

4E. Overview and Scrutiny Procedure Rules

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1. What will be the number and arrangements for Overview and Scrutiny Committees

1.1 The Council has established the principle that a Scrutiny Management Board shall have strategic responsibility for the Overview and Scrutiny function. The Board has overall responsibility for the direction and management of Overview and Scrutiny so as to ensure that non-executive members make an effective contribution to the improvement and development of Council and other public services for the benefit of the people of Cumbria. Within this context the Board has the following specific responsibilities:

- (1) to oversee and manage the Council's scrutiny process;
- (2) to take an overview of use of resources, policy development and performance;
- (3) to have responsibility to approve one overall scrutiny work programme (except for joint scrutiny committees and the Health and Well-being Scrutiny Committee);
- (4) to monitor the County Council's Forward Plan of Key Decisions;
- (5) to have overall responsibility for the commissioning of task and finish work (except for joint scrutiny committees and the Health and Well-being Scrutiny Committee);
- (6) to undertake regular dialogue at Scrutiny Management Board meetings with corporate directors and cabinet members;
- (7) to consider scrutiny referrals from county councillors, local committees and other sources at service and community level;
- (8) to oversee the co-ordination of scrutiny members learning and development;
- (9) to undertake quality control of scrutiny procedures including outputs and added value;
- (10) to consider any Councillor Calls for Action which do not fall within the terms of reference of one of the Scrutiny Advisory Boards;
- (11) to consider any call-in of an executive decision which does not fall within the terms of reference of one of the Scrutiny Advisory Boards.

2. **Membership of Overview and Scrutiny Committees**

- 2.1 All councillors, except members of the Executive, may be members of an Overview and Scrutiny Committee or task and finish group. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- 2.2 The Scrutiny Management Board shall comprise between 11 and 14 members, including the chairs and vice-chairs of the four Scrutiny Advisory Boards below and the Chair of the Cumbria Health and Well-being Scrutiny Committee.
- 2.3 No member may act as a replacement member for any member of the Scrutiny Management Board.

3. **Overview and Scrutiny Advisory Boards**

- 3.1 The Council will have the Scrutiny advisory boards set out below, and will appoint to them as it considers appropriate from time to time. Such boards may, exceptionally, appoint sub-committees, but the Council has decided that normally Overview and Scrutiny should work through “task and finish groups” which are appointed for a time limited period to undertake a specific task or investigation. Further details concerning the setting up of task and finish groups and the way in which they should operate are set out in these Procedure Rules.
- 3.2 Details relating to the work of the Cumbria Health and Wellbeing Scrutiny Committee are set out in Rule 24 below.

Committee	Scope
Children and Young People’s Scrutiny Advisory Board	All those functions and activities of the County Council relating to children and young people.
Adults Scrutiny Advisory Board	All those functions and activities of the County Council relating to adults.
Safer/Stronger and Inclusive Communities Scrutiny Advisory Board	All those functions and activities of the County Council relating to safer/stronger and inclusive communities.
Economy and Environment Scrutiny Advisory Board	All those functions and activities of the County Council relating to the economy and environment.

4. Overview and Scrutiny Task and Finish Groups

- 4.1 Task and Finish Groups are one of the principal means by which Overview and Scrutiny will make a positive contribution to the development and review of County Council policies.
- 4.2 Task and Finish Groups are member groups set up for a specific and time limited purpose. Each advisory board will be consulted on the work programme but the Scrutiny Management Board, in its role as the body responsible for managing and co-ordinating the work of Overview and Scrutiny, must give prior approval for the establishment of any such Group having regard to the Board's project plan, the overall priorities for Overview and Scrutiny and available resources.
- 4.3 Once the Scrutiny Management Board has approved the establishment of a Task and Finish Group, the following key points shall apply to the Group:-

The members of the Group shall be appointed by the Advisory Board from all non-executive members of the County Council.

Anyone duly appointed may be a member except a Cabinet Member.

Normally the Group will consist of between 3 and 5 members.

No member can act as a substitute on a task and finish group.

The Chair of a task and finish group will be appointed by the relevant advisory board.

The Group may invite others, including non members of the County Council, to contribute as witnesses to the subject or area under review.

The Group is not a formal sub-committee, and can advise and recommend but not make decisions.

The membership is not required to be politically proportionate, but will normally be multi-party.

The Group may undertake research (e.g. hearing evidence from and co-opting experts, undertaking consultation exercises and opinion surveys with various client groups and making visits).

The Group will have clear objectives and terms of reference for a specific time-limited scrutiny review. The Group's work will be supported by a detailed project plan which has been approved by the Scrutiny Management Board.

The work undertaken will form part of a programme approved by the Scrutiny Management Board.

The Group can meet in private and informally.

The Group's completed draft report shall be approved by the relevant advisory board and the Scrutiny Management Board before it goes to the Cabinet for consideration. The completed draft report of a task and finish group set up by the Health and Well-being Scrutiny Committee shall be approved by that Committee.

At Cabinet, the Group's report will be presented by the Group's lead member or the Chair of the relevant advisory board.

Through the relevant advisory board, the Scrutiny Management Board shall receive monitoring reports from the advisory boards on the implementation of any proposals arising from scrutiny recommendations agreed by the Executive.

The normal rules relating to public and exempt papers will apply to the Group's report.

The rules on member interests for Overview and Scrutiny will apply to Group meetings.

5. Education Representatives

5.1 The Scrutiny Advisory Board for Children and Young People shall include in its membership the following voting representatives:

- (a) Church of England diocese representative (1);
- (b) Roman Catholic diocese representative (1); and
- (c) Parent Governor representatives (3).

5.2 If the Scrutiny Advisory Board deals with other than Education matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

6. Meetings of the Scrutiny Management Board and the Overview and Scrutiny Advisory Boards

6.1 The Scrutiny Management Board will normally meet monthly.

6.2 There shall normally be four ordinary meetings of Scrutiny Advisory Boards in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting of the Management Board or of one of the Advisory Boards may be called by the relevant chair, by any five members of the Board or by the Corporate Director – Resources if he/she considers it necessary or appropriate.

7. Quorum

The quorum for the Management Board or for the Advisory Boards shall be as set out for committees in the Council Procedure Rules in Part 4A of this Constitution.

8. Chairs of Scrutiny Advisory Boards and Task and Finish Groups

Chairs and Vice-Chairs of Scrutiny Advisory Boards will be drawn from among the members sitting on the Advisory Board. Subject to this requirement, the Chairs and Vice-Chairs of Scrutiny Advisory Boards will be appointed by the County Council in accordance with Council Procedure Rule 1.3(c). The Chair of a Task and Finish Group will be appointed by the Advisory Board from among its members. No member who is in receipt of a Special Responsibility Allowance for a function may chair an Advisory Board or Task and Finish Group dealing with that function.

9. Work Programme

Scrutiny Advisory Boards will, subject to the requirement to obtain approval from the Scrutiny Management Board for the setting up of any task and finish group, be responsible for contributing to one overall Scrutiny work programme, and, in doing so, they shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council.

10. Agenda Items

- 10.1 Any member of the Management Board or of a Scrutiny Advisory Board shall be entitled to give notice to the Head of Member Services and Scrutiny that he/she wishes an item relevant to the functions of the Board to be included on the agenda for the next available meeting of the Board. On receipt of such a request, the Head of Member Services and Scrutiny will ensure that it is included on the next available agenda.
- 10.2 Any five members of the Council who are not members of the Overview and Scrutiny Board may give written notice to the Head of Member Services and Scrutiny that they wish an item to be included on the agenda of a relevant Overview and Scrutiny Board. If the Head of Member Services and Scrutiny receives such a notification, then he/she will include the item on the first available agenda of the relevant Overview and Scrutiny Board for consideration by the Board.
- 10.3 The Overview and Scrutiny Board shall also respond, as soon as their work programme permits, to requests from the Council and the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Board shall report its findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the

Overview and Scrutiny Board within one month of receiving it. The Scrutiny Management Board shall be responsible for allocating matters to a Scrutiny Advisory Board for consideration in any case of doubt as to which is the most appropriate Advisory Board.

11. Policy Review and Development

- 11.1 The role of Overview and Scrutiny 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.
- 11.2 In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, Overview and Scrutiny Boards may make proposals to the Executive for developments insofar as they relate to matters within their terms of reference.
- 11.3 Subject to the prior identification of a budget for the purpose, Overview and Scrutiny Boards may hold inquiries and investigate the available options for future direction in policy development, and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research, and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration, and may pay to any advisers, assessors, and witnesses a reasonable fee and expenses for doing so.

12. Reports from Overview and Scrutiny Boards

- 12.1 Once it has formed recommendations on proposals for development, an Advisory Board or a joint scrutiny committee will prepare a formal report and, subject to the requirement to consult the Scrutiny Management Board, submit it to the Head of Member Services and Scrutiny for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from, or a change to, the agreed Budget and Policy Framework).
- 12.2 Each advisory board will normally seek to reach agreement by consensus, but if it cannot agree on one single final report to the Council or Executive, as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- 12.3 The Council or Executive shall consider the report of an Overview and Scrutiny Board within two months of it being submitted to the Head of Member Services and Scrutiny.

13. Making sure that Overview and Scrutiny Reports are considered by the Executive

- 13.1 The agenda for Executive meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports of Overview and Scrutiny Boards referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Board completing its report/recommendations.
- 13.2 Once an Overview and Scrutiny Board has completed its deliberations on any matter, it will forward a copy of its final report to the Head of Member Services and Scrutiny, who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the Head of Member Services and Scrutiny refers the matter to Council, he/she will also serve a copy on the Leader, with notice that the matter is to be referred to Council. The Executive will have three weeks in which to respond to the Overview and Scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny Board on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Executive to the Overview and Scrutiny proposals.
- 13.3 Where an Overview and Scrutiny Board prepares a report for consideration by the Executive in relation to a matter where the Leader or Council has delegated decision making power to another individual member of the Executive, then the Overview and Scrutiny Board will submit a copy of its report to him/her for consideration. At the time of doing so, the Overview and Scrutiny Board shall serve a copy on the Head of Member Services and Scrutiny. The member with delegated decision making power must consider the report and respond in writing to the Overview and Scrutiny Board within three weeks of receiving it. A copy of his/her written response to it shall be sent to the Head of Member Services and Scrutiny and the Leader. The member will also attend a future meeting of the Overview and Scrutiny Board to present his/her response.
- 13.4 Where an Overview and Scrutiny Board prepares a report for consideration by the Executive in relation to a matter where the Leader or Council has delegated decision making power to another individual member of the Executive, then the Overview and Scrutiny Board will submit a copy of its report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Board shall serve a copy on the Head of Member Services and Scrutiny and the Leader. If the member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Board, then he/she must then refer the matter to the next available meeting of the Executive for debate before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Board. The Executive Member to whom the decision making power has been

delegated will respond to the Overview and Scrutiny Board within three weeks of receiving it. A copy of his/her written response to it shall be sent to the Head of Member Services and Scrutiny, and he/she will attend a future meeting to respond.

- 13.5 Where the Executive proposes to adopt, or recommend adoption of, the recommendations of an Overview and Scrutiny Board, in whole or in part, it shall agree or submit to the Council for approval as appropriate an action plan for implementing the Board's recommendations. The action plan shall set out clearly what action is proposed, who is responsible for implementation and the timescale within which the action(s) is/are to be taken. A copy of the Executive's proposals will be sent to the Scrutiny Management Board for information.
- 13.6 It shall be the Executive's responsibility to implement any action plan approved by them or adopted by the Council, but the Executive shall submit regular progress reports to the Scrutiny Management Board.
- 13.7 Overview and Scrutiny Boards will have access to the Executive's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Board following a consideration of possible policy/service developments, the Board will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

14. Rights of Overview and Scrutiny Board Members to Documents

- 14.1 In addition to their rights as councillors, members of Overview and Scrutiny Boards have the additional right to documents, and to Notice of Meetings as set out in the Access to Information Procedure Rules in Part 4B of this Constitution.
- 14.2 The Overview and Scrutiny Protocol which forms part of the Council's Constitution encourages wider co-operation between Overview and Scrutiny and the Executive.

15. Members and Officers giving account

- 15.1 Any Overview and Scrutiny Board may scrutinise and review decisions made, or actions taken, in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role it may require any member of the Executive, the Head of Paid Service, Corporate Director or Head of Service to attend before it to explain, in relation to matters within their remit:
 - (a) any particular decision or series of decisions;
 - (b) the extent to which the actions taken implement Council policy; and/or
 - (c) their performance;

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

- 15.2 Where any member or officer is required to attend an Overview and Scrutiny Board under this provision, the Chair of that Board will inform the Head of Member Services and Scrutiny, who shall inform the member or officer in writing, giving at least 14 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 Board. Where the account to be given to the Board 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.
- 15.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Board shall, in consultation with the member or officer, arrange an alternative date for attendance.

16. Attendance by Others

An Overview and Scrutiny Board may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern, and/or answer questions. It may, for example, wish to hear from residents, stakeholders, and members and officers in partner organisations including those contributing to the Cumbria Agreement as well as other parts of the public sector.

17. Call-In

- 17.1 Overview and Scrutiny Boards should only use the power to refer matters to the Council in exceptional circumstances. These are where members of the appropriate Overview and Scrutiny Board have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 16 (Decision Making).
- 17.2 When a decision is made by the Executive, or a Committee of the Executive, or a Local Committee, or under joint arrangements, or a key decision is made by an officer with delegated authority from the Executive, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within three clear working days of being made. Members of all Overview and Scrutiny Boards will be sent copies of the records of all such decisions, within the same timescale, by the person responsible for publishing the decision.
- 17.3 That notice will bear the date on which it is published, and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called in.

- 17.4 During that period, the Head of Member Services and Scrutiny shall call in a decision for scrutiny by the Board if a valid request to do so is received from any three or more non-executive members and shall then notify the decision taker of the call-in. He/she shall call a meeting of the relevant board on such date as he/she may determine, where possible after consultation with the Chair of the board. The call-in meeting shall normally be held within 14 working days of the decision to call in but, exceptionally, following consultation with the call-in members, and provided the relevant Cabinet Member agrees that such delay would be reasonable in all the circumstances and would not prejudice the County Council's interests, the call-in meeting may be held within 17 working days. If the Cabinet Member does not so agree, the meeting must take place within 14 working days.
- 17.5 If, having considered the decision, the Overview and Scrutiny Board is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or, if it considers the decision to be contrary to the Budget or Policy Framework, refer the matter to full Council (see paragraph 7 of the Budget and Policy Framework Procedure Rules in Part 4C of this Constitution, Page 6, for procedure to be followed). If referred to the decision maker, they shall then reconsider within a further 14 working days, or, exceptionally, such longer period not to exceed 17 working days, as may be agreed by the decision making person or the Chair of the decision making body. The decision maker shall then reconsider the decision, amending or not, before reaching a final decision.
- 17.6 If, following an objection to the decision, the Overview and Scrutiny Board does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of that further 14 working day period, whichever is the earlier.
- 17.7 If the matter was referred to full Council, and the Council does not object to a decision which has been made, then no further action is necessary, and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the Policy Framework, or contrary to, or not wholly consistent with, the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole, or a committee of it, a meeting will be convened to reconsider within 14 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 14 working days of the Council request.
- 17.8 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting, or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

17.9 EXCEPTIONS

The Council intends that the power to call-in should not be abused nor cause unreasonable delay. A small number of limitations have therefore been agreed on its use. These are:

- (i) Any three non executive members are needed for a decision to be called in.
- (ii) The call-in procedure shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the relevant Overview and Scrutiny Board must agree both that the decision proposed is reasonable in all the circumstances, and to it being treated as a matter of urgency. In the absence of the Chair of that Board, the consent of the Chair or Vice-Chair of Council shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (iii) The call-in timescales have been shortened for final decisions in relation to school organisation matters only, that is the stage at which the Executive considers representations made following publication of a statutory notice setting out the Council's proposals and makes a final decision as to whether to implement the proposals. The timescales have been shortened specifically to ensure that the Council is able to take this final decision within the two month statutory timescale. The normal timescales continue to apply to the consideration of school organisation matters at earlier stages. For the final decision only therefore the timescales are:
 - (a) the Executive's decision notice or minute be issued to all members no later than three working days after the Executive's meeting;
 - (b) the period during which the decision may be called in be three working days after the issue of the decision notice or minute;
 - (c) any Overview and Scrutiny Board meeting convened to consider the call-in of the decision be held within seven working days of the receipt of the call-in notice;
 - (d) where an Overview and Scrutiny Board refers the decision back to the Executive for further consideration the Executive's meeting be held within a further seven working days.

18. Councillor Calls for Action

- 18.1 Members have the right to call for debate and discussion at a Board on a topic of neighbourhood concern. This power is known as the Councillor Call for Action (CCfA) and is limited to issues affecting single council divisions.
- 18.2 Members have a right to refer a local government matter not just to the scrutiny committee of their authority, but in the case of a two-tier area like Cumbria, to the committees of the relevant district/borough or County scrutiny committee, irrespective of whether they are a member of that authority.
- 18.3 CCfA is designed to sit alongside existing member channels for resolving local issues. However, before an issue of concern can be submitted to a scrutiny board certain criteria have to be met which ensures that existing channels for resolution have been fully tested. These criteria are set out in a joint County/District Protocol for Cumbria.

19. The Party Whip

- 19.1 **Definition:** *“Any instruction given by, or on behalf of, a Political Group to any councillor who is a member of that Group as to how that councillor shall speak or vote on any matter before the Council or any Committee or Board, or the application or threat to apply any sanction by the Group in respect of that councillor should he/she speak or vote in any particular manner”.*
- 19.2 When considering any matter in respect of which a member of an Overview and Scrutiny Board is subject to a Party Whip, the member must declare the existence of the Whip, and the nature of it, before the commencement of the Board’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

20. Procedure at Overview and Scrutiny Board Meetings

- 20.1 Overview and Scrutiny Board shall consider the following business:
- (a) Minutes of the last meeting;
 - (b) declarations of interest;
 - (c) consideration of any matter referred to the Board for a decision in relation to call-in of a decision;
 - (d) responses of the Executive to reports of the Overview and Scrutiny Board; and
 - (e) the business otherwise set out on the agenda for the meeting.

20.2 Where the Overview and Scrutiny Board conducts investigations (e.g. with a view to policy development), the Board may also ask people to attend to give evidence at Board meetings which are to be conducted in accordance with the following principles:

- (a) that the investigation be conducted fairly, and all members of the Board be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting the Board by giving evidence be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

20.3 Following any investigation or review, the Board shall prepare a report, for submission to the Executive and/or Council as appropriate, and shall make its report and findings public.

21. **Matters within the remit of more than one Overview and Scrutiny Advisory Board**

Where a matter for consideration by an Overview and Scrutiny Board also falls within the remit of one or more other Overview and Scrutiny Advisory Boards, the decision as to which Board will consider it will be decided by the Scrutiny Management Board.

22. **Terms of Reference for Overview and Scrutiny Boards**

Committee/ Panel	Scope
Scrutiny Management Board	The Board's terms of reference are set out in paragraph 1.3 above.
Children and Young People's Scrutiny Advisory Board	All the powers and duties of the County Council relating to children and young people.
Adults Scrutiny Advisory Board	All the powers and duties of the County Council relating to adults.
Safer/Stronger and Inclusive Communities Scrutiny Advisory Board	All the powers and duties of the County Council relating to safer/stronger and inclusive communities.

Committee/ Panel	Scope
Economy and Environment Scrutiny Advisory Board	All the powers and duties of the County Council relating to planning, highways, the environment and economic regeneration.
Cumbria Health and Wellbeing Scrutiny Committee	<ul style="list-style-type: none"> • To discharge the functions conferred by Section 21(f) of the Local Government Act 2000 of reviewing and scrutinising, in accordance with regulations under Section 224 of the National Health Service Act 2006, matters relating to the planning, provision and operation of health services in Cumbria. • To make reports and recommendations on matters relating to the health service in Cumbria to local NHS bodies and to the Council (including the health and wellbeing of Cumbria's population). • To act as consultee as required by the relevant regulations in respect of those matters on which local NHS bodies must consult the Committee. • To report annually on its work to the County Council and all the district councils. • To consider and respond to referrals from the Cumbria Local Involvement Network on health matters under the Local Government and Public Involvement in Health Act 2007.
Cumbria Joint Scrutiny Committee	<ul style="list-style-type: none"> • To take a strategic overview of the performance and delivery of the Community Strategy and to review and scrutinise delivery of the Cumbria Agreement (the Local Area Agreement) targets and the prospect for achieving expected outcomes.

23. **Cumbria Health and Wellbeing Scrutiny Committee**

23.1 The Committee is an Overview and Scrutiny Committee appointed by the Council but which includes a co-opted Scrutiny member from each District Council in Cumbria.

23.2 The County Council will appoint:-

- Seven members from the County Council. (Each political group to name a pool of additional members, any of whom may substitute for an appointed member from the same group. The number of members in the pool to be twice the number of that group's proportional allocation of members on the Committee).

- Six District Council members, one co-opted from each District Council in Cumbria. (Each District Council to nominate one of its members for appointment and name two other members, either of whom may act as a substitute for the appointed member).
- 23.3 All the above appointed members or a member substituting for an appointed member at a meeting shall be entitled to vote. No member may act as a substitute unless he/she has been named in accordance with the above arrangements.
- 23.4 The Committee shall be entitled to co-opt non-members as non-voting co-optees as it thinks fit for a particular matter that is subject to scrutiny.
- 23.5 The Chair shall be drawn from the County Council members and shall be elected annually only by those members appointed by the County Council.
- 23.6 The Vice-Chair shall be drawn from the District Council members and shall be elected annually only by those members appointed by the district councils.
- 23.7 Nothing in Rules 23.5 or 23.6 above shall prevent the election of a Chair for a meeting by all members present in the absence of the Chair and Vice-Chair.
- 23.8 The Committee may appoint one or more sub-committees of County and District members and may arrange for the discharge of its functions by any such Sub-Committee, provided that the scope of the Sub-Committee's remit is clearly defined. This may be appropriate for single issues affecting the County as a whole or a more local issue affecting only a part of the County. In any such case the Committee will require a report from the Sub-Committee at the conclusion of its work. The Committee will determine the appropriateness and extent of co-option of non-local authority members to Sub-Committees when it defines the Sub-Committee's remit.
- 23.9 The Committee may set up task and finish groups.
- 23.10 The arrangements as to voting and chairmanship that apply to the main Committee shall apply to any Sub-Committee. Potential substitute members named for the purpose of the main Committee may substitute for an appointed member of any Sub-Committee.
- 23.11 The Overview and Scrutiny Procedure Rules shall apply to the work of the Committee with any necessary amendments.

24. Cumbria Joint Scrutiny Committee

- 24.1 The Committee is a joint committee of 15 members in total and shall comprise two elected members nominated by each of the following: Allerdale District Council; Barrow Borough Council; Carlisle City Council; Copeland Borough Council; Cumbria County Council; Eden District Council; South Lakeland District Council and the Cumbria Association of Local Councils.
- 24.2 Members will be nominated for one year.

- 24.3 Two substitute members will also be nominated for one year by each of the seven Cumbria local authorities plus one substitute for the member appointed by the Cumbria Association of Local Councils.
- 24.4 All the appointed members or a member substituting for an appointed member at a meeting shall be entitled to vote. A total of 15 members will have voting rights.
- 25.5 No member may act as a substitute unless he/she has been named in accordance with the above arrangements.
- 24.6 In addition, where the Joint Scrutiny Committee is carrying out a piece of detailed work, each authority can co-opt an additional non-voting member as a specialist in support of that given topic area.
- 24.7 The Chair shall be chosen by the nominated standing members from each authority and therefore the position shall rotate between all the authorities on a 12 monthly basis in alphabetical order.
- 24.8 The Committee shall meet at least quarterly to reflect the performance reporting cycle.
- 24.9 The Committee's role shall be to:
- (a) take a strategic overview of the performance and delivery of the Community Strategy as co-ordinated through the Cumbria Strategic Partnership (CSP);
 - (b) review and scrutinise delivery of the Local Area Agreement targets and the prospects for achieving expected outcomes;
 - (c) make reports or recommendations to the responsible authority (Cumbria County Council) or the responsible authority plus one or more districts as appropriate, having first given due regard to any response from the lead partner;
 - (d) provide a co-ordinated forum for discussion and information sharing on scrutiny matters that have cross-district or countywide implications including responding to the new powers or duties to submit reports to the County on LAA matters;
 - (e) monitor Councillor Calls for Action and Community Petitions from each authority, identifying joint pieces of scrutiny work, where appropriate;
 - (f) co-ordinate its activities with the scrutiny committees of the County Council and six district councils and to keep them informed of its work, and to take referrals for possible suitable joint scrutiny work from them through an agreed protocol.

- 24.10 Where the Joint Scrutiny Committee makes reports and recommendations it shall include:
- (a) an explanation of the matter reviewed or scrutinised;
 - (b) a summary of the evidence considered;
 - (c) a list of the participants involved in the review of scrutiny;
 - (d) any recommendations on the matter reviewed or scrutinised.
- 24.11 The Committee may also establish a scrutiny task and finish group of up to five members to review specific topics of interest. In commissioning a task and finish group the Committee will establish its terms of reference, the objectives of the review and the timescale for completion of its task and reporting back to the Committee.
- 24.12 The Cumbria Joint Scrutiny Committee can undertake task and finish work, or commission work from individual authorities, or partner organisations.

PROTOCOL ON OVERVIEW AND SCRUTINY COMMITTEES

[This Protocol is to be read in conjunction with the Overview and Scrutiny Procedure Rules set out at section 4E of the County Council's Constitution. It is intended to supplement those Rules. Where there is any conflict between the Rules and this Protocol, the Rules shall prevail]

[The Scrutiny Management Board is authorised to make any changes to the Protocol, subject to the agreement of the Cabinet on any matters affecting the Executive]

Introduction

1. The purpose of this Protocol is to put further flesh on the bones of the Constitution and to provide more detailed guidance for members on the operation of the Overview and Scrutiny Procedure Rules.
2. The County Council has established the following under its Constitution:
 - Scrutiny Management Board
 - Children and Young People's Scrutiny Advisory Board
 - Adults Scrutiny Advisory Board
 - Safer/Stronger and Inclusive Communities Scrutiny Advisory Board
 - Economy and Environment Scrutiny Advisory Board
 - Cumbria Health and Wellbeing Scrutiny Committee
 - Cumbria Joint Scrutiny Committee
3. Unless otherwise stated, references to Rules are references to the Overview and Scrutiny Procedure Rules set out at Section 4E of the Constitution. References to paragraphs are references to paragraphs in the Overview and Scrutiny Procedure Rules.

Guiding Principles

4. The guiding principle for the work of Overview and Scrutiny is that it should involve constructive criticism with the aim of improving decision-making. Whilst it is accepted that some work (particularly call-in) could potentially be adversarial in a political environment, the emphasis of the work of Overview and Scrutiny should be on making a positive contribution to the development of policy and performance
5. While Overview and Scrutiny will review Executive decisions through the "call-in" mechanism, importantly, they will also assist in the development of County Council policy by looking at existing policies and the effectiveness of their delivery, including reviewing whether new policies or changes to existing policies are needed.

Officer Support

6. Officers of the County Council owe a duty to support and advise all members, irrespective of the political party to which members belong or whether they carry out Executive or non-Executive roles.
7. In practice, most of the day to day work of corporate directors will be advising members of the Cabinet. This will include:
 - ◆ producing or co-ordinating advice to help Cabinet Members make decisions;
 - ◆ subsequently appearing at Overview and Scrutiny with the relevant Cabinet Member if those proposals are called in, to advise Overview and Scrutiny and to explain their previous advice to Cabinet Members.
8. Corporate directors' work for the Executive does not reduce the importance of their work for Overview and Scrutiny or compromise the independence of thought of Overview and Scrutiny. Subject to the Chief Executive's overall role as principal policy adviser to the County Council on all issues, each corporate director is the principal adviser to the County Council (and therefore to Scrutiny) on his or her area of responsibility. This means in practice that:
 - there is a presumption that corporate directors who have been asked to prepare papers for Scrutiny should brief the Chair on their content before the meeting either personally or through their representative; the only occasion when a corporate director should not personally brief the Chair is when he or she is to be questioned on their advice on a matter which has been called in; and
 - work on issues referred to Scrutiny by the Cabinet should be supported by the relevant corporate director.
9. An officer nominated by each corporate director will be available to support the scrutiny role from a service perspective, on terms that reflect the needs of the scrutiny process.
10. There is no requirement for anyone other than the Head of Member Services and Scrutiny [and representatives(s)] to attend formal Scrutiny meetings, unless specifically invited (or required) to do so for a particular item.
11. Scrutiny should not be 'managed' by officers; but they should ensure they make the best use of officer advice on the practical, financial and political implications of proposals so that Scrutiny recommendations are well formed and credible.
12. Papers should be produced to the direction of the Overview and Scrutiny, whether prepared by corporate directors or the Scrutiny team, with the early involvement of the Chair and Vice-Chair.

13. Against the background above, the particular role of the Scrutiny team is to facilitate the ability of Scrutiny to ask pertinent questions, and to consider the advice of corporate directors in the light of the views of others, and of other issues. The team may support Scrutiny by introducing new perspectives, but the team is not to be regarded as an alternative source of professional or policy advice on issues which are properly the responsibility of corporate directors. The Scrutiny team may also provide critical commentaries on reports provided by directorates. An officer from the team acts as the principal adviser to the Chair at meetings of Scrutiny.
14. The Scrutiny team also has an important role in helping Scrutiny to scrutinise individual proposals of the Executive before they are finalised ('call-in').
15. The Scrutiny team will support the approved work programme for Overview and Scrutiny, in addition to support from corporate directors and their representatives. Legal advice as required will be given by the Chief Legal Officer, and administrative and logistical support for the work of Scrutiny will be provided by Member Services.

Procedures at Scrutiny Committee Meetings

General

16. Certain of the Council Procedure Rules (Section 4A of the Constitution) apply to Scrutiny as they apply to other committee and sub-committee meetings. However, Scrutiny require a different mode of operation from traditional committees. Different venues, approaches to agenda setting, and different modes of chairing meetings are all acceptable. The style of operation should be appropriate to the key tasks of scrutiny.
17. Section 21 of the Local Government Act 2000 places a duty on members of the Executive and officers of the County Council to attend a meeting of Scrutiny to answer questions if required to do so. Cabinet Members should not attend meetings of Scrutiny as participants as a matter of course, but may request the Chair of the Scrutiny Board to allow them to attend and speak on a particular item; the final decision rests with the Chair of the Scrutiny Board.
18. Informal, private meetings of members of Scrutiny Boards may take place, particularly to prepare for the questioning of witnesses (internal or external) in relation to scrutiny investigations.

**Rights of members to ask for matters to be included in the agenda
(s21(8) of the Local Government Act 2000)**

19. Any member of a Scrutiny Board, or any five members of the Council who are not members of a Scrutiny Board, has a right to ensure that any item relevant to the remit of a Scrutiny Board is placed on the agenda and discussed at a meeting of the relevant Board. This right should be used in a constructive way and not to subvert a decision properly taken (for example, to repeat a debate carried out at a previous meeting within the last six months) or as a means for a member to obtain information for which other rights and procedures exist at law and under the Constitution.
20. Any member wishing to have an item relevant to the functions of a Scrutiny Board included on an agenda must give notice of the item to the Head of Member Services and Scrutiny not later than 10 working days before the date of the next scheduled ordinary meeting, if they wish consideration to be given to its inclusion on the agenda for that meeting in accordance with this Protocol. The notice should specify the key issues the member wishes the Board to consider, the Scrutiny function to be undertaken and the object of such scrutiny. The provision for 10 days notice may be waived in exceptional circumstances where an item is so urgent that deferment to the next meeting would prevent its effective consideration and Scrutiny.
21. In determining the next available Scrutiny Board to which the item should be referred for consideration the Head of Member Services and Scrutiny shall consult the Chair of the Scrutiny Management Board or the Chair of the relevant Advisory Board who shall determine the matter having regard to the weight of business, the Board's agreed programme of work and the urgency and importance of the item brought forward by the member. In determining the importance and urgency of the item the Chair shall have regard to the views of the member and to such factors as:
 - whether the item relates to a significant variation to the Council's budget;
 - whether the item involves a significant departure from or change to the Council's Policy Framework;
 - whether the item involves any significant propriety or probity issues;
 - whether, because of the urgent nature of the business, including any deadlines for decisions or action, consideration cannot be deferred to a future meeting;
 - whether the item relates to an Education matter in respect of which Education representatives will be required to attend the meeting.

No item which properly falls for consideration by a Scrutiny Board submitted by a member may be deferred for longer than one scheduled meeting after receipt of the item by the Head of Member Services and Scrutiny.

22. The Chair of the Scrutiny Management Board or the Chair of the relevant Advisory Board shall reject items which are not relevant to the specific functions of Scrutiny as set out in the Constitution. In particular items which seek to debate but not to review or scrutinise the decisions or performance of the Executive, committees or officers in accordance with the Scrutiny function, which supplant the statutory and constitutional management role of the Executive or the substance of which is the obtaining of information rather than performance of a Scrutiny function may be rejected. In the latter case the member will be referred to the appropriate member of the Executive, Corporate Director or Proper Officer. Where items are rejected under this Protocol the Chair shall report the matter to the next meeting of the Scrutiny Board.
23. Members requesting that items be placed on a Scrutiny agenda shall not have a right to request the preparation of detailed reports by officers. The Scrutiny Board concerned shall have the right to request the provision of information or the preparation of reports to enable the item to be properly considered. These provisions do not affect the additional rights of members of Scrutiny Boards to documents set out in the Access to Information Procedure Rules in Part 4 of the Constitution.
24. These provisions shall apply equally to notice seeking the inclusion of items received from five members of the Council who are not members of Scrutiny as they apply to such notice received from a member of a Board.

Interests

25. A member who is involved in the consideration of a matter at a meeting of Scrutiny must regard himself/herself as having a personal and prejudicial interest if that consideration relates to a decision made, or action taken, by another Committee or Sub-Committee or Joint Committee or Joint Sub-Committee of which he/she may also be a member. (In certain circumstances this provision may also extend to working groups and similar bodies). A member with such a personal and prejudicial interest must withdraw from the room where the meeting is being held while the matter is being considered. This paragraph does not apply if the member attends the meeting of Scrutiny for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

Speakers

26. Scrutiny has the power (see paragraph 14 of the Rules) to require the attendance of members and officers. Decisions on who should be invited to attend are normally for Scrutiny Board, but the Chair of the relevant Board, advised by the Corporate Director(s) and the Scrutiny Officer, may put forward proposals for the Board's consideration in order to expedite business at the meeting.
27. Where someone requested to attend is genuinely unable to be at the meeting, then in the case of a Cabinet member, another Cabinet member nominated by the Leader shall attend in his or her place, and in the case of an officer, another officer who is able to speak on the topic under consideration shall attend. The Chair of a Scrutiny

Board may seek the advice of the Council's Monitoring Officer on whether the requirements of Rule 14.3 are met in the event of the member or officer requested giving notice that they are unable to attend.

28. Anyone asked to speak to a Scrutiny Board shall be entitled to see the public papers which have been made available to the Scrutiny Board and, wherever possible, on the same timescale as for a member of that Scrutiny Board.
29. Speakers shall be able to bring such notes and diaries as are helpful to them in assisting the Scrutiny Board, but shall expect to make available any such notes to the Board on the request of the Chair.
30. Papers submitted by speakers shall become public documents once they have presented their evidence and shall be cited as background papers to the Scrutiny Board's published report.
31. When officers appear to answer questions their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may be asked to explain and justify advice they have given to members of the Executive prior to decisions being taken, and they should also be asked to explain and justify decisions they themselves have taken under delegations from the Executive. Officers shall not be required to give personal opinion on any Executive decision taken following advice from officers.
32. In order to provide for the effective discharge of the Board's business, the Chair of a Scrutiny Board may specify a time limit for a contribution, in advance of the commencement of such contribution, which shall not be less than five minutes. If someone making such a contribution exceeds the time limit given the Chair may stop him or her. The Chair may also structure a discussion and limit the time allowed for questioning by members of the Scrutiny Board. Any such proposals from the Chair are subject to the agreement of the Board.
33. Speakers shall be entitled to a copy of any draft minute or other record taken of their contribution for comment. Should they feel that such record is not accurate then they shall be given the opportunity to make a written representation asking for the correction to be submitted to the next meeting of the Scrutiny Board.
34. All speakers will be treated with courtesy and respect, and all questions to witnesses will be made in an orderly manner as directed by the Chair of the meeting.

Co-option

35. Where a Scrutiny Board (other than Children and Young People) proposes to discuss a substantive education matter, as part of a cross-cutting review of services for example, the Monitoring Officer will advise whether it would be appropriate to invite to the meeting the Church and parent governor representatives.

Policy Development and Review

36. Scrutiny boards may make proposals to the Executive or Council on policy developments relating to matters within their terms of reference, not forming part of the Council's Policy and Budget Framework, and may hold inquiries, investigate available options for future direction in policy development, appoint advisers and assessors to assist in the process and report to the Executive or Council. In order to avoid unnecessary duplication of staffing and other resources Scrutiny Boards proposing to undertake such work will first advise the Executive of their proposal and the Executive shall have the opportunity to comment where the proposal will affect issues currently, or prospectively, under consideration by the Executive. The Scrutiny Boards shall consider the comments of the Executive but the decision as to whether or not to proceed with such work shall rest with the Scrutiny Board.

Task and Finish Groups

37. Scrutiny Boards may set up task and finish groups to look into key strategic issues, or exceptionally for more general purposes, with the approval of the Scrutiny Management Board.
38. Standing task and finish groups will be the exception rather than the rule. Task and finish groups will normally be set up by the Scrutiny Management Board to do a specified task or project and will have defined terms of reference and be time limited.
39. A separate publication has been produced "Working on a Task and Finish Group - A Short Guide to Good Practice" to assist members appointed to serve on task and finish groups.
40. Where a Scrutiny Board refers a completed investigation or review to Cabinet, the Chair of the relevant Scrutiny Board (or the Vice-Chair in his or her absence) shall be invited to the Cabinet meeting to present the report and to answer questions. An officer involved in the investigation or review may accompany the Chair to deal with matters of information or detail, but the Chair will present the Board's findings and conclusions and respond to Cabinet Member questions.
41. Where reports fall within rule 12 of the Overview and Scrutiny Procedure Rules, the procedures set out shall apply, but otherwise the Cabinet shall provide a response to the Scrutiny Board within one month from the date on which it considered the referral.

Call-in Protocol

42. The role of Scrutiny Boards in calling-in a decision before it is finalised, is:
- To test the merits of the decision.
 - To consider the process by which the decision has been formulated.

- To make recommendations (to support the decision, change aspects of the decision or to invite the decision making committee or body to re-consider).
 - To suggest further steps before a decision is made (but not to try to carry out those steps in place of the decision making committee or body).
 - To recommend to the decision making committee or body the matter be dealt with at full County Council, or to recommend directly to full County Council if the Committee believe the matter to be contrary to the Budget or Policy Framework.
 - To come to a view in a relatively short time scale, so as not to compromise the speed and efficiency of the decision-making process.
43. The call-in mechanism is an important part of a short decision-making process, and is designed to test the merits of the decision and to ensure that members have an opportunity to recommend change or reconsideration or deferral. The call-in mechanism is not, therefore:
- a judicial or quasi-judicial process, or a public inquiry;
 - an extended examination of areas only remotely connected to the actual decision;
 - an open house for anyone to attend and make representations.
44. The three or more non-executive members requesting the call-in shall submit their request in writing or by e-mail to the Head of Member Services and Scrutiny, and shall give reasons for requesting that the matter be called in to assist the Scrutiny Board in their deliberations. It is not sufficient for the call-in notice simply to state that the members concerned wish to test the merits of a decision. The notice shall specify more precisely which aspect or aspects of the decision the members wish to question or challenge. This is important because it will allow those summoned to the call-in meeting the opportunity to prepare adequately beforehand and to provide further information as necessary to clarify or explain the reasons for the decision. The members will make a joint written request, identifying a Lead Member. For the avoidance of doubt, a call-in request may be submitted by e-mail provided it is clear that the request has the support of three or more members.
45. The Head of Member Services and Scrutiny may rule that a call-in request is not valid only in the limited circumstances below:
- That the call-in request has not been made within five working days of publication (or three days in relation to final decisions on school organisation proposals).
 - That the call-in request has not been made by at least three members.
 - That it is not clear which Executive decision is being called in.

- That the decision is exempt from call-in on account of the urgency provisions.

Notwithstanding that members have properly exercised their right of call-in, the Head of Member Services and Scrutiny, in consultation with the Chair and the lead call-in member, should still give consideration following the call-in and prior to the meeting of the Scrutiny Board to determining the matter prior to, or without the need to hold, a meeting of the Scrutiny Board, e.g. by clarification of the decision or the provision of additional information. The timescale for the convening of a meeting should not be affected by such consideration.

46. Save in the circumstance in paragraph 51 below, a call-in may only be withdrawn with the agreement of the three members submitting the request in the first instance. If any or all of the members are not satisfied with the further clarification or information provided the call-in meeting must proceed.
47. Where the Head of Member Services and Scrutiny advises, however, that for Constitutional or legal reasons the only possible outcome of a call-in can be a referral back, the Chair of the relevant Scrutiny Board (or the Vice-Chair in his or her absence) shall have authority to rule that the call-in meeting shall not be held. The Head of Member Services and Scrutiny shall inform the call-in members and all the members of the relevant Scrutiny Board of the call-in request and the Chair's decision, and shall ensure that the matter which is the subject of the call-in is placed on the agenda for the next meeting of the relevant decision-making body. Notwithstanding the Chair's decision, nothing in this paragraph shall prevent the decision-making body's further decision being called in, and any call-in shall also be subject to the provisions of this Protocol.
48. A decision can only be called in once. If, however, the Executive substantially amends the original proposal in a way which the Scrutiny Board has not considered nor could reasonably have foreseen, to the extent that in reality it is a different decision, the Scrutiny Board has the right to call it in again.

Call-in: Advice to the Chair of the Scrutiny Board before the meeting of the Scrutiny Board to consider a call-in

49. Subject always to the views of the Scrutiny Board at which the matter is to be considered, the Chair of the relevant Board shall undertake preliminary enquiries and/or consultations before the meeting in order to:
 - (1) clarify the matters to be examined by the Board;
 - (2) consider the recorded views of those who have already been consulted or involved before the decision was taken;
 - (3) form an opinion as to what further papers, if any, should be made available to the Board;
 - (4) decide who should be invited to explain the decision.

50. There is an expectation that the Chair of the Scrutiny Board will in most circumstances meet the lead call-in member and the Cabinet Member with appropriate officers before the meeting and come to a view on the matters above. This is to ensure that so far as possible any areas of disagreement are discussed fully beforehand and valuable time is not spent at the meeting itself on matters of process and procedure. Where such prior discussion does not result in agreement between the Chair, the lead call-in member and the Cabinet Member the Chair will propose a course of action to the Scrutiny Board for them to consider and decide the way forward.

Call-in: Arrangements for the Scrutiny Board

51. The representative of the Head of Member Services and Scrutiny will confirm attendance and the arrangements with those invited to attend. Where a decision of the Cabinet or a local committee has been called in, it will be the responsibility of the relevant Cabinet Member or the Chair or Vice-Chair of the Local Committee as appropriate to attend the Scrutiny Board to explain the reasons for the decision. The relevant Corporate Director (or the lead one, if two or more are involved) will be responsible for co-ordinating officers to explain the advice given to the Cabinet or the Local Committee and to provide further background information.
52. Papers will be despatched as soon as possible with notice of the date and time when the matter is to be considered. Member Services will attempt to despatch the detailed decision and supporting papers within one working day after notification from the Head of Member Services and Scrutiny of his decision to call-in the proposal, in order to give members of the Board the maximum amount of time to read the papers. In any event an agenda with a full set of papers will be despatched no less than five working days before the meeting.
53. The agenda should include:
- The proposal and supporting papers submitted to the decision-taker (normally as the first substantive item on the Committee's agenda).
 - A list of background papers to the proposal.
 - The minute of the decision.
 - The request for the call-in.
 - The reasons given by the requestors for the call-in.
 - Any other papers that the members requesting the call-in identify. Background papers listed in the report to the decision-taker will not routinely be included in the agenda unless those members, or the Chair, so request.

- ❑ The issues indicated to the decision making committee or body to be considered, unless those have not been decided by the time the agenda is despatched, in which case a supplementary note will be sent out as soon as possible and will be read out at the beginning of the meeting. (N.B. The Board will not be restricted to this list of issues, but care will need to be taken at the meeting in allowing other matters to be raised, if there is a likelihood that further work will be needed).
 - ❑ An indication as to whether further papers are likely (e.g. from the Cabinet member or third party), although the presumption should be that all the relevant information was included in the Forward Plan and at the time the proposal was considered, that consultation procedures had been properly carried out and that third party views were properly summarised in the papers submitted to the Cabinet.
 - ❑ The persons to be invited to attend to answer questions on the issues before the Board and the order in which they will appear.
54. If, in exceptional circumstances, late papers become available after the normal agenda despatch date, they must be made available to all members of the Board as far in advance of the meeting as possible. Where papers become available on the day of the meeting, the Board will decide whether to accept them and, if they do accept them, whether to adjourn to read them.
55. Any other issues concerning the conduct of the meeting arising between the date of the call-in and the date of the Scrutiny Board will be dealt with by the Chair of the relevant Board in consultation with the Lead Member requesting the call-in, with any necessary officer advice/support.

Call-in: The Meeting

56. The Chair or members of the Board may feel that it is appropriate to meet informally before the meeting. In those circumstances the Chair will ask the Head of Member Services and Scrutiny to notify all members of the Board that there will be an informal meeting at least thirty minutes before the meeting. With the Scrutiny Officer and the representatives of the Heads of Legal and Member Services and Scrutiny present, members will:
- read any last minute papers;
 - consider the identified and any other relevant issues;
 - consider how sensitive issues should be managed, and how any issues not originally identified, might be handled;
 - receive a report from the Chair on any issues concerning the conduct of the meeting on which he/she has taken a view;
 - consider the questions to be asked of witnesses.

The purpose of the pre-meeting is purely to discuss and arrange procedural matters, not to discuss the merits of the issue.

57. The Board meeting should start promptly at the publicised time.
58. The chair shall allow the three call-in members a maximum period of 15 minutes in total to present their arguments. How the 15 minutes is allocated between the three members is a matter for the lead call-in member to determine. He/she may speak for the whole period recognising that the other call-in members will not then have the opportunity to make any contribution at this stage of the meeting.
59. The presumption should be that the meeting and all papers submitted to the Board should be open to the press and public. It may be necessary however to exclude the press and public to deal with “exempt” or confidential matters. This may be important not only on the day, to stop the disclosure to the press and public of exempt material (such as advice affecting the County Council’s legal position, the commercial affairs of another body, or sensitive information about individual members of staff) but also to stop subsequent access to files on such matters. The time spent in private session should be kept to a minimum. Similarly exempt material in reports should be organised if possible into an appendix, so that the rest of the report can be available to the press and public.
60. Even though the press and public may have to be excluded, however, it does not necessarily follow that all those invited to attend would also have to be excluded. The presumption should be that they should all be allowed to remain, to ensure the transparency of the process carried out in confidential session. Exceptionally it may be necessary to invite parties to advise the Scrutiny Board one at a time, without the presence of others who have also been invited, if that is the only way in which the confidentiality of the material can be properly protected. That will usually mean officers who have advised the decision-making committee or body on this issue remaining to answer questions from the Scrutiny Board on that advice, in the absence of other parties. It will be important however:
 - (i) for this to be carefully explained to others, preferably in public before the resolution to exclude the press and public is passed;
 - (ii) to limit the scope of that advice strictly to the confidential material, and not to allow it to range into advice on the general merits of the issue when others could properly have been allowed to be present.
61. Normally, the Board should be able to articulate its view in public, with the assistance of the representative of the Head of Member Services and Scrutiny who is clerking the meeting. Exceptionally, however, members may wish an opportunity to pause to review papers and what they have heard. It will be quite proper in those circumstances to adjourn. It will be important to explain carefully the reasons for the adjournment in public and that no one will be given an unfair advantage. If during that time members of a Board wish to reconsider or clarify any point, then (subject to

the points above on Part II material) the Board should reconvene in public or (if in Part II) with everyone present who has been invited to attend.

62. During an adjournment the Board may wish to have assistance in articulating their view for announcement in public. If so, they should invite the representatives of the Heads of Legal and Member Services and Scrutiny to assist in that process.

Call-in: The Scrutiny Board's View, Recommendations to the Cabinet, a Cabinet Member or to County Council

63. It will be important for the Scrutiny Board to balance the need on the one hand for decisions not to be unreasonably delayed and, on the other, for matters called-in to be properly discussed and debated. Normally consideration of a call-in will be dealt with at a single meeting but, exceptionally, there may be circumstances where this is not possible. If the Board agrees that further investigation or information is required, the Cabinet or Cabinet Member may agree to extend the time in which a final view may be expressed if, in their opinion, delay would not be prejudicial to the County Council's interests.
64. Where a Scrutiny Board refers a matter back to Cabinet for further consideration, and the Cabinet reaffirms its original decision, the Cabinet shall give reasons to the Scrutiny Board for its decision. The giving of reasons shall not be a ground for the Scrutiny Board to refer the matter back to Cabinet again, either because the Board disagrees with those reasons, seeks further clarification of the decision, or for any other reason.

Review of Protocol

65. This Protocol shall be kept under review and amended as appropriate from time to time by the Scrutiny Management Board, subject to the agreement of the Cabinet on any matters affecting the Executive.