

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 nomination to the next meeting of the Scrutiny and Overview Committee following receipt of a notice of resignation to the Council Solicitor.

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 co-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 6.30 p.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 Rules 3.2 to 3.7 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, 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. 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.
- 6.3 The Scrutiny and Overview Committee will oversee Sub-Committee workloads, having regard to the available officer and other resources.

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 Committee or Sub-Committee may agree to include this item at the next or a subsequent meeting.

7.3 Any changes to the work programme agreed by Sub-Committees will be reported to the Chair of the Scrutiny and Overview Committee for information. 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 aforesaid, where If 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 and setting out the recommendation to be considered.

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 Leader or Executive for response shall be made by way of a report summarising the matter and setting out the recommendation to be considered.

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. 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 make a response or an interim response 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 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.
- 8.8 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 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.
- 8.9 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.
- 8.10 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
- 8.11 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 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 Any request shall be made on a pro-forma, available from democratic services, which should be submitted to the Council Solicitor 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.

11.5 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 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.

11.6 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

11.7 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.

11.8 The referral shall be considered at the next scheduled meeting of the Scrutiny and Overview Committee unless, in the view of the Council Solicitor, this would cause undue delay. In such cases the Council Solicitor 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.

11.9 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 Cabinet for reconsideration, setting out in writing the nature of the concerns. The Cabinet shall then reconsider the decision, amending the decision or not, before making a final decision.

- 11.10 The Scrutiny and Overview Committee may refer the decision to the Council if it considers that the decision taken by the Leader 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 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.
- 11.11 If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
- 11.12 If the Council determines that the decision was within the 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.
- 11.13 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.
- 11.14 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.
- 11.15 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 in the Cabinet Business Report to the next available meeting of the Council including the reasons for urgency.

SCRUTINY SUB-COMMITTEE TERMS OF REFERENCE

- 12.1 The following Sub-Committees have been established with the terms of Reference as set out below.
- 12.2 **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 ;

12.3 **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.

12.3 **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 Health and Social Care Act 2001 and National Health Service Act 2006
5. To scrutinise Health and Social Care