

Report to: Executive Board - 11th November 2002

**CONSIDERATION OF OVERVIEW AND SCRUTINY RECOMMENDATIONS**

<p><b>Report of:</b> <i>Committee Services Manager</i></p> <p><b>Report Author:</b> <i>William Reed</i></p> <p><b>Lead Member Responsible:</b> <i>Councillor Hollingsworth</i></p> <p><b>Overview and Scrutiny Committee Responsibility:</b> <i>Overview and Scrutiny Committee Co-ordinating Group</i></p> <p><b>Key Decision:</b> <i>No</i></p>	<p><b>WARDS AFFECTED</b> All</p>
<p><b>SUMMARY AND RECOMMENDATIONS</b></p> <p>This report responds to a request made at the Board meeting on 21st October 2002 (minute 233) to submit to the Board a statement of the process to be followed in dealing with Overview and Scrutiny Committee recommendations. The process is set out in paragraph 4.2. The process achieves sound management and the timely reaching of decisions.</p> <p>The Board is <b>RECOMMENDED</b> to agree the process.</p>	

**1. INTRODUCTION**

At its last meeting (minute 233) the Board asked for a statement of the process for dealing with recommendations from Overview and Scrutiny Committees to be submitted to this meeting. The Leader commented that, in his view, report authors should be responsible for ensuring co-ordination of recommendations (from Overview and Scrutiny Committees) and responses (from Portfolio Holders).

**2. CATEGORIES OF RECOMMENDATION TO THE BOARD**

The categories of recommendation that come to the Board from Overview and Scrutiny Committees are as follows:-

- (a) Outcome of consideration of reports before they are submitted to the Board (pre-decision scrutiny);
- (b) Outcome of reviews that the Board (or Council) has invited Overview and Scrutiny Committees to carry out;
- (c) Outcome of reviews conducted by Overview and Scrutiny Committees from their own work programmes;
- (d) Outcome of consideration of reports requested directly from Business Unit Managers;
- (e) Outcome of formal consultation by the Board on items in the Policy Framework and Budget;
- (f) Recommendations on called-in decisions (post-decision scrutiny).

### **3. THE CONSTITUTION**

Annex 1 to this report contains an extract from the Constitution on the role of Overview and Scrutiny Committees and the obligations placed upon the Board. Annex 2 contains details of the role of Overview and Scrutiny Committees, and of the Board, in relation to called-in decisions.

### **4. PROCEDURE**

- 4.1 Any process should be easy to follow, unambiguous as to responsibility, involve the minimum of delay and involve as few people as possible in administering the process.
- 4.2 The Board decided on 9<sup>th</sup> September 2002 (minute 190) that the views of the Portfolio Holder(s) on Overview and Scrutiny Committee recommendations should be submitted in writing to future Board meetings.

Therefore, the process now recommended is set out in words below and shown in diagrammatic form in Annex 3:-

- (1) Following an Overview and Scrutiny Committee meeting the Scrutiny Committee Secretary will draft recommendations and send them simultaneously to the report author and the Portfolio Holder(s), giving a deadline for response.

Where an Overview and Scrutiny Committee recommendation does not flow from a report and there is no report author the process will be a direct one between the Scrutiny Committee Secretary and the Portfolio Holder(s).

- (2) The report author will liaise with the Portfolio Holder(s) to prepare a response, and will submit it to the Scrutiny Committee Secretary by the deadline set.
  - (3) The Scrutiny Committee Secretary will pass the details to the Executive Board Committee Secretary who will finalise the details in a standard form for the Board. An example of a possible format is used in the following item. This may be refined in response to suggestions and experience.
  - (4) If a response is not received by the deadline set, the recommendations will be submitted to the next Board meeting saying that no Portfolio Holder response had been received by the deadline. The Portfolio Holder in that case would need to explain the exceptional circumstances for not being able to meet the deadline and report orally at the meeting.
- 4.3 The one difficulty to the procedure referred to in paragraph 4.2 above is for call-ins. Call-ins occur when an Overview and Scrutiny Committee is not satisfied with a Board decision or some aspect of a Board decision. The Overview and Scrutiny Committee is exercising its legitimate role. Obtaining written Portfolio Holder comments may not always be practical in such circumstances without causing prejudicial delays. The outcome of the call-in (i.e. the Overview and Scrutiny Committee's decision) will nevertheless be sent by the Scrutiny Committee Secretary to the relevant Portfolio Holder and the report author to forewarn her or him of the nature of the concerns of the Overview and Scrutiny Committee. If time permits the Portfolio Holder response will be circulated with the agenda. Otherwise it may have to be reported orally at the meeting

THIS REPORT HAS BEEN SEEN AND APPROVED BY:the Portfolio Holder -  
Councillor Alex Hollingsworth

**Background papers: None**

**10 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES**

10.01 Once it has formed recommendations on proposals for the development of a particular policy or service the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Executive Board (if the proposals are consistent with the existing Budgetary and Policy Framework) or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework). (Reports will only be submitted at the end of each policy review, not from every meeting).

10.02 If an Overview and Scrutiny Committee cannot agree on one single final report to the Executive Board or Council as appropriate then up to one minority report may be prepared and submitted for consideration by the Executive Board or Council with the majority report.

In these circumstances each member of the Committee may support (by signature) no more than one report from the Committee. The report with the support of the greatest number of members of the Committee shall be the report of the Committee and the report with the support of the next greatest number of members shall be the minority report.

10.03 The Executive Board or Council shall consider the report of the Overview and Scrutiny Committee within 6 weeks of it being submitted to the Proper Officer (or in the case of Council at the earliest available meeting if there is not a meeting scheduled within 6 weeks and subject to Procedure Rule 11.02 below).

**15**    **CALL-IN**

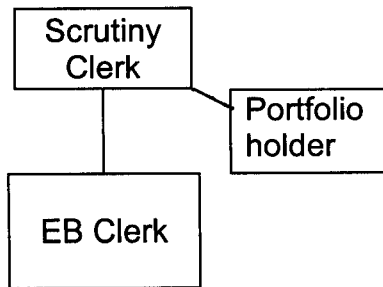
- 15.01 Where a decision is made by the Executive Board, an individual member of the Executive Board or an Area Committee, or a key decision is made by an officer, a summary of the decision (the Action Sheet) shall be published by the Chief Executive within two working days of the decision being made. A copy of the summary shall be made available for public inspection at the Town Hall. The Chief Executive will send a copy of the summary, dated with the day of the publication, to all members of the Council.
- 15.02 The summary will bear the date on which it is published and will specify that the decision will come into force and may then be implemented on the expiry of two working days after the publication of the decision unless the relevant Overview and Scrutiny Committee, which will be identified on the notice, objects to it and calls it in.
- 15.03 During that period the Chief Executive shall call-in a decision for scrutiny by the relevant Overview and Scrutiny Committee if so requested by the Chair of that Committee or any four members of Council (who shall give their reasons for requesting that decision be called-in at the time of making their request) and shall then notify the decision taker of the call-in. The Chief Executive shall call a meeting of the relevant Overview and Scrutiny Committee on such a date as he or she may determine, where possible after consultation with the Chair of the Committee, or include an item on the agenda for the next scheduled meeting of the relevant Overview and Scrutiny Committee if in his or her judgement any resulting delay would not be prejudicial.
- 15.04 If having considered the decision the Overview and Scrutiny Committee is still concerned about it then it may refer it back to the Executive Board for reconsideration, setting out in writing the nature of its concerns or, if the proposed decision involves a change to the Budget or Policy Framework or should have been treated as a key decision but it has not been, refer the matter to full Council. The Executive Board shall then reconsider within a further ten working days amending the decision or not, before adopting a final decision.
- 15.05 The Overview and Scrutiny Committee shall consider the objection either at the special meeting called by the Proper Officer or at its next scheduled meeting. If the Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the special meeting or the scheduled date of the Committee as the case may be.
- 15.06 If the matter was referred to 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 provisions below. However, if the Council does object it has no locus to make decisions about an Executive Board 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 Executive Board together with the Council's views on the decision. The Executive Board shall decide within 10 working days whether to amend the decision or not before reaching a final decision and implementing it. (The Executive

Board as a whole will reach the final decision, even if the original decision was taken by an individual member or a sub-committee of the Executive Board).

- 15.07 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 from the date of the Council meeting or expiry of the period in which the Council meeting should have been held whichever is the earlier.
- 15.08 Where an executive decision has been taken by an Area Committee then the right to call-in shall extend to any four members of Council if they are of the opinion that a decision made but not implemented will have an adverse effect on another area. In such cases those four members may request the Chief Executive to call-in the decision. He or she shall call a meeting of the relevant Overview and Scrutiny Committee on such a date as he or she may determine, where possible after consultation with the Chair of the Committee or, alternatively, shall include an item on the agenda for the next scheduled meeting of the relevant Overview and Scrutiny Committee if in his or her judgement any resulting delay would not be prejudicial. All other provisions relating to call-in shall apply as if the call-in had been exercised by members of a relevant Overview and Scrutiny Committee.
- 15.09 The call-in procedure set out in the preceding parts of this Procedure Rule shall not apply where the decision being taken by the Executive Board is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interest.
- 15.10 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 urgent and therefore not subject to call-in. The Chair of the relevant Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and is being treated as a matter of urgency. In the absence of the relevant Chair, the Lord Mayor's consent shall be required. In the absence of both the relevant Chair and the Lord Mayor the Head of the Paid Service or his or her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council together with the reasons for urgency.
- 15.11 The operation of the provisions relating to call-in and urgency shall be monitored annually and reports submitted to Council with proposals for review if necessary.

ANNEX 3

Option 1  
(no report author)



Option 2

