

Scrutiny & Overview Committee Agenda



To: Councillor Rowenna Davis (Chair), Councillor Richard Chatterjee (Vice-Chair), Leila Ben-Hassel (Deputy-Chair), Jade Appleton, Sean Fitzsimons and Simon Fox

Reserve Members: Sue Bennett, Sherwan Chowdhury, Amy Foster, Gayle Gander, Mohammed Islam and Lee

A meeting of the **Scrutiny & Overview Committee** which you are hereby summoned to attend, will be held on **Tuesday, 14 June 2022 at 6.30 pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**.

Katherine Kerswell
Chief Executive
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

Simon Trevaskis
Senior Democratic Services & Governance
Officer
simon.trevaskis@croydon.gov.uk
www.croydon.gov.uk/meetings
Monday, 6 June 2022

Members of the public are welcome to attend this meeting, or you can view the webcast both live and after the meeting has completed at <http://webcasting.croydon.gov.uk>

If you would like to record the meeting, we ask that you read the guidance on the recording of public meetings [here](#) before attending.

The agenda papers for all Council meetings are available on the Council website www.croydon.gov.uk/meetings

If you require any assistance, please contact Simon Trevaskis as detailed above.

AGENDA – PART A

1. **Apologies for Absence**

To receive any apologies for absence from any members of the Committee.

2. **Minutes of the Previous Meeting** (Pages 5 - 12)

To approve the minutes of the meeting held on 27 April 2022 as an accurate record.

3. **Disclosure of Interests**

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider **in advance of each meeting** whether they have a disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer **in good time before the meeting**.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting: -

- Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.
- Where the matter relates to an ORI they may not vote on the matter unless granted a dispensation.
- Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation. Where a matter affects the NRI of a Member or co-opted Member, section 9 of Appendix B of the Code of Conduct sets out the test which must be applied by the Member to decide whether disclosure is required.

The Chair will invite Members to make their disclosure orally at the commencement of Agenda item 3, to be recorded in the minutes.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Responsive Repairs Contract (Pages 13 - 14)

The Scrutiny & Overview Committee is asked: -

1. To evaluate the work undertaken to date to prepare for the procurement process to responsive repairs service.
2. To reach a conclusion on whether there is assurance that a robust process has been used,
3. To reach a conclusion on whether there is assurance that the process has been open, transparent and informed by residents

6. Executive Mayor Update to Scrutiny (Pages 15 - 16)

The Scrutiny and Overview Committee is asked: -

1. To note the update provided by Executive Mayor Perry on his priorities for the year ahead.
2. To scrutinise the Executive Mayor's priorities, providing challenge as appropriate
3. To consider how the Mayoral priorities should be reflected in the Scrutiny Work Programme for 2022-23

7. Scrutiny Work Programme 2022-23 (Pages 17 - 32)

The Scrutiny and Overview Committee is asked: -

1. To note the updated procedure rules for Scrutiny as outlined in the new version of the Council's Constitution.
2. To note that a further report on the Work Programme will be brought to the next Committee meeting on 12 July 2022.
3. To agree that community engagement and a focus on outcomes will be priorities in the year ahead.
4. To consider whether the three workstreams identified in the

Scrutiny Improvement Plan should continue to act as a guide for the work programme.

8. Exclusion of the Press and Public

The following motion is to be moved and seconded where it is proposed to exclude the press and public from the remainder of a meeting:

“That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended.”

PART B

Public Document Pack Agenda Item 2

Scrutiny & Overview Committee

Meeting held on Wednesday, 27 April 2022 at 6.30 pm.

This meeting was held remotely, and a recording can be viewed on the Council's website

MINUTES

Present: Councillor Sean Fitzsimons (Chair); Councillor Robert Ward (Vice-Chair); Leila Ben-Hassel (Deputy-Chair), Jade Appleton, Mike Bonello and Joy Prince

Also Present: Councillors Andy Stranack Callton Young

PART A

18/22 **Minutes of the Previous Meeting**

The minutes of the meeting held on 1 March 2022 were agreed as an accurate record.

19/22 **Disclosure of Interests**

There were no disclosures of interest made at the meeting.

20/22 **Urgent Business (if any)**

Although there were no formal urgent items of business for consideration by the Scrutiny & Overview Committee at the meeting, the Chair had requested a brief verbal update for the meeting on the status of the 2021-22 accounts.

The Council's Corporate Director for Resources, Jane West, advised the Committee that the Finance team was currently working on closing the 2021-22 accounts and at present it was forecasted that once complete, there would be a small underspend which could be transferred to the Council's reserves.

Regarding the issue concerning the accounting treatment of some of the historic expenditure for Croydon Affordable Homes, it was confirmed that this was still to be resolved and discussions continued with the External Auditor. Once this issue had been resolved the 2019-20 account could be closed, allowing the 2020-21 accounts to be audited.

In response to a question about the progress made with improving the Council's budget monitoring systems, it was confirmed that although significant progress had been made over the past year, work was ongoing to ensure that staff with responsibility for budget monitoring had the necessary skill sets to provide effective monitoring. At present there was focus on reviewing the budget monitoring systems available within the My Resources software, with a view to increasing the amount of monitoring completed within the system.

Resolved: The Scrutiny and Overview Committee resolved to note the progress update on the delivery of the Council's budget.

21/22 **Call-In: Property Disposals as part of the Interim Asset Disposal Strategy**

The Committee considered a call-in request as set out on pages 5 to 38 of the agenda and the supplementary agenda concerning the decision to dispose of properties in New Addington. In introducing the item, the Chair explained the process for considering a call-in, confirming that the Committee needed to agree whether to review the decision and if it was decided to proceed, to confirm how much time it wished to allocate for the discussion of the item. The Committee agreed that it would review the decision and allocated one hour for its consideration.

The Chair went on to explain that there were three outcomes the Committee could reach following its review of the decision. These were: -

1. That no further action was necessary and the decision could be implemented as originally intended.
2. To refer the decision to the Cabinet for its consideration, outlining the nature of the Committee's concerns
3. To refer the decision to Council, if the Committee considered that the decision taken was outside of the Budget and Policy Framework.

At the outset of the item the Chair gave Councillor Andy Stranack, as the spokesperson for the call-in, the opportunity to outline his concerns on the

original decision. Councillor Stranack introduced Zoe Graham, the Welfare Officer at the New Addington Boxing Club, to explain how the disposal of the Addington Community Centre would impact upon the club. It was advised that the boxing club had been in existence for 50 years and in that time had move location within the local area four times, most recently to its current temporary home in the Addington Community Centre.

The boxing club was staffed by volunteers and had a predominately local, diverse membership, with its 250 members being from different backgrounds and having differing levels of ability. The club was open to children from 7 years old and helped its members in finding work and provided support for young people in avoiding the possible involvement in crime. Support was requested from the Council to assist the boxing club with finding a new venue once the disposal of the community centre had been completed.

Councillor Stranack followed up the introduction from the boxing club highlighting the difficulty of finding a new home for the club in the local area and questioning whether there had been any assessment of the potential impact on the local community if it lost the club. Concern was also raised about the masterplan produced for New Addington and whether the asset disposal would help the Council to meet these aims and achieve best value for council taxpayers.

Following the introduction, the Cabinet Member for Resources and Financial Governance, Councillor Callton Young, was given the opportunity to respond, highlighting that the Council had opened the new £25m leisure centre in New Addington in 2020 as part of the masterplan for the area. The next stage of the plan was the provision of a health and wellbeing centre, which would be delivered by the NHS who would be buying the assets identified for disposal by the Council. In helping to deliver the health and wellbeing centre it would support the Council's commitment to improving the health outcomes of local people. Although the boxing club would be affected by the disposal of its current temporary home at the Addington Community Centre, the Council had made a commitment to helping the club find a suitable outcome.

The One Croydon Programme Manager, Laura Jenner, and the Head of Primary and Community Care Transformation at the South West London Clinical Commissioning Group, Daniele Serdoz, were in attendance at the meeting to provide an overview of the plans the NHS had for the site. A copy of the presentation provided can be found here: -

<https://democracy.croydon.gov.uk/documents/b10190/Agenda%20Supplement%203%2027th-Apr-2022%2018.30%20Scrutiny%20Overview%20Committee.pdf?T=9>

During the presentation, it was noted that Croydon had been successful in receiving £10m in estates capital to develop health and wellbeing hubs across Croydon in order to provide services closer to where people lived. To provide the hub in New Addington, a rigorous business case needed to be prepared by June 2022 and be built by 2024.

It had originally been planned to provide the health and wellbeing centre in a joint venture with the Council, but that did not go ahead. The Parkway Surgery had been investigated as an alternative location, but had not proven to be viable, which meant that the original site on Central Parade was the preferred option. Once delivered the facilities at the Health and Wellbeing Centre would include a diagnostic centre, GP surgeries and space for community services.

New Addington had been identified as an area of high deprivation particularly for children. It also had the highest rate of hyper-tension, smoking, depression and diabetes in the borough. As there were considerable health needs in the area, it was felt the provision of a Health and Wellbeing Centre was a good opportunity to address these inequalities.

The Council's Head of Estates, Asset Management and Facilities, Steve Wingrave, provided an update on the current position of discussions with the boxing club, confirming that it was secure in its present location at the Addington Community Centre until the end of the year. There was a recognition of the importance of the club to the local area and the Council was committed to working with them to find a permanent venue, with options being reviewed.

It was also highlighted that there was a short timeline for the NHS to secure the site to ensure the business case could be prepared by June in line with the funding timetable. The only difference to the version originally proposed in the masterplan for the area, was the removal of the housing element.

Following the introductions to this item, the Committee was given the opportunity to ask questions about the decision outlined in the report. The first question asked whether the future of the boxing club had been included in the equalities impact assessment prepared as part of the decision-making process. It was confirmed that the boxing club had not been included in the assessment as they had only been located in the Community Centre to provide a short-term solution while looking for a longer-term venue. It was noted by the Committee that club members may potentially be negatively affected should the club be homeless, but it was acknowledged that the Council had made a commitment to assist the club with its search for a new venue.

The Council had moved the boxing club into the community centre in 2020 as a temporary measure and had been working with the club over the past two

years to find a more permanent solution. In response to a question about whether it was likely to be possible to find a new home for the boxing club in New Addington, it was confirmed that two options within the community were being explored. These sites were within the Council's control, but further information could not be revealed at this stage until there had been discussions with the current tenants.

Given the need for the Council to achieve best value for council taxpayers when disposing of an asset had been questioned as part of the call-in request, reassurance was sought that this was being achieved. The Council's Director of Commercial Investment, Peter Mitchell advised the Committee that best consideration also had to consider the social impact and social value of a disposal as well as financial return. As the site would be used for a new Health and Wellbeing Centre in an area identified as having a high level of health inequality it was concluded that the asset was being used for the public good. As such, the Committee could be reasonable reassured that the best consideration threshold was being met.

In response to a question about whether legal advice had been sought about the issue of state aid in the disposal of the assets in question to the NHS, it was advised that as there was a transaction price that had been ratified independently, there was not be a concern about potential state aid issues.

There was acknowledgment by the Committee that provision of a new health and wellbeing hub in New Addington was an excellent opportunity for the local community that should not be missed. The requirement for a robust business case was also welcomed. However, it was highlighted that the need to meet tight timescales had previously been given for limited community engagement on asset disposals and going forward it should be built into any new projects.

The point raised about consultation on the proposed disposals was acknowledged, although it was highlighted that there had been a full engagement process on the original proposal for the hub. It was confirmed that there was no housing element in the current proposal and any future provision of housing would be subject to full consultation.

As the Health and Wellbeing Centre would be in New Addington, it was questioned whether it would provide any benefit for the wider area. It was advised that the proposed scheme was not aimed at simply providing additional GP provision for the local community. It would also provide a diagnostic centre that would benefit the wider area, along with community services that would also have a wider benefit.

Information was requested about the current medical facilities available in New Addington. It was advised that services were currently based at the Parkway Medical Centre which was old and there were a lot of problems with

the building. The option of demolishing this site had been explored, but it was concluded that it would be too costly and extending the site would be too disruptive.

In response to a concern that the potential cost of renting community space in the new Health and Wellbeing Centre may be high, it was advised that the local community would be consulted on what community facilities are located in the centre once the provision of the facility had been confirmed.

Following its questioning of the Committee discussed its conclusions on the call-in, which are outlined below. The Chair thanked all those who had attended the meeting for their engagement with the Committee's questions.

Conclusions

Following its discussion of this item, the Scrutiny and Overview Committee reached the following conclusions: -

1. The Scrutiny & Overview Committee concluded that reassurance could be taken from the answers provided and there was no grounds for referring the call-in to either the Cabinet or Council for further consideration. As such, the original decision could proceed as expected.
2. There was reassurance that the disposal of the assets to the NHS to provide a Health and Wellbeing Centre in New Addington met the criteria for the Council achieving best value for its assets.
3. The commitment from the Cabinet Member for Resources and Financial Governance and council officers to working with the New Addington Boxing Club to find a new venue was welcomed.
4. Confirmation was also welcomed that there were two potential options under consideration as a future home for the boxing club. The Committee agreed that the Council had a moral obligation to support the club with its search for a new home and should continue to assist with this search even if it was not resolved before the end of the year.
5. The concerns raised by the Committee about the level of community engagement on this asset disposal echoed previously raised concerns about how the Council consulted on capital projects. It was agreed that the process for delivering any such projects needed to be reviewed to

ensure there was sufficient time to build an appropriate level of consultation into future projects.

Recommendations

The Committee agreed to submit the following recommendations for the consideration of the Cabinet when it makes its decision on the final action plan.

1. It is recommended that the Council continued to support the New Addington Boxing Club until its search for a new home has been successfully concluded.
2. It is recommended that local Members are kept informed on the progress made with finding a new venue for the New Addington Boxing Club.
3. It is recommended that the process used by the Council when delivering large scale projects is reviewed to ensure that an appropriate level of consultation and community engagement can be built into the process as standard practice.

22/22 Annual Scrutiny Report

The Committee considered a draft version of the Scrutiny Annual Report for 2021-22, as set out on pages 63 to 104 of the agenda. A draft of the Annual Report had been included on the agenda to give the present members of the Committee the opportunity to comment on the content prior to the Council elections in May 2022.

It was agreed that the report presented a good summary of the work carried out by Scrutiny over the past year and thanks was given to the officers for their work in preparation of the report. It was agreed that it would be left with the Scrutiny Chairs to agree any final amendments before it was submitted to Council in July.

At the conclusion of this item the Chair thanked the Leader, the Cabinet Members and officers for their participation in the budget scrutiny process over the course of the past year, noting that the increase transparency was welcomed.

23/22 **Exclusion of the Press and Public**

This motion was not required and all discussion of the Call-In item was held in public session.

The meeting ended at 8.40 pm

Signed:

.....

Date:

.....

Agenda Item 5

REPORT TO:	Scrutiny & Overview Committee 14 June 2022
SUBJECT:	RESPONSIVE REPAIRS SERVICE
LEAD OFFICER:	Susmita Sen – Corporate Director for Housing Stephen Tate – Director of Housing Estates & Improvements
PERSON LEADING AT SCRUTINY COMMITTEE MEETING:	Stephen Tate – Director of Housing Estates & Improvements
PUBLIC/EXEMPT:	Public

ORIGIN OF ITEM:	The Council's improvement work on its Housing Service has been prioritised as a key area for scrutiny. The opportunity to scrutinise the work on procurement process for the Responsive Repairs Service will form a key part of the assurance process.
BRIEF FOR THE COMMITTEE:	The Scrutiny & Overview Committee is asked: - <ol style="list-style-type: none">1. To evaluate the work undertaken to date to prepare for the procurement process to responsive repairs service.2. To reach a conclusion on whether there is assurance that a robust process has been used,3. To reach a conclusion on whether there is assurance that the process has been open, transparent and informed by residents

1. RESPONSIVE REPAIRS SERVICE

- 1.1. The Scrutiny and Overview Committee has been asked to evaluate the work undertaken to prepare for the procurement of new providers to deliver Responsive Repairs Service for the Council's housing stock from 2023. The purpose of evaluating the work is to provide assurance that the Council has followed a robust process and has also undertaken meaningful engagement with residents.
- 1.2. Ahead of the meeting, the Committee will be provided with a briefing on 8 June 2022, which will outline the work carried out to date and the rationale behind the decisions taken on the way forward. The Committee will also be provided with an early draft of the Cabinet report, once it is available later this week.

- 1.3. On 13 June, the Committee will hold an engagement meeting to provide an opportunity for residents to provide feedback on what they are looking for from the new Responsive Repairs Service and any other considerations that should be taken into account. The feedback from this meeting will be used to guide the questions of the Committee. If you are interested in taking part in this meeting, please contact Simon Trevaskis using the email provided below.

CONTACT OFFICER:

Simon Trevaskis – Senior Democratic Services & Governance Officer – Scrutiny

Email: Simon.trevaskis@croydon.gov.uk

Agenda Item 6

REPORT TO:	Scrutiny & Overview Committee 14 June 2022
SUBJECT:	EXECUTIVE MAYOR UPDATE TO SCRUTINY
LEAD MEMBER:	Mayor Jason Perry Executive Mayor of Croydon
PERSON LEADING AT SCRUTINY COMMITTEE MEETING:	Mayor Jason Perry Executive Mayor of Croydon
PUBLIC/EXEMPT:	Public

ORIGIN OF ITEM:	The Executive Mayor will be invited to the first Scrutiny & Overview Committee meeting of each year, following the Annual Council meeting, to outline their priorities for the year ahead.
BRIEF FOR THE COMMITTEE:	The Scrutiny and Overview Committee is asked: - <ol style="list-style-type: none">1. To note the update provided by Executive Mayor Perry on his priorities for the year ahead.2. To scrutinise the Executive Mayor's priorities, providing challenge as appropriate3. To consider how the Mayoral priorities should be reflected in the Scrutiny Work Programme for 2022-23

1. EXECUTIVE MAYOR UPDATE TO SCRUTINY

- 1.1. On 5 May 2022, the residents of Croydon voted in elections for Borough Councillors and for the first time, an Executive Mayor for the borough. This resulted in the election of Mayor Jason Perry. The Scrutiny and Overview Committee has invited the new Executive Mayor of Croydon to its first meeting of the new municipal year to provide an update on his priorities for the year ahead.
- 1.2. Executive Mayor Perry previously outlined his priorities to all Members at the Annual Council meeting held on 25 May 2022. The speech of the Executive Mayor from that meeting can be viewed on the following link: -

<https://webcasting.croydon.gov.uk/croydon/15464?st=3023>
- 1.3. Given that the Council is now operating under an executive mayoral model of governance for the first time, with centralised decision making, Scrutiny will play a key role in holding the Executive Mayor to account. In attending the meeting, it was also give Mayor Perry the opportunity to outline how he intends to work with Scrutiny, including his commitment to accountability, resourcing the work of Scrutiny appropriately and the provision of timely information.

- 1.4. In inviting Mayor Perry to outline his priorities for the year ahead, this will give the Committee an opportunity to provide an early, high-level challenge on these priorities. Should the Committee identify any priorities it would like to look at in further detail, these items can be fed into the planning of the Scrutiny Work Programme and scheduled at the appropriate meeting later in the year.

CONTACT OFFICER:

Simon Trevaskis – Senior Democratic Services & Governance Officer – Scrutiny

Email: simon.trevaskis@croydon.gov.uk

Agenda Item 7

REPORT TO:	Scrutiny & Overview Committee 14 June 2022
SUBJECT:	SCRUTINY & OVERVIEW COMMITTEE WORK PROGRAMME 2022-23
PERSON LEADING AT SCRUTINY COMMITTEE MEETING:	Councillor Rowenna Davis – Chair of the Scrutiny & Overview Committee
PUBLIC/EXEMPT:	Public

ORIGIN OF ITEM:	As set out in the Council's Constitution, the Scrutiny and Overview Committee must consider a report on the work programme for Scrutiny at its first meeting on the municipal year.
BRIEF FOR THE COMMITTEE:	The Scrutiny and Overview Committee is asked: - <ol style="list-style-type: none">1. To note the updated procedure rules for Scrutiny as outlined in the new version of the Council's Constitution.2. To note that a further report on the Work Programme will be brought to the next Committee meeting on 12 July 2022.3. To agree that community engagement and a focus on outcomes will be priorities in the year ahead.4. To consider whether the three workstreams identified in the Scrutiny Improvement Plan should continue to act as a guide for the work programme.

1. SCRUTINY & OVERVIEW COMMITTEE WORK PROGRAMME 2022-23

- 1.1. Moving to a mayoral model of governance, has required the Council to produce a new Constitution. For the information of the Committee an extract setting out the updated Scrutiny & Overview Procedure Rules is appended to this report. Section 6 of the Procedure Rules sets out the new process for work programming, which reflects the recommendations made in the [Scrutiny Improvement Programme](#), agreed by the Committee at its meeting on 7 September 2021.
- 1.2. In accordance with paragraph 1.2 (vi) of Part 4E - Scrutiny and Overview Procedure Rules, in the Council's Constitution, the Committee should agree an initial scrutiny work programme at its first full meeting after the Annual Council meeting. Given the changes to the Council following the Election on 5 May 2022, it has been agreed that further time is needed to allow those Councillors appointed to either the Scrutiny and Overview Committee or one of the three sub-committees to familiarise themselves with the challenges facing the Council. In taking extra time to finalise the work programme it will ensure that extra rigour is added to the process and that Scrutiny is targeted towards the areas where it can add the most benefit.

- 1.3. In between this meeting and the next on 12 July 2022, the three Sub-Committees (Children & Young People Sub-Committee, Health & Social Care Sub-Committee and Streets, Environment & Homes Sub-Committee) will each hold their own meetings. The focus at these meeting will be to receive updates from officers and relevant partners on their priorities for the year ahead and any major challenges or risk. The information gathered at these meeting, along with the information provided by the Executive Mayor elsewhere on this agenda, will be used by the Scrutiny Work Programming Group to draft a provisional work programme for the agreement of the Committee on 12 July.
- 1.4. The Committee is asked to agree the following underlying principles for the development of the work programme: -
1. Community engagement to inform the scrutiny process will be sought where possible and appropriate.
 2. The Scrutiny Work Programme will be focussed on critical matters where it can make a difference, which can be demonstrated through tangible outcomes.
- 1.5. The Scrutiny Improvement Review identified the following three work streams as priorities for Scrutiny: -
- Workstream 1: Corporate recovery
- Workstream 2: Ensuring that scrutiny understands and acts on the impact that strategic risks may have on the delivery of the Renewal Plan
- Workstream 3: Supporting local people and keeping them safe
- The Committee needs to consider whether these workstream are still relevant and should continue to form another underlying principle of its work programming approach.
-

CONTACT OFFICER:

Simon Trevaskis – Senior Democratic Services & Governance Officer – Scrutiny

Email: simon.trevaskis@croydon.gov.uk

Appendices

Appendix 1: Part 4E - Scrutiny and Overview Procedure Rules, in the Council's Constitution

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 4.E - Scrutiny and Overview Procedure Rules

1. THE SCRUTINY AND OVERVIEW COMMITTEE AND ITS SUB-COMMITTEES

1.1 The Council shall have one Scrutiny and Overview Committee which shall perform all overview and scrutiny functions on behalf of the Council. The Committee may delegate those functions to one or more Scrutiny Sub-Committees.

1.2 In accordance with Article 6 of this Constitution, the terms of reference of the Scrutiny and Overview Committee shall be as follows:

- (i) to oversee the performance of all overview and scrutiny functions, including development of and procedures governing the operation of the Committee and its Sub-Committees;
- (ii) to carry out reviews related to the Council's wider power to promote the economic, environmental and social well-being of the Borough;
- (iii) to carry out the scrutiny of partner bodies and crime and disorder matters in line with the Council's statutory duties and powers, subject to any delegation referred to in Rule 1.01 above;
- (iv) to appoint such Sub-Committees as it considers appropriate, by resolution determining terms of reference and membership including the appointment of a Chair and Vice-Chair and any co-opted members to the Sub-Committee/s in line with (x) below. This will normally be done at the meeting of the Scrutiny and Overview Committee commencing at the rise of Annual Council and the Sub-Committees shall not be permitted to further co-opt members. This role shall be reserved to the Scrutiny and Overview Committee;
- (v) to recommend the establishment of any Joint Scrutiny and Overview Committees to the Council in accordance with Article 11 of this Constitution;
- (vi) to agree an initial annual scrutiny work programme at its first full meeting after the Annual Meeting in accordance with section 6 of these rules;
- (vii) to delegate elements of its annual work programme to its Sub-Committees to ensure effective use of the Committee's and Sub-Committees' time;
- (viii) to submit an Annual Report on the work undertaken during the year and on the work programme as agreed at its first meeting of the year to Annual Council;
- (ix) to recommend the training and development needs of the Committee to the

Learning and Development Panel;

(x) to appoint non-voting co-opted Members.

1.3 Any Sub Committees of the Scrutiny and Overview Committee shall comprise of a minimum of 7 Members, appointed in accordance with the overall political balance of the Council.

1.4 The Scrutiny and Overview Committee, or any Sub-Committee appointed to undertake scrutiny of Education functions under Rule 1.01 above, shall include:

- i) 2 statutory voting Church of England and Roman Catholic diocese members nominated by the Bishop and Archbishop of Southwark respectively;
- ii) 2 voting parent-governor representative members for LEA matters nominated by parent governors of Croydon;
- iii) 1 non-voting Teacher representative member nominated by the Croydon Teaching Unions' Joint Liaison Committee;
- iv) Such representatives of Faiths other than those of the Church of England and Roman Catholic dioceses membership as the Scrutiny and Overview Committee considers appropriate. These representatives shall be non-voting members.; and
- v) any number of non-voting co-optees as the full Scrutiny and Overview Committee considers necessary for the proper discharge of functions.

The above referenced voting representatives shall only have voting powers in connection with matters concerning the Education functions of the Executive..

1.5 Any Sub-Committee established by the Scrutiny and Overview Committee is only permitted to undertake the specific functions delegated to it either by this Constitution or following a formal decision of the Scrutiny and Overview Committee. Any Sub-Committee shall:

- (i) undertake its functions in accordance with terms of reference as determined by resolution of the Scrutiny and Overview Committee;
- (ii) operate within the framework of an initial work programme determined by the Scrutiny and Overview Committee;
- (iii) if the scrutiny of Health Services, Crime and Disorder matters or the duties and functions of the Council as an Education Authority are delegated to a Sub-Committee, that Sub-Committee shall have sole power to scrutinise that matter included within its terms of reference and may report direct to the Cabinet, Full Council, non-executive Committee, partner agency or partnership board on such matters. Should such functions be delegated to Sub-Committees, the Scrutiny and Overview Committee shall be informed of any recommendations made by those Sub-Committees under this provision;

(iv) Save in relation to the exception set out in (iii) above, report its proposed recommendations, reasons and outcomes to the Scrutiny and Overview Committee for comment and consideration where after the Scrutiny and Overview Committee may thereafter report the findings to Cabinet, Full Council, non- executive Committee, partner agency or partnership board as appropriate.

1.6 In accordance with this Constitution, the Cabinet shall consult the Scrutiny and Overview Committee, via the Statutory Notices, on Key Decisions it is proposing to take and on budget and policy recommendations before they are submitted to the Council.

1.7 Members of the Scrutiny and Overview Committee and its Sub-Committees may go on site visits, conduct public surveys, meet stakeholders and service providers, commission research and do all other things that they reasonably consider necessary to inform their work as a Scrutiny Member.

2 APPOINTMENTS TO THE SCRUTINY AND OVERVIEW COMMITTEE AND SUB-COMMITTEES

2.1 All Members, except members of the Cabinet, are eligible for appointment to the Scrutiny and Overview Committee, and any Scrutiny Sub-Committees. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

2.2 Appointments to the Scrutiny and Overview Committee shall be made at the Annual Meeting of the Council. Appointments to the Sub-Committees shall normally be made at the annual meeting of the Council but the Scrutiny and Overview Committee may, in accordance with (and subject to the restrictions within) the provisions of Article 6(k) appoint further Sub- Committees and shall determine the membership (including co-optees) functions and terms of reference of the Sub-Committee so established.

2.3 Vacancies on the Scrutiny and Overview Committee shall be filled by the Monitoring Officer in consultation with the Group Whips and the Chair of Scrutiny and Overview Committee following receipt of a notice of resignation to the Monitoring Officer.

2.4 Further to Rule 1.2 (iv) of these procedure rules, appointments to Sub- Committees may be varied by resolution of the Scrutiny and Overview Committee at any point during the Municipal Year.

2.5 All voting co-opted members must sign and adhere to the Croydon Members' Code of Conduct. Any non-voting co-opted member must sign and adhere to the Code of Conduct for non-voting co-optees. Any person appointed to become a voting co-opted Member who does not agree to abide by the Croydon Members' Code of Conduct or any non-voting co-opted members who does not agree to abide by the Code of Conduct for Non-Voting Co-Optees shall not serve on the Committee or Sub-Committee. Provided that they have agreed to abide by the Croydon Members' Code of Conduct, voting co-opted members shall be entitled to any confidential or exempt documents relevant to the function for which they are permitted to vote subject always to the duty to keep such confidential and exempt information confidential and not to use or otherwise disclose said information save in relation to the fulfilment of their duties as

a coo-opted member.

3 MEETINGS OF THE SCRUTINY AND OVERVIEW COMMITTEE AND ITS SUB-COMMITTEES

- 3.1 Ordinary meetings of the Scrutiny and Overview Committee shall be programmed in each Council Year, though the Scrutiny and Overview Committee may vary this number during the course of the year to reflect its work programme. The frequency of meetings of any appointed Sub- Committees shall be determined by the Scrutiny and Overview Committee.
- 3.2 Meetings of the Scrutiny and Overview Committee shall commence at 6.30p.m. unless otherwise determined by the Chair of the Committee.
- 3.3 Ordinary meetings of the Scrutiny and Overview Committee shall include the following agenda items in addition to any business otherwise set out on the agenda for consideration at the meeting:
- i) Apologies for absence;
 - ii) Confirmation of the Minutes of the last meeting;
 - iii) Disclosures of Interest; and
 - iv) Urgent business (if any).

For avoidance of doubt there shall be no discussion of matters arising.

- 3.4 The Chair of the meeting shall decide on all matters of order, competence, relevance and interpretation of these procedures. The Chair shall have the power to vary the order of business to give precedence to any item of business. Matters of urgent business shall be taken at the discretion of the Chair if they are satisfied that the item cannot reasonably be deferred until the next meeting of the Committee. The reports concerning such matters shall explain the reason for urgency.
- 3.5 The Chair shall ensure that the split of business between Parts A and B (i.e. Part B shall constitute that part which is exempt or confidential business) is agreed. The Chair shall ensure that Members who wish to speak on any item of business have the opportunity to do so, within the scope of the meeting and within reasonable limits of time. The decision of the Chair as to the general conduct of the meeting shall be final.
- 3.6 The Chair may direct a Member or Co-opted member to discontinue speaking if they consider the Member is being repetitive, tedious or irrelevant, uses unbecoming language, or is in some other way breaching the order of the meeting. When necessary, the Chair, having warned the Member shall move that the Member called by name, leaves the meeting. The motion, if seconded, shall be put to the vote without further debate and if carried the Member shall leave immediately.
- 3.7 In the event that a meeting of a Scrutiny and Overview Committee scheduled to start at 5pm or later has lasted for three hours the Chair shall interrupt the meeting and call for a vote of Members present on whether the meeting shall continue for a further 30 minutes.
- 3.8 If Members decide that the meeting shall not continue, or if there is remaining

business after the additional period of 30 minutes, the Chair will decide if any of the remaining business is of sufficient importance to warrant an adjournment of the meeting and if so will declare the meeting adjourned to such date and time (prior to the next ordinary Committee meeting) as they may direct at the time or afterwards.

3.9 Rules 3.2 to 3.8 shall also apply to Scrutiny Sub-Committee meetings.

4 QUORUM

4.1 The quorum for the Scrutiny and Overview Committee shall be one-third of the voting membership of the Committee. If the meeting is inquorate at any point during the meeting, it shall stand deferred for 15 minutes. If after 15 minutes there is still no quorum, the consideration of any business not transacted shall be held over until the next scheduled meeting or another date fixed by the Chair. This rule shall also apply to meetings of Sub-Committees.

5 APPOINTMENT OF CHAIR DEPUTY AND VICE-CHAIRS OF THE SCRUTINY AND OVERVIEW COMMITTEE

5.1 The Chair of the Scrutiny and Overview Committee shall be appointed for the Council Year at the first meeting of the Committee, immediately following the Annual Council Meeting. In the event of a vacancy during the year, the Committee shall appoint a Chair at the first meeting following the vacancy occurring. The Chair shall be a majority group member.

5.2 The Scrutiny and Overview Committee shall appoint Members as Deputy Chair (Majority Group) and Vice-Chair (Minority Group). In the absence of the Chair, the Deputy Chair will chair the meeting of the Committee.

5.3 The Chair Deputy Chair and Vice-Chair may meet together informally as a Chairs' Group.

6 WORK PROGRAMME

6.1 In accordance with Rule 1.2(vii) & (viii), the Scrutiny and Overview Committee shall be responsible for setting its own work programme and the work programme of its Sub-Committees.

6.2 A balanced work programme should be developed including pre- and post- decision scrutiny, monitoring and external scrutiny.

6.3 The work programme will be guided throughout the year by a Scrutiny Work Programming Group, which will meet regularly to consider the work programme, and bring forward changes and refinements based on information on the management of council, and other services provided to scrutiny members on a regular basis.

6.4 The membership of the Scrutiny Work Programming Group will consist of the three Scrutiny Chairs plus the Vice-Chairs from each of the three Sub-Committees. The Group will be chaired by the Chair of the Scrutiny and Overview Committee.

6.5 The Scrutiny Work Programming Group will plan detailed scrutiny activity throughout the year within a framework set by the Scrutiny and Overview Committee at the start of each council year, having regard to the available officer and other resources.

- 6.6 As far as reasonably practicable, there should be wide consultation on the work programme with Members, Chief Officers, external agencies and the wider community prior to its consideration by the Scrutiny and Overview Committee. The Scrutiny Work Programming Group will both look ahead to emerging strategic issues for the Council and consider urgent developing issues relevant to the remit of Scrutiny and Overview including performance.
- 6.7 Any changes made to the work programme as a result of the work of the Scrutiny Work Programming Group will be reported to the next available meeting of the Scrutiny and Overview Committee.

7 AGENDA ITEMS

- 7.1 The Agenda for each Committee or Sub-Committee meeting should be based on the agreed Work Programme. Timings and the order of business should be decided by the Chair, Deputy Chair or Vice Chair, as appropriate, in sufficient time to allow invitations and requests for reports to be made with adequate notice.
- 7.2 Any Member of the Scrutiny and Overview Committee or a Sub-Committee shall be entitled to give notice to the Chair of their wish to add an item, which is not already on the agreed Work Programme, to the agenda for the Committee or Sub-Committee of which they are a member, subject to such item being relevant to the functions of the Committee or Sub-Committee in question. In addition, any Member of the Council shall be entitled to give notice to the Chair of their wish to add an item, not already on the agreed Work Programme, to the agenda for the Committee or Sub-Committee with responsibility for the function to which the matter relates, provided that the item is both relevant to the functions of the Committee or Sub-Committee and it is not an “excluded matter” as defined in regulations pursuant to the Local Government Act 2000, as amended. The Scrutiny Work Programming Group will consider such requests when planning detailed scrutiny activity throughout the year.
- 7.3 The Scrutiny and Overview Committee will monitor these arrangements and keep them under review.
- 7.4 It is recognised that Cabinet Members or officers may not be available at short notice. Members and officers invited to scrutiny meetings should always, unless there are exceptional circumstances, receive adequate notice and where appropriate reminders of meeting dates.

8 RECOMMENDATIONS TO THE EXECUTIVE, THE COUNCIL, NON- EXECUTIVE COMMITTEE, PARTNER AGENCY OR PARTNERSHIP BOARD

- 8.1 The provisions of Rule 7 of the Budget & Policy Framework Procedure Rules (Part 4C) apply to the Scrutiny and Overview Committee and its Sub- Committees and are hereby incorporated into these Rules. Subject to the foregoing, where the Scrutiny and Overview Committee, or a Sub- Committee with delegated powers under Rule 1.01 above is required to make a recommendation regarding matters outside the budget and policy framework approved by the Council, it may make that recommendation to the Council for consideration. The referral will be made by way of a report summarising the matter, setting out the recommendation to be considered and the outcomes which the Committee considers will act as evidence that the

recommendation has been successfully implemented.

- 8.2 Any recommendation of a Scrutiny and Overview Committee, or a Sub- Committee with delegated powers in accordance with Rule 1.5(iii) above, directed to the Mayor or Executive for response shall be made by way of a report summarising the matter, setting out the recommendation to be considered and the outcomes which the Committee considers will act as evidence that the recommendation has been successfully implemented. As part of its notice of recommendations, the Scrutiny and Overview Committee or Sub Committee will require that the Mayor or Executive, where it rejects a recommendation, provides reasons for doing so.
- 8.3 If the report is to be submitted to the Cabinet or a Council meeting, it shall be presented to the next convenient Ordinary Cabinet or Council Meeting following the meeting of the Scrutiny and Overview Committee at which it resolved to make the recommendation and shall be considered prior to any agenda item to which it relates. The recommendation shall be listed as an agenda item in its own right. At that meeting the Cabinet or Council will resolve that the report be received.
- 8.4 In considering any report from a Scrutiny and Overview Committee or Sub- Committee, where necessary the Cabinet shall receive at the same meeting a further report from the relevant officer(s) on the issues arising from the Scrutiny and Overview Committee's recommendations.
- 8.5 The Cabinet shall respond to a Scrutiny and Overview report within 2 months of receiving the report or any other limit imposed by law if shorter.
- 8.6 In the event that the Cabinet accepts a recommendation, with or without amendment, from a Scrutiny and Overview Committee or Sub-Committee, the Cabinet shall agree an action plan for the implementation of the agreed recommendations and shall delegate responsibility to an identified officer to report back to the Scrutiny and Overview Committee or Sub-Committee, within a specified period, on progress in implementing the action plan.
- 8.7 Scrutiny and Overview Committee and Sub-Committees will monitor progress in implementation of recommendations to the Council and the Cabinet.
- 8.8 Subject to Rule 1.5(iv) and 8.9 the Scrutiny and Overview Committee, or any Sub-Committee with relevant delegated powers, can make reports and recommendations to any NHS body in the Borough, the Safer Croydon Partnership, the Council's Local Strategic Partnership (LSP) or any of the LSP's thematic partnerships. When doing so, the report or recommendations must be copied to all responsible authorities or co-operating bodies of the Partnership that are affected.
- 8.9 Subject to Rule 1.5(iv) and 8.9 the Scrutiny and Overview Committee, or any Sub-Committee with relevant delegated powers, can make reports and recommendations in relation to Local Improvement Targets and Local Area Agreements. When doing so, the Committee must give notice in writing to the relevant partner authorities that are affected.
- 8.10 In publishing any report, recommendation or response under this Rule Scrutiny and Overview Committee and the Council shall exclude from such report, recommendation or response any confidential information and may exclude an exempt information as

defined in the Councils Access to Information Rules at Part 4B to this Constitution. In doing so, Scrutiny and Overview Committee and the Council shall replace the information excluded with a summary of the information if in consequence of excluding the confidential/exempt information the report, recommendation or response would be misleading or incomprehensible.

8.11 In providing a copy of any report, recommendation or response under this Rule to any partner authority, Scrutiny and Overview Committee and the Council shall exclude from such report, recommendation or response any confidential information and may exclude an exempt information as defined in the Councils Access to Information Rules at Part 4B to this Constitution

8.12 In providing a copy of any report, recommendation or response under this Rule to any Member of the Council, Scrutiny and Overview Committee and the Council may exclude from such report, recommendation or response any confidential information or exempt information as defined in the Councils Access to Information Rules at Part 4B to this Constitution.

9 RIGHTS OF SCRUTINY AND OVERVIEW COMMITTEE MEMBERS TO DOCUMENTS

9.1 In addition to their rights as Members, members of the Scrutiny and Overview Committee and Sub-Committees have additional rights to documents as set out in the Access to Information Procedure Rules in Part 4B of this Constitution.

10 PARTICIPATION BY MEMBERS OF THE PUBLIC

10.1 The Scrutiny and Overview Committee or a Sub-Committee may invite people to address it or discuss issues or answer questions on matters related to their work. Members of the public may speak at meetings of the Scrutiny and Overview Committee and its Sub-Committees at the discretion of the Chair.

10.2 Where Scrutiny and Overview Committee or a Sub-Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at meetings.

10.3 Any investigations conducted by the Scrutiny and Overview Committee or a Sub-Committee are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the 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.

10.4 The Scrutiny and Overview Committee or a Sub-Committee will consider any suggested scrutiny topics submitted by members of the public for inclusion in the

Scrutiny work programme.

11 CALL-IN - EXERCISE OF THE POWER TO REVIEW A DECISION TAKEN BUT NOT YET IMPLEMENTED

- 11.1 This procedure may only be used for executive Key Decisions after they are taken but before they are implemented.
- 11.2 When a Key Decision is made the decision shall be published in accordance with the Council's Access to Information Procedure Rules at Part 4B of the Constitution.
- 11.3 The notice of the decision will specify that the decision may not be implemented until after 13.00 hours on the 6th working day following the day on which the decision was taken unless referred to the Scrutiny and Overview Committee.
- 11.4 Call-in of executive decisions may take place in any circumstances but ordinarily should only be used where there is evidence which suggests that:
- (i) The decision maker did not take the decision in accordance with the principles set out in the Protocol for Decision Making (Part 5A of this Constitution); or
 - (ii) The decision maker acted contrary to the policy framework; or
 - (iii) the decision maker acted not wholly in accordance with the Council's budget; or
 - (iv) the decision maker failed to consider relevant evidence when taking a decision; or
 - (v) the decision would not be in the interests of the borough's residents and a preferable alternative decision could be adopted.
- 11.5 Any request shall be made on a pro-forma, available from democratic services, which should be submitted to the Monitoring Officer or their representative electronically or on paper before 13.00 hours on the 6th working day following the day on which the decision was taken. A decision may only be subject to the referral process once.
- 11.6 The referral request shall be signed by:
- (i) The Chair and Vice Chair of the Scrutiny and Overview Committee and 1 member of that Committee; or for education matters the Chair, Vice Chair and 1 voting member of that Committee or any Sub-Committee formed under Rule 1.1 above; or
 - (ii) 20% of Council Members (14)

Verification of signatures may be by individual e-mail, fax or by post.

- 11.7 The Call-In referral shall be completed giving:
- i) The grounds for the referral
 - ii) The outcome desired
 - iii) The date and the signatures of the Members requesting the Call-In
- 11.8 The decision-taker and the relevant Chief Officer(s) shall be notified of the referral and

shall suspend implementation of the decision. The Chair of the Scrutiny and Overview Committee shall also be notified.

- 11.9 The referral shall be considered at the next scheduled meeting of the Scrutiny and Overview Committee unless, in the view of the Monitoring Officer, this would cause undue delay. In such cases the Monitoring Officer will consult with the decision-taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny and Overview Committee may only consider a maximum of three referrals at any one meeting.
- 11.10 If the proposer/ supporters who initiated the Call-in want a person/s who is a Member or an officer of the authority to appear as a witness, then the permission of the Chair of Scrutiny and Overview Committee (who will agree with the appropriate Director) must be sought at least 5 clear working days prior to the date of the Call-in meeting, or with the permission of the Chair of Scrutiny and Overview Committee within 3 working days in exceptional circumstances in order to allow for members/ officers to be called.
- 11.11 At the meeting, the referral will be considered by the Committee which shall determine how much time it will give to the call-in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the decision-maker for reconsideration, setting out in writing the nature of the concerns. The decision-maker shall then reconsider the decision, amending the decision or not, before making a final decision.
- 11.12 Where the Scrutiny and Overview Committee or Sub-Committee is of the opinion that an Executive decision is, or if made would be, contrary to or not wholly in accordance with the Budget and Policy Framework, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer. In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be presented to the Executive with a copy to every member of the Council.
- 11.13 The Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the relevant Scrutiny and Overview Committee or Sub-Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 11.14 The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision taken by the Mayor or Cabinet is outside the Budget and Policy Framework of the Council. In such circumstances, the provisions of Rule 7 of the Budget & Policy Framework Procedure Rules (Part 4C) apply. The Council shall meet within 10 working days of the request by the Scrutiny and Overview Committee. The Council may decide to take no further action in which case the decision may be implemented. If the Council objects to Cabinet's decision it can nullify the decision if it is outside the Policy Framework and/or inconsistent with the Budget.
- 11.15 If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.

- 11.16 If the Council determines that the decision was within the Budget & Policy Framework and consistent with the Budget, it will refer any decision to which it objects, together with its views on the decision, to the Cabinet. The Cabinet shall choose whether to either amend, withdraw or implement the original decision within 10 working days, or at the next meeting of the Cabinet after the referral from the Council.
- 11.17 The responses of the decision-taker and the Council shall be notified to all Members of the Scrutiny and Overview Committee once the Cabinet or Council has considered the matter and made a determination.
- 11.18 If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with Rule 11.8 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
- 11.19 The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process. The Chair of the Scrutiny and Overview Committee must agree that the decision proposed cannot be reasonably deferred and that it is urgent. In the absence of the Chair, the Deputy Chair's consent shall be required. In the absence of both the Chair and Deputy Chair, the Mayor's consent shall be required. Any such urgent decisions must be reported at least annually in a report to Council from the Mayor.

12. COUNCILLOR CALL FOR ACTION

- 12.1 The Monitoring Officer will place an item on the agenda of the Scrutiny and Overview Committee at the request of any Member where that item refers to a "Councillor Call for Action". This must be a matter which is relevant to the functions of the Scrutiny and Overview Committee and is not:
- (i) A local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters);
 - (ii) A matter of any description specified in an order made by the Secretary of State for the purposes of Section 9FC of the Local Government Act 2000
- 12.2 The Committee will, at that meeting, discuss the matter and decide whether to make a report or recommendation to the relevant decision maker.
- 12.3 In deciding whether to exercise its powers in relation to a Councillor Call for Action the Scrutiny and Overview Committee may have regard to any powers exercisable by the member under Section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by councillors) and any representations by the member as to why it is appropriate for the Committee to exercise its powers.
- 12.4 If the Committee decides not to exercise its power in relation to the matter, it must notify the member of its decision and the reason for it.

- 12.5 Subject to provisions relating to confidential and exempt information in place from time to time, the Committee must give the referring member a copy of any report and/or recommendations it provides to the Chief Executive.
- 12.6 When the Scrutiny and Overview Committee makes a report and/or recommendations to the Council or to the Executive under the Councillor Call for Action, the Committee may publish its report and/or recommendations and must give notice in writing to the Council or the Executive requiring the Council or the Executive, within 2 months of receipt by the Council or Executive of the report/ recommendations or (if later) the notice:
- (i) to consider the report or recommendations;
 - (ii) to respond to the Scrutiny and Overview Committee indicating what (if any) action it intends to take;
 - (iii) if the Scrutiny and Overview Committee has published its report/ recommendations to publish its response; and
 - (iv) if the Scrutiny and Overview Committee provided a copy of its report/ recommendations to a member referring a matter to it, to provide a copy of the response to that member.
- 12.7 It shall be the duty of the Executive or Council served with a notice to respond to comply with the notice within 2 months of receipt of the report/ recommendations or, if later, the notice.

13 MEMBERS AND OFFICERS GIVING ACCOUNT

- 13.1 Where Scrutiny and Overview Committee or Sub-Committee considers decisions or actions taken in connection with the discharge of any council function falling within its terms of reference, it may require any member of the Mayor and executive, the head of paid service and / or any Corporate Director or director 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) the performance of their duties;
- and it is the duty of those persons to attend if so required.
- 13.2 The Chair of Scrutiny and Overview Committee and/or Sub Committee, in consultation with the spokespersons of the other political groups represented will decide whether any member of the Mayor and executive, the head of paid service and / or any Corporate Director or director should be required to attend a Scrutiny and Overview Committee or Sub Committee under this provision, and the proper officer will be advised accordingly.
- 13.3 The proper officer shall inform the relevant member(s) of the Mayor and executive, head of paid service and / or any Corporate Director or director of the requirement to

attend a Scrutiny and Overview Committee or Sub Committee in writing giving at least 15 clear working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the commission. 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.

- 13.4 Only Members of the Scrutiny and Overview Committee or Sub Committee may ask questions of the Mayor/ executive member or officer called to give account.
- 13.5 Where, in exceptional circumstances, the relevant member(s) of the Mayor and executive, the head of paid service and / or any Corporate Director or director is unable to attend on the required date, then the Scrutiny and Overview Committee or Sub Committee shall in consultation with the relevant member(s) of the Mayor and executive, the head of paid service and / or any Corporate Director or director arrange an alternative date for attendance to take place within a maximum of 5 clear working days from the date of the original request. In setting the dates the proper officer will take into account exceptional circumstances.

14. SCRUTINY SUB-COMMITTEE TERMS OF REFERENCE

The following Sub-Committees have been established with the terms of Reference as set out below.

14.1 Streets, Environment and Homes scrutiny Sub-Committee

1. To scrutinise:
 - a. The built environment
 - b. Planning policies
 - c. Public realm
 - d. Transport
 - e. Highways and streets
 - f. Green and clean
 - g. The environment, conservation, climate change and sustainability
 - h. Housing policies including homelessness
2. To scrutinise Flood Risk Management and report findings direct to the Cabinet and/ or other partners;

14.2 Children and Young People Scrutiny Sub-Committee

1. To undertake scrutiny of duties and functions of the Council as a local social services authority relating to children.
2. To scrutinise all services pertaining to the education and well-being of children and young people including youth services.
3. To scrutinise life-long learning.

14.3 Health and Social Care Scrutiny Sub-Committee

1. To nominate two substantive committee Members to the Standing South West London Joint Health and Overview Scrutiny Committee (JHOSC) and
2. If necessary, to appoint one of the Health and Social Care Scrutiny Sub-Committee Members in the role of observer on the Standing South West London JHOSC.
3. To nominate up to two substantive Committee Members for any JHOSC that maybe established during the municipal year 2016/17
4. To undertake all powers of Health Scrutiny as defined in the Local Government Act 2000 and National Health Service Act 2006
5. To scrutinise Health and Social Care.