

SCRUTINY COMMITTEE
Tuesday 14 July 2020 at 7.30 pm
Zoom - Online

This meeting is a virtual meeting which is being hosted on Zoom. Councillors and registered public participants will be sent access details nearer the date of the meeting.

Members of the public who wish to watch the meeting can do so via a livestream which will appear on the Council's YouTube page
<https://www.youtube.com/user/HarlowCouncil>

1. Apologies for Absence and Substitutions

2. Declarations of Interest

To receive Councillors' declarations of interest (if any) in relation to any matters on the agenda.

3. Minutes (Pages 2 - 4)

To approve the minutes of the meeting held on 18 February 2019.

4. Matters arising

5. Written questions from members of the public

To receive any questions from members of the public in accordance with Council Procedure Rule 10.

6. Written questions from Councillors

To receive any questions from Councillors in accordance with Council Procedure Rule 11.

7. Responses of the Cabinet to Reports of the Scrutiny Committee

To consider responses (if any) of the Cabinet to reports and recommendations from the Committee.

8. Review of Overview and Scrutiny - Final Report (Pages 5 - 29)

9. References from Other Committees

10. Matters of Urgent Business

Such other business which, in the opinion of the Chair, should be received as a matter of urgency by reason of special circumstances to be specified in the minutes.

**MINUTES OF THE SCRUTINY COMMITTEE
HELD ON**

18 February 2020

7.30 - 9.00 pm

PRESENT

Committee Members

Councillor Tony Edwards (Chair)
Councillor David Carter (Vice-Chair)
Councillor Simon Carter
Councillor Joel Charles
Councillor Bob Davis
Councillor Maggie Hulcoop
Councillor Shannon Jezzard
Councillor Shona Johnson
Councillor Emma Toal
Councillor Chris Vince

Also Present

Councillor Eugenie Harvey

Officers

Simon Freeman, Head of Finance and Deputy to the Chief Executive
Jane Greer, Head of Community Wellbeing
Christine Howard, Youth and Citizenship Manager
Adam Rees, Governance Support Officer

35. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

None.

36. **DECLARATIONS OF INTEREST**

None.

37. **MINUTES**

RESOLVED that the minutes of the meeting held on 15 October 2019 are agreed as a correct record and signed by the Chair.

38. **MATTERS ARISING**

None.

39. **WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

None.

40. **WRITTEN QUESTIONS FROM COUNCILLORS**

None.

41. **RESPONSES OF THE CABINET TO REPORTS OF THE SCRUTINY COMMITTEE**

RESOLVED that the following response was noted.

- a) Response of the Cabinet to the Review of Overview and Scrutiny - Initial Report

42. **REVIEW OF PADDLING POOLS - FINAL REPORT**

The Committee received a final report on the review of paddling pools. It was recommended that health and safety issues across the sites were addressed, opportunities to improve toilet and changing facilities were explored and that a pilot scheme at Staple Tye to introduce toilet and changing facilities, along with a splash park facility alongside the paddling pool was approved.

The Committee agreed that health and safety works should be prioritised. Councillor Charles requested that a timeline for the works was provided, along with a detailed breakdown of costs. It was agreed that these would be provided.

RESOLVED that it was recommended to Cabinet that:

- A** Health and safety issues including staff access to the pump rooms at Norman Booth and Town Park be addressed.
- B** Perimeter railings at Town Park paddling pool to prevent water contamination mainly from domestic and wild animals, particularly at times when the pool is 'closed' and therefore unsupervised would be installed.
- C** On a site-by-site basis, opportunities for the provision of either mobile toilet/changing facilities sited for the duration of the school summer holidays or the provision of permanent toilet/changing facilities where possible would be considered.
- D** Internal railings to separate play park equipment from water play at Sumners, Norman Booth and Staple Tye would be installed.
- E** A pilot scheme at Staple Tye to introduce toilet and changing facilities, with a new splash park alongside the paddling pool was approved.
- F** Detailed timelines and costings in respect of each of the proposals would be provided.

43. **REVIEW OF ADULT SOCIAL CARE IN HARLOW - AGREEMENT OF QUESTIONS**

It was agreed this would be considered in the next council year, following the implementation of new work planning procedures due to be considered at the next Committee meeting on 17 March 2020.

44. **WORK PLAN**

The Committee received a report summarising its work plan for 2019/20. It was agreed that a note on the review of Permitted Development would be circulated to Committee members. This would be in place of the report due to be considered at the meeting on 17 March 2020.

RESOLVED that the work plan be noted.

45. **REFERENCES FROM OTHER COMMITTEES**

None.

46. **MATTERS OF URGENT BUSINESS**

None.

CHAIR OF THE COMMITTEE

REPORT TO: SCRUTINY COMMITTEE

DATE: 14 JULY 2020

TITLE: REVIEW OF OVERVIEW AND SCRUTINY – FINAL REPORT

LEAD OFFICER: SIMON HILL, HEAD OF GOVERNANCE
(01279) 446099

CONTRIBUTING OFFICER: ADAM REES, GOVERNANCE SUPPORT OFFICER
(01279) 446057

RECOMMENDED that the Committee:

- A** Recommends to Full Council that the Cabinet-Scrutiny Protocol (attached as Appendix A to the report), the revised Scrutiny Procedure Rules (attached as Appendix B to the report) and the revised Scrutiny Committee Terms of Reference (attached as Appendix C to the report) are adopted.
- B** Recommends to Cabinet that the Cabinet Overview Working Group is renamed the Cabinet Policy Development Group and the terms of reference are amended as set out in Appendix D to the report.
- C** Approves the Scrutiny Committee Review Submission Form (attached as Appendix E to the report).
- D** Agrees that training is procured to take place as soon as possible.

BACKGROUND

1. Under the Cabinet system the Council is required to establish a Scrutiny Committee. Its Terms of Reference are set out in Article 7, and its rules in Part 4 of the Constitution. The Committee can report on the discharge of any functions of the Council or Cabinet or any matter affecting the Council's area or inhabitants. Part of this Committee's function is also to enable decisions of the Cabinet to be called in. The Council's Scrutiny Committee has a Call In Sub Committee which fulfils this purpose.
2. The Ministry of Housing, Communities & Local Government (MHCLG) has published new statutory guidance on Overview and Scrutiny in Local and Combined Authorities (May 2019). This is statutory guidance of which the authority 'must have regard' to in exercising the functions.
3. In light of this guidance, on 15 October 2019, the Committee agreed to conduct a review of the Council's overview and scrutiny functions and established a Working Party for this purpose. The Working Party was given an end date of 31

March 2020 in order to allow any changes to take effect for the 2020/21 council year.

4. The Working Party has met on two occasions. The first meeting on 8 January 2020 looked at areas where the Council's scrutiny functions were strong and areas where the functions could be strengthened in order to meet the guidance. It also explored a number of potential solutions which would be developed in time for the second meeting.
5. The second meeting took place on 6 February 2020. This meeting agreed to recommend the proposals which are set out in the recommendations and detailed later in this report.

ISSUES/PROPOSALS

6. It was agreed that proposals would be framed in the context of the four goals set out in paragraph two of the guidance. These are:
 - a) Provide constructive 'critical friend' challenge;
 - b) Amplify the voices and concerns of the public;
 - c) Be led by independent people who take responsibility for their role; and
 - d) Drive improvement in public services.

Provide constructive 'critical friend' challenge

7. One of the key roles of a scrutiny committee is to act as a critical friend to the Cabinet and external organisations. The Committee should be able to hold these groups to account, but should also be constructive and approachable.
8. The Council has a Call In Sub Committee which deals with executive decisions through a 'call in procedure.' This procedure is set out within the Constitution and provides an opportunity to hold the Cabinet to account. However, call in is only designed to be used when decisions have not been made in accordance with the principles of the Constitution and it does not allow for constructive input before a decision is made. Call in, therefore, provides an important but infrequent method of engaging with the Cabinet.
9. The Working Party suggested there was a need have procedure in place which enables the Committee to provide constructive 'critical friend' challenge to the Cabinet on a more frequent basis, which also provides an opportunity for input prior to a decision being made.
10. It is therefore proposed to create a process for pre-decision scrutiny of Cabinet matters. This would involve the Committee identifying upcoming decisions on the Cabinet's Forward Plan and aims within the Council's Corporate Plan which

the Committee can then conduct pre-decision scrutiny of. The process is set out in the Cabinet-Scrutiny Protocol, which is attached as Appendix A to the report.

11. The Protocol also sets out the expectations that the Committee and Cabinet should have of each other and creates a formal relationship between the two.
12. Acting as a critical friend extends to the Committee's relationship with external organisations. The Committee invited a number of organisations to attend its meetings over the past few years. The Working Party agreed that these have been effective and informative. It did however note the Committee's desire to have a greater level of preparation, particularly regarding the agreement of questions and aims. Paragraph 6 of the Protocol addresses these concerns.

Amplify the voices and concerns of the public

13. One of the main roles of a Councillor is to act as an advocate for the people they represent. The Committee has a wide remit and can look at most issues that affect the local area. This places it in a strong position to voice the concerns of the public.
14. The Committee, and Councillors as a whole, have a strong understanding of issues affecting the town. This, combined with the Committee's remit, provides a powerful platform for the Committee to drive improvement.
15. The Working Party considered ways in which the Committee could strengthen its processes to drive improvements effectively and efficiently. Whilst the Committee works effectively as a group and shares a large number of common aims, these need to be more focussed so the Committee looks to conduct scrutiny on the basis of one set of goals for each review.

Be led by independent people who take responsibility for their role

16. The Committee's independence is crucial in helping to demonstrate its value to the Council, other organisations and the town as a whole. The Committee has a good awareness of this and the Committee members work together well. It is important that this independent working culture continues. There is a risk that new Committee members, particularly if they are new Councillors, will not be aware of this need for independence. The Working Party recommended that training is organised for Councillors. This training would have a strong focus on the role of the Committee to ensure that its independent mind set continues.
17. Overview and scrutiny needs to ensure that it is not directed by Cabinet. The Scrutiny Committee achieves this and has the power to set its own work plan. Cabinet has established a Cabinet Overview Working Group (COWG) which is primarily focussed on developing policy for the Cabinet. It provides a means for opposition and backbench Councillors to have input into policy which is developed according to the Council's corporate priorities. The Working Party agreed that this needed protecting. The COWG is not independent from Cabinet, as the Cabinet decides its work plan. Whilst the COWG rarely conducts overview and scrutiny of the Cabinet, better defining what the Working Group

actually does and detangling it from overview and scrutiny is seen as beneficial. It is therefore proposed to change its name to the Cabinet Policy Development Working Group.

Drive improvement in public services

18. The most fundamental aspect of the Council's role is to provide and improve public services. Councillors are at the core of this and the Committee provides a powerful opportunity to drive improvement, not just of the Council's own work but also of other organisations.
19. The Committee has limited resources, mainly surrounding its own time and that of Officers conducting reviews. These limit the Committee's ability to review all the matters it would like to and can place limits on the depth and breadth of the reviews it carries out. Careful prioritisation of reviews will help the Committee in producing a work plan that leads to positive outcomes which can improve Harlow.
20. Prioritisation can be complex as there are a wide range of factors to consider including: how urgent the issue is; the amount of work involved; which areas the review will scrutinise; and whether a positive outcome is likely.
21. The Committee needs to retain its flexibility when setting its work plan, whilst recognising the time resource constraints it faces.
22. The majority of the Committee's review topics for any given year are determined at its first meeting of the Council year, with new topics being added throughout the year. Topics can be raised without prior notice being given. This process is highly flexible, but can cause issues with planning items into the work plan.
23. The Cabinet-Scrutiny Protocol sets out a proposed process for setting the Committee's work plan. This retains the flexibility for Councillors to submit items throughout the year, and provides an opportunity for more open conversations about the scope of reviews and the time needed to carry them out.
24. The Committee retains the flexibility to determine the form of its review submission form. In the first instance it is recommended that the form attached as Appendix E to this report is used. This form largely mirrors the current scoping report. This enables Councillors to more fully capture the nature of the reviews they want to undertake, whilst giving the Committee the opportunity to discuss and amend the scope of a review to accommodate its other priorities.
25. The need to deliver outcomes is central to the Committee's work. Councillors want to deliver change and often succeed, but the processes surrounding the Committee can be strengthened to make outcomes a more central component within its reviews. The Protocol has a running theme of S.M.A.R.T (specific, measurable, achievable, realistic, and time-related) objectives and recommendations. This will assist the Committee in framing its work for a particular purpose and, following the conclusion of a review, whether the review

met its initial aims. The Committee can then evaluate its own effectiveness, looking at where it succeeded and where it could improve.

Summary

26. The Committee has a strong foundation in place which helps enable it to conduct effective scrutiny. There are, however, some areas where the Council does not meet the Government's guidance and the Council can look to strengthen other processes to make scrutiny as effective as possible.
27. The Cabinet-Scrutiny Protocol addresses the need for the Committee to act as a 'critical friend' to Cabinet. Additionally, it sets out a procedure for work planning which promotes open conversations about the Committee's priorities whilst retaining the flexibility necessary for the Committee to respond to emerging needs.
28. The Protocol also introduces processes which reinforce the desire of Councillors to achieve the best outcomes for Harlow and provide an opportunity for self-reflection.
29. There is a need to amend the Scrutiny Procedure Rules (attached as Appendix B to the report), the Scrutiny Committee Terms of Reference (attached as Appendix C to the report) and the Cabinet Overview Working Group Terms of Reference (attached as Appendix D to the report).
30. Finally, training will be procured to ensure that the independent mind set of the Committee continues whilst enhancing its existing skills.

IMPLICATIONS

Environment and Planning (Includes Sustainability)

None specific.

Author: Andrew Bramidge, Head of Environment and Planning

Finance (Includes ICT, and Property and Facilities)

None specific.

Author: Simon Freeman, Head of Finance and Deputy to the Chief Executive

Housing

As outlined in the report.

Author: Andrew Murray, Head of Housing

Community Wellbeing (Includes Equalities and Social Inclusion)

None specific.

Author: Jane Greer, Head of Community Wellbeing

Governance (Includes HR)

As contained within the report.

Author: Simon Hill, Head of Governance

Appendices

Appendix A – Cabinet-Scrutiny Protocol

Appendix B – Scrutiny Procedure Rules

Appendix C – Scrutiny Committee Terms of Reference

Appendix D – Cabinet Overview/Policy Development Working Group Terms of Reference

Appendix E – Scrutiny Committee Review Submission Form

Background Papers

Ministry of Housing, Communities & Local Government – ‘Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800048/Statutory_Guidance_on_Overview_and_Scrutiny_in_Local_and_Combined_Authorities.pdf

Glossary of terms/abbreviations used

COWG – Cabinet Overview Working Group

MHCLG – Ministry of Housing, Communities & Local Government

Cabinet – Scrutiny Protocol

1 Introduction

- 1.1. This protocol sets out the relationship between the Council's Cabinet and its Scrutiny Committee. This includes the processes that both bodies follow, where they will interact with each other, and how they expect the other to conduct itself. The Protocol is in addition to requirements set out in the Council's Code of Conduct and the Officer/Councillor Protocol.
- 1.2. The Monitoring Officer will be responsible for overseeing compliance with this Protocol.

2 Aims

- 2.1. To create a framework which enables effective scrutiny.
- 2.2. To empower the Committee's members, Portfolio Holders and Officers by setting out their roles, powers and responsibilities in relation to scrutiny.
- 2.3. To promote mutual respect between all three groups to ensure openness which will enable the Committee to work effectively.
- 2.4. To enable the Committee to act as a 'critical friend' to the Cabinet which provides constructive, non-partisan scrutiny of upcoming Cabinet decisions and corporate objectives.
- 2.5. To enable the Committee to effectively scrutinise third parties and to engage with relevant stakeholders.
- 2.6. To help align the Committee's work with the Council's Corporate Priorities.

3 Meeting Conduct

- 3.1. All Councillors will abide by the requirements set out in the Council's Code of Conduct and look to promote an atmosphere of openness and mutual respect.
- 3.2. Committee members should look to ask searching questions and offer constructive comments to help fulfil the Committee's role of being a 'critical friend.' In most cases, an initial set of questions will be sent to the Cabinet member.

- 3.3. Cabinet members will prepare answers for the questions sent to them in advance of the meeting. They will also look to anticipate further questions and will prepare for these appropriately. They will recognise the value of the Committee and will look to answer all questions as fully as possible.
- 3.4. Both the Committee and Cabinet members will respect the requirement for Cabinet members to avoid scrutinising their own decisions.
- 3.5. The Chair will always look to ensure that all attendees at the meeting are treated fairly and courteously.
- 3.6. The Chair, with the advice of Officers, will ensure that meetings are run in accordance with any requirements set out in the Constitution, and in line with any procedure agreed by the Committee.

4 The Scrutiny Committee Work Plan

4.1. Before the First Meeting of the Council Year

- a) Committee Members will submit any suggestions for items 28 days before the first meeting using the Review Submission Form. All the forms will be circulated to the Committee members the following day. If non-Committee members wish to submit items they should ensure they have the support of at least one Committee member.
- b) The review topics will be considered at the next SMB meeting, who will put together a draft Work Plan. This will be based on the review criteria set out in the review submission forms.
- c) Where SMB feel reviews can be improved by tightening the scope, or altering the format of the review it will discuss these with the Chair. This will be explained to the Committee. A Work Plan will also be developed in the context of these suggested alterations.
- d) Fourteen days before the meeting, Officers will meet with the Chair and Vice Chair to discuss the Work Plan. Any further changes to the proposed Work Plan will be made prior to the agenda's publication.

4.2. At the First Meeting of the Year

- a) Steps a-c of the Pre-Scrutiny of Cabinet Matters procedure (point 5.1 of this Protocol) will be followed.

- b) The Committee will agree its priorities for reviews carried out during the council year.
- c) The Committee will consider its Work Plan for the council year, with reference to the information obtained as part of point 4.1 above and in light of its priorities.

4.3. Additions/Changes to the Work Plan

- a) Committee Members can submit additional items throughout the year. If non-Committee members wish to submit items they should ensure they have the support of at least one Committee member. New items will be submitted to Corporate and Governance Support prior to the publication of the agenda. The relevant Head of Service will be consulted on the timescale of the review and possible changes to its scope. This information will be reported to the Committee who will then consider whether the review will be progressed further.
- b) The Committee will consider its Work Plan at each meeting.

5 Participation of Portfolio Holders and the Leader

5.1. Pre-Decision Scrutiny of Cabinet Matters

- a) At the first meeting of the Council year the Leader will give an overview of the reports which will be considered by Cabinet over the year. They will set out the Cabinet's priorities. This will be accompanied by the Cabinet Forward Plan and the Council's Corporate Plan.
- b) The Committee will consider which reports it would like to have pre-decision scrutiny of. These will be programmed into the Committee's work plan. The Committee will consider whether the matter will be considered at other meetings of the Council (such as the Audit and Standards Committee, or Housing Standards Board) and whether the Committee feels it can add value through pre-decision scrutiny.
- c) The Committee will develop lines of inquiry in respect of each identified item and establish S.M.A.R.T (specific, measurable, achievable, relevant and timely) objectives.
- d) The relevant Portfolio Holder and Head of Service will be made aware that the item will be subject to pre-decision scrutiny and the lines of inquiry.

- e) A report to the Committee will be prepared by Officers, in consultation with the relevant Cabinet member. This report will provide an update on progress of the item, address the lines of inquiry and, if appropriate, suggest other areas the Committee may wish to question.
- f) The Portfolio Holder will attend the meeting to present the report and answer questions from the Committee. The Head of Service will primarily answer technical questions.
- g) The Committee will consider areas that the Cabinet report will need to address and where the piece of work can be strengthened. These points will be addressed as part of the Cabinet report. It is expected that these will have arisen from the initially agreed lines of inquiry. Where the Committee's recommendations deviate from its initial lines of enquiry, it will monitor this as part of its outcome monitoring process.
- h) Cabinet will consider the report and the outcome will be referred back to the Committee for information. This will form part of an outcome monitoring report which will become a standard item on the Committee agenda.
- i) Following the first meeting of the Committee, Committee members can submit a request to pre-scrutinise a report. The request will be considered at the next meeting. Steps b-h above will then be followed.

5.2. Call In Sub Committee

- a) As set out in the Scrutiny Procedure Rules it is the duty of the Leader or relevant Portfolio Holder to attend a meeting of the Call In Sub Committee.
- b) The role of the Cabinet member will be to answer questions of fact. They should be mindful not to involve themselves in the debate and the Committee should not encourage them to do so. The Scrutiny Procedure Rules set out a requirement for Councillors to not be involved in scrutinising a decision they have been involved in and this must be respected.

5.3. Scrutiny Committee Reviews

- a) The Committee will consider the need for the relevant Cabinet member to attend. The Committee will provide sufficient notice and will provide a set of initial questions.
- b) Cabinet members will prepare answers for the questions sent to them in advance of the meeting. They will also look to anticipate further questions and will prepare for these appropriately. They will recognise the value of the Committee and will look to answer all questions as fully as possible.
- c) Where a Cabinet member has been invited to attend, it is expected that Officers will only answer technical questions.

5.4. Non attendance of Cabinet members

- a) The Committee will provide sufficient notice (as set out in the Scrutiny Procedure Rules) to Cabinet members so that they can attend.
- b) Except for attendance at the Call In sub Committee (where paragraph 13 of the Scrutiny Procedure Rules will apply) in instances where the relevant Portfolio Holder cannot attend, the Leader will attend. Where neither can attend the relevant Head of Service will attend.

6 Participation of Other Organisations

6.1. The Meeting before

- a) The Committee will agree its goals for the meeting. These will align with the S.M.A.R.T objectives agreed as part of the scoping process.
- b) Based upon these goals, the Committee will agree a list of initial questions.
- c) The Committee will agree on a format for the item to be considered at the next meeting. They may also consider whether the relevant Cabinet member will be invited to attend.

6.2. Before the meeting

- a) The Committee will provide organisations with advance notice of its initial questions.

6.3. At the meeting

- a) The meeting will follow the format agreed as part of paragraph 6.1(c) above.
- b) The Committee may ask follow up questions. These will be linked to the aims of the meeting.
- c) The Committee will consider whether it has achieved its goals for the meeting and will decide on a course of action, including the setting of S.M.A.R.T recommendations if appropriate.

7 Recommendations

7.1. As set out in the Constitution any referrals to the Cabinet will be considered at its next meeting.

7.2. Cabinet's decision will be noted at the next meeting of the Scrutiny Committee. Where the Cabinet has not accepted the recommendation of the Committee, the Leader or relevant Portfolio Holder/s will provide a written explanation to the Committee setting out why Cabinet has not accepted the recommendations.

8 Outcome Monitoring

8.1. Final recommendations will be S.M.A.R.T so they can be effectively tracked and monitored. The Committee will consider how closely the recommendations align with the S.M.A.R.T objectives set as part of the scoping of the review.

8.2. The Committee will track reviews and choose an appropriate time to explore whether the S.M.A.R.T objectives and recommendations have been met.

Scrutiny Procedure Rules

1 Scrutiny

1.1. The Council will establish bodies which will perform scrutiny functions on behalf of the Council in exercise of the terms of reference set out in Article 7. ~~It will consist of as such number of Councillors as the Council shall determine~~ Full Council will decide the number of Councillors on each body. Currently this comprises:

- a) A Scrutiny Committee
- b) A Call In Sub Committee of the Scrutiny Committee

~~1.2. The Scrutiny Committee is primarily concerned with matters relating to the external scrutiny of activities that affect the local community.~~

~~1.3.1.2.~~ The Call In Sub Committee is the forum for considering decisions of the Cabinet, Committees and Officers that are called -in.

2 Membership of the Scrutiny Committee

2.1. Scrutiny Committee

- a) All Councillors, except the Leader and Cabinet Members, may be members of the Scrutiny Committee. However, no Councillor may be involved in scrutinising a decision in which he/she/they has/ve been directly involved.

2.2. Call In Sub Committee

- a) Membership of the Call - In Sub - Committee will comprise of members of the Scrutiny Committee. The Chair ~~shall~~ will be the Vice Chair of the Scrutiny Committee.

3 Co-optees

3.1. The Scrutiny Committee may appoint non-voting co-optees to serve.

4 Meetings of the Scrutiny Committee

4.1. There ~~will~~ shall be at least six ~~(6)~~ ordinary meetings of the Scrutiny Committee in each year. In addition, extraordinary meetings may be called ~~from time to time as and when appropriate~~ when needed. A Scrutiny Committee meeting may be called by the Chair of the Committee, by any five (5) members of the Committee or by the Proper Officer if he/she/they considers it necessary ~~or appropriate~~.

5 Quorum

- 5.1. The quorum for meetings ~~shall~~will be as set out for Committees in the Council Procedure Rules in Part 4 of the Constitution.

6 Who Chairs Scrutiny Committee Meetings?

- 6.1. The Chair and Vice Chair of the Scrutiny Committee will be drawn from among the Councillors sitting on the Scrutiny Committee and appointed by Full Council. ~~The Vice Chair of the Scrutiny Committee will be the Chair of the Call-In Sub-Committee.~~

7 Scrutiny Committee Work Plan

- 7.1. The Scrutiny Committee will be responsible for setting its own work programme.

8 Agenda Items

- 8.1. Any member of the Scrutiny Committee ~~shall~~will be entitled to give notice to the Chief Executive that ~~he/she/they~~ wishes for an item to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda. The Scrutiny Committee will determine the form of the notice request.
- 8.2. The Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of activity. ~~Where they do so, t~~The Scrutiny Committee shall report its findings and any recommendations back to the Cabinet ~~and/or~~ Council. The Council ~~and/or~~ the Cabinet ~~shall~~will consider the report of the Scrutiny Committee ~~within one month of receiving it at~~ their next ordinary meeting.

~~9 Policy Review and Development~~

- ~~9.1. The role of Overview Working Groups will be to assist the Cabinet in policy development. The Scrutiny Committee may, through its recommendations, also be involved in developing policy that is focussed on improving outcomes for local people and communities.~~

~~10~~9 Reports from the Scrutiny Committee

- ~~10.1.~~9.1. Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Chief Executive to arrange for it to be considered by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or ~~to the~~ Full Council as appropriate (e.g. if the

recommendation would require a departure from or a change to the agreed budget and policy framework).

10.2.9.2. If the Scrutiny Committee cannot agree on a single final report to the Cabinet, then up to one minority report may be prepared and submitted for consideration by the Cabinet with the majority report.

10.3.9.3. The Cabinet ~~shall~~ will consider the report of the Scrutiny Committee ~~within one month of it being submitted to the Managing Director at its next ordinary meeting.~~

4110 Making Sure that Scrutiny Reports are Considered by the Cabinet

11.1.10.1. ~~Where necessary t~~The agenda for Cabinet meetings ~~shall~~ will include an item entitled "~~Communications from Committees/Working Groups/Parties and Panels~~Issues arising from Scrutiny". The reports of the Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been previously considered ~~in the context of the Cabinet's deliberations~~ on a substantive item on the agenda). ~~within the previous two meetings of the Scrutiny Committee completing its report/recommendations.~~

4211 Rights of Scrutiny Councillors to Documents

12.1.11.1. In addition to their rights as Councillors, members of the Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.

~~12.2. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee as appropriate depending on the particular matter under consideration.~~

4312 Councillors and Officers Giving Account to the Call In Sub Committee

13.1.12.1. The Call In Sub Committee ~~may~~ scrutinises and reviews decisions ~~made following Call In which have called in through the Council's call in procedures, or actions taken in connection with the discharge of any Council function.~~ As well as reviewing documentation ~~in fulfilling the scrutiny role,~~ it may require any member of the Cabinet, the Chief Executive ~~and/~~ or any senior Officer 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
- c) their performance

13.2.12.2. It is the duty of those persons to attend if so required.

~~13.3.12.3.~~ _____ Where any Councillor or Officer is required to attend the Call -In Sub -Committee under this provision, the Chair will inform the Chief Executive. The Chief Executive ~~shall~~ will inform the Councillor or Officer in writing giving at least five ~~(5)~~ clear working days' notice of the meeting at which ~~he/she is/they are~~ required to attend. The notice will state the nature of the item on which ~~he/she is/they are~~ required to ~~attend to~~ give account and whether any papers are required to be produced for the Sub -Committee. Where the account to be given ~~to the Sub -Committee will require the production of a report~~ needs a report, the Councillor or Officer concerned will be given sufficient notice to allow them to prepare the document. ~~for preparation of that documentation.~~

~~13.4.12.4.~~ _____ Where, in exceptional circumstances, the Councillor or Officer is unable to ~~attend~~ on the required date, ~~then~~ the Call -In Sub -Committee shall, in consultation with the Councillor or Officer, arrange an alternative date. The re-arranged date will be for attendance to take place within a ~~maximum of~~ 28 days from the date of the original request.

1413 Attendance by Others at Call In Sub Committee

~~14.1.13.1.~~ _____ Individuals, ~~and~~ representatives or organisations may be invited other than those referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. ~~It may for example wish to hear from residents, stakeholders and Councillors and Officers in other parts of the public sector and shall invite such people to attend.~~

~~14.2.13.2.~~ _____ Attendance is ~~entirely~~ optional but desirable.

1514 Call In

~~15.1.14.1.~~ _____ Call -in should only be used in exceptional circumstances. These are where members of the Call -In Sub -Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 12 of the Constitution.

~~15.2.14.2.~~ _____ When a decision is made by the Cabinet, Leader or Portfolio Holder or under joint arrangements, the decision shall be published electronically and, including where possible by electronic means, and shall be available at the main offices of the Council normally within five ~~(5)~~ working days of being made.

~~15.3.14.3.~~ _____ ~~That~~ The decision notice will ~~bear~~ have the date ~~on which it is was~~ published and will specify that the decision will come into force and may then be implemented, ~~on the expiry of five (5)~~ clear working days after the publication of the decision unless it is subject to call-in for consideration by the Call -In Sub -Committee.

~~15.4.14.4.~~ _____ During the period stated above any two ~~(2)~~ Members of the Call -In Sub -Committee may give written notice to the Chief Executive,

identifying the decision to be called-in, supported by reasons. ~~Such~~ This notice ~~must be to be~~ received before 5:00 pm on the fifth day, (4:30 pm if it is a Friday). The Proper Officer shall then notify the decision-taker of the call-in request and ~~shall will~~ call a meeting of the Sub-Committee on such date as ~~he/shethey~~ may determine in consultation with the Chair ~~(or Vice-Chair)~~ of the Sub-Committee ~~(in the case of absence, the Vice-Chair)~~, and in any case within ten (10) working days of the receipt of the call-in request.

~~15.5-14.5.~~ 14.5. No further action may be taken to implement the decision until the call-in process has been completed.

~~15.6-14.6.~~ 14.6. The decision-making body or person may amend the draft minute of the decision or action called-in in consultation with relevant Officers if in their opinion it is inaccurate.

~~15.7-14.7.~~ 14.7. If ~~following an objection to the decision, a decision has been called in and~~ the ~~Call-In~~ Sub-Committee does not meet in the period set out above ~~the decision will take effect following that period, or if the Sub Committee~~ does meet ~~during that period~~ but does not refer the matter back to the decision-making person or body, the decision ~~shall will~~ take effect on the date of the ~~Call-In~~ Sub-Committee meeting, ~~or the expiry of the period specified for calling the meeting, whichever is the earlier.~~

~~15.8-14.8.~~ 14.8. If, having considered the decision, the ~~Call-In~~ Sub-Committee is still concerned about it, it may refer it back to the decision-making person or body for reconsideration. ~~The Call In Sub Committee will,~~ setting out in writing the nature of its concerns or refer the matter to the Scrutiny Committee. If referred to the decision-maker they ~~shall then reconsider~~ will reconsider it within a further ten ~~(10)~~ clear working days ~~and make a final decision on the route of action they propose n., amending the decision or not, before adopting a final decision.~~

~~15.9.~~ ~~If the next available meeting of the decision-making body is cancelled and will not be re-arranged until after the next meeting of Full Council then the matter shall be referred to Full Council.~~

~~15.10-14.9.~~ 14.9. If the matter was referred to Full Council and ~~the Council it~~ 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 ~~can only make decisions on matters which are outside of the current policy framework or budget. If a decision is consistent with the framework or budget, the Council will refer the decision back to the decision maker. The decision maker will decide whether to amend the decision before implementing it shall refer the decision to the decision-making person or body, together with the Council's views on the decision. The at decision-making body or person shall then choose whether to amend the decision or not and reach a final decision for implementation. Where the decision was taken by the Cabinet, a meeting will be convened to~~ the decision maker will

reconsider ~~the decision~~ within ten ~~(10)~~ clear working days of the Council request.

~~15.11.14.10.~~ 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 earlier.

1615 Call In Exceptions

~~16.1.15.1.~~ In order to ensure that call-in is not abused ~~or, nor~~ causes unreasonable delay, certain limitations are placed on its use. Consequently the following decisions shall not be subject to call-in:

- a) a decision that stands as a recommendation to Full Council
- b) a decision to implement a decision approved in principle by Council within the preceding six ~~(6)~~ months
- c) a decision taken in circumstances where the decision making body or person in question has resolved that the matter is urgent ~~(for reasons recorded in the decision)~~ where any delay that may result from call-in may be prejudicial to the interests of the Council or any third party. The reason the decision is considered urgent will be included within the report or the minutes.
- d) a decision taken in exercise of the Council's function as local planning authority or licensing authority when acting in a regulatory manner for which external appeal processes are available
- e) a decision on a procedural matter or a matter reported for information only
- f) a decision of a Committee when acting in an appeal capacity
- f)g) any other non-executive decision making.

1716 Call In and Urgency

~~17.1.16.1.~~ The call-in procedure set out above ~~shall will~~ not apply where the decision being taken by the Cabinet, Leader or Portfolio Holder was 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 Cabinet, Leader or Portfolio Holder must agree both:

- a) that the decision proposed is reasonable in all the circumstances; and
- b) to it being treated as a matter of urgency. In the absence of the Chair of the Scrutiny Committee, the Vice-Chair's consent shall be required. In the absence of both, the Chief Executive or his/her/their nominee's consent shall be required.

~~17.2.16.2.~~ The operation of the provisions relating to call-in and urgency shall be monitored annually, ~~and a~~ report needs to be submitted to Council with proposals for review if necessary.

1817 The Party Whip

~~18.1.17.1.~~ ~~When considering any matter in respect of which a Councillor is subject to a party whip, that Councillor must declare the existence of the whip and the nature of it before the commencement of the decision making body or persons deliberations on the matter~~ If a Councillor is subject to a party whip on any matter they must declare this, as well as the nature of the whip, before the matter is considered. The declaration and the detail of the whipping arrangements ~~shall~~ will be recorded in the minutes of the meeting.

1918 Procedure at Scrutiny Committee Meetings

~~19.1.18.1.~~ The Scrutiny Committee ~~shall~~ will consider the following business:

- a) minutes of the last meeting
- b) declarations of interest (including whipping declarations)
- c) responses of the Cabinet to reports of the Scrutiny Committee
- d) the business otherwise set out on the agenda for the meeting.

~~19.2.18.2.~~ The Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the following principles set out in the Cabinet-Scrutiny Protocol:

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

19.3.18.3. _____ Following any investigation or review, the Scrutiny Committee ~~shall will~~ prepare a report that will be submitted, for submission to the Cabinet ~~and~~/or Council as appropriate. The report will be made ~~and shall make its report and findings~~ public ~~except where otherwise constrained by law~~ unless there is legal reason for the report to be confidential.

Appendix C

SCRUTINY COMMITTEE

The Scrutiny Committee supports the work of the Cabinet and the Council as a whole. The Scrutiny Committee has no decision-making powers and cannot scrutinise individual regulatory or quasi-judicial issues. Its function is to raise issues for consideration, to examine and scrutinise matters of community interest, to hold the Cabinet to account, and to represent the interests and views of the public. Where appropriate, joint reviews will be undertaken with other organisations.

Terms of reference

1. To provide the main forum for the Council's internal and external scrutiny work, focusing on activities that improve outcomes for local people.
2. To approve an annual overview and scrutiny work programme, including the programme of any task and finish groups appointed so as to ensure that the Committee's and task and finish groups' time is effectively and efficiently utilised.
3. To ensure that referrals from the Scrutiny Committee to the Cabinet, either by way of report or for reconsideration, are managed efficiently.
4. At the request of the Cabinet to make recommendations about the priority of referrals if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.
5. To receive and action requests from the Cabinet and/or the Council for reports.
6. To have the powers in relation to Cabinet decisions made but not implemented as set out in Section 21(3) of the Local Government Act 2000 (as amended).
7. To have the power to investigate any matters it considers relevant to its work area, and to make recommendations to the Council, the Cabinet or any other Committee or Sub-Committee of the Council as it sees fit.
- 7.8. To provide an annual report to Full Council setting out the work completed by the Committee in the previous year. This report will be considered at the first ordinary Full Council meeting after Annual Council.

Chairing

1. Full Council shall appoint the Chair and the Vice Chair of the Committee.
2. The Chair shall be a member of the Administration and the Vice Chair a member of the Opposition.

The Scrutiny Committee has one permanent Sub-Committee (the Call-In Sub-Committee) which will carry out the internal scrutiny functions of the Scrutiny Committee. This Sub-Committee will be chaired by the Vice Chair of the Scrutiny Committee:

CALL IN SUB-COMMITTEE

Terms of reference

1. To review and scrutinise decisions made or other action taken, in connection with the discharge of any functions of the Council making recommendations to the Scrutiny Committee.
2. To call in, review or scrutinise any decision made but not implemented and to recommend that the decision be reconsidered by the person or body who made it.
3. To have power to require any Harlow District Council Councillor and/or Officer to attend before it and to answer questions; it being the duty of any such Councillor or Officer to comply with any such requirement.
4. To consider matters referred by individual Councillors.

Chairing

1. Full Council shall appoint the Vice Chair of the Sub-Committee.
2. The Chair shall be the Vice Chair of the Scrutiny Committee.

In the absence of the Chair the Vice Chair shall preside.

Appendix D

CABINET ~~OVERVIEW~~ POLICY DEVELOPMENT WORKING GROUP

Terms of reference

1. To prepare a work programme as directed by Cabinet to consider issues of relevance to Harlow.
2. To review the key issues relating to the work plan policy item in order to identify and propose to Cabinet, practicable, affordable and prioritised recommendations which improve the effectiveness of the policy within the resources available.

Chairing and membership

1. Cabinet shall appoint the Chair, ~~and Vice Chair of the Working Group along with its membership which can be drawn from the full membership of the Council and membership of the Working Group.~~
2. The Chair ~~shall be a member of the Administration~~ and ~~the~~ Vice Chair shall be a member of the Administration.

Scrutiny Committee – Review Topic Submission Form

Councillor Name and other Councillors supporting submission	
Review Topic	<i>[Title of review]</i>
Links to the Council’s priorities	<i>[Refer to the latest Corporate Plan for the Council’s current priorities]</i>
What priority level is this item?	<i>[State whether you feel the item is low, medium, or high priority]</i>
Terms of reference (to include the scope of the review)	<i>[Outline suggested major areas of inquiry]</i>
Purpose and objective of the review	<i>[State why you feel the review needs to take place and what you think the review can achieve setting out any S.M.A.R.T objectives]</i>
Methodology/approach (methods to be used for gathering evidence)	

Written evidence required	
Potential witnesses	<i>[These could be Councillors (e.g. portfolio holders) or Officers from the Council, or external representative such as residents, the Police, ECC Officers etc.]</i>
Potential Stakeholder involvement (who are the stakeholders and how will their views be sought)	
Site visits (where and when)	
Publicity (methods to be used)	
Resources (people, expenditure)	
Barriers/dangers/risks (any weaknesses or potential pitfalls in the review)	
Measures of success	<i>[State how think the success of the review will be measured]</i>