

At a meeting of Taunton Deane Borough Council held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on 14 April 2009 at 6.30 pm.

**Present** The Mayor (Councillor Slattery)  
The Deputy Mayor (Councillor Bowrah)  
Councillors Mrs Allgrove, Bishop, Brooks, Cavill, Coles, Mrs Copley, Mrs Court-Stenning, Critchard, Denington, D Durdan, Ms Durdan, Farbahi, Gaines, Guerrier, Hayward, Henley, Ms Herbert, C Hill, Horsley, House, Miss James, R Lees, Mrs Lees, Mrs Lewin-Harris, McMahon, Meikle, Morrell, Mullins, O'Brien, Paul, Prior-Sankey, Mrs Smith, P Smith, Mrs Stock-Williams, Stone, Thorne, Watson, Mrs Waymouth, Ms Webber, A Wedderkopp, Mrs Whitmarsh, Williams, Mrs Wilson and Woolley.

1. **Councillor Meikle**

To mark his association with both 40 Commando Royal Marines and Taunton Deane Borough Council, Councillor Meikle presented a framed montage of photographs of the Marines' "Homecoming Parade" last July to the Council.

The Mayor thanked Councillor Meikle for his most generous gesture.

2. **Minutes**

The minutes of the meeting of Taunton Deane Borough Council held on 17 February 2009, copies having been sent to each Member, were signed by the Mayor.

3. **Apologies**

Councillors Beaven, Edwards, Mrs Floyd, Govier, Hall, Mrs Hill, Murphy, Stuart-Thorn and D Wedderkopp.

4. **Taunton Deane Visual Culture Bursary Awards**

The Mayor introduced Mr Chris Taylor, Head of Department at the Somerset College of Arts and Technology who briefly talked about the 2008 Taunton Deane Visual Culture Bursary Awards.

He referred to the poster display in the John Meikle Room which summarised twelve undergraduate research projects. The students concerned had been able to undertake the necessary visual culture research thanks to individual bursaries awarded by the Council.

Mr Taylor introduced three students, Abigail Williams, Natalie Parsley and Hilary Wells, who explained their particular projects and how the bursary had helped them. They thanked the Council for its financial support.

5. **Communications**

The Mayor reported that the Taunton Deane – Lisieux Civic Twinning Link had reported that there were still some places available on the forthcoming exchange trip to France. He added that if anyone was interested in joining the trip, the contact details had been circulated.

6. **Declarations of Interest**

Councillors Brooks, Henley, Paul and Prior-Sankey declared personal interests as Members of Somerset County Council. Councillors Brooks, Mullins and Prior-Sankey also declared personal interests as Members of the Somerset Waste Board. Councillor Coles declared a personal interest as a Director of Southwest One. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Bishop declared a personal interest as a Trustee of the Oake Village Hall Management Committee.

7. **Borough Council By-Election – 2 April 2009**

The Democratic Services Manager, on behalf of the Returning Officer, reported that Councillor Eddie Gaines of Ford Road, Wiveliscombe had been elected as a Councillor for the Wiveliscombe and West Deane Ward.

8. **The further redevelopment of Musgrove Park Hospital, Taunton**

The Mayor introduced Mrs Jo Cubbon, Chief Executive of the Taunton and Somerset NHS Foundation Trust to the meeting. Mrs Cubbon was accompanied by Dr Cliff Mann, Consultant in Accident and Emergencies and Ms. Helen Roden, Director of Operations.

Mrs Cubbon made a presentation to Councillors about the plans the Trust had for the hospital, its ambitions around service provision and new buildings. She wanted the Trust to:-

- ✓ provide the highest quality patient centred service, ensuring patient safety drove every aspect of care;
- ✓ work in partnership to develop and sustain first class emergency and urgent care;
- ✓ provide and enhance a full range of elective and planned services that were of such high quality the patients had no wish to be treated elsewhere;
- ✓ create a culture which empowered and supported staff to lead;
- ✓ develop hospital buildings and facilities so that they were fit for 21st century care; and
- ✓ make the most efficient and productive use of resources and achieve long-term investment plans.

Dr Mann stated that the Accident and Emergencies Unit treated approximately 145 patients a day, which equated to almost 50,000 a year. This caused a huge flow through the hospital which was increasing year on year.

Musgrove Park Hospital was, in his view, a good hospital. It performed well and the recent completion of the Beacon Centre treating cancer sufferers, had led to the recruitment of additional top quality staff. Other advances included the treatment of strokes using angioplasty where the affects to a patient could be reversed within three hours, and the treatment of heart attacks in the same way.

The immediate plan at the hospital was to create an integrated Care Hub at the front of the building to include an acute Admissions Unit. With such a facility, patients could be assessed promptly and treated in an appropriate way without everyone being dealt with through the Accident and Emergencies Unit. Dr Mann added that another priority was to improve trauma care to avoid patients having to be transferred to Exeter or Bristol for treatment.

After a lively question and answer session, The Mayor thanked Mrs Cubbon, Dr Mann and Ms Roden for the information they had provided and they left the meeting.

#### **9. Further Changes to the Constitution**

Submitted report which detailed a number of further proposed changes to the Constitution that were required for the implementation of the revised processes and procedures for Overview and Scrutiny.

Every local authority was required to have a Constitution which contained relevant information on how the Council operated and gave details of its political and management structures. It was required to be updated as changes to such structures were introduced.

The Council had been operating a revised Scrutiny process since October 2007 reducing its Scrutiny bodies from six to two with Task and Finish Groups also being set up.

In September 2008 the IDeA had carried out a Peer Review and found that the changes that had been implemented had the potential to strengthen the role and impact of Scrutiny. However, there was some confusion around the structure and terminology which impacted on Members' ability to work with the new system.

Therefore work had been undertaken with the Chairmen and Vice-Chairmen of the two Scrutiny bodies together with the Group Leaders and a new structure for Scrutiny had been agreed. This would consist of a Community Scrutiny Committee and a Corporate Scrutiny Committee.

In addition there would be a Co-ordinating Scrutiny Committee that would meet on a quarterly basis to manage the Forward Plan for both Committees to

ensure that there was an even distribution of work. The Task and Finish Groups would remain.

The changes had been considered and approved by both the Constitutional Sub-Committee and the Corporate Governance Committee.

A number of minor changes to Standing Orders regarding motions and the rescinding of decisions within 6 months had also been proposed in the report. These changes were minor amendments but were required for clarification.

**Resolved** that the proposed changes to the Constitution as set out in the Appendices to these Minutes be approved.

## 10. **Recommendations to Council from the Executive**

### (a) **Capital Strategy 2009-2012**

The Capital Strategy was a summary of the Council's approach to capital investment including:-

- The Vision;
- The identification of the Council's needs and needs gap;
- The management and monitoring of the Capital Programme;
- The Capital Programme and the level of resources available;
- The approach to procurement and partnership working; and
- Linkages to other Corporate Plans.

The Strategy for 2009-2012 had been updated by incorporating new developments being undertaken by the Council and refreshing the financial data included within the document.

On the motion of Councillor Henley, it was

**Resolved** that the Capital Strategy 2009-2012 be approved.

### (b) **Growth Point Funding and Housing and Planning Delivery Grant Funding**

Taunton Deane was in receipt of two streams of funding – Growth Points (GP) and Housing and Planning Delivery Grant (HPDG) - for the furtherance of the future development of Taunton in both the long and medium term.

Both funds were a mix of capital and revenue funding. As far as the GP funding was concerned, the allocation for the next two financial years was over £3 million per annum and £300,000 per annum revenue. The HPDG allocation for 2008/2009 to be spent in 2009/2010 was £273,939 revenue and £119,122 capital.

The main priorities for both the GP and the HPDG funding included Firepool infrastructure to enable the Firepool development to commence, completion of Castle Green and Somerset Square and Urban Extension Master Planning.

To enable these schemes to proceed it was necessary for the capital funding to be added to the Council's Capital Programme.

On the motion of Councillor Coles, it was

**Resolved** that the addition to the Capital Programme of the capital elements of the spending plan be approved.

**(c) Conversion of Taunton Market Site to a Surface Car Park**

It was proposed to temporarily convert the former Market Site off Canal Road /Priory Bridge Road, Taunton, which was now vacant, into a surface pay and display car park.

The costs involved would be funded from the monies generated by the sale of equipment following vacation of the site by the Taunton Market Auctioneers. This had produced a net income of £22,800 which was currently uncommitted.

On the motion of Councillor Coles, it was

**Resolved** that:-

- (1) a supplementary estimate to the Capital Programme of £22,800 for the conversion of the former Taunton Market Site to a surface car park be approved;
- (2) Executive Councillor Coles be authorised to oversee the full spending plan in conjunction with the Parking Manager and Strategic Director; and
- (3) the land concerned be formally reclassified as a car park.

**(d) Relocation of the Horticultural Nursery – Project Overspend**

The relocation of the Council's horticultural nursery from Mount Street, Taunton to its new site off Stoke Road had resulted in an overspend of £73,000 over the budgeted cost.

The capital receipt from the disposal of the former site at Mount Street was likely to be sufficient to cover the costs of purchasing the land for the new nursery site, its development and also the overspend.

On the motion of Councillor Horsley, it was

**Resolved** that a supplementary estimate to the Capital Programme of £73,000 be approved.

11. **Reports of the Leader of the Council and Executive Councillors**

The following reports were made to the Council on the main items of current and future business.

(i) **Leader of the Council (Councillor Henley)**

Councillor Henley's report covered the following topics:-

- Core Council Review;
- Free Swimming;
- Plastic and Cardboard;
- Town Centre Manager;
- Pioneer Somerset;
- Southwest One;
- Wiveliscombe and West Deane By-Election.

(ii) **Sports, Parks and Leisure (Councillor R Lees)**

The report from Councillor R Lees dealt with activities taking place in the following areas:-

- Community Leisure;
- Play;
- Tone Leisure (Taunton Deane) Limited Activities.

(iii) **Environmental Services (Councillor Mullins)**

The Report from Councillor Mullins drew attention to developments in the following areas:-

- Environmental Protection Team;
- Food Safety and Health and Safety Teams;
- Licensing Team;
- Environmental Health Support Team.

(iv) **Housing Services (Councillor Prior-Sankey)**

Councillor Prior-Sankey submitted her report which drew attention to the following:-

- Department for Communities and Local Government Consultation : Changes to Finance Rules to encourage Councils to build new Council Houses;

- Housing Strategy Team;
- Council Housing Rent Increase;
- Decent Homes Standard.

(v) **Resources (Councillor Mrs Smith)**

The report from Councillor Mrs Smith provided information on the following areas within her portfolio:-

- Democratic Services;
- Customer Services;
- Revenues and Benefits Service Unit;
- Financial Services;
- Performance Management;
- ICT;
- Human Resources.

(vi) **Community Leadership (Councillor A Wedderkopp)**

Councillor A Wedderkopp presented the Community Leadership report which focused on the following areas within that portfolio:-

- The Pioneer Somerset Board;
- Local Area Agreement;
- Comprehensive Performance Assessment : A new way of scrutinising public services;
- Citizens Advice Bureau and Taunton Deane Council for Voluntary Services.

(vii) **Communications (Councillor Brooks)**

Councillor Brooks' report covered the following topics:-

- Public Relations;
- Website Update.

(viii) **Planning Policy and Transportation (Councillor Coles)**

Councillor Coles submitted his report, which drew attention to the following:-

- Strategic Housing Land Area Assessment;
- Strategic Housing Market Assessment;
- Development of Acolaid IT Back Office System to its full capability;
- Adopt a Project Management approach and employ Development Management Tools in response to all Major Developments;
- Use potential downturn in application work to assist in the

- preparation of Development Guidance and Development Management Core Strategy Policies;
- Review approach to monitoring Planning Conditions;
- To carry out a review of the format of reports to the Planning Committee;
- E Government;
- Management of Historic Data.

(ix) **Economic Development and the Arts (Councillor Horsley)**

The report from Councillor Horsley covered:-

- Into Somerset;
- The Brewhouse;
- Economic Downturn;
- Project Taunton;
- Asset Management;
- Economic Strategy;
- Taunton Town Centre Company;
- Local Economic Assessment;
- Work Premises and Employment Land Needs Survey Headline Results;
- Economic Development Envisioning Process;
- Public Art and Design Consultancy Project;
- Recession Support for Businesses.

(Councillor Meikle declared a personal interest as one of the Council's representatives on the Taunton Town Centre Company during the discussion of Councillor Horsley's report.)

(The meeting ended at 8.43 pm.)

# Appendices to the Minutes

## Appendix A

### Article 9 Overview and Scrutiny Committees

#### 9.1 Terms of Reference

- (a) The Council has a legal duty to appoint “overview and scrutiny committees” to discharge functions as set out in the Local Government Act 2000. The functions of each of the overview and scrutiny committees are set out in this article but the Council seeks to ensure a robust scrutiny process which will be the ‘critical friend’ of the Executive but not subservient to the Executive.
- (b) The Council will operate two Overview and Scrutiny committees one will be called a Corporate Scrutiny Committee and the other will be a Community Scrutiny Committee. In addition there will also be a Co-ordinating scrutiny committee that will oversee the work of both committees. Both committees will also be able to set up sub-committees known as Task and Finish Groups for specific tasks.
- (c) Guidance on the procedures and process of the overview and scrutiny committee meetings are set out in Part 4 of the Constitution.

#### 9.2 The general role of the Overview and Scrutiny Committees

Within their terms of reference, the Overview and Scrutiny Committees will:

- (a) Review and scrutinise decisions made or actions taken in connection and any joint or area committee with regard to the discharge of any functions of the Council or external agencies.
- (b) Make reports and recommendations to Full Council and/or the Executive and any joint or area committee with regard to the discharge of any functions of the Council or external agencies.
- (c) Consider any issue or topic affecting the area or its inhabitants
- (d) Review any decisions called-in but not yet implemented by the Executive or any area committee, calling special meetings if required.

(e) Assist the Executive and Full Council in developing policies and strategies, which may become incorporated in the policy framework.

(f) Review any decision or actions made by a ward member exercising his/her delegated functions of the Council should the Council authorise such delegation.

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(g) The committee will not be able to review any of the 'excluded matters' which are set out in Part 4 of the Rules and Procedures

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### **9.3 Specific functions of the Overview and Scrutiny committees**

#### **9.3.1. Policy development and review**

- (a) Assist the Council and the Executive and any area committee in the development of its budget and policy framework by in-depth analysis of policy issues.
- (b) Conduct research, community and other consultation in the analysis of policy issues and possible options.
- (c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (d) Question the Leader of the Council, members of the Executive and chief officers about their views on issues and proposals affecting the Borough. Under normal circumstances, the appropriate member/officer shall attend.
- (e) Liaise with other external organisations operating whether national or local, to ensure that the interests of the inhabitants of the Borough are enhanced by collaborative working.

#### **9.3.2. Scrutiny**

- (a) To monitor and review important and strategic decisions made by the Council, Executive (and any area committee) and officers to ensure consistency and compliance with the policy framework adopted by the Council. Where such decisions are not consistent with the policy framework, to review 'called-in' decisions and make recommendations to the Executive or Council;
- (b) To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets or such other matters that will come to its attention;

- (c) To monitor and review the performance of the decision making processes and other actions taken, in connection with the discharge of any functions which are the responsibility of the Executive and any area committee;
  - (d) To monitor service performance against the standards identified in the Corporate Strategy and service plans;
  - (e) To consider ombudsman reports and to monitor the operation of the complaints policy;
  - (f) To be aware of reports from the Audit Commission and Internal Audit and recommend any appropriate action to the Council Committees as deemed appropriate;
  - (g) To question the Leader of the Council and members of the Executive, member champions, senior officers and senior managers about their views on issues and proposals affecting the area generally and specifically about their decisions and performance comparable with relevant policies, strategies or plans;
  - (h) Make recommendations to the Executive or Council arising from the outcome of the scrutiny process;
  - (i) Review and scrutinise the performance of other public bodies, partnerships, 'quasi-autonomous government agencies or organisations' and voluntary organisations operating within the Borough and invite reports from them by requesting them to address the scrutiny committees and local people about their activities and performance;
  - (j) Question and gather evidence from any person or organisation with their consent.
- 9.4 The Overview and Scrutiny Committees will consist of thirteen members each. They will be politically balanced in accordance with the Council's adopted political group scheme. The Committees will not be chaired by a Member of the controlling administration.
- 9.5 In undertaking their responsibilities, the Overview and Scrutiny committees will adopt a cross-cutting approach to support a holistic perspective of the service delivery and decision making processes of the Council.
- 9.6 Members of the Executive will not be eligible to sit on the overview and scrutiny committees whilst on the Executive and shall not take part in any scrutiny of a decision in which they were involved in whilst a member of the Executive. The Leader of the Council and any member of the Executive may attend to provide information to the overview and scrutiny committees.

- 9.7 It is recognised that whipping by political parties would be inconsistent with the purposes of scrutiny and therefore will not take place on overview and scrutiny committees. Any member sitting on an overview and scrutiny committee should not consider him or herself restrained by any political group whip on any matter the committee will examine.
- 9.8 Overview and Scrutiny committees will conduct their proceedings in accordance with scrutiny procedure rules as set out in Part 4 of this Constitution. Any co-opted member of the overview and scrutiny committee will be required to sign a declaration of acceptance and compliance with the national code of conduct for councillors.
- 9.9 Nothing in this Article shall prevent the two Overview and Scrutiny committees forming a joint committee should a matter not fall within the remit of either committee. This decision will rest with the Co-ordinating overview and Scrutiny committee as set out at 9.10 below.

#### **9.10 TERMS OF REFERENCE FOR THE OVERVIEW AND SCRUTINY COMMITTEES**

##### **COMMUNITY SCRUTINY COMMITTEE**

To examine the issues that impact on all segments of the community in respect of all services delivered by the Council and/or other public bodies or partnerships;

To examine the performance and management of the Council's services in delivering the Corporate Strategy.

To undertake consideration of the achievement of value for money in partnership working

To develop policies and initiatives to provide the service delivery needed by community and the promotion of neighbourhood renewal;

To encourage public participation in assessing the standards and level of service desired by the community and the performance of the Council in achieving the desired outcomes for its service delivery;

To consider such decisions of the Executive as are within the remit of the committee and have been called-in by Members.

To review or scrutinise decisions made, or other action taken, in connection with the discharge of the Council's crime and disorder functions and to make such reports or recommendations as deemed appropriate.

## **CORPORATE SCRUTINY COMMITTEE**

To examine the planning, performance and management of the Council's services in undertaking the key tasks to achieve the objectives of the Corporate Strategy priorities including monitoring compliance with budget, achievement of desired outcomes and customer satisfaction (where appropriate), best value and value for money reviews.

To monitor the Council's financial performance and allocation of all resources in accordance with the corporate plan priorities, and the management of its assets and capital programme.

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To assess the attainment of performance measurements and overall performance of the Council in achieving the aspiration of the community it serves;

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To consider such decisions of the Executive as are within the remit of the committee and have been called-in by members.

To consider matters that have come to the committee's attention.

## **9.11 CO-ORDINATING SCRUTINY COMMITTEE**

This committee shall consist of the chairman and vice chairman of each of the Overview and Scrutiny committees and shall meet on a quarterly basis or as deemed necessary. The Committee shall also invite the Proper Officer and Leader of the Council to these meetings.

The purpose of these meetings is to manage the forward plan for both committees to ensure that there is an even distribution of work. Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of another Overview

and Scrutiny committee the decision as to which Overview and Scrutiny Committee will consider it will be resolved by this committee in consultation with the Proper Officer.

#### **9.12 TASK AND FINISH GROUPS**

- (a) The terms of reference will be laid down by the relevant Overview and Scrutiny committee;
- (b) There will be no more than seven members on each task and finish group and they will be members of the authority;
- (c) The group will elect its own chairman;
- (d) The group will decide its start and finish dates for the review;
- (e) The group will have the power of co-option but those co-opted members may not vote;
- (f) Conclusions will be presented to the relevant Overview and Scrutiny as recommendations for action;
- (g) The Overview and Scrutiny committee may either forward the recommendations to the Executive or the Council for action, remit it back to the task and finish group for further consideration or refuse to accept it as not acceptable for further action.

## Appendix B

# **OVERVIEW AND SCRUTINY –**

# **POWERS AND PROCEDURE RULES**

## Procedure Rules for overview and scrutiny

### 1.0 What will be the arrangements to carry out the 'overview and scrutiny' function?

The Council will establish the overview and scrutiny committees as detailed in Article 9, part II of this constitution and will appoint thirteen members as set out in 5.0 below or such number as it considers appropriate from time to time. Such committees may appoint sub-committees and/or task and finish groups for specific tasks. Council may also appoint overview and scrutiny committees for a fixed period, on the expiry of which they shall cease to exist.

#### 1.1 Terms of Reference of the overview and scrutiny committees

These are set out in Article 9 of the Constitution.

#### 1.2 Roles and Terms of Reference of the Task and Finish groups

These are set out in Article 9 of the Constitution.

### 2.0 Who may sit on the Overview and Scrutiny committees and Task and Finish groups

- (a) Any councillor except a member of the Executive may be a member of one of the overview and scrutiny committees or task and finish group. But, no member may be involved in reviewing a decision in which he/she has been directly involved.

### 3.0 Co-opted Members

Each task and finish group shall be entitled to recommend to the relevant overview and scrutiny committee the appointment of people to their membership as non-voting co-optees.

### 4.0 Meetings of the overview and scrutiny committees

The overview and scrutiny committee shall each meet once a month. Other meetings may be called from time to time as and when its business requires or where the committee deem appropriate to look at a particular issue.

### 5.0 The party whip

Whilst the "party whip" can play a proper part in the political environment of local government, it is acknowledged that any "whipping" arrangements do not readily have a place where "overview and scrutiny" are concerned.

A party whip shall not apply to the overview and scrutiny business of either the committees or the task and finish groups.

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## 6.0 Size, Substitutions and Quorum

- (a) The membership of each of the overview and scrutiny committees shall each consist of 13 councillors who must not be members of the Executive.
- (b) the membership of any task and finish group will be no more than 7 and no less than 4 members.
- (c) The allocation of seats on each overview and scrutiny committee shall be on the basis of the 'proportionality rules' in the 1989 Local Government and Housing Act.
- (d) Each party/group - to whom seats have been allocated on any overview and scrutiny committee or task and finish group may - by giving formal notice to the Democratic Services Officer - substitute different members for those seats - either on a temporary or permanent basis. Such formal notice must be given to the Democratic Services Officer not later than the beginning of the meeting concerned, and such substitution will last for the whole of that meeting.
- (e) The quorum for the overview and scrutiny committees and task and finish groups shall be 4 of its members.

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## 7.0 Who chairs meetings?

- (a) The chairmanship and vice-chairmanship of each of the overview and scrutiny committees shall not be a member of the controlling administration.
- (b) The chairmanships of the task and finish groups shall be decided by the group.
- (c) Appointments to the chairmanships of the overview and scrutiny committees will be made at the Council's Annual Meeting.
- (d) If the chairman and vice-chairman are absent from a meeting of the committee then its members shall appoint one of their number to chair that meeting.

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## 8.0 Co-ordinating Scrutiny Committee

- (a) The membership of the Co-ordinating Scrutiny committee is set out in Article 9 to this constitution.
- (b) The purpose of this committee is to manage the forward plan for both committees to ensure an even distribution of work. Where a matter for consideration by an overview and scrutiny committee also falls within

the remit of another overview and scrutiny committee the decision as to which committee deals with matter will be resolved by this committee in consultation with the Proper Officer.

- (c) Any member shall be entitled to give notice to the chair of the relevant overview and scrutiny committee with a copy to the Democratic Services Manager for an item to be included on the forward plan/agenda that is relevant to that committees functions.
- (d) The Co-ordinating Scrutiny Committee will consider this request at the next available meeting unless the Chair of the relevant committee deems that the matter should be dealt with more quickly.
- (e) If the matter should be dealt with more expeditiously then the Chair of the relevant scrutiny committee will notify the Chair of the other scrutiny committee and the Democratic Services Manager accordingly.

## 9.0 Policy Review and Development

- (a) The role of the overview and scrutiny committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules (Part 4C)
- (b) The overview and scrutiny committees may make proposals to the Executive for development of policies on other matters which fall within their terms of reference.
- (c) Within any budget which the Council makes available to the overview and scrutiny committees to fund external costs, task and finish groups may make funding requests to the relevant committee to allocate expenditure in carrying through this role. This can include holding inquiries; looking at available options for future policy development and appointing advisers and assessors to assist them in this process where they believe this is necessary. They may ask witnesses to attend to address them on any matter which forms part of this work and may pay reasonable fees and expenses for doing so to any advisers, assessors and witnesses

## 10.00 Excluded Matters

(a) Certain matters are excluded from the remit of the overview and scrutiny committees and these are:-

- (i) any matter relating to a planning decision
- (ii) any matter relating to a licensing decision
- (iii) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;

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(iv) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.

(b) This rule will not apply if there is an allegation or complaint of a systematic failure of an authority to discharge a function for which the authority is responsible and the overview and scrutiny committee will be able to review this process. However it will not be able to alter an individual decision.

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### 11.0 Requests from Members

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Any member who requests an item is placed on the agenda for overview and scrutiny must include representations as to why it would be appropriate for the committee to deal with this matter.

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### 12.0 Reports from Overview and Scrutiny committees

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(a) Once it has formed recommendations, the relevant scrutiny committee will prepare a formal report and submit it to the Democratic Services Manager for consideration either:-

- (i) by the Executive (if the proposals are consistent with the existing Budgetary and Policy Framework), or
- (ii) to the Council (if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

(b) The Executive (or the Council as appropriate) shall, where possible, consider the committee's report at its next available meeting.

(c) If a matter has been referred to the overview and scrutiny committee by a member, a copy of any report or recommendation made by the committee shall be sent to that member.

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### 13.0 Reports from overview and scrutiny committee to the Executive and the Council

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(a) if the overview and scrutiny committee publishes its report or recommendations the committee must in writing require the Executive or Council to:-

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(i) consider the report or recommendations;

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(ii) respond to the overview and scrutiny committee indicating what (if any) action the Executive/Council proposes to take;

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(iii) if the overview and scrutiny committee has published the report or recommendations to publish the response;

(iv) if the overview and scrutiny committee provided a copy of the report or recommendations to a member of the Council, to provide the member with a copy of the response.

(b) The Executive or Council must do so within two months beginning with the date on which it receives the report or recommendations from overview and scrutiny.

#### 14.0 Rights of scrutiny committee members to documents

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In addition to their rights as councillors, members of overview and scrutiny and task and finish groups have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules of this Constitution (Part 4B).

#### 15.0 Members and officers giving account

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(a) Each scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within that committee's Terms of Reference as detailed in Article 9.

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It may review any documents and/or require the Leader and any member, the Head of Paid Service and/or any senior officer to attend before it to explain matters within their remit which about:-

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- i) any particular decision or series of decisions they have taken;
- ii) the extent to which any such actions taken assist in implementing Council policy; and/or
- iii) the members' or officers' performance.

and it is the duty of those persons to attend if so required.

(b) Where any member or officer is required to attend a scrutiny committee under this provision, the chair of that committee will notify the Democratic Services Manager, who shall inform the member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for its preparation.

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Democratic Services Manager shall consult with the member or officer so as to make alternative arrangements for attendance.

#### 14.0 Attendance by others

A scrutiny committee may invite people other than those referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions.

#### 15.0 CALL-IN

##### 15.1 Types of Decisions which are affected by the Call-in mechanism

The call-in mechanism set out below shall apply to the following types of decision:-

(a) To any decision made by:-

- \$ the Executive, or
- \$ an individual member of the Executive, or
- \$ by any committee of the Executive,
- \$ an area committee, or
- \$ under joint arrangements
- \$ any ward member

and

(b) To any *Key Decision* \* - by whomever it is made.

[\* a Key decision is defined in Article 13 as a decision which will have a significant impact within the administrative borough, an operational impact on the community of more than one electoral ward, or involves a significant level of expenditure to be incurred by the Council relating to the discharge of a specific Council function (rather than solely staff related), e.g. where the aggregate expenditure is £50k or more (but not to include any expenditure included in a budget which has been approved in a framework policy).

##### 15.2 Decisions which are not subject to call-in

These include:-

- \$ any non-Executive decision – ie: those listed in Part 3 of the Constitution as ones which will not be taken by the Executive - such as Planning, Licensing and Staffing issues
- \$ decisions made by full Council
- \$ all decisions taken by officers within the Scheme of Delegations - unless they are '*key decisions*'
- \$ decisions of the Executive to confirm a previous decision - following a request from the overview and scrutiny committee as part of this call-in procedure
- \$ decisions to which the urgency mechanism has been applied under paragraph 15.9

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### 15.3 Publication of Decision

- (a) With the exception of meetings of the Executive itself, a written record of any decision made - of the types and/or by any of those bodies or people listed in paragraph 15.1 - shall be compiled by the decision-taker and immediately e-mailed (or otherwise forwarded) to the Legal and Democratic Services Manager for publication.
- (b) The record shall be in such standard form as s/he prescribes (the 'decision record') and it (including the minutes of meetings of the Executive) must contain the following details provided by the decision-maker:-
  - ! the decision,
  - ! the reasons for the decision,
  - ! any alternative options considered at the time but rejected,
  - ! any conflict of interest on the part of any Executive Councillor involved in or consulted about the decision
  - ! a note of any dispensation which has been granted in relation to such a declared interest
  - ! a note of any report considered when reaching that decision, and
  - ! a list of any "Background Papers" taken into account by the decision-taker.
- (c) By 5pm on the 2<sup>nd</sup> working day after the decision has been accepted, the Legal & Democratic Services Manager shall publish it in the following ways:-
  - (i) the record shall be made available for public inspection at the Deane House
  - (ii) a copy shall be dispatched by email (unless a request has been made for it to be sent by ordinary post) to every councillor,
  - (iii) a copy shall be posted on the Council's Web site
  - (iv) it shall be included in the Council's 'Weekly Bulletin'
- (d) The decision record will be dated and will show the date on which the decision will become effective - unless written notice (as described below) calling in the decision is received. That right of call-in will expire at 12 noon on the 5<sup>th</sup> working day after the decision has been published. (The call-in period of decisions included in the 'Weekly Bulletin' therefore expires at noon on the Wednesday following its publication). If the Legal and Democratic Services Manager is not satisfied that the decision record does not contain sufficient detail, then s/he shall not accept it and shall return it to the decision-taker for further clarification.
- (e) Any decision listed in paragraph 15.1 shall:-

- (i) not be implemented for 5 working days unless it has been subject to the special urgency mechanism set out in paragraph 15.9
- (ii) not be capable of being implemented unless and until it has been published as prescribed in this paragraph

#### 15.4 Call-in procedure

With each decision record being taken, a standard 'call-in request form' will be included for every councillor to complete if they wish to challenge a decision. The form will require the decision to be identified and for the detailed reasons justifying the call-in to be described.

The 'detailed reasons' shall relate to the merits of that decision only, when those calling it in have evidence which would result in a different decision being made.

On receipt of 2 such completed call-in request forms - in respect of the same decision and within the prescribed call-in period - the Monitoring Officer is authorised to call in that decision. In consequence, the Democratic and Legal Services Manager shall then immediately:-

(a) give notice of the call-in and its consequences to the following:-

- ! the decision taker,
- ! the Executive Councillor holding the relevant service portfolio,
- ! those councillors who have challenged the decision and to
- ! the Director and/or Service Manager primarily affected, and
- ! the Leader of the Executive and the Head of Paid Service,
- ! the Chair of the relevant overview and scrutiny committee.

(b) include the call-in request - together with the detailed justification given by the challengers - on the agenda for the next ordinary meeting of the relevant overview and scrutiny committee together with a copy of the report which gave rise to the challenged decision.

(c) if no overview and scrutiny committee meeting is programmed within 14 days, and the committee's chairman believes that an earlier decision would be in the Council's best interests, then s/he may instruct the Legal and Democratic Services Manager to convene a special meeting.

#### 15.5 The Role of the overview and scrutiny committee

- (a) It is the function of the overview and scrutiny committee to consider both the views of the challengers and of the decision-taker(s). Each shall have the right to attend and address the committee. Having done so the committee shall decide whether it wishes to pursue the challenge further. The committee's options are:-
- (i) to support the challenge and to refer the decision to the Executive for further consideration (stating the grounds justifying that request)
  - (ii) to take no further action on the call-in, or
  - (iii) to ask the Executive to consider the decision (under the Council referral process in paragraph (b) below).
- (b) Where the committee certifies those substantial reasons which it believes would justify the issue being brought before full Council for its advice or decision, then it can adopt the following exceptional course of action - a 'Council Referral' resolution. The resolution will be in two parts:-
- (i) to ask the Executive to re-consider the decision; and
  - (ii) if the Executive is not prepared to reverse or modify its decision in the way that the Board requests, then the Referral resolution will require that the Executive's decision is immediately referred to an meeting of the full Council.
- (c) A 'Council Referral' resolution can only be agreed at an overview and scrutiny committee meeting when at least 7 of its 13 members vote for that option. The Referral shall be taken to the full Council in the names of those councillors who have voted for it and they shall be deemed to have requisitioned any Special Council meeting which is required under paragraph 15.6 (below).

#### 15.6 Council Referral Procedure

- (a) Where the overview and scrutiny committee passes such a valid Council Referral resolution, then if the Executive is unwilling to substantially accede to the committee's request to reverse or modify its decision, the matter will be automatically referred to full Council as follows:-
- (i) If the Referral can be taken to an ordinary meeting of the Council within 14 days of the Executive meeting, then it will be reported to that meeting;
  - (ii) If such an ordinary meeting of the Council is not thus available then the Legal and Democratic Services Manager will treat the committee's Referral resolution as a requisition for a Special Meeting of the Council to be held within two weeks of the Executive meeting
- (b) Full Council's role will be to consider one of the following:-
- (i) to give its advice on the matter

if the decision challenged is one which, only the Executive can determine, then the Council will be asked to give its advice on how the matter should be dealt with; or

(ii) to decide the issue itself

This alternative will apply in two instances - either:-

- (a) where the decision challenged is one which, under the Act, only the Executive can determine, but the Monitoring Officer has nevertheless certified that the decision being challenged is one which is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget, or
- (b) where the matter is not one reserved under the Constitution to the Executive.

(iii) to take no action on the Referral

If such a resolution is passed then the decision which was challenged shall become immediately effective.

- (c) Recommendations under paragraph 15.5(b) shall be taken to Council in the name of the overview and scrutiny committee chairman. The report will either seek the advice of the Council on the matter, or will propose the decision to be taken.

#### 15.7 **The effect of a Call-in**

The effect of any call-in is that implementation of the decision is 'frozen' until such time as:-

- (a) the councillors who requested the call-in withdraw their request; or
- (b) 14 days elapse without the notice convening an overview and scrutiny committee being given for a meeting of the committee resolving to pursue the call-in further; or
- (c) the meeting of the committee has decided (under 15.5 (ii) ) to take no further action on the call-in.
- (d) the decision-taker (whether the Executive, an Executive Councillor or an Officer) - on considering the report of the overview and scrutiny committee or the Council - decides to proceed with implementing the previous decision, whether modified or unmodified.
- (e) a decision by the Council under the Council Referral mechanism has been made under either 15.6(b)(ii) or (iii).

#### 15.8 **Exceptions and Limitations on Call-In**

(a) To ensure that call-in is not abused, nor causes unreasonable delay through the freeze upon implementation which it brings about, certain further limitations are placed on its use. These are:

- (i) any decision may only be called in once.
- (ii) any recommendation from the Executive to full Council or to the overview and scrutiny committee shall not be subject to the call-in mechanism.

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(b) Whilst every effort will be made to circulate all councillors with such Executive decisions (whether as draft minutes or as an individual "decision records") there may be exceptional circumstances where this proves to be impossible. In such cases:-

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(i) These procedure rules shall be interpreted so as to ensure that no Executive decision shall be frozen for any longer than the periods described in 15.7

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(c)

- (i) Whilst the above limits apply to the full call-in mechanism, members may instead request that any decision (and the consequences found to result from it) is subsequently reviewed at a future meeting of the overview and scrutiny committee.
- (ii) Requests to include such later reviews on a overview and scrutiny committee agenda will be dealt with under paragraph 8.0 above. Such requests will therefore not bring about any freeze upon the implementation of the decision referred to.

## 15.9 Call-in and Urgency

- (a) The call-in procedure set out above shall not apply where the decision is certified under this paragraph as urgent. The factors to be taken into account as to whether a decision is urgent will include whether any delay caused by the call in process would be likely to seriously prejudice the Council's or the public's interests.
- (b) Urgency Certification and Dispute Resolution

Certification will work as follows:-

- (i) The matter must first be identified as being urgent at or before the time the decision is made.
- (ii) The written record of the decision (under paragraph 15.3 above) shall thus state that - in the opinion of the decision making body

or person - the decision is an urgent one, and therefore cannot reasonably be subject to call-in.

- (ii) If it is intended that the decision should be carried out immediately after it is taken then the decision-maker must first obtain the agreement of both the chairman of the relevant overview and scrutiny committee - or (in his/her absence the vice-chairman of the relevant overview and scrutiny committee) - and the Leader before that decision is implemented. Such agreement shall be confirmed in writing or e-mail.
- (iv) If the approval of both is given, then the Legal and Democratic Services Manager shall publish a copy of that decision record (in the same manner prescribed under paragraph 15.3). A copy of the decision record shall also be included for information on the next full Council agenda.
- (v) If such approval is refused by either, then those called upon to make that decision under paragraph (iii) above, shall sign and endorse the written record of the decision with his/her reasons for so deciding. This shall be subject to publication and reporting as in (iv) above.
- (vi) Where the Head of Paid Service believes that, in all the circumstances, this rejection is unreasonable and that the interests of the Council are significantly threatened, then s/he may convene a meeting of the chairmen of the relevant overview and scrutiny committee or (in their absence) their vice-chairman - together with the Leader. That meeting shall be convened with the minimum legal notice and shall review that rejection. The meeting shall have the power to confirm, modify or overturn that rejection and their decision shall not be subject to any further review but shall be reported to the next ordinary Council meeting for its information.

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## Appendix C

### NOTICES OF MOTION

4.

(1) If a councillor wishes to move a motion at a meeting of the Council then notice in writing shall be given to the Legal and Democratic Services Manager of its terms and the name of a Councillor who has agreed to second it. Such notices shall be dated, numbered as received and available for the inspection of councillors.

(2) Twelve calendar days notice is needed in order to have a Notice of Motion included in the Summons. This means that written notice must be delivered to the Democratic Services Manager's office by 4.00 pm on the Thursday week prior to the day on which the Council Meeting is to be held.

(3) The motion shall relate to the work of the Council or the interests of people living in the Borough.

(4) A motion shall not be taken if its proposer is not present, unless another councillor has been asked to propose it and the Council so agree.

(5) Such motions shall be taken before the reports of the Executive Councillors have been presented,

(6) A motion or amendment to rescind a decision within 6 months of it being approved should be made in accordance with Standing Order 24 of this Constitution.

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### MOTIONS DURING A DEBATE \*

5. (1) A Councillor may at the conclusion of a speech of another Councillor, move without comment one of the following motions: -

- (a) to amend the motion;
- (b) to postpone consideration of the motion;
- (c) to adjourn the meeting;
- (d) to adjourn the debate;
- (e) to proceed to the next item of business;
- (f) that the question be now put;
- (g) to request a recorded vote; see standing order 19(2)
- (h) that Councillor \_\_\_\_\_ be not further heard;
- (h) that Councillor \_\_\_\_\_ do leave the meeting;
- (i) that the (identified) recommendation be referred back for further consideration;
- (j) that the press and public be excluded;
- (k) to suspend any one or more Standing Orders during all or part of the meeting;
- (l) to refer a petition which has been presented to a meeting of the Council to a

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¶ Where more than one such motion is submitted, then only one motion which the party group (or groups jointly) identifies to the Member Services Manager shall be treated in this way.¶

¶ For the purposes of this Standing Order "minority party group" shall mean any party group not represented on the Executive.

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Panel for consideration;

- 5(2) If the motion is seconded then (subject to the proviso set out in (c) below) the Mayor shall proceed as follows:-
- (a) the motion shall be put to the vote forthwith and without discussion;
  - (b) then - subject only to the right of reply of the councillor who either presented the report or who proposed the original motion - the motion shall be immediately acted upon;
  - (c) The Mayor shall have the discretion not to accept such a motion when of the opinion that the matter before the meeting has not yet been sufficiently discussed.

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¶  
<#>"that the meeting do now adjourn"¶  
<#>"that the debate be adjourned",¶  
<#>"that the meeting do now proceed"¶  
to the next business", or¶  
(d) "that the question be now put".¶  
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#### RESCINDMENT & VARIATION OF RESOLUTIONS \*

24. (1) A resolution passed within the previous six months shall not be rescinded or varied unless either:-
- (a) there has been a significant change of circumstances (noted in the minutes of the meeting) since the previous resolution was passed and is agreed by 50% of the members, or
  - (b) by resolution of the Full Council on a motion of which notice has been given under Standing Order 4 signed by not less than 12 members.
- (2) Where it is intended that such an item should appear on the agenda for a meeting, the agenda item shall say that this "6 month rule" applies.
- (3) This Standing Order shall not apply in the case of a planning or licensing application.
- (4) Every such notice of motion shall specify the resolution to be rescinded or varied.

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#### TIME LIMITS FOR ALL MEETINGS\*

29 (1) A meeting of full council or other committees including Overview and Scrutiny committees shall not exceed three hours in duration except in accordance with 30 below.

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(2) If the business of the meeting has not been completed within that time the Mayor or Chairman will interrupt the debate to announce the time and call for a vote to be taken immediately on the item under discussion.

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(3) No member will be able to address the meeting after the Mayor's or Chairman's interruption on any item appearing on the agenda.

(4) Any items remaining on the agenda, which have not been considered, will be adjourned to the next scheduled meeting or a date to be fixed before the meeting adjourns.

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(5) Any suspension of time for adjournments during the meeting shall not count towards the 3 hour time limit.

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