

# OVERVIEW AND SCRUTINY PROCEDURE RULES

## 1. OVERVIEW AND SCRUTINY ARRANGEMENTS

- (a) The Council will have one Overview and Scrutiny Commission, which will perform all overview and scrutiny functions on behalf of the Council.
- (b) The Overview and Scrutiny Commission will consist of:  
12 elected Members – comprising a chair, the chairs of the 3 scrutiny committees and 8 additional members with a view to providing political balance on the Commission.
- (c) The Commission will appoint 3 sub-committees, which are referred to as Scrutiny Committees, to fulfil such overview and scrutiny functions as may be delegated by the Commission. The Scrutiny Committees will consist of 10 elected Members.
- (d) The Overview and Scrutiny Commission and Scrutiny Committees will, where appropriate, form joint Scrutiny Committees to maximize the exchange of information and views, to minimize bureaucracy and make best use of the time of Members, Officers and of other bodies and agencies.
- (e) The membership of the Children and Young People's Services Scrutiny Committee shall also include the following voting representatives:
  - (i) 1 Church of England diocese representative
  - (ii) 1 Roman Catholic diocese representative
  - (iii) 3 Parent-Governor representatives

This requirement applies where the functions of an overview and scrutiny body relate wholly, or in part, to education functions. If the Committee deals with other matters, these representatives shall not

vote on those other matters, but they may remain in the meeting and speak.

The membership of the Overview and Scrutiny Commission shall also include:

- (i) 1 Church of England diocese representative
- (ii) 1 Roman Catholic diocese representative

These representatives may speak on any issue, but may only vote on those issues which relate to education functions.

- (e) All elected Members, except members of the Cabinet, may be members of an Overview and Scrutiny Commission/ Committees. No member, however, may be involved in scrutinising a decision in which he/she has been directly involved.
- (f) The Overview and Scrutiny Commission or a Scrutiny Committee shall be entitled to recommend the Council to appoint a number of people as non-voting co-optees, as appropriate.
- (g) The Council will appoint the Overview and Scrutiny Commission and Committees on the terms of reference identified below.

## 2. **MEETINGS OF THE OVERVIEW AND SCRUTINY COMMISSION/ COMMITTEES**

There shall be at least six ordinary meetings of the Overview and Scrutiny Commission at least five ordinary meetings of the Place Services Scrutiny Committee, and at least four ordinary meetings of the other Scrutiny Committees, except that meetings may be cancelled in consultation with the Chair of the Commission/Committee as appropriate.

In addition, extraordinary meetings may be called from time to time, as and when appropriate, by the Chair of the relevant Overview and Scrutiny Commission/Committee, or by the Chief Executive if he/she considers it necessary or appropriate.

3. **QUORUM**

The quorum for an Overview and Scrutiny Commission/Committee meeting shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

4. **WHO CHAIRS OVERVIEW AND SCRUTINY MEETINGS?**

- (a) The Overview and Scrutiny Commission will be chaired by the Councillor who is appointed by the elected members of the Overview and Scrutiny Commission.
- (b) The Chairs of two Scrutiny Committees will be held by members of the group/groups which form the administration. The Chair of the third Scrutiny Committee will be held by the largest opposition group on the Council provided that this group holds 15% (rounded up) of the total number of seats on Council. In the event that no opposition group holds 15% (rounded up) of the total number of seats on Council, the third Chair will be held by a member of the group/groups which form the administration.
- (c) Chairs of the Scrutiny Committees will be drawn from members of the relevant Committee. No member, however, may be appointed as Chair of an Overview and Scrutiny Committee if their spouse, civil partner, a person who they are living with as a spouse or civil partner, sibling, son or daughter is a Cabinet member/portfolio holder for which the relevant Scrutiny Committee will be scrutinising decisions relating to that portfolio/department.

5. **WORK PROGRAMME**

The Overview and Scrutiny Commission and Scrutiny Committees will be responsible for the development and monitoring of their own individual work programmes with the Overview and Scrutiny Commission having oversight of the work programmes of the Scrutiny Committees.

The Commission and Committees in the development of the work programme will liaise on a regular basis with the Cabinet. The Commission and Committees shall also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the Commission/Committee shall report their findings and any recommendations back to the Cabinet and/or Council. Council and/or the Cabinet shall consider the report of the Commission/Committee within one month of receiving it.

**6. AGENDA ITEMS**

Any member of an Overview and Scrutiny Commission or Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Commission or Committee to be included on the Agenda for the next available meeting of the Commission or Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available Agenda.

**7. POLICY REVIEW AND DEVELOPMENT**

- (a) The role of the Overview and Scrutiny Commission 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.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Commission or Committees may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Commission/ Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public

surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.

They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

8. **REPORTS FROM THE OVERVIEW AND SCRUTINY COMMISSION/ COMMITTEES**

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Commission/Committee will prepare and formally approve at a public meeting a formal report and submit it to the Chief Executive for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendations would require a departure from or a change to the agreed budget and policy framework).
- (b) If an Overview and Scrutiny Commission/Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

9. **RESPONSES TO OVERVIEW AND SCRUTINY REPORTS BY THE CABINET**

- (a) The Cabinet shall provide a written response to the Overview and Scrutiny Commission/Committee's report and the Leader will nominate a member of the Cabinet to attend a future meeting of the Overview and Scrutiny Commission/Committee to present the Cabinet's response. The reports of the overview and Scrutiny Commission/Committees referred to the Cabinet and the Cabinet's

responses shall be included together in the Agenda of a Cabinet meeting under an item entitled 'Issues arising from Overview and Scrutiny' (unless the reports of Overview and Scrutiny and responses from the Cabinet have been considered in the context of the Cabinet's deliberations on a substantive item on the Agenda). The reports of the Overview and Scrutiny Commission/Committees and the Cabinet's response must be included on the Agenda for a Cabinet meeting within two months of the report being submitted to the Chief Executive.

- (b) Where the Overview and Scrutiny Commission or a Committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision-making power to another individual member of the Cabinet or to an officer, then the Overview and Scrutiny Commission/ Committee will submit a copy of their report to him/her for consideration. At the time of doing so, the Overview and Scrutiny Commission shall serve a copy on the Chief Executive. The member/officer with delegated decision-making power must consider the report and respond in writing to the Overview and Scrutiny Commission/ Committee within two months of receiving it. A copy of his/her written response to it shall be sent to the Chief Executive and the Leader. The member/officer will also attend a future meeting of the Overview and Scrutiny Commission/ Committee to present their response
- (c) The Overview and Scrutiny Commission/Committees will in any event have access to the Cabinet's Public Notice of Key Decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Commission or a Committee following consideration of possible policy/service developments, the Commission/Committee will at least be able to

respond in the course of the Cabinet's consultation process in relation to any key decision.

**10. RIGHTS OF OVERVIEW AND SCRUTINY COMMISSION/COMMITTEE MEMBERS TO DOCUMENTS**

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

**11. MEMBERS AND OFFICERS GIVING ACCOUNT**

- (a) The Overview and Scrutiny Commission or a Committee, insofar as it is authorised to do so by the Commission, may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any Senior Officer to attend before it to explain in relation to matters within their remit:-
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy;  
and/or
  - (iii) their performanceand it is the duty of those persons to attend if so required.
- (b) Where any member and/or officer is required to attend an Overview and Scrutiny Commission/Committee under this provision, the Chair of

that Commission/Committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least 5

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 Commission/ Committee. Where the account to be given to the Commission/ Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Commission/ Committee shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of 15 days from the date of the original request.

**12. ATTENDANCE BY OTHERS**

An Overview and Scrutiny Commission/ Committee may invite people other than those people referred to in Paragraph 11 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

**13. CALL-IN**

- (a) When a decision is made by the Cabinet, an individual member of the Cabinet or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council within 5 working days of



being made. All Members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

- (b) That notice will bear the date on which it is published and will specify either that the decision has come into force and may be implemented, or that it will come into force, and may then be implemented on the expiry of 5 working days after the publication of the decision, unless an Overview and Scrutiny Commission/Committee objects to it and calls it in.
- (c) During that period, the Chief Executive shall call-in a decision for scrutiny by the Commission/ Committee, if so requested, by any 3 Members of the Council who are not on Cabinet giving reasons for their request, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Commission/ Committee on such date as he/she may determine, where possible after consultation with the Chair of the Commission/ Committee, and in any case within 15 working days of the decision to call-in except if an already scheduled Commission/Committee meeting is due to take place within 20 working days of the decision to call-in, in which case the call-in can be considered at this meeting alongside the regular business of the Commission/Committee.
- (d) If, having considered the decision, the Overview and Scrutiny Commission/ Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision-maker, he/she shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.

- (e) If following an objection to the decision, the Overview and Scrutiny Commission/ Committee meets, but does not refer the matter back to the decision-making person or body, the decision shall take effect from the date of the Overview and Scrutiny Commission/ Committee meeting.
- (f) If the matter was referred to full Council, the Chief Executive shall call a meeting of the Council on such date as he/she may determine, where possible after consultation with the Mayor and in any case, within 20 working days of the date of the Overview and Scrutiny Commission/ Committee's decision to refer the matter to full Council.
- (g) If, following consideration, 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 locus to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within 15 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council request.
- (h) If the Council 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.

- (i) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the relevant Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair of the relevant Scrutiny Committee the Chair of the Overview and Scrutiny Commission must agree to the changes. In the absence of the Chair of the Overview and Scrutiny Commission, the consent of the Mayor, or the Deputy Mayor in the absence of the Mayor, shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

#### Summary of Criteria for Call-in

- Any three Members of the Council, who are not on the Cabinet, may invoke the call-in procedure
- Call-in requests must be submitted to the Chief Executive within five working days of the publication of the executive decision notice
- Any key decision, whether made by the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet, or an officer with delegated authority, may be called in
- A request for call-in shall be justified on one or more of the following grounds:
  - the decision is outside the budget and policy framework
  - there has been inadequate consultation prior to the decision

- relevant information was not considered in making the decision
- a viable alternative to the decision was not considered
- the justification for the decision is open to challenge on the basis of the evidence considered

**14. THE PARTY WHIP**

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

**15. PROCEDURE AT OVERVIEW AND SCRUTINY COMMISSION/  
COMMITTEE MEETINGS**

- (a) The Overview and Scrutiny Commission and Committees shall consider the following business: -
- (i) minutes of the last meeting;
  - (ii) declarations of interest;
  - (iii) declarations of Party Whip
  - (iv) responses of the Cabinet to reports of the Overview and Scrutiny Commission/Committee; and
  - (v) the business otherwise set out on the Agenda for the meeting.
- (b) Where the Overview and Scrutiny Commission/Committee conducts investigations (e.g. with a view to policy development), the Commission/ Committee may also ask people to attend to give evidence at Commission/ Committee meetings which are to be conducted in accordance with the following principles:-

- (i) that the investigation be conducted fairly and all members of the Commission/ Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the Commission/ Committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Commission/ Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

Terms of Reference

<u>Committee</u>	<u>Scope</u>
Overview and Scrutiny Commission	<p>The Commission is responsible for all overview and scrutiny functions on behalf of the Council, and in particular:</p> <ul style="list-style-type: none"> <li>• To appoint and work with the individual Overview and Scrutiny Committees to develop and agree the annual Overview and Scrutiny work programme.</li> <li>• Hold regular discussions with Scrutiny Chairmen, Cabinet Members and Executive Directors to identify priority topics for consideration by Scrutiny.</li> <li>• Identify and take responsibility for items that transcend the terms of reference of, or that fall outside the remit of, the individual Committees.</li> <li>• Consider the Council’s Budget Strategy and budget proposals made by the Cabinet and recommend if consultation or representations need to be made.</li> <li>• Consider strategic Council policy decisions and recommend if consultation or representations need to be made.</li> <li>• To make representations to the Cabinet, and Council if necessary, on any issues or areas of concern arising from the overview</li> </ul>

	<p>and scrutiny process.</p> <ul style="list-style-type: none"> <li>• To monitor the achievement of the “Be a modern efficient and effective Council” Council Priority as set out in the Council Plan.</li> <li>• Produce an Annual Overview and Scrutiny Report detailing all scrutiny activity for the year.</li> <li>• Co-ordinate the Members’ Overview and Scrutiny learning programme to facilitate continuous improvement of the overview and scrutiny function.</li> <li>• To receive regular updates on the activities of the Liverpool City Region Combined Authority Scrutiny Committee.</li> <li>• To receive relevant reports on a regular basis in order to review and scrutinise the financial performance of the Council.</li> <li>• To review and scrutinise the Council’s Annual Statement of Accounts prior to approval by the Audit and Governance Committee.</li> <li>• In undertaking this role, the Commission is able to question members of the Cabinet, and/or Chief Officers, regarding their decisions in relation to the financial performance and financial health of the Council.</li> <li>• To exercise the right following call-in to review and, where appropriate, ask for re-consideration of decisions made by, but not yet implemented by, the Cabinet or Council.</li> <li>• To receive and have regard for Councillor Calls for Action within the remit of the Commission.</li> </ul>
<p>Adult Social Care and Health Scrutiny Committee</p>	<p>The Committee shall undertake the functions delegated by the Commission, and in particular:</p> <ul style="list-style-type: none"> <li>• To consider and scrutinise items relating to the provision of adult social care in the Borough</li> <li>• To consider and scrutinise items relating to the provision of health services including</li> </ul>

	<p>public health in the Borough, in accordance with relevant legislation.</p> <ul style="list-style-type: none"><li>• To review items relating to the operation of adult social care and health services identified in 1 and 2 and their performance, as selected by members of the Committee, or referred to them by the Overview and Scrutiny Commission or the Cabinet.</li><li>• To engage with, and respond to, formal and informal NHS and St. Helens Clinical Commissioning Group (CCG) or relevant health providers' consultations in relation to any proposal for a substantial development of the Health Service in St. Helens or for a substantial variation to such services.</li><li>• To monitor the achievement of the "Promote good health, independence and care across our communities" Council Priority as set out in the Council Plan.</li><li>• In undertaking this role, the Committee is able to question members of the Cabinet and/or Chief Officers, and/or representatives of relevant Health bodies, including CCG representatives and the People's Board regarding their decisions, performance in relation to service operations and targets.</li><li>• To contribute to Joint Health Scrutiny Committees reviewing consultations by NHS bodies or Health Service providers on cross border changes to services.</li><li>• To exercise the right following call-in to review and, where appropriate, ask for reconsideration of decisions made but not yet implemented by, the Cabinet or Council.</li><li>• To receive and have regard for Councillor Calls for Action within the remit of the Committee.</li><li>• To receive and respond to referred items from Healthwatch in accordance with national regulations.</li><li>• To provide regular updates on the Committee's work programme to the Overview and Scrutiny Commission.</li><li>• To produce final reports of all reviews undertaken and monitor and evaluate</li></ul>
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	<p>progress of recommendations as appropriate.</p> <ul style="list-style-type: none"> <li>• To make representations to the Cabinet, and Council if necessary, on any issues or areas of concern arising from the overview and scrutiny process.</li> </ul>
<p>Children and Young People's Services Scrutiny Committee</p>	<p>The Committee shall undertake the functions delegated by the Commission, and in particular:</p> <ul style="list-style-type: none"> <li>• To consider and scrutinise items relating to the provision of Children and Young People's Services in the Borough.</li> <li>• To review and scrutinise items relating to the operation of Children and Young People's Services and their performance, as selected by members of the Committee or referred to them by the Overview and Scrutiny Commission or the Cabinet.</li> <li>• To monitor the achievement of the "Ensure Children and Young People have a positive start in life" Council Priority as set out in the Council Plan."</li> <li>• In undertaking this role the Committee is able to question members of the Cabinet, and/or Chief Officers, regarding their decisions, performance in relation to service operations and targets.</li> <li>• To receive and have regard for Councillor Calls for Action within the remit of the Committee.</li> <li>• To exercise the right following call-in to review and, where appropriate, ask for re-consideration of decisions made by, but not yet implemented by, the Cabinet or Council.</li> <li>• To provide regular updates on the Committee's work programme to the Overview and Scrutiny Commission.</li> <li>• To produce final reports of all reviews undertaken and monitor and evaluate progress of recommendations as appropriate.</li> <li>• To make representations to the Cabinet, and Council if necessary, on any issues or areas of concern arising from the overview and scrutiny process.</li> </ul>



Place Services Scrutiny Committee

The Committee shall undertake the functions delegated by the Commission, and in particular:

- To be designated as the responsible Committee for review and scrutiny of crime and disorder issues, pursuant to the Police and Justice Act 2006, and in this context:

i) to review and scrutinise decisions made, or action taken by, the People's Board and the responsible authorities which comprise it insofar as their activities relate to the board itself;

ii) to make reports or recommendations to Council with respect to the discharge of crime and disorder functions (including CONTEST Prevent and Channel);

iii) to consider any local crime and disorder matter which is referred to it by any Member of the Council;

iv) to operate in accordance with the powers contained in the Crime and Disorder (Overview and Scrutiny) Regulations 2009 with regard to co-opting of members, frequency of meetings, obtaining information, requiring attendance at meetings and making reports and recommendations.

- To consider and scrutinise items concerning: borough-wide economic development, environment, regeneration, housing, culture, tourism, leisure and libraries.

- To be designated as the responsible Committee for flood risk management, and shall undertake its responsibilities under the Flood and Water Management Act 2010 as follows:

(a) may review and scrutinise any matter relating to the planning, provision and operation of flood risk management in the area of the Borough of St. Helens;

(b) may invite those authorities responsible for flood risk management to comment on the matter;

(c) request information from them to enable it to carry out its responsibilities; and

	<p>(d) make reports or recommendations and request a response from flood risk management authorities.</p> <ul style="list-style-type: none"> <li>• To monitor the achievement of the “Support a strong, diverse and well-connected local economy”, “Create safe and strong communities for our residents”, and “Create a green, thriving and vibrant place to be proud of” Council Priorities as set out in the Council Plan.</li>   <li>• To review items relating to the operation of the functions outlined above and their performance, as selected by members of the Committee, or referred to them by the Overview and Scrutiny Commission or the Cabinet.</li>   <li>• In undertaking this role the Committee is able to question members of the Cabinet, and/or Chief Officers, and/or the Chair of the People’s Board, regarding their decisions, performance in relation to service operations and targets.</li>   <li>• To exercise the right following call-in to review and, where appropriate, ask for re-consideration of decisions made by, but not yet implemented by, the Council.</li>   <li>• To receive and have regard for Councillor Calls for Action within the remit of the Committee.</li>   <li>• To provide regular updates on the Committee’s work programme to the Overview and Scrutiny Commission.</li>   <li>• To produce final reports of all reviews undertaken and monitor and evaluate progress of recommendations as appropriate.</li>   <li>• To make representations to the Cabinet, and Council if necessary, on any issues or areas of concern arising from the overview and scrutiny process.</li> </ul>
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The Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011 enables any Councillor to refer to an Overview and Scrutiny Committee any matter which is relevant to the functions of the Committee and is not an excluded matter. The matter will then be included on an overview and scrutiny agenda discussion at the meeting.

This will be the ultimate destination for items referred to as Councillor Calls for Action: these will be related to services for which the local authority is responsible, except in the case of crime and disorder issues.

For these purposes a “matter” is one which:-

- relates to the discharge of any function of the authority;
- affects all or part of the electoral area for which the referring member is elected or any person who lives or works in that area; and
- is not an excluded matter

Under the Police and Justice Act 2006, referrals regarding crime and disorder issues are given provision. In effect, these calls for action will be treated in the same way as local authority matters. Crime and disorder issues will be referred to the overview and scrutiny body responsible for the overview and scrutiny of those matters.

On receiving the referral, the Overview and Scrutiny Committee will decide whether or not to take action within its powers on the matter after considering: -

- whether the referral is valid;
- whether the referring member has any powers in relation to the matter; and
- representations made by the referring member as to why it would be appropriate for the Committee to exercise its powers.

Before such a referral to overview and scrutiny the Councillor must have tried to resolve the problem him/herself. This would include using resources at an area/ward level. In pursuit of resolving the matter, the ward Councillor should:

- discuss with his/her other ward councillors and agree action;
- request the assistance of area or neighbourhood officers who have responsibility to support local councillors;
- request action by the Department responsible for the service or issue;
- in the case of crime and disorder issues, request the responsible authority to take appropriate action on the matter.

If the problem is still not resolvable, the Councillor can refer it to the Overview and Scrutiny Committee which will determine what, if any, action may be taken. The Overview and Scrutiny Committee will inform the Councillor what action, if any, is to be taken and, if no action is to be taken, the reason why. It must also provide the Council with any reports or recommendations which are made on the matter.

### Overview and Scrutiny Task and Finish Groups – Protocol

#### Selection Criteria

At the outset of any review, the timeframe of the review needs to be considered. If a review is likely to take longer than six months, it will be designated 'full task and finish' review and work will be carried out by an ad-hoc task and finish group.

Reviews that are likely to take less than three months will be designated as 'spotlight' reviews also carried out via an ad-hoc task and finish group.

#### Terms of Reference

Terms of Reference for the Task and Finish Group should be determined and agreed by the Parent Overview and Scrutiny Commission/Committee, and should fully cover

the aims, approach and indicative timescales of the Task and Finish Group in carrying out the review.

### Membership

Membership of the Task and Finish Group will be between 3-6 members. The Parent Overview and Scrutiny Commission / Committee should nominate as many members of the Commission/ Committee to the Task and Finish Group as wish to participate (up to the limit of the size of the Task and Finish Group), preferably on a cross party basis.

Membership of the Task and finish Group is not limited to members of the Parent Overview and Scrutiny Commission/Committee and can contain any non-Cabinet member of the Council who has an interest in the specific area. Details of the review and Terms of Reference will be distributed to all other non-Cabinet members to determine those who are interested in being a part of the Task and Finish Group. Group leaders will liaise with interested members from their own group and forward the names of interested members to the Overview and Scrutiny Manager. If there are more than six nominations in total, group leaders will determine their nominations.

Cross-party membership is strongly encouraged.

Members not directly involved in the Task and Finish Group are not excluded from the work carried out, and can still be involved, for example, through giving evidence and information at meetings.

Task and Finish Groups are free to identify any external representatives with specialist knowledge and invite them to take part in the review, possibly co-opted onto the Task and Finish Group as external representatives.

A Chair of the Task and Finish Group should be agreed to act as the lead member for the Task and Finish Group.

### Working Arrangements

Task and Finish Groups will arrange informal meetings as and when work requires it. Support arrangements for the meetings will be provided by the Overview and Scrutiny Manager and Scrutiny Support Officer.

Members of the Task and Finish Group will carry out fieldwork for the review as and when appropriate.

#### Reporting Arrangements

A final report will be produced by the Task and Finish Group and presented to the Parent Overview and Scrutiny Commission/Committee at the end of the review.

Interim reports will be presented where necessary for lengthier reviews. Reports will be agreed by the Commission/Committee in the normal reporting procedure.

The Chair of the Parent Overview and Scrutiny Commission/Committee or the Task and Finish Group Chair will present the report to the Cabinet. Once the report is presented to, and accepted by the Cabinet, the Task and Finish Group will cease to exist (unless Cabinet request further information or work).

#### Monitoring Arrangements

Monitoring of the implementation and impact of any recommendations made in the report, and accepted by the Cabinet, will be the responsibility of the Parent Overview and Scrutiny Commission/Committee.

