

## Select Committee Agenda



### **Constitution Working Group Tuesday, 22nd September, 2015**

You are invited to attend the next meeting of **Constitution Working Group**, which will be held at:

**Committee Room 1, Civic Offices, High Street, Epping  
on Tuesday, 22nd September, 2015  
at 7.00 pm .**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

M Jenkins (01992 56 4607)  
mjenkins@eppingforestdc.gov.uk

#### **Members:**

Councillors M McEwen (Chairman), M Sartin (Vice-Chairman), D Dorrell, A Mitchell MBE, J Philip, C C Pond, C P Pond, D Stallan, G Waller, S Watson and J H Whitehouse

**SUBSTITUTE NOMINATION DEADLINE:**

**18:00**

**1. APOLOGIES FOR ABSENCE**

**2. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

(Director of Governance) To report the appointment of any substitute members for the meeting.

**3. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests on any items on the agenda.

**4. NOTES OF THE LAST WORKING GROUP MEETING (Pages 3 - 6)**

To approve the notes of the last meeting held on 30 June 2015 (attached)

**5. TERMS OF REFERENCE AND WORK PROGRAMME (Pages 7 - 10)**

(Director of Governance) To note the Terms of Reference and consider the Work Programme.(attached)

**6. CONSTITUTION REVIEW - ARTICLE 6 (OVERVIEW & SCRUTINY) AND OVERVIEW & SCRUTINY PROCEDURE RULES (Pages 11 - 34)**

(Democratic Services Manager) To consider the attached report in respect of the review of those sections of the current Constitution relating to the operation of the Council's overview and scrutiny responsibilities.

**7. CONSTITUTION REVIEW - DEALING WITH CODES AND PROTOCOLS (Pages 35 - 38)**

To consider the attached report.

**8. UPDATE ON PROGRESS**

To note progress since the last meeting in relation to:

- (a) Re-drafting of sections from previous meetings
- (b) Executive procedure Rules and Article
- (c) Contract Standing Orders
- (d) Audit and Governance - Article
- (e) Standards Code of Conduct
- (f) Officer Employment Procedure Rules

**9. FUTURE MEETINGS**

The next scheduled meeting of the Working Group will be held on **24 November 2015 at 7.00p.m. in Committee Room 1** and thereafter on the following Tuesdays at the same time and same venue:

1. 26 January 2016; and
2. 22 March.

**EPPING FOREST DISTRICT COUNCIL  
NOTES OF A MEETING OF CONSTITUTION WORKING GROUP  
HELD ON TUESDAY, 30 JUNE 2015  
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING  
AT 7.00 - 9.25 PM**

**Members Present:** M McEwen (Chairman), A Mitchell MBE, J Philip, C C Pond, C P Pond, D Stallan, G Waller and J H Whitehouse

**Other members present:**

**Apologies for Absence:** M Sartin and D Dorrell

**Officers Present** S G Hill (Assistant Director (Governance & Performance Management)), P Maginnis (Assistant Director Human Resources), S Tautz (Democratic Services Manager) and M Jenkins (Democratic Services Assistant)

**1. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)**

There were no substitutions made at the meeting.

**2. DECLARATIONS OF INTEREST**

Pursuant to the Officer's Code of Conduct, the Assistant Director (Governance and Performance Management) S Hill declared a non pecuniary interest in the following item of the agenda as the Officer Employment Rules could potentially impact on his employment within the Council. He advised that he would remain in the meeting for the duration of the discussion on the following item:

- Agenda Item 6 Officer Employment Procedure Rules

**3. NOTES OF THE LAST CONSTITUTION AND MEMBER SERVICES SCRUTINY PANEL MEETING HELD ON 3 AND 17 MARCH 2015**

The Working Group received the notes from the disbanded Constitution and Member Services Scrutiny Panel, which for a year had undertaken the review of the Constitution. The notes concerned the last Panel meeting held on 3 March and adjourned to 17 March 2015. The notes were for use only as an aid memoir as they had been confirmed at the Overview and Scrutiny Committee in June 2015.

**4. POSITION STATEMENT AND PROGRAMME**

The Working Group received a progress report on the current review of the Constitution from the Assistant Director (Governance and Performance Management).

The recent scrutiny review undertaken by the recently disbanded Constitution and Member Services Scrutiny Panel had resulted in the formation of this Working Group. Its Terms of Reference, approved by Council in April 2015, were to "complete a review of the Council's Constitution by 31 March 2016 and recommend new arrangements accordingly." Thereafter the Working Group would:

- (a) Review any aspect of the authority's Constitutional arrangements as requested by the Council;
- (b) Undertake general reviews of specific elements of the Constitution to ensure that the authority's Constitutional arrangements complemented current legislative requirements and decisions made by the Council; and
- (c) Consider any proposals of the Director of Governance for necessary revisions to any element of the Constitution.

The reporting procedure for the new Working Group would not be the Overview and Scrutiny Committee as previously but directly to Council.

The Working Group agreed their Terms of Reference and Work Programme.

**RESOLVED:**

- (1) That the position statement regarding the Constitution Review be noted; and
- (2) That the Working Group's Terms of Reference and Work Programme be noted.

**5. OFFICER EMPLOYMENT PROCEDURE RULES**

The Select Committee received a report from the Assistant Director (Human Resources) regarding Disciplinary Arrangements for Relevant Officers.

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 were new statutory disciplinary and dismissal procedures which applied to heads of paid service, monitoring officers and chief financial officers.

The key elements of the new process were that:

- (a) The dismissal of a relevant officer must be approved by way of a vote at a meeting of the authority, who would be able to dismiss provided they took into account:
  - (i) Any advice, views or recommendations of a Panel;
  - (ii) The conclusions of any investigation into the proposed dismissal; and
  - (iii) Any representations from the relevant officer concerned.
- (b) The process set out above had been extended to cover the Chief Finance Officer and Monitoring Officer.
- (c) It would not apply to disciplinary action short of dismissal.
- (d) The Council was required to set up a Panel and appointed two relevant independent persons to this Panel.

The Panel must include at least two independent persons that would need inviting onto the Panel. The Council could appoint other suitably experienced or qualified independent persons or use an independent person appointed by another authority. Additionally, the normal proportionality rules applied to such committees which meant

that the Panel would be subject to the Council's pro rata rules by which the political groups would have representation there according to their relative numbers on the Council.

The Working Group supported making the Constitutional amendments to adhere to the new regulations. They were also advised that the new regulations provided little detail of how the new process would operate in practice and there were a number of gaps within the legislation regarding composition of the Panel.

The Constitution was required by law to be amended in accordance with Schedule 3 of the 2015 Regulations, once further advice was available from the Local Government Association a guidance note would be submitted to this Working Group for consideration. Members had requested that a review should take place in six months time based on any further advice submitted by the Government.

**RECOMMENDED:**

- (1) That a report be made to Council recommending the adoption of the revised Officer Employment Procedure Rules and that they be incorporated into the Council's Constitution; and
- (2) That the revised rules be subject to further revision based on Government guidance in six months time.

**6. CONTRACT STANDING ORDERS - REVIEW PROCESS**

The Working Group received a report regarding Review of Contract Standing Orders from the Assistant Director (Governance and Performance Management).

The Corporate Governance Group, had previously considered the difficulty that many staff procuring contracts for the Council had in following and complying with Contract Standing Orders. Accordingly, the Council's Management Board had determined that a new officer working group should be established, chaired by the Director of Communities, to fundamentally review the Council's Contract Standing Order and formulate new ones for consideration by the Constitution Working Group and make onward recommendation to the Council. This would form part of the comprehensive review of the whole of the Council's Constitution.

It was advised that the Working Party would report on the proposed new Contract Standing Orders to the Constitution Working Group in time for approval with the rest of the revised Constitution by March 2016. It was noted that consideration of the report and recommendations of the Working Party had been added to the Constitution Working Group's Work Programme for 2015/16.

**RESOLVED:**

That the following be noted:

- (1) The formation of an officer Contract Standing Orders Working Party, chaired by the Director of Communities, to fundamentally review the Council's Contract Standing Orders and formulate new ones that:
  - (a) Adopt a more modern and flexible approach;
  - (b) Were simpler to understand and comply with;

- (c) Were more responsive to the current and future procurement needs of the Council;
  - (d) Met current EU Procurement Regulations; and
  - (e) Ensured appropriate controls and probity to safeguard the use of public money.
- (2) The Terms of Reference of the Contract Standing Orders Working Party set by the Management Board proposed reporting arrangements and timescales; and
- (3) That consideration of the report and recommendations of the Working Party be added to the Constitution Working Group's Work Programme for the 26 January 2016 Working Group meeting.

## **7. EXECUTIVE PROCEDURE RULES AND REVISED ARTICLES**

The Working Group received a report regarding the Constitution Review – Executive Procedure Rules and Revised Article 7 from the Assistant Director (Governance and Performance Management).

Members were reminded that the previous scrutiny panel had briefly discussed Article 7 which alongside the Executive Procedure Rules, governed the operation of the Executive.

Members made good progress at the meeting making recommendations to the article and rules, completing an amended version of both.

Members supported circulating an amended version of both to the Working Group. It was agreed that a draft should be sent to the Leader for comments as well.

### **RECOMMENDED:**

That a draft of the Executive Procedure Rules and Revised Article 7 be circulated to the Working Group members and Leader for comments before being recommended to the Council for approval.

## **8. FUTURE MEETINGS**

The next scheduled meeting of the Working Group would be held on Tuesday 22 September 2015 at 7.00p.m. in Committee Room 1 and thereafter on the following dates:

- 22 September;
- 24 November
- 26 January 2016; and
- 22 March

## CONSTITUTION WORKING GROUP

### TERMS OF REFERENCE

**Title:** Constitution Working Group

**Status:** Working Group

**Terms of Reference:**

(1) To complete a review of the Council's Constitution by 31 March 2016 and to recommend new arrangements accordingly;

thereafter:

(2) To review any aspect of the authority's constitutional arrangements as requested by the Council;

(3) To undertake general reviews of specific elements of the Constitution in order to ensure that the authority's constitutional arrangements complement current legislative requirements and decisions made by the Council; and

(4) To consider any proposals of the Director of Governance for necessary revision to any element of the Constitution.

**Reporting:**

The Working Group shall report directly to the Council in connection with its Terms of Reference and the achievement of its work programme.

**Chairman: Councillor M McEwen**

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<b>Constitution Working Group (Chairman – Cllr M McEwen)</b>		
<b>Item</b>	<b>Dates</b>	<b>Progresss</b>
(1) Position statement and programme (S Hill)	30 June 2015	<b>COMPLETED</b>
(2) Officer Employment Procedure Rules(P Maginnis)	30 June 2015	<b>COMPLETED</b>
(3) Contract Standing Orders – Review Process (A Hall)	30 June 2015	<b>COMPLETED</b>
(4) Executive Procedure Rules and Revised Articles (S Hill)	30 June 2015	<b>COMPLETED</b>
(5) Overview and Scrutiny Article Revisions (S Tautz)	22 September 2015	
(6) How to deal with Codes and Protocols (S Hill)	22 September 2015	
(7) Other Procedure Rules (S Hill)	22 September 2015	
(8) Schedule of Delegation – Revision (S Hill)	24 November 2015	
(9) Proposals for External Review (S Hill)	24 November 2015	
(10) Proposals to be agreed for consideration to Members (S Hill)	26 January 2016	
(11) Agree CSO revisions (A Hall)	26 January 2016	
(12) Recommend final articles (S Hill)	22 March 2016	Recommendation to Council

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## **Report to Constitution Working Group**

**Date of meeting: 22 September 2015**



**Epping Forest  
District Council**

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**Subject:** Constitution Review - Article 6 (Overview & Scrutiny) and Overview & Scrutiny Procedure Rules

**Officer contact for further information:** S. Tautz (01992 564180)

**Democratic Services Officer:** M. Jenkins (01992 564607)

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### **Recommendations/Decisions Required:**

- (1) That the Working Group consider proposed revisions to Article 6 (Overview & Scrutiny) of the Constitution and revised Procedure Rules for the Overview and Scrutiny Committee; and**
- (2) That, subject to recommendation (1) above, the revised Article 6 (Overview & Scrutiny) and Procedure Rules be referred to the meeting of the Overview and Scrutiny Committee to be held on 20 October 2015, for further consideration.**

### **Report:**

1. (Democratic Services Manager) The aim of the current review of the Council's Constitution is for the Working Group to look critically at each part of the Constitution to try and bring together and rationalise procedures against the relevant legislative background.
2. Under the current Constitution, the rules relating to the Overview and Scrutiny Committee are contained in Article 6, the Overview and Scrutiny Procedure Rules, the Access to Information procedure rules and (in some way) the Council procedure rules.
3. A revised version of Article 6 (Overview & Scrutiny) of the Constitution is attached as Appendix 1 to this report for consideration by the Working Group, together with proposed revisions to the Procedure Rules for the Overview and Scrutiny Committee (Appendix 2). As part of its ongoing review of the Constitution, the Working Group has previously decided that where rules apply generally, they should be taken into the main rules section. Therefore in the redrafting of the rules section of the Constitution, officers have attempted to take sections into the rules. Some of what was previously contained in the Overview and Scrutiny Procedure Rules has been inserted into the new Article 6, and the re-drafted Article also seeks to address instances of relevant procedures being spread across the Constitution, making it difficult to use.
4. It is intended to formally seek the views of the Overview and Scrutiny Committee on the proposed changes to Article 6 and the Procedure Rules, at its meeting on 20 October 2015. Any views expressed by the Committee will be reported to the next meeting of the Working Group.
5. Members are reminded to bring their copies of the Constitution to the meeting.

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## **ARTICLE 6 - OVERVIEW AND SCRUTINY COMMITTEE**

### **1. ROLE AND RESPONSIBILITIES**

- 1.1 The Council will annually appoint one Overview and Scrutiny Committee to discharge the overview and scrutiny responsibilities conferred by Section 21 of the Local Government Act 2000 or regulations under Section 32 of the Local Government Act 2000, and those additional functions allocated by the Council.
- 1.2 The work of the Overview and Scrutiny Committee shall cover all services, insofar as they relate to the Council or other public bodies providing services within the District. The scrutiny of health and social care services will normally be reserved to Essex County Council. The Council will undertake scrutiny activity in these areas only with the agreement of the County Council.
- 1.3 To facilitate cross-party working, party whips will not be applied to the overview and scrutiny process.

### **2. FORM AND COMPOSITION**

- 2.1 Membership of the Overview and Scrutiny Committee will be appointed by the Council at its annual meeting each year.
- 2.2 All councillors except members of the Executive may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which they have previously been directly involved.
- 2.3 The Overview and Scrutiny Committee shall be entitled to recommend to the Council the appointment of appropriate persons as non-voting co-optees.

### **3. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

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

### **4. ROLE OF THE OVERVIEW AND SCRUTINY COMMITTEE**

- 4.1 The arrangements for the discharge of overview and scrutiny functions are set out in Article 6 (Overview and Scrutiny) of the Constitution.
- 4.2 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules contained in Part ??? of this Constitution.
- 4.3 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Executive in so far as they relate to matters within their terms of reference.
- 4.4 The Overview and Scrutiny Committee may hold enquiries and investigate options for

future direction in policy development and may appoint advisers and assessors to assist them in this process. The Committee may hold site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. The Committee may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

- 4.5 In carrying out any policy review or policy development work within their terms of reference, the Overview and Scrutiny Committee may refer all or part of such matters to a Select Committee or a Task and Finish Panel for consideration.
- 4.6 The Overview and Scrutiny Committee shall receive a verbal report from the relevant portfolio holder after three months from completion of any completed scrutiny study indicating whether recommendations from that study have been agreed or modified. After six months the Portfolio Holder will give a report to the Committee or Panel on Progress with implementation of those recommendations. **IS THIS NECESSARY, NOT SURE THAT IT IS DONE?**

## **5. SPECIFIC FUNCTIONS**

### **(a) Policy Development and Review**

5.1 The Overview and Scrutiny Committee may:

- (a) assist the Council and the executive, in the development of its budget and policy framework by in-depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of the policy issues and policy options;
- (c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (d) question members of the Executive, committees and chief officers about their views on issues and proposals affecting the area; and
- (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

### **(b) Scrutiny**

5.2 The Overview and Scrutiny Committee may:

- (a) review and scrutinise the decisions made by and performance of the Executive and Committees and Council officers both in relation to individual decisions and over-time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question members of the Executive and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

- (d) make recommendations to the Executive and appropriate Committees and the Council arising from the outcome of the scrutiny process;
- (e) ~~invite review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance;~~ and
- (f) question and gather evidence from any person (with their consent).

**(c) Methods**

5.3 For the purposes of their general, policy development and review and scrutiny roles, the Overview and Scrutiny Committee may:

- (a) undertake such work itself; or
- (b) refer matters to an appropriate Select Committee or Task and Finish Panel.

**(d) Finance**

5.4 The Overview and Scrutiny Committee may exercise overall responsibility for its finances made available by the Council.

**(e) Officers**

5.5 The Overview and Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.

**6. PROCEEDINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

**(a) Access for Public and Press**

6.1 All meetings of the Overview and Scrutiny Committee shall be held in accordance with Section 13 of the Access to Information Procedure Rules of this Constitution.

**(b) Application of Rules**

6.2 All meetings of the Overview and Scrutiny Committee will be subject to those rules that are applied to the Committee in the Rules section of this Constitution.

**(c) Business to be conducted at each ordinary meeting**

6.3 The Overview and Scrutiny Committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part ??? of this Constitution. At each Committee, the following business will be conducted:

- (a) consideration of the minutes of the previous meeting;
- (b) declarations of interest (if any);
- (c) consideration of any matter referred to the Committee for a decision in relation to a call-in (if any);

- (d) responses of the Executive to reports of the Overview and Scrutiny Committee (if any);
- (e) questions or requests by members of the public to address the Committee on any agenda item in accordance with Paragraph ??? of this Article; and
- (f) the business otherwise set out on the agenda for the meeting.

**(d) Agenda items**

6.4 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda. Any other member of the Council may also give written notice to the Proper Officer that they wish an item to be included on the agenda of the Committee. ~~If the Proper Officer receives such a notification, then he/she will include the item on the first available agenda of the Overview and Scrutiny Committee for consideration.~~ **DELETE - DUPLICATION**

**(e) Requests to address the Overview and Scrutiny Committee**

6.5 Any member of the public or a representative of an outside organisation may address the Overview and Scrutiny Committee on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at a meeting. The following rules shall apply to such requests:

- (a) requests must relate to an existing agenda item;
- (b) requests must not raise new business for the meeting concerned;
- (c) all requests must be notified to the Council by no later than 4.00pm on the day of the meeting;
- (d) requests accompanied by proposals to circulate written material must be received five clear days before the meeting in time to be sent to Overview and Scrutiny Committee members in advance of the meeting;
- (e) requests need not be in writing;
- (f) a maximum of two persons shall be allowed to address the Committee on any one agenda item;
- (g) a time limit of 3 minutes per speaker shall apply;
- (h) the Overview and Scrutiny Committee shall be able to ask questions on any comments made by persons addressing the Committee;
- (i) The Chairman of the Overview and Scrutiny Committee shall have discretion as to whether to limit the number of persons wishing to address the Committee ask questions or if it is considered that the number of such speakers will unduly delay the proper despatch of business at any meeting;

**(f) Questions**



- 6.6 Members of the public may ask questions of the Chairman of Overview and Scrutiny Committee at ordinary meetings of the Committee, in accordance with the procedure set out in Part ??? of the Council procedure rules.
- 6.7 The procedures for addressing the Overview and Scrutiny Committee or asking questions of the Chairman of the Committee, do not apply to Select Committees or Task and Finish Panels.

**(g) Attendance by others**

- 6.8 The Overview and Scrutiny Committee, a Select Committee or a Task and Finish Panel may invite any person, including residents, stakeholders, members and officers of other parts of the public sector to address it, or to discuss issues of local concern and/or answer questions.
- 6.9 Where such persons are invited to give evidence, meetings will be conducted in accordance with the following principles:
- (a) the investigation will be conducted fairly and all members will be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (b) those assisting the committee or Task and Finish Panel by giving evidence will be treated with respect and courtesy; and
  - (c) the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.
- 6.10 Following any investigation or review, the Overview and Scrutiny Committee, Select Committee or Task and Finish Panel shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

**(h) Members and officer giving account**

- 6.11 The Overview and Scrutiny Committee, a Select Committee or a Task and Finish Panel may require a member of the Cabinet, the Head of Paid Service, a Director or Assistant Director to attend before it to explain matters within their responsibility, including:
- (a) any particular decision or series of decisions;
  - (b) the extent to which the actions taken implement Council policy; and/or
  - (c) their performance;
- 6.12 Where any member or officer is required to attend the Overview and Scrutiny Committee or a Select Committee or Task and Finish Panel under this provision, the Chairman will inform the Proper Officer. ~~The Proper Officer shall inform the member or officer in writing giving at least 14 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee.~~ Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation. **Is this necessary, not sure that it is done?**

- 6.13 It is the duty of those persons to attend if so required. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the Overview and Scrutiny Committee or Panel concerned shall in consultation with the member or officer arrange an alternative date for attendance not less than 14 days from the date of the original attendance

## 7. WORK PROGRAMME

- 7.1 The Overview and Scrutiny Committee shall approve an annual overview and scrutiny work programme-at the first meeting of each municipal year.

### (a) Development

- 7.2 In determining the contents of the work programme, the Committee will:

- (A) seek proposals for inclusion from all Members of the Council through the Council Bulletin and from the public including via the Council's website; **IS THIS NECESSARY, NOT SURE THAT IT IS DONE?**
- (b) invite the Leader of the Council to attend the first meeting of each Council year to present the Cabinet's Forward Plan for the following year in respect of the Council's executive functions, to answer questions on that plan and to indicate where appropriate work on the Cabinet's behalf which could be undertaken by overview and scrutiny; **DELETE – NOT NECESSARY**
- (c) ~~agree with the Leader of the Council and Portfolio Holders on any items for inclusion in the work programme which may be undertaken by Overview and Scrutiny on the Cabinet's behalf;~~ **DELETE – SEEMS TO DUPLICATE (b) ABOVE**
- (d) review the work programme for overview and scrutiny in respect of the previous year;
- (e) consider external organisations to be scrutinised during the year in question;
- (f) review all proposals submitted to ensure that they relate to the Council's Policy Framework including the Corporate Plan and the Cabinet Forward Plan;
- (g) ensure the agreed work programme has sufficient member and officer resources to support it;
- (h) identify in advance any budgetary provision required for specific projects;
- (i) ensure that the work programme is properly prioritised.
- (j) allocate time limits for each project;
- (k) ensure that any projects which do not find a place in the work programme are placed in a reserve programme for further review;
- (l) ensure that all Members of the Council are informed about the work programme as part of the annual overview and scrutiny report; and
- (m) review the work programme on a regular basis during the year.

### (b) Cabinet Business

- 7.3 The Overview and Scrutiny Committee will have access to the Executive's programme of Key Decisions (the Cabinet Forward Plan) at each meeting, to enable the identification of appropriate matters for the overview and scrutiny work programme;

**(c) Urgent Items and New Proposals**

- 7.4 Where new proposals or matters of urgency arise during the currency of an annual work programme, the Committee may:

- (d) determine that any new project should be added to the programme and adjust the remainder of the programme accordingly;
- (e) determine that a new project should be deferred for review when the next work programme is considered;
- (f) decline to accept an additional project and give grounds for so doing.

- 7.5 All proposals for additional or urgent projects shall be submitted in writing and presented at a convenient meeting of the Overview and Scrutiny Committee by the member or officer so proposing.

**(d) Annual Report**

- 7.6 The Overview and Scrutiny Committee shall submit an annual report to the Council at the beginning of each municipal year on work undertaken during the preceding year.

**(e) Motions at Council Meetings**

- 7.7 Any motion adopted by the Council which relates to the responsibilities of the Overview and Scrutiny Committee shall stand referred to the Committee for consideration. In determining how to respond to the motion, the Overview and Scrutiny Committee shall consider whether the proposal should be incorporated in the work programme or held for future consideration in accordance with the procedures outlined in Section 8.3 above. The Committee shall advise the Council of the action taken on such motions.
- 7.8 The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council or the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations Council or the Executive. The Executive shall consider the report of the Overview and Scrutiny Committee within one month of receiving it and the Council within two months of receiving it or, in either case, as soon as is reasonably possible.

**8. REPORTS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

**(a) Executive matters not delegated to the Cabinet, a Cabinet Committee or a Portfolio Holder**

- 8.1 The Overview and Scrutiny Committee may prepare a formal report for consideration by the Executive, if its recommendations are consistent with the existing budgetary and policy framework, or the Council if its proposals would require a departure from, or a change to, the budget and policy framework. ~~The Proper Officer will allocate the report to either the Executive or the Council for consideration, according to whether the contents of the report~~

would have implications for the Council's budgetary and policy framework. **DELETE – NOT NECESSARY**

- 8.2 The Executive will have 6 weeks or as soon as reasonably practical thereafter in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council considers any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the overview and scrutiny proposals.
- 8.3 If the Overview and Scrutiny Committee cannot agree on a single final report to the Council or Executive as appropriate, up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- 8.4 Reports by the Overview and Scrutiny Committee shall normally be presented by the Chairman of the Committee, unless they determine that it would be beneficial for the Chairman of a Select Committee or Task and Finish Panel to present the report instead, or if a joint presentation is considered appropriate.

**(b) Executive Matters Delegated to an Executive Committee or Executive Member**

- 8.5 Where the Overview and Scrutiny Committee prepares a report for consideration by the Executive in relation to a matter where the Executive has delegated decision making powers to an individual Portfolio Holder or a Cabinet Committee, the Overview and Scrutiny Committee will report to that individual or committee. If the Portfolio Holder or Executive Committee with delegated decision making powers does not accept the recommendations of the Overview and Scrutiny Committee, these will be referred to the next available meeting of the Cabinet for debate before the Portfolio Holder exercises their decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Executive member or Committee to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee at the first available meeting.

**9. CALL-IN**

- 9.1 When an executive decision is made by the Cabinet, a Portfolio Holder or a Cabinet Committee, or a key decision is made by an officer with delegated authority, such decision will be published in a notice specifying when the decision will come into force and be implemented, unless it is called-in.
- 9.2 These call-in arrangements shall not apply to decisions on non-executive functions made by any decision-making body. Three members of the Overview and Scrutiny Committee or any five members of the Council have the right to call in an Executive decision. Such a request shall be in writing in the prescribed format and must be delivered to the Proper Officer. **NB. IT IS UNCLEAR WHETHER THE 'PRESCRIBED FORMAT' (I.E. THE CALL-IN FORM) HAS ALWAYS BEEN USED TO REQUEST CALL-IN OF AN EXECUTIVE DECISION. IT MIGHT BE MORE APPROPRIATE JUST TO SPECIFY THAT A CALL-IN REQUEST BE MADE IN WRITING)**
- 9.3 The Proper Officer shall call-in a decision for scrutiny if so requested in accordance with paragraph (h) below and shall then notify the decision-taker of the call-in. The Proper Officer shall consult with the Chairman of the Overview and Scrutiny Committee who will determine whether consideration of the call in will be referred to:
  - (a) the next meeting of the Overview and Scrutiny Committee; or

- (b) the relevant Select Committee; or
  - (c) an appropriate Task and Finish Panel.
- 9.4 If consideration of any executive decision is likely, under these rules, to be delayed for more than two weeks, the Chairman of the Overview and Scrutiny Committee may require an extraordinary meeting of the Committee to be convened at an earlier date if the circumstances appear to warrant this.
- 9.5 If, having considered the decision subject of the call-in, the Overview and Scrutiny Committee (or Select Committee or Task and Finish Panel) is still concerned about it, it may, subject to the procedures outlined in Article 6 of this Constitution, refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision maker they shall reconsider within a further 5 working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.
- 9.6 If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.
- 9.7 If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.
- 9.8 In the operation of these call-in arrangements, members of the Council shall also adhere to the terms of the Protocol set out in Appendix 1 to these rules.

## **10. CALL-IN AND URGENCY**

- 10.1 The call-in procedure shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay is likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or their nominee's consent shall be required.
- 10.2 Decisions taken as a matter of urgency must be reported to the next available **ordinary** meeting of the Council, together with the reasons for urgency.

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## APPENDIX 1

### PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS CALLED IN BY OVERVIEW AND SCRUTINY

#### 1. Purpose of Protocol

1.1 The purpose of this protocol is:

- (a) To codify how the Overview and Scrutiny Committee (or a delegated Select Committee or Task and Finish Panel) should deal with call-in items; and
- (b) To codify how the Executive should respond to reports by Overview and Scrutiny on decisions which have been called in.

#### 2. Validation of Call-In

2.1 All call-in requests shall be made in writing in accordance with ~~Overview and Scrutiny Procedure Rule ???~~ **paragraph 9.2 of this Article**. Call-in requests shall only be made by members of the Council who are not members of the Executive. The call-in shall be validated by the Chief Executive and referred to the Overview and Scrutiny Committee for consideration in accordance with the provisions of the Overview and Scrutiny ~~Procedure Rules~~ **Article**.

#### 3. Consideration of Call-In Items by Overview and Scrutiny Committee

- 3.1 Consideration of a call-in shall be the responsibility of the Overview and Scrutiny Committee, which will decide whether to consider the issue itself or to direct a Select Committee or a Task and Finish Panel to undertake it and report back to the decision maker. Call-in items shall be referred to the next available date for the Overview and Scrutiny Committee (or Select Committee or Task and Finish Panel). The provisions of the Overview and Scrutiny Rules in the Constitution will apply to call-in requests which need to be dealt with more quickly.
- 3.2 At its meeting, the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) will receive:
- (a) copies of all documentation submitted to the Executive on which the decision was based;
  - (b) a copy of the written notification of the call-in including the names of the relevant Councillors who requested the call-in and their grounds for so doing; and
- 3.3 The relevant Portfolio Holder and at least one of the members who requested the call-in and who shall act as spokesperson for those members, shall attend the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) meeting.
- 3.4 The call-in decision shall be considered in the following manner:
- (a) the lead signatory to the call-in of the decision shall describe their concerns;
  - (b) the Portfolio Holder responds;

- (c) the remaining signatories then speak in support of the call-in. If there are more than 5 signatories, only the lead member and the remaining two (or four) Councillors on the call in notification shall be called to speak. Any other Councillor whose name appears on the call in notification shall be able to speak during the general debate on the item (see (d) below));
- (d) the Portfolio Holder responds;
- (e) the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) will then debate the issues involved;
- (f) the lead signatory will then have an opportunity to respond to the debate;
- (g) the Portfolio Holder shall then have an opportunity to respond to the debate. (NB. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate);
- (h) following the debate, the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) has the following options:
  - (i) to confirm the decision, which may then be implemented immediately; or
  - (ii) to refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
  - (iii) to refer the matter to full Council in the event that the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget;
- (i) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (j) The Chairman of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in full in the Minutes or report of the meeting;
- (k) In cases where the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee (or Select Committee/Task and Finish Panel) shall ensure that its decision is published in the Council Bulletin;
- (l) In the circumstances outlined in (g) above, the decision of the Executive or decision-taker may be implemented with effect from the date of that meeting;



- (m) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) shall be reported to the decision-taker;
- (n) In presenting the recommendations of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting;
- (o) The report of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) shall be sent in draft to all its Members for approval prior to their submission to the decision-taker; and
- (p) Minority reports may be made by members of Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) in accordance with the Protocol for that purpose.

#### **4. Consideration of Reports on Call In Items by the Executive**

- 4.1 The report of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) will be referred in the first instance to the relevant Portfolio Holder(s) for the executive function concerned.
- 4.2 If the Executive decision is one which the Portfolio Holder(s) has delegated powers to make, they shall consider the written proposals of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) and must consult the Chairman of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) if they are minded to accept or reject them. In doing so, the Portfolio Holder will ensure that, in recording that decision, the reasons for accepting, rejecting or amending those views are set out in the decision notice.
- 4.3 If the Executive decision is one which the Executive itself or a Committee of the Executive (acting under delegated powers) is competent to take, the relevant Portfolio Holder will consider the proposals of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) and refer them, with their written response, to the decision making body concerned.
- 4.4 At a meeting of the Executive or of any Committee of the Executive, the following documentation shall be submitted:
  - (a) the agreed report of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) and any other supporting documents considered by it;
  - (b) a report of the Portfolio Holder indicating the response to the proposals of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) indicating the options available and recommendation for acceptance, rejection or alteration of those proposals with reasons; and
  - (c) any other information.

- 4.5 The Executive or Committee of the Executive shall consider the matter as follows:
- (a) the Chairman of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) shall present the views and recommendations of the Committee/Panel and respond to questions, make general comments and respond to new proposals as appropriate;
  - (b) the relevant Portfolio Holder shall then respond by presenting his report and recommendations on the proposals of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel);
  - (c) the Executive (or Committee thereof) shall consider the original decision, the views of the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) and any proposals by the Portfolio Holder; and
  - (d) the Executive (or Executive Committee) will make a final decision on whether to re-affirm the original decision, amend the original decision or substitute a new decision. This decision shall be recorded in the minutes of the meeting together with supporting reasons.
- 4.6 Where a Committee of the Executive is required to report to the full Executive on any matter, it shall submit a recommendation on action proposed to the Executive as part of the minutes of the meeting.

## **5. Implementation of Decisions When Cabinet Control or Membership Changes**

- 5.1 Notwithstanding the provisions of paragraphs 3.4(g) and (h) above, where political control of the Cabinet or Cabinet membership changes following the annual Council meeting each year, any decision made by the Executive and supported by the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) following a call-in but not implemented before the changes occur, shall stand referred to the Cabinet for further review before action is taken.

## **6. Consideration of Call-In Reports of Overview and Scrutiny Committees made to the Full Council**

- 6.1 In some circumstances, the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) may choose to refer the results of the consideration of call-in items to the full Council, rather than the Executive in those instances set out in paragraph 3.4 (d) (iii) above and 6.2 below. With any necessary modification the call-in shall be dealt with at the Council meeting in accordance with paragraphs 4.1 - 4.5 above.
- 6.2 In considering whether to report to the full Council, the Overview and Scrutiny Committee (or Select Committee/Task and Finish Panel) shall take account of the advice of the Proper Officer on:
- (a) whether the Council may properly determine the matter if the function is delegated to the Executive;
  - (b) whether the Executive decision affects the policy or budget framework of the Authority and should properly be determined by the Council;
  - (c) whether the Executive decision relates to a matter which either reserved to the full Council by the constitution or by resolution; and

- (d) any other advice which indicates that, for whatever reason, a report to the Executive is more appropriate to the proper despatch of Council business.

## **7. Restriction on Call-In**

- 7.1 The Overview and Scrutiny Committee shall at all times be aware that the decisions of the regulatory or non-executive bodies of the Council are not subject to call-in.
- 7.2 The call-in procedure shall also not apply to any recommendation by the Cabinet to the full Council.

## **8. Withdrawal or Modification of Call-In**

- 8.1 A valid call-in may be withdrawn at any time by the lead signatory. The lead signatory to a validated call-in or the relevant Portfolio Holder may request a meeting with the Chairman of the Overview and Scrutiny Committee prior to the call-in being considered by the Committee in order to discuss the following:
  - (a) the management of the call-in debate at the meeting of the Committee (or Select Committee/Task and Finish Panel) concerned;
  - (b) the possibility of reaching agreement on removing any objections to the decision in question which are raised in the call-in request; and
  - (c) the withdrawal of a call-in
- 8.2 Where the lead signatory agrees to withdraw or modify a call-in the Councillor concerned shall notify his fellow signatories as soon as practicable and the circumstances shall be reported to the Overview and Scrutiny Committee.
- 8.3 If a call-in is withdrawn, the circumstances will be notified to all members of the Council through the Council Bulletin.
- 8.4 In cases where a Portfolio Holder has agreed to modify a decision, he or she shall issue a revised decision notice or refer the proposal back to the Cabinet, if the latter made the original decision.

## **9. Definitions**

- 9.1 For the purpose of this Protocol, the following definitions shall apply:
  - (a) **"Executive"**
- 9.2 This term should be interpreted as referring to the Cabinet, a Cabinet Committee or an individual Portfolio Holder acting under delegated powers.
  - (b) **"Decision"**
- 9.3 Denotes a decision on an Executive function by the Cabinet, a Committee of the Cabinet or of an individual Portfolio Holder.
  - (c) **"Decision Taker"**

9.4 This means the Cabinet, a Cabinet Committee or an individual Portfolio Holder who made the original decision.

## **10. Review of Protocol**

10.1 This Protocol will be reviewed by the Council as part of its Constitution as and when appropriate.

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**CONTENTS**

**Rule**

1. Overview and Scrutiny Committee
2. Select Committees
3. Task and Finish Panels

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## 1. OVERVIEW AND SCRUTINY COMMITTEE

1.1 The functions of the Overview and Scrutiny Committee shall be as follows:

- (a) to review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) to make reports and/or recommendations to the full Council and/or the executive in connection with the discharge of any functions;
- (c) to review corporate strategies;
- (d) to ensure that the decisions/actions of the Cabinet accord with the Council's policies and budget;
- (e) to monitor and scrutinise the financial performance of the Council and making recommendations to the Cabinet in relation to annual revenue and capital guidelines, bids and submissions;
- (f) when required, to question members of the Cabinet or other Committees and officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (g) to make recommendations to Cabinet and appropriate Committees and the Council arising from the outcome of the overview and scrutiny process;
- (h) to consider any matter affecting the Epping Forest District or its residents
- (i) to review, scrutinise and monitor the performance of other public bodies active in the District;
- (j) to question and gather evidence from any person (including members, officers and others) on issues falling within the functions of the Committee;
- (k) to determine terms of reference, memberships (including the appointment of Chairman and Vice-Chairman) and reporting work programmes for all Select Committees and Task and Finish Panels;
- (l) to scrutinise executive decisions;
- (m) to exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive;
- (n) to consider and make responses to executive decisions which are called in either as a Committee or through referral to a Select Committee or Task and Finish Panel;
- (o) to monitor the effectiveness of the call-in procedure, reviewing the number and reasons for call-in and making recommendations to the Council on any changes required to improve operation of the process;

- (p) to monitor and scrutinise the Cabinet Forward Plan (the Key Decision List);
- (q) to review the implications of Government consultation documents where requested by members;
- (r) to receive presentations from the Leader of the Council outlining plans for the year ahead and reporting performance in the previous Council year;
- (s) to consider requests from the Cabinet for scrutiny involvement in policy development and determining appropriate action;
- (t) to consider petitions where the number of signatures meets or exceeds the trigger level contained in the Council's Petitions Scheme and make recommendations as appropriate; and
- (u) to review, when requested by the petition organiser, the Council's response to any petition which they consider has not been dealt with properly including, if appropriate, investigating, making recommendations to the Council or Executive or arranging for the matter to be considered at a meeting of the full Council;
- (a) ~~to determining work programmes in accordance with items falling within Committee's responsibilities.~~ **DELETE - DUPLICATES ITEM (k)**

## **2. SELECT COMMITTEES**

- 2.1 Select committees may be established on an annual basis by the Overview and Scrutiny Committee.
- 2.2 Select committee status will be restricted to those activities of a recurring or cyclical character which require a longer term involvement by members.
- 2.3 The Overview and Scrutiny Committee shall determine the number and terms of reference of the select committees and shall review whether they should continue in being at the first meeting of each municipal year.
- 2.4 Select Committees will:
  - (b) adhere to an annual work programme agreed by the Overview and Scrutiny Committee;
  - (c) have a chairman and vice-chairman appointed by the Overview and Scrutiny Committee;
  - (d) have memberships which reflect pro-rata requirements and the lowest number of members required to achieve cross-party representation, whilst allowing the inclusion of members who are not members of a political group or are not members of the Overview and Scrutiny Committee;
  - (e) have memberships which represent the minimum number necessary to adhere to their work programmes;

- (F) ~~be able to make proposals to the Overview and Scrutiny Committee for the variation of their terms of reference or work programme;~~ **DELETE - DUPLICATES NEXT PROVISION**
  - (g) be able to seek delegated authority from the Overview and Scrutiny Committee, to vary their terms of reference and work programme according to circumstances;
  - (h) report (through the chairman of the select committee) to each meeting of the Overview and Scrutiny Committee on progress with the respective work programme and on any recommendations for consideration;
  - (i) ~~be able, after consideration by the Overview and Scrutiny Committee, to report direct to the Council, a Cabinet Committee a Portfolio Holder, or any other Council body;~~ **DELETE AND REPLACE WITH FOLLOWING NEW PROVISION**
  - (j) **consider any matter referred by the Overview and Scrutiny Committee, the Cabinet or a relevant Portfolio Holder, and report and make recommendations directly to the Committee, the Cabinet or relevant Portfolio Holder when appropriate; (NB. NEW provision to reflect recent decision of O&S Committee in relation to the terms of reference of the Housing select Committee)**
  - (k) in the circumstances set out in (h) above, the report shall be submitted in the name of the select committee and presented by its chairman, unless the work of more than one select committee is involved, in which case any report to another Council body will be in the name of the Overview and Scrutiny Committee and presented by its Chairman;
  - (l) in the event that the submission of a select committee report to another Council body is required such that it cannot be considered by the Overview and Scrutiny Committee in accordance with paragraph (h) above, the select committee report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency;
  - (m) extend a standing invitation to relevant portfolio holder(s) to attend select committee meetings to answer questions and provide information on any matters affecting their portfolios which are under consideration; and
  - (n) hear questions and presentations by members of the public or external organisations which are relevant to the work of the select committee concerned.
- 2.5 Any member of the Council may be a member of a select committee, save that any Cabinet member may not be a member of a select committee which deals directly with matters within the responsibilities of their portfolio.
- 2.6 Any member of the Council shall be able to attend any meeting of a select committee and be notified of the publication of the agenda.
- 2.7 The provisions of Operational Standing Order 14 shall apply to the select committees.

### **3. TASK AND FINISH PANELS**



- 3.1 Task and Finish Panels may be established by the Overview and Scrutiny Committee in order to deal with ad-hoc projects or reviews included in the annual work programme for overview and scrutiny.
- 3.2 Task and Finish Panel status will be restricted to those activities which are issue-based, time limited and non-cyclical in character and have clearly defined objectives.
- 3.3 Task and Finish Panels will:
- (a) have terms of reference, membership and a work programme approved by the Overview and Scrutiny Committee;
  - (b) have a Chairman and Vice-Chairman appointed by the Overview and Scrutiny Committee;
  - (c) have memberships which need not be based on pro-rata rules and be flexible as to the number of Councillors appointed to membership. There will be no restriction on the numbers appointed;
  - (d) have memberships which represent the minimum number necessary to adhere to their work programmes;
  - (e) be able to make proposals to the Overview and Scrutiny Committee for the variation of their terms of reference or work programme;
  - (f) be able to seek delegated authority from the Overview and Scrutiny Committee for the variation of their terms of reference and work programmes according to circumstances;
  - (g) report through the Panel Chairman at each meeting of the Overview and Scrutiny Committee on progress with their work programme and on any recommendations for consideration;
  - (h) be able, after consideration by the Overview and Scrutiny Committee, to report to the Council, the Cabinet, a Cabinet Committee, a Portfolio Holder or any other Council body;
  - (i) in the circumstances set out in (h), the report shall be submitted in the name of the Panel and presented by its Chairman, unless the work of more than one Panel is involved, in which case any report to another Council body will be in the name of the Overview and Scrutiny Committee and presented by its Chairman;
  - (j) in the event that the submission of a Panel report to another Council body is required such that it cannot be considered by the Overview and Scrutiny Committee in accordance with paragraph (h) above, the Panel report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency;
  - (k) extend a standing invitation to relevant portfolio holder(s) to attend Panel meetings to answer questions and provide information on any matters affecting their portfolios which are under consideration; and

- (l) hear questions and presentations by members of the public or external organisations which are relevant to the work of the Panel concerned.
- 3.4 Any member of the Council may be a member of a Task and Finish Panel, save that a member of the Cabinet may not be a member of any Panel which deals directly with matters within the responsibilities of their portfolio.
- 3.5 No Task and Finish Panel shall be comprised of members of a single political group only.
- 3.6 Any member of the Council shall be able to attend any meeting of a Task and Finish Panel.
- 3.7 The normal arrangements for substitute members as set out in Operational Standing Order 14 shall not apply to a Task and Finish Panel but the Chairman of any such Panel shall have discretion to accept alternate members to cover for existing members for any meeting.



### **Report to the Constitution Working Group**

**Date of meeting: 22 September 2015**

Subject: Constitution Review –  
Dealing with Codes and Protocols

Officer Contact for further Information: Simon Hill (01992 56 4249)

Democratic Services Officer: Mark Jenkins (01992 56 4607)

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#### **Recommendations:**

- (1) To consider how the various Codes and Protocols are to be handled within the new Constitution; and**
- (2) To recommend to Officers accordingly.**

#### **Report:**

1. (Assistant Director Governance and Performance Management) The Council's Constitution document has become the place that many other associated documents have resided. It is the view of officers that some of these documents should be part of the Constitution but others could be removed whilst not compromising their validity. Removing documents from the Constitution does not have the effect of altering Council policy in relation to the subject matter. Other sections could be deleted entirely.
2. The following table lists the various codes and protocols and makes suggestions how these could be dealt with. Members are asked to consider these proposals. The table contains references to page numbers. Members are reminded to bring their constitutions with them to the meeting for reference. The page numbers quoted for reference are taken from the most recent published constitution dated 29 July 2015.

<b>Item</b>	<b>Page reference</b>	<b>Commentary</b>	<b>Recommendation of officers</b>
1. Members Charter	Q2 Page 406	The members' charter, conventions between officers and members and officer support arrangements could be rationalised and brought into one document which could be an appendix to the article on members?	Consider as part an article?
2. Members Code of Conduct	Q4 Page 409	A recent standards case has highlighted two areas of the Code of Conduct that require review. A report will be made initially to the Standards Committee before coming back via this working group.	Retain and review through Standards Committee
3. Officers Code of Conduct	R1 Page 423	The view of the Assistant Director of HR has been sought. It is her view that this document does not need to be part of the constitution, it is to be revised and agreed by the JCC. It is suggested that it may be referred to in (1) above.	Refer to JCC for review. Remove
4. Protocol – Allocation of Chairmanships and Vice Chairmanships and Outside Organisation Places	S1 Page 449	This document could be added to the document dealing with the appointments panel and rationalised.	Link to appointments panel info?
5. Conventions on the relationships between political groups and Councillor with Officers	S4 Page 453	See commentary under (1) above	Consider as part an article?
6. Protocol for Councillors and Officers engaged in the determination of planning applications and other planning decisions	T1 Page 463	This document requires revision and is significantly out of date.	
7. Guidance on Gifts and Hospitality	T20 Page 483	Could this be added to the Code of Conduct as an appendix?	Add to CoC?
8. Code of Recommended Practice on Local Authority Publicity	U1 Page 487	This is a published document and shouldn't be reprinted here	delete
9. Officer Support Arrangements	U7 Page 497	See commentary under (1) above	Combine with 5
10. Corporate enforcement policy	U9 Page 499	Does this need to be in the constitution?	Remove Consider if published on website

<b>Item</b>	<b>Page reference</b>	<b>Commentary</b>	<b>Recommendation of officers</b>
11. Local Code of Corporate Governance	U15 Page 505	The view of the Monitoring Officer has been sought on whether this needs to be retained within the constitution.	Advice from MO?
12. District Council and Local Council Charter	U22 Page 513	This document requires revision and is significantly out of date.	Needs revision LCL job?
13. Protocol on Partnerships and Other External Organisations	U66 Page 557	This document should be brought together with those that deal with Outside Body appointments (see 4 above)	Link to appointments panel info?
14. Protocol on the use of facilities for Councillors.	U74 Page 565	This document should be brought together with those that deal with embers charter under 1 above  Appendix 1 can be deleted as allowance for IT now forms part of basic allowance.	Rationalise and add to members charter.  Appendix 1 on use of IT to be deleted
15. Statutory Officer protocols	U84 Page 573	These could be reviewed and added as an appendix to article 13 (officers structure)	Review and add to article 13
16. Members allowances Scheme	V1 Page 585	Retain – required  Members accountability statements	Retain in Constitution  ??

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