasons shall be stated in the notice of decision.

12 Non-Implementation of Decisions pending possible Call-In

- 12.1 Except where the Call-In procedure does not apply (see above and below), Executive decisions shall not be capable of implementation until either:
- 12.1.1 the time for a Call-In request has expired without such a request being made; or
 - 12.1.2 the Call-In procedure in the following rules has been followed.

13 Call-In – Application and Process

- 13.1 By 17:00 on the fifth Clear Working Day following the publication of the decision, any five Councillors (excluding any Councillor involved in making the original decision) may give notice in writing to the Monitoring Officer requesting that the decision be Called-In to be reviewed by the ~~Commission~~Committee.
- 13.2 The Call-In notice shall give reasons for the request together with a proposal for an alternative course of action and stating whether or not those Councillors believe that the decision is contrary to the Budget and Policy Framework or contrary to or not wholly in accordance with the budget.

- 13.3 The Call-In procedure shall not apply if any of the following applies:
 - 13.3.1 the item is due to be referred to Council for final approval (eg the budget);
 - 13.3.2 the S.151 Officer or Monitoring Officer has certified that if there were a delay in implementing the decision it could have serious financial implications for the Council or could compromise the Council's position;
 - 13.3.3 the item has been considered by the CommissionCommittee, or has been the subject of a review undertaken by another Body, within the preceding six months;
 - 13.3.4 the item in question was a report that did not require a decision and was for information only;
 - 13.3.5 the item is classed as an Urgent Key Decision.
- 13.4 In the event of a dispute over whether a decision is capable of Call-In or not, a decision of the Monitoring Officer or S.151 Officer (as the case may be) shall be final.

14 Call-In - Review

- 14.1 There are three options available to the CommissionCommittee when considering a Call-In:
 - 14.1.1 to let the decision stand;
 - 14.1.2 to state its views on the matter and refer the decision back to the decision maker;
 - 14.1.3 to refer the decision to Council if the CommissionCommittee considers that the decision is contrary to the Budget and Policy Framework.

15 Call-In - Procedure

- 15.1 When a notice requesting that a decision be reviewed is made, the Monitoring Officer shall inform the Leader and the CommissionCommittee Chairman and shall, in consultation with the Chairman, convene a special meeting of the CommissionCommittee as soon as reasonably practicable for the purpose of reviewing the decision, unless the matter can conveniently be reviewed at the next scheduled meeting of the CommissionCommittee.
- 15.2 If a notice requesting that a decision be reviewed states that the reason for it being called in is that the decision is outside the Budget or Policy Framework it will be referred to the Monitoring Officer and S.151 Officer who shall decide if this is the case.

16 Review of Decision

- 16.1 Any Councillor who has signed a notice requesting that a decision be reviewed may attend the meeting of the CommissionCommittee when the decision is reviewed and may speak to that item of business.
- 16.2 The CommissionCommittee may not overturn the decision which it is reviewing but may either concur with the decision (in which case it will take immediate effect) or refer it back to the next scheduled or an Extraordinary Meeting of the Executive for further consideration.
- 16.3 If the CommissionCommittee is of the opinion, having taken advice from the Council's Monitoring Officer and S.151 Officer, that a decision is outside the Budget and Policy Framework approved by the Council, the CommissionCommittee may refer the decision to the Council.
- 16.4 In the case of a Called-In decision being referred to Council:
 - 16.4.1 if Council decides that the Called-In decision was contrary to the Budget and Policy Framework it shall decide on the issue in question;

- 16.4.2 if the Council decides that the Called-In decision was not contrary to the Budget and Policy Framework then no further action is necessary and the decision will take effect on the date of the Council meeting.

17 Referral Back to Executive

- 17.1 The ~~Commission~~Committee will produce a report with its findings to the next meeting of the Executive (ie the meeting following the Call-In request) unless there are exceptional circumstances why this cannot be achieved. In these circumstances the Chairman of the ~~Commission~~Committee and the Leader of the Council will agree a revised timetable.
- 17.2 The report will either confirm the original decision or propose amendments to it in any way it thinks fit and shall give reasons for its final decision.
- 17.3 If the ~~Commission~~Committee upholds the Executive decision, the original decision of the Executive shall take immediate effect.
- 17.4 If the ~~Commission~~Committee does not uphold the Executive decision, it is for the Executive to decide how it wishes to proceed (provided the decision is within the Budget and Policy Framework) having had regard to the recommendations of the ~~Commission~~Committee.
- 17.5 Any matter which has been the subject of a Call-In request may not be the subject of a further Call-In request.

Part 6.10

Council Bodies

Appendix: Children and Young People Scrutiny Committee

1 Preamble

- 1.1 Part 3 (Meeting Procedure Rules) sets out the rules and procedures that apply to all of the Council's Bodies and Sub-Bodies.
- 1.2 If there is any conflict between the wording of Part 3 and this Appendix, this Appendix will prevail.

2 Scope of Role

- 2.1 The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
- 2.2 Additional requirements for Overview and Scrutiny Committees with responsibility for reviewing education functions are set out in Schedule 1 of the Local Government Act 2000.
- 2.3 The Children's Scrutiny Committee ("the Committee") will be, and will perform the functions of, the Council's overview and scrutiny committee in relation to all universal, targeted and specialist services for children and young people in west Berkshire as required by that legislation.

3 Membership

- 3.1 There will be X Members on this Committees, which shall be politically balanced and its membership will be as set out in the Bodies List and Meetings Rules Table.
- 3.2 Membership of the Committee shall include the following statutory co-opted Members:
 - two parent governor representatives (one each for local authority maintained primary and secondary schools);
 - one Church of England representative; and
 - one Roman Catholic diocesan representative.
- 3.3 As statutory co-opted Members, the above shall be entitled to vote on any matters considered by the Committee that relate to schools or education. They shall also be entitled to speak on any other matters considered by the Committee, but they shall not be permitted to vote on such matters.
- 3.4 In addition, two non-statutory co-opted Members shall be appointed to the Committee, who shall be age 25 or under and living in West Berkshire or working for an organisation in West Berkshire supporting or representing children and young people. The non-statutory co-opted Members shall not be permitted to vote on any matters.
- 3.5 The above statutory and non-statutory co-opted members will not be taken into account when determining the political balance of the Committee.
- 3.6 The Committee may also appoint non-statutory, co-opted Members to the Committee or to any of its Task and Finish Groups. This may be done at any time to provide specialist input from those with specific expertise in relation to a particular aspect of the Committee's remit. This may be on an ongoing basis or to inform a particular review.
- 3.7 No Executive Member may be a Member or Substitute Member of this Committee.

- 3.8 No Member may be involved in scrutinising a decision in which they have been directly involved. Any query about the meaning of “directly involved” will be decided by the Monitoring Officer.

4 Terms of Reference

- 4.1 Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities specifies that effective overview and scrutiny should:
- provide constructive ‘critical friend’ challenge
 - amplify the voices and concerns of the public
 - be led by independent people who take responsibility for their role
 - drive improvement in public services and strategic decision-making
- 4.2 The Children and Young People Scrutiny Committee shall review and scrutinise how the needs and interests of children and young people in West Berkshire are met by the Council and its partners; and how performance is evaluated and improved.
- 4.3 Its remit shall include the following universal, targeted and specialist services for children and young people:
- Children's centred/family hubs;
 - Early years education;
 - School support services;
 - School improvement;
 - Special educational needs and disabilities (SEND);
 - Home to school/college transport;
 - 14-19 education, training and apprenticeship;
 - Careers service;
 - Youth services;
 - Supported accommodation and lodgings;
 - Supported employment for young people;
 - Leaving care service;
 - Youth offending service;
 - Child protection;
 - Looked after children;
 - Targeted support – young people;
 - Fostering and adoption;
 - Residential homes for children;
 - Family support.
- 4.4 The Committee shall maintain an overview of the activity and performance of maintained schools, and academy schools and colleges within the District.
- 4.5 It shall also scrutinise the effectiveness of the Berkshire West Safeguarding Children Partnership's arrangements for ensuring agencies work together to:

- protect children from maltreatment and prevent impairment of children's health and development
 - ensure that children grow up in circumstances consistent with the provision of safe and effective care
 - promote community involvement in safeguarding children and promoting their welfare by raising awareness through publicity and training
 - develop and review policies and procedures
 - have the safest possible practices in relation to the recruitment and selection of all those who work with children in a statutory and voluntary capacity
 - ensure systems are in place to monitor the implementation of the lessons learnt from serious case reviews
 - ensure the multi-agency and independent sector workforce is trained to safeguard children and improve safety
- 4.6 The Committee will also review and scrutinise the Berkshire West Safeguarding Children Partnership's, including its strategy, business plan and annual reports, as well as the outcomes of any external inspection or peer review of the Partnership, and any action plans arising from those inspections or peer reviews.
- 4.7 Scrutiny of services that support the physical health and mental wellbeing of children and young people in West Berkshire shall be the responsibility of the Health and Adult Social Care Scrutiny Committee, including, but not limited to, School Nursing, Health Visiting, Teenage Pregnancy Services, and Children and Adolescent Mental Health Services (CAMHS).
- 4.8 The Committee has the power to review or scrutinise decisions taken by the Executive or any other part of the Council (excluding decisions made by Council) in relation to services for children and young people.
- 4.9 The Committee can make reports or recommendations to the Executive or to the Council. Its role includes developing and reviewing policy and holding the Executive to account for their decisions and actions.
- 4.10 Although the Committee may make recommendations for changes or improvements in the way that the Council or other bodies enact their business, it does not have any direct decision-making powers, except in the way that it discharges its own responsibilities.
- 4.11 The Committee is responsible for setting its own work programme and in doing so shall take into account the wishes of Councillors.
- 4.12 The Committee has the power to:
- 4.12.1 co-ordinate and develop the scrutiny function through which relevant decisions taken by the Executive, Bodies or Officers are scrutinised, and their use of resources/the provision of services are reviewed;
 - 4.12.2 undertake pre-decision scrutiny of relevant items on the Executive Forward Plan;
 - 4.12.3 discharge the overview function in terms of relevant policy development activities;
 - 4.12.4 monitor relevant decisions taken by or on behalf of the Executive;
 - 4.12.5 monitor relevant activities of Directorates;
 - 4.12.6 manage the Call-In process for decisions related to services for children and young people, and recommend reconsideration of any decisions made but not yet implemented by or on behalf of the Executive, Leader, Executive Members or Officers under delegated powers;
 - 4.12.7 consider requests from Councillors, Officers, residents and organisations for particular topics to be scrutinised and determine the appropriate action;

- 4.12.8 take responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies (excluding those partnerships and external bodies that fall within the remit of the Resources and Place Scrutiny Committee and the Health and Adult Social Care Scrutiny Committee);
- 4.12.9 undertake scrutiny reviews, as deemed appropriate.
- 4.13 The Committee shall coordinate its activities with those of the Resources and Place Scrutiny Committee and the Health and Adult Social Care Scrutiny Committee.

5 Proceedings

- 5.1 The Committee shall respond, as soon as its work programme permits, to requests from the Council and Executive to undertake a piece of work on their behalf that is relevant to the remit of the Committee. Where the Committee does so, it shall report its findings and any recommendations back to the Executive or Council, which shall consider the report of the Committee at its first available Meeting unless the Monitoring Officer determines that it should be considered at a later Meeting.
- 5.2 Any Councillor shall be entitled to give notice to the Monitoring Officer that they wish an item relevant to the remit of a Scrutiny Committee or a Committee Sub Body to be included on the agenda for the next meeting, or referred to that Committee for inclusion in the approved work programme, and:
 - 5.2.1 in deciding whether to pursue the matter, the Committee shall consider representations from the Councillor who referred it;
 - 5.2.2 the Committee is not obliged to pursue such a matter, but it must let the Councillor in question know the reasons for its decision;
 - 5.2.3 if the Committee pursues the matter, it shall report its findings and any recommendations back to the Councillor who referred it.
- 5.3 Members of the public are entitled to suggest topics for scrutiny review. Suggestions can be submitted online or in writing (either by post or electronic mail) to the Monitoring Officer and must specify the name, address and contact telephone number of the member of the public (or representative) making the suggestion.
- 5.4 In order to be considered for the Committee's work programme topics must relate to a topic that falls within the scope of the Committee as set out in Section 4. Submissions that do not meet this criterion will be rejected by the Monitoring Officer.
- 5.5 An item may be rejected if the Chairman considers that it is not conducive to the Committee's Work Programme.
- 5.6 The member of the public will be notified as to whether their suggestion has been added to the Committee's Work Programme or has been rejected. The reasons for the rejection will be communicated to the individual.

6 Evidence - Documents

- 6.1 Committee and Committee Sub-Body Members have the right to access relevant documents as set out in Part 10 (Access to Information Rules).
- 6.2 To facilitate effective scrutiny, more detailed liaison between the Executive and the Committee or a Committee Sub-Body may take place depending on the particular matter under consideration.
- 6.3 The Committee will be entitled to copies of any document which is in the possession or control of the Executive that relates to a matter under review, and which contains material relating to:

- 6.3.1 any business transacted at a meeting of the Executive or its Bodies; or
- 6.3.2 any decision taken by an individual Member of the Executive; or
- 6.3.3 any decision made by an Officer under the Executive arrangements
- 6.4 But the Committee will not be entitled to:
 - 6.4.1 any document that is in draft form;
 - 6.4.2 any part of a document that contains Exempt or Confidential Information, unless:
 - 6.4.3 that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; and
 - 6.4.3.1 the Monitoring Officer decides that it is appropriate for such Exempt or Confidential Information to be provided (in which event Committee Members shall respect the confidentiality of the information); or
 - 6.4.3.2 the advice of a political adviser or Group Executive that would be exempt under a Freedom of Information Act request.

7 Evidence – Testimony

- 7.1 The Committee or a Committee Sub-Body may require the attendance of the relevant Executive Member, or Officer at the level of Service Lead/Service Director or above, to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.
- 7.2 The Committee or a Committee Sub-Body may invite other persons relevant to an item of business or matter under review to address it and/or answer questions on a voluntary basis.
- 7.3 The Committee may consider evidence in open or confidential session as the Chairman thinks appropriate following advice from the Monitoring Officer.
- 7.4 Where the Committee or a Committee Sub-Body conducts a scrutiny review, the Committee will ask people to attend to give evidence at meetings which will be conducted in accordance with the following principles:
 - 7.4.1 that the meeting is conducted fairly and all Members of the Committee or the Committee Sub-Body are given an opportunity to ask questions of attendees and speak;
 - 7.4.2 that those assisting the Committee by giving evidence are treated with respect and courtesy; and
 - 7.4.3 that the meeting is conducted so as to maximise the efficiency of the review.
- 7.5 Where a petition to Hold an Officer to Account is referred to the Committee under the Council's Meeting Rules:
 - 7.5.1 it will be reported to the next convenient meeting of the Committee unless the matter is deemed urgent, in which case an extraordinary meeting may be convened;
 - 7.5.2 in advance of the Committee meeting, the Petition Organiser will be invited to submit a list of questions they would like to put to the Officer at the meeting, and:
 - 7.5.2.1 the questions will be provided to the Chairman and Vice Chairman of the Committee, who will decide whether they are appropriate, and
 - 7.5.2.2 (if they are deemed appropriate) they will be provided to the Officer concerned in advance of the meeting.
 - 7.5.3 the Officer named in the petition and any other relevant Officers will be required to attend the Committee;
 - 7.5.4 the Officer will be provided with the petition and any questions submitted by the petition organiser;

- 7.6 Where any Member or Officer is required or requested to attend the Committee or a Committee Sub-Body under this provision:
- 7.6.1 the Chairman of the Committee will inform the Monitoring Officer;
- 7.6.2 the Monitoring Officer shall inform the Member or Officer in writing giving at least five Clear Working Days' notice of the meeting at which they are required to attend;
- 7.6.3 the notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee or Committee Sub-Body; and
- 7.6.4 where the account to be given to the Committee or Committee Sub-Body will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for the preparation of that documentation.
- 7.7 Where Officers below the level of Service Director attend the Committee or a sub-Body, they will usually be accompanied by a senior manager.
- 7.8 At the meeting of the Committee, the Chairman will invite the Petition Organiser to address the Committee for a maximum of five minutes on the issue. The relevant Officer will then be asked to respond to the Committee on the subject matter of the petition. The Committee may question the Officer and the Chairman may invite questions from the Petition Organiser to be put to the Officer through the Chairman.

8 Reports

- 8.1 Following any review, the scrutinising body shall prepare a draft report, with recommendations as appropriate, for publication and submission to the Committee. The Committee will agree or amend the report and direct it to the Monitoring Officer. In cases where the Scrutiny Committee is the scrutinising body, the agreed report will be directed to the Monitoring Officer. The Monitoring Officer will then refer the report, via the Chief Executive and S151 Officer, to check for factual errors and consideration of any financial implications, to:
- 8.1.1 the Council (if the recommendations would require a departure from, or a change to, the agreed Budget or Policy Framework);
- 8.1.2 the Executive (if the proposals are consistent with the Budget and Policy Framework) or other Body as they deem appropriate for a formal response to the report's recommendations.
- 8.2 Reports with implications for outside bodies shall be passed to the appropriate person at those outside bodies.
- 8.3 The body receiving the report will be requested to consider and respond within eight weeks of it being submitted to the Monitoring Officer, or such longer timescale as the Chairman of the Body may agree.
- 8.4 The response to a recommendation from a decision-maker should consist of:
- a clear commitment to delivering the measure within a timescale set out;
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- 9.1 If the Committee or a Committee Sub-Body cannot agree on one single report to the Executive or to Council or to a named external organisation as appropriate, then up to one minority report may be prepared and submitted for consideration with the majority report.

10 Report to Council – Key Decision

- 10.1 The Committee can require a report if it thinks that a Key Decision relevant to the scope of the Committee has been taken which was not:
- 10.1.1 treated as being a Key Decision; or
 - 10.1.2 included in the Forward Plan; or
 - 10.1.3 the subject of the general exception procedure; or
 - 10.1.4 the subject of an agreement with the Scrutiny Committee Chairman, or the Chairman/Vice-Chairman of the Council.
- 10.2 The Committee may then require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Scrutiny Committee.

11 Decisions of the Executive

- 11.1 The Monitoring Officer shall publish all decisions taken by the Executive, Individual Executive Members or Officers under delegated powers to all Members of Council normally within three Clear Working Days of the decision, but generally by 17:00 on the day after the meeting.
- 11.2 Where a decision taken is one to which the Call-In procedure does not apply (see below), the reasons shall be stated in the notice of decision.

12 Non-Implementation of Decisions pending possible Call-In

- 12.1 Except where the Call-In procedure does not apply (see above and below), Executive decisions shall not be capable of implementation until either:
- 12.1.1 the time for a Call-In request has expired without such a request being made; or
 - 12.1.2 the Call-In procedure in the following rules has been followed.

13 Call-In – Application and Process

- 13.1 By 17:00 on the fifth Clear Working Day following the publication of the decision, any five Councillors (excluding any Councillor involved in making the original decision) may give notice in writing to the Monitoring Officer requesting that the decision be Called-In to be reviewed by the relevant Scrutiny Committee.
- 13.2 The Call-In notice shall give reasons for the request together with a proposal for an alternative course of action and stating whether or not those Councillors believe that the decision is contrary to the Budget and Policy Framework or contrary to or not wholly in accordance with the budget.
- 13.3 The Call-In procedure shall not apply if any of the following applies:
- 13.3.1 the item is due to be referred to Council for final approval;

- 13.3.2 the S.151 Officer or Monitoring Officer has certified that if there were a delay in implementing the decision it could have serious financial implications for the Council or could compromise the Council's position;
- 13.3.3 the item has been considered by a Scrutiny Committee, or has been the subject of a review undertaken by another Body, within the preceding six months;
- 13.3.4 the item in question was a report that did not require a decision and was for information only;
- 13.3.5 the item is classed as an Urgent Key Decision.
- 13.4 In the event of a dispute over whether a decision is capable of Call-In or not, a decision of the Monitoring Officer or S.151 Officer (as the case may be) shall be final.

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- 14.1 There are three options available to the Committee when considering a Call-In:
 - 14.1.1 to let the decision stand;
 - 14.1.2 to state its views on the matter and refer the decision back to the decision maker;
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- 15.1 When a notice requesting that a decision be reviewed is made, the Monitoring Officer shall inform the Leader and the Committee Chairman and shall, in consultation with the Chairman, convene a special meeting of the Committee as soon as reasonably practicable for the purpose of reviewing the decision, unless the matter can conveniently be reviewed at the next scheduled meeting of the Committee.
- 15.2 If a notice requesting that a decision be reviewed states that the reason for it being called in is that the decision is outside the Budget or Policy Framework it will be referred to the Monitoring Officer and S.151 Officer who shall decide if this is the case.

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- 16.1 Any Councillor who has signed a notice requesting that a decision be reviewed may attend the meeting of the Committee when the decision is reviewed and may speak to that item of business.
- 16.2 The Committee may not overturn the decision which it is reviewing but may either concur with the decision (in which case it will take immediate effect) or refer it back to the next scheduled or an Extraordinary Meeting of the Executive for further consideration.
- 16.3 If the Committee is of the opinion, having taken advice from the Council's Monitoring Officer and S.151 Officer, that a decision is outside the Budget and Policy Framework approved by the Council, the Committee may refer the decision to the Council.
- 16.4 In the case of a Called-In decision being referred to the Council:
 - 16.4.1 if the Council decides that the Called-In decision was contrary to the Budget and Policy Framework, then it shall decide on the issue in question;
 - 16.4.2 if the Council decides that the Called-In decision was not contrary to the Budget and Policy Framework, then no further action is necessary, and the decision will take effect on the date of the Council meeting.

17 Referral Back to Executive

- 17.1 The Committee will produce a report with its findings to the next meeting of the Executive (ie the meeting following the Call-In request) unless there are exceptional circumstances why this cannot be achieved. In these circumstances, the Chairman of the Committee and the Leader of the Council will agree a revised timetable.
- 17.2 The report will either confirm the original decision or propose amendments to it in any way the Committee thinks fit and shall give reasons for its final decision.
- 17.3 If the Committee upholds the Executive decision, then the original decision of the Executive shall take immediate effect.
- 17.4 If the Committee does not uphold the Executive decision, then it is for the Executive to decide how it wishes to proceed (provided the decision is within the Budget and Policy Framework) having had regard to the recommendations of the Committee.
- 17.5 Any matter which has been the subject of a Call-In request may not be the subject of a further Call-In request.