



## Report to Overview and Scrutiny Commission 8 June 2015

### Report to Governance Committee 22 June 2015

## Revised Operations for the Overview and Scrutiny Commission and the Future of Performance Monitoring Scrutiny Panel

Report of the Head of Legal and Democratic Services, **LDS/100**

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### 1. Purpose

- 1.1 The Council is responsible for the establishment of Committees and any revisions to their Terms of Reference would need to be approved by the Council.
- 1.2 At the meeting of the Overview and Scrutiny Commission (OSC) on 16 March 2015, it was agreed that a workshop be convened to undertake an in-depth discussion to review scrutiny within a wider remit.
- 1.3 This report proposes amendments to the Performance Monitoring Scrutiny Panel (PMSP), the Terms of Reference and Scrutiny Procedure Rules which would result in a more valuable role for Members and could provide more effective outcomes for both Council services and customers.

### 2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and agree to:

- a) Cancel the PMSP meetings and include quarterly Budget Monitoring and Complaints into Members' Information Bulletin (MIB).
- b) Use the OSC meetings, linked to the provisional Cabinet meetings to:
  - Consider the rolling 3 year transformation plan
  - Consider the review of the previous year's work on the council's transformation plan
  - Review services from the transformation plan 'in depth', including System Thinking review updates (as decided by OSC) and contractor updates
  - Cabinet Member and Chief Executive discussions
  - Other agency discussions if appropriate
  - Other items referred under the Scrutiny Procedure Rules

## 2.2 To the Governance Committee:

Subject to the approval of the report by the Overview and Scrutiny Commission, the Governance Committee is requested on 22 June 2015 to recommend to the Full Council the approval of the revised Terms of Reference and Scrutiny Procedure Rules for the Overview and Scrutiny Commission as set out in Appendix A to this report.

## 3. Reasons for Recommendations

- 3.1 It is good practice to review Terms of Reference of Committees so that business is transacted which is relevant to current requirements. Any revised operations for the OSC could be regularly reviewed.

## 4. Background

- 4.1 PMSP was originally introduced in 2004 to consider comprehensive performance information, this was at a time when Best Value Performance Indicators were an important and significant aspect of the Council's work.

- 4.2 Following the abolishment of Best Value Key Performance Indicators and Local Indicators, the agenda items for PMSP have significantly reduced. Regular agenda items now include:

- Quarterly Budget Monitoring
- Quarterly Complaints
- Transformation Updates / Systems Thinking Reviews

- 4.3 It was noted following the establishment of PMSP in 2004, that the Panel (and potentially the Commission) may need to be prepared for its role to emerge and develop over time in order that meaningful outcomes can be achieved. PMSP considered its future at a meeting in February 2015 where future proposals were recommended ([OSC/235](#)). A report was submitted to the OSC in March 2015 ([OSC/234](#)) and subsequently a 'Review of Scrutiny' workshop was undertaken in April 2015 to review scrutiny within a wider remit and how it can add value.

- 4.4 Following the OSC meeting, research has been undertaken with the Association of Democratic Services Officers (ADSO) and the 'Centre for Public Scrutiny' ([www.cfps.org.uk](http://www.cfps.org.uk)). Feedback received from ADSO links effective, successful scrutiny to that which aligns to a corporate programme, along with a focused work programme shaped around the selection of one or two in-depth issues at each meeting, with clear recommendations for action; together with relevant Cabinet Member presence for a discussion at each meeting.

- 4.5 The 'Centre for Public Scrutiny' highlights the following –

- Good scrutiny tackles issues of direct relevance to local people;
- Good scrutiny tackles issues where, through the unique perspective of elected members, it can add the most value;
- Good scrutiny is about talking to a wide range of people, drawing them together and building consensus;
- Good scrutiny is about challenging the accepted ways of doing things and acting as a champion for developing a culture of improvement in the local area.
- Good scrutiny is carried out by "independent minded" councillors who lead and own the scrutiny process.

- 4.6 Officer reports containing information about services and issues affecting local people might be taken to committee under councils' existing arrangements, but there is little value in taking management information, or other corporate data, there as a matter of course. Instead, it is more useful to think of these various different kinds of corporate evidence sources as background information, to which Scrutiny Members have regular access, and which they themselves can use to drive, triangulate the evidence and inform their wider work.

## **5. Description of Issue to be Resolved**

### What is likely to change?

- 5.1 With the introduction of the 'Provisional' Cabinet for 2015/2016 (ie those only likely to take place should urgent matters arise), it is not anticipated that committee reports will feature on every OSC agenda. Committee reports will now only feature on an OSC agenda where a Cabinet is scheduled (currently 5 'confirmed' Cabinet meetings for 2015/2016). The remaining OSC agendas (currently 4) will be available for other OSC business. The Chair may choose to cancel these OSC meetings should there be a lack of business.
- 5.2 A proposal was discussed at the Review of Scrutiny workshop whether committee reports could be submitted earlier to the OSC for consideration (ie potentially where a 'provisional' Cabinet is scheduled). Whilst it is acknowledged that this would provide advanced consideration of a report, unfortunately due to reporting timescales, it may not be feasible for all authors to submit reports a month in advance (sometimes earlier) to the OSC. In cases where the OSC would receive a draft or update report, OSC comments would be reported to Cabinet, however it was acknowledged that drafts report may substantially change for Cabinet.

### What do Members want for Scrutiny? (As raised at the Review of Scrutiny Workshop)

- 'in depth look at services' – to investigate at 'grass roots level' and obtain customers' views and experiences. The opportunity to monitor services and challenge.
- Quarterly budget monitoring and complaints information.
- Backbencher engagement and involvement are important. The need to add value from Members' perspective and have a voice.
- Attendance at OSC of Cabinet Members for question and answer discussion.
- Attendance at OSC of 'front line staff' and other agencies/partners.
- Scrutiny at neighbourhood level

## **6. Information and Analysis Support Recommendation**

### How can we deliver this in the most streamlined, cost effective manner?

#### 'in-depth look at services' and challenge

- 6.1 This is vital work of the OSC. Officers, in consultation with the Cabinet Member for Resources, currently produce a rolling 3 year transformation plan, with an annual work programme. There is also a review of the previous year's performance against the plan.

- 6.2 The transformation plan documents all the council's services, together with some 'cross cutting' issues e.g. debt management. This document will enable the OSC to have enhanced knowledge, provide added value and the opportunity to scrutinise how the services impact on customers. It should also assist Members to have a crucial view on the council's services, ensuring that there is nothing which 'falls through the gap', which Members highlighted as a significant concern.
- 6.3 The Centre for Public Scrutiny states that "effective outcomes cannot be achieved unless planning has gone into deciding which topics offer the best chance of adding the most value. Targeted work programming is as much about deciding what won't be reviewed and investigated as what will be". There should not be an expectation that everything will be looked at every year. However Members could request additional information about a service if they wished.
- 6.4 The report published by the Centre for Public Scrutiny 'Hiding in plain sight: barriers to effective scrutiny' has highlighted the importance of understanding the local impact and analysing the experience of service users. Scrutiny is determined as "reviewing policies and services to ensure they provide value for money and have the intended effect". Consequently it is logical that transformation updates and service reviews are incorporated into the OSC.
- 6.5 At the beginning of the year, OSC Members would use the transformation plan to choose which service areas they wished to scrutinise and challenge. These service areas would be included in the OSC work programme that Members would agree and own. By including all services within the transformation plan, Members would be able to focus on those which lead to services provided to the public improving, or tackle issues where value can be added, whilst also being able to safeguard availability for other items being referred during the year. Any other issues to be identified could be investigated either via a formal scrutiny panel, informal meeting or via discussion between Members and relevant officers.
- 6.6 Any future scrutiny panels could potentially be chaired by the scrutiny suggestion nominator (who may not necessarily be an OSC Member) as this will encourage additional involvement and creativity. However at least one member of the panel must be an OSC Member. Reporting to OSC would then reside with the Panel Chair and OSC, either through the Panel Chair or OSC Member attending an OSC meeting to provide a verbal update or written report.

#### Quarterly budget monitoring and quarterly complaints report

- 6.7 There seemed to be general agreement at the OSC meeting and Review of Scrutiny workshop about these two items that the information could be dealt with differently in another format, providing all data and detail is reported.
- 6.8 The Centre for Public Scrutiny states that "often significant efficiencies can be found by thinking differently about how Members access information. It is usual for reports to be placed on agendas as report items or for information. This is arguably not the most efficient use of the committee's time, or the time of officers attending to present such reports".
- 6.9 It is therefore proposed that the quarterly budget monitoring and quarterly complaints reports are both incorporated into MIB. As documented in report [OSC/234](#), this option has the advantage that all Members would be informed in an easily accessible way, whilst given the opportunity to raise enquiries with the Head of Service or relevant officer at the earliest opportunity.

- 6.10 There would still exist the option for the OSC to request a more detailed look at an issue if that was felt appropriate and Members may continue to refer items from the Forward Plan.

#### Backbencher engagement and involvement

- 6.11 Meetings should be 'fit for purpose'. There is little point in having meetings unless they add value. Members should be clear about the benefits of meetings when compared to the cost of running such meetings.
- Options include:
- Encourage more attendance and involvement at OSC, ensure other Members are invited as appropriate.
  - Member seminars (particularly when scrutinising a high profile service).
  - Encourage challenge of MIB information and other material - being able to triangulate data. All Members have access to the information in an easily accessible and informative way, providing all data and detail is reported. Members should confidently be able to query information with Service Managers and Heads of Service, collect, analyse and assess information in order to drive the scrutiny process.
  - Provide information/data in alternative formats – website, intranet, MIB, briefing papers, emails.
  - Increase numbers on OSC. Whilst this option was considered at the Review of Scrutiny workshop, OSC Members felt that the Commission's size was a neutral factor in terms of productivity and an expansion in the Commission's number may not necessarily increase creativity. Alternative options prescribed above were seen as a preferred method to encourage additional involvement.

#### Attendance at OSC of Cabinet Members etc

- 6.12 It is proposed to reintroduce discussions with Cabinet Members (with Head of Service if appropriate) together with the Chief Executive into the OSC work programme. It is not anticipated that these will involve complex or in-depth reports prepared by the Cabinet Members or officers.
- 6.13 There would also be the opportunity to maintain discussions with contractors (eg for K2 Crawley and The Hawth) and other external agencies/partners. These discussions would be accommodated into the OSC work programme and would encourage communication and information sharing to a wider audience.
- 6.14 As part of the systems thinking reviews and council service updates that would be reported to the OSC, it is anticipated to include evidence from 'front line' staff and the views of customers, both of which Members highlighted as a concern.

#### Scrutiny at neighbourhood level

- 6.15 Options were proposed to undertake reviews which were 'neighbourhood specific', as it was thought that neighbourhoods may have differing needs. Whilst this may have an advantage in highlighting concerns for local people, it should also be used in context and programmed accordingly within the work programme.
- 6.16 By analysing the Transformation Plan, Members will be able to scrutinise each service area. Depending on the service, these will be neighbourhood specific and consequently challenges and potential improvements may be made in certain wards as a result. Scrutiny at neighbourhood level will be an integral part

of analysing services and facilities within the transformation plan. As an example the Facilities Review included the capacity of community centres within certain wards compared to others and the redesign work to increase capacity as a result.

## **7. Adding Value**

- 7.1 The proposals being considered would mean the scrutiny function would be well-integrated with the rest of the Council and help it focus on its priorities. The Centre for Public Scrutiny '*Scrutiny, performance and improvement: the road to excellence*' believes that scrutiny should be used consistently to drive continuous improvement.
- 7.2 The changes outlined within this report result in a Member-driven, Member-led and Member-owned OSC, being able to add value and scrutinise services, from every angle – from 'grass roots' and the 'front line', in order to tackle issues which add the most value from the customer's perspective. It is felt that the OSC could trial the new approach being proposed within the report.
- 7.3 An outline (draft) OSC Work Programme is attached as Appendix B in order to provide an example of how the 'confirmed Cabinet' OSC and 'other OSC' business meetings could work. However it is anticipated that the OSC work programme will be agreed at the start of each municipal year, although it is important that this remains flexible.
- 7.4 The proposed amendments to the Terms of Reference and Scrutiny Procedure Rules are detailed in Appendix A. Democratic Services is considering redesigning the Constitution (subject to Members' approval) so it is noted that various duplications may not exist in future. Outlined below is a summary of the OSC's main terms of reference, functions and arrangements:

### Article 6 Terms of Reference

- (i) OSC will be responsible for the operation of all overview and scrutiny functions on behalf of the Council.
- (ii) Excluded discussion items include any matter relating to an individual complaint. This is currently included in Terms of Reference Specific Functions 6.3, point 3 but requires inclusion in the Terms of Reference. Individual complaints should be handled by the Corporate Complaints procedure and the Ombudsman. (items 10, 11 and 12).
- (iii) The specific function of the OSC is to review and scrutinise the transformation programme of the Council and particular service areas;
- (iv) The OSC is able to question members of the Cabinet and Chairs of Committees and Chief Executive/Deputy Chief Executive /Heads of Service about their decisions and services, whether generally in comparison with service plans, performance and measures over a period of time, or in relation to particular decisions, initiatives or projects.

## Functions of the Overview and Scrutiny Commission

- (i) The operation of all overview and scrutiny functions on behalf of the Council.
- (ii) To receive and review all appropriate budget monitoring and service information.
- (iii) To review the annual Transformation Plan and to scrutinise the implementation of current and previously completed reviews.

## Scrutiny Procedure Rules

- (i) Membership of the scrutiny panels may be drawn from the Commission itself **and/or** from other non-Cabinet Members of the Council. The panels will be politically balanced unless agreed otherwise by the Group Leaders. Membership will depend on the knowledge and expertise required to deal with the matter in hand, as long as the principle of independence is not compromised.

**The Commission will agree the Chair of the Panel (who may potentially be the nominator and not necessarily an OSC Member). Panel members will then be agreed in consultation with Group Leaders and the party group secretaries. However at least one member of the panel must be an OSC Member.**

This is currently documented in Article 6 Terms of Reference but requires inclusion in the Scrutiny Procedure Rules.

- (ii) Excluded discussion items include any matter relating to an individual complaint. This is currently included in Terms of Reference Specific Functions 6.3, point 3. Individual complaints should be handled by the Corporate Complaints procedure and the Ombudsman.
- (iii) Removal of responses of the Cabinet or Full Council response to the Overview and Scrutiny. Responses from Cabinet have been included in agendas this year and yet none of these agenda items were discussed at OSC and no feedback has been received. Furthermore, all Members receive a copy of the Cabinet minutes, the second of which in the cycle is agreed at Full Council prior to the forthcoming OSC meeting. Following discussions with the Chair of OSC in October 2014 it was agreed that responses of the Cabinet or Full Council reports to OSC were no longer required.

## **8. Implications**

- 8.1 There would be a special responsibility allowance saving as a result of these changes with the disbanding of PMSP. Additionally, there will be resource time saved as a result of these amendments. There are no equality implications arising directly from this report.
- 8.2 Section 101 of the Local Government Act 1972 enables a Council to discharge any of their functions to a Committee, Sub-Committee or an Officer of the Authority.

- 8.3 There are no significant risks arising from this report. A review of the Terms of Reference of the Committee is considered to be best practice so that they remain relevant and cover current requirements.
- 8.4 The Governance Committee has responsibility to agree the changes to the constitution. It is not intended to have any further meetings of PMSP.

## **9. Background Papers**

Centre for Public Scrutiny (2015): *Hiding in Plain Sight: barriers to effective scrutiny*

Centre for Public Scrutiny (2007): *Scrutiny, performance and improvement: the road to excellence*

Centre of Public Scrutiny - [www.cfps.org.uk](http://www.cfps.org.uk)

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## ARTICLE 6 – OVERVIEW AND SCRUTINY COMMISSION

### 6.1. Terms of Reference

The Council will appoint an Overview and Scrutiny Commission with the following terms of reference to discharge the functions conferred by section 21 of the Local Government Act 2000, regulations under section 32 of the Local Government Act 2000, the Local Government and Public Involvement in Health Act 2007, the Local Democracy, Economic Development and Construction Act 2009 and the Localism Act 2011:-

- (1) The performance operation of all overview and scrutiny functions on behalf of the Council.
- (2) The appointment of task-orientated, time-limited scrutiny panels, with membership that reflects the political balance of the Council and, the setting of such terms of reference and duration as it considers appropriate to fulfil those functions by carrying out overview and scrutiny on functional matters or cross-cutting themes or with an area focus.
- (3) To receive requests from the Cabinet for scrutiny involvement in policy review and development and decide how to respond.
- (4) To monitor the Cabinet's Forward Plan and, where appropriate, comment on proposals prior to the Cabinet taking a decision.
- (5) To receive all appropriate ~~performance management~~ budget monitoring **and service** information **particularly in relation to the transformation plan.** ~~(This function may either be carried out by the Commission or by one of its panels).~~
- (6) To approve and co-ordinate an annual overview and scrutiny work programme, noting the programme of any scrutiny panels it appoints so as to ensure that the Overview and Scrutiny Commission's and scrutiny panels' time is effectively and efficiently utilised.
- (7) To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to relevant scrutiny panels.
- (8) To review the implementation of other completed scrutiny reviews.
- (9) Where appropriate, to review any other issue affecting the Borough but for which the Council is not directly responsible.
- (10) To discuss any local government matter or local crime and disorder matter either referred to the Commission or otherwise, to review or scrutinise such a matter and, where appropriate, make reports or recommendations to the Council or the Cabinet except where an excluded matter (i.e. any matters relating to a planning decision, a licensing decision or where a person has right of recourse to a review or right of appeal; any matter which is vexatious, discriminatory or not reasonable; **any matter referring to an individual complaint**; or any local crime and disorder matter excluded under S.19 of the Police and Justice Act 2006. However, a matter is not excluded if it consists of

an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis).

- (11) To discuss any item relevant to the functions of the Commission referred to the Commission by a member of the Commission, to review or scrutinise such a matter and, where appropriate, make reports or recommendations to the Council or the Cabinet except where an excluded matter (i.e. any matters relating to a planning decision, a licensing decision or where a person has right of recourse to a review or right of appeal; any matter which is vexatious, discriminatory or not reasonable; **any matter referring to an individual complaint**; or any local crime and disorder matter excluded under S.19 of the Police and Justice Act 2006. However, a matter is not excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis).
- (12) To discuss any local government matter or local crime and disorder matter either referred to the Commission or otherwise, where necessary referring the matter to a scrutiny panel to review or scrutinise and on receipt of the panel's report, to make reports or recommendations to the Council or the Cabinet where appropriate except where an excluded matter (i.e. any matters relating to a planning decision, a licensing decision or where a person has right of recourse to a review or right of appeal; any matter which is vexatious, discriminatory or not reasonable; **any matter referring to an individual complaint**; or any local crime and disorder matter excluded under S.19 of the Police and Justice Act 2006. However, a matter is not excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis).
- (13) Where appropriate, to recommend to the Council the appointment of co-optees to serve on the Overview and Scrutiny Commission and whether they shall have voting rights.
- (14) Where appropriate, to appoint co-optees to serve on scrutiny panels and to decide whether they shall have voting rights or agree to let the Chair of the relevant scrutiny panel decide this in consultation with the Chair of the Overview and Scrutiny Commission and the Head of Legal and Democratic Services.
- (15) To appoint Chairs of scrutiny panels ~~from the membership of the Overview and Scrutiny Commission.~~
- (16) Where the Commission may reasonably require in order to discharge its function, being information which has been requested in writing and relates to the functions of the relevant partner authority so far as exercisable in relation to the authority's area or the inhabitants of that area, to obtain information from relevant partner authorities and require executives of local authorities to exclude confidential and exempt information when publishing their response to reports and recommendations of Overview and Scrutiny Committees.
- (17) To ensure that any reports by the Joint Scrutiny Task and Finish Groups be reported to the appropriate decision maker via the Commission, and that the appropriate decision maker responds accordingly to the West Sussex Joint Scrutiny Steering Group.

- (18) To consider any petition before its consideration by the appropriate decision-maker.
- (19) To consider a petition referred to the Commission before its consideration by the appropriate decision-maker.

Scrutiny Procedure Rule 8 sets out the process to be followed in respect of functions (11), (12) and (13) above.

## 6.2. General Matters

### 1. Overview and Scrutiny Commission

The Overview and Scrutiny Commission has responsibility for all overview and scrutiny functions on behalf of the Council. It has a remit to review or scrutinise the full range of the Council's activities.

Specifically the Commission undertakes policy review, looks closely at decisions the Cabinet is going to take, and oversees the work of the Cabinet. It therefore has an overview of activities across the Council.

### 2. Scrutiny Panels

The Overview and Scrutiny Commission may establish time-limited scrutiny panels, the number to be running at any one time to be subject to resource constraints. These panels will be charged with carrying out an in-depth investigation into a specific service area or policy or any issue of genuine importance to the town. Each panel will work to a specific brief set out by the Commission and will report to the Commission.

Membership of the scrutiny panels may be drawn from the Commission itself and/or from other non-Cabinet Members of the Council. The panels will be politically balanced unless agreed otherwise by the Group Leaders. Membership will depend on the knowledge and expertise required to deal with the matter in hand, as long as the principle of independence is not compromised.

**The Commission will agree the Chair of the Panel (who may potentially be the nominator and not necessarily an OSC Member). Panel members will then be agreed in consultation with Group Leaders and the party group secretaries. However at least one member of the panel must be an OSC Member.**

Choosing the topics for the scrutiny panels to work on is a key task for the Commission. It will be impossible for the scrutiny panels to cover all the Council's activities and there is therefore a need to prioritise particular issues. It will also be important for the Commission to hold some capacity in reserve for urgent issues that may emerge.

### 3. West Sussex Joint Scrutiny Task and Finish Groups

A formal but flexible joint scrutiny arrangement, through an overarching steering group and bespoke task groups, was established in West Sussex initially for a pilot period commencing July 2011.

The West Sussex Joint Scrutiny Steering Group will consider suggestions for joint scrutiny and may establish time-limited Task and Finish Groups. The Task and Finish Groups will investigate issues of common concern affecting either the whole county or the areas of more than one District/Borough Council. Any joint scrutiny will be outcomes- focused (i.e. where it's felt that improvements can be achieved for the community), and will scrutinise performance as opposed to processes. Whilst issues under joint scrutiny may relate to the work of organisations with a wider remit than local authorities (e.g. quangos, utilities, Environment Agency etc.), any scrutiny will not be of the organisations themselves, but rather of relevant issues relating to their work/role.

Any joint scrutiny will be carried out by non-Cabinet members of County, District and Borough Councils. Non-Executive County Council Members who are Cabinet Members on District or Borough Councils (or vice-versa) will not carry out any joint scrutiny activities that relate to their portfolio area.

Any Task and Finish Groups will consist of a minimum of 3 members, with the exact number to be determined by the Steering Group according to the topic. Membership of Task and Finish Groups will be non-political and geographically balanced (as appropriate). The Steering Group may wish to recommend co-opted members from relevant authorities, but ultimately this should be the decision of the Task and Finish Group.

These Task and Finish Groups will submit a final report via the Overview and Scrutiny Commission(s) to the Cabinet(s) of the relevant Council(s) and/or other partners with a copy to the Joint Steering Group.

### 6.3. Specific Functions

- (1) The Overview and Scrutiny Commission (and its panels) may:
  - (a) review and scrutinise the decisions made by and the performance of the Cabinet and Committees and Council employees both in relation to individual decisions and over time;
  - (b) review and scrutinise the **transformation plan, operation** of the Council in relation to its policy objectives, **measures** ~~performance targets~~ and particular service areas;
  - (c) review other issues which might impact on the quality of life in the town;
  - (d) review any matter relating to, or arising out of, any issue that has previously been referred to scrutiny.
  - (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Commission, or a panel, or local people, about their activities and performance;
  - (f) question and gather evidence from any person (with their consent);

- (g) question members of the Cabinet and Chairs of Committees and **Chief Executive/Deputy Chief Executive** /~~Directors~~/Heads of Service about their decisions and ~~performance services~~, whether generally in comparison with service plans and ~~targets~~ **measures (performance)** over a period of time, or in relation to particular decisions, initiatives or projects;

In addition, the Overview and Scrutiny Commission may:

- (h) make recommendations arising from the outcome of the scrutiny process to the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), to a Committee where the matter falls within its terms of reference or to the Council as appropriate (e.g. if the proposal would require a departure from or a change to the agreed budget and policy framework ~~or if it relates to the outcome of a best value review~~);

Where the Council is to receive the report, a copy of the report will be submitted to the Cabinet held in the same cycle. The Cabinet may comment upon the report and these comments will be presented to the Council at the time the report is considered.

- (i) exercise overall responsibility for the finances made available to it;
  - (j) exercise overall responsibility for the work programme of the employees employed to support its work.
- (2) The Overview and Scrutiny Commission (and its panels) will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.
  - (3) The remit of the Overview and Scrutiny Commission (and its panels) is not to perform the function of an appellate body nor to examine individual complaints.
  - (4) The Overview and Scrutiny Commission will not normally be responsible for the development of new policies. This function will be fulfilled by the Policy Development Forums (see page 381 of this Constitution), except where policy development arises from the Overview and Scrutiny Commission reviewing current policy in which case the Commission may, as part of the review, recommend new policies.

#### 6.4. **Role of Chair of Overview and Scrutiny Commission**

- (1) To oversee and provide leadership, management and strategic direction to the Overview and Scrutiny Commission and process.
- (2) To represent the Overview and Scrutiny Commission on the West Sussex Joint Scrutiny Steering Group. In the event that the Chair is unable to attend, the Vice-Chair shall attend on his/her behalf. If neither the Chair nor the Vice-Chair are able to attend, another

Commission member shall be nominated by the Chair to attend on his/her behalf;

- (3) To develop and promote the role, profile and impact of overview and scrutiny
- (4) To develop a knowledge of the Council and how it relates to other organisations and the community
- (5) To develop the skills set for a successful chair of overview and scrutiny
- (6) To chair meetings of the Overview and Scrutiny Commission impartially, encouraging contributions from all Commission members;
- (7) To consider how Scrutiny work might be assisted by:-
  - arranging informal discussions outside the Committee process or undertaking visits
  - inviting outside contributors to attend Overview and Scrutiny Commission meetings
  - calling for reports from ~~Directors~~ **the Chief Executive, Deputy Chief Executive** or Service Heads or commissioning research.
- (8) To produce a report for submission to the Cabinet, a Committee or the Council as appropriate.
- (9) To present review reports at the Cabinet, at a Committee and/or the Full Council.
- (10) To decide, in consultation with the Chair of the relevant scrutiny panel and the Head of Legal and Democratic Services, whether any co-optees serving on such scrutiny panels should have voting rights (as in accordance with paragraph 6.1(14) of this Article).

#### 6.5. **Scrutiny and the Forward Plan**

Following the publication of the Forward Plan, Members will be invited by the Head of Legal and Democratic Services to indicate which items, if any, should be scrutinised prior to consideration by the Cabinet. Items should not be identified for Overview and Scrutiny Commission consideration if a Member's queries could easily be answered by reference to the appropriate Head of Service or relevant Cabinet Member.

## RESPONSIBILITY FOR COUNCIL FUNCTION

### OVERVIEW AND SCRUTINY COMMISSION

The functions conferred by Section 21 of the Local Government Act 2000 or regulations under Section 32 of the Local Government Act 2000 will be discharged by the Overview and Scrutiny Commission

**Membership:-** Councillors:

#### Functions of the Overview and Scrutiny Commission

#### Delegation of Functions (concurrently with the Overview and Scrutiny Commission)

- (1) The performance **operation** of all overview and scrutiny functions on behalf of the Council.
- (2) The appointment of task-orientated, time-limited scrutiny panels, with membership that reflects the political balance of the Council, and the setting of such terms of reference and duration as it considers appropriate to fulfil those functions by carrying out overview and scrutiny on functional matters or cross-cutting themes or with an area focus.
- (3) To receive requests from the Cabinet for scrutiny involvement in policy review and development and decide how to respond.
- (4) To monitor the Cabinet's Forward Plan and, where appropriate, comment on proposals prior to the Cabinet taking a decision.
- (5) To receive all appropriate ~~performance management~~ and budget monitoring and service information **particularly in relation to the transformation plan including measures.** ~~(This function may either be carried out by the Commission or by one of its~~

## Functions of the Overview and Scrutiny Commission

## Delegation of Functions (concurrently with the Overview and Scrutiny Commission)

panels).

- (6) To approve and co-ordinate an annual overview and scrutiny work programme, noting the programme of any scrutiny panels it appoints so as to ensure that the Overview and Scrutiny Commission's and scrutiny panels' time is effectively and efficiently utilised.
- (7) To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to relevant scrutiny panels.
- ~~(8)~~ **To review the annual Transformation Plan and to scrutinise the implementation of current and previously completed reviews.** ~~undertake Best Value Reviews of the Council's services and to monitor the implementation of previously completed Best Value Reviews.~~
- (9) To review the implementation of other completed scrutiny reviews.
- (10) Where appropriate, to review any other issue affecting the Borough but for which the Council is not directly responsible.
- (11) To discuss any local government matter or local crime and disorder matter referred to the Commission by a Councillor, to review or scrutinise such a matter and, where appropriate, make reports or recommendations to the Council or the Cabinet.



## **Functions of the Overview and Scrutiny Commission**

## **Delegation of Functions (concurrently with the Overview and Scrutiny Commission)**

- (12) To discuss any item relevant to the functions of the Commission referred to the Commission by a member of the Commission, to review or scrutinise such a matter and, where appropriate, make reports or recommendations to the Council or the Cabinet.
- (13) To review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and, where appropriate, make reports or recommendations thereon.
- (14) Ensuring effective scrutiny of the Treasury Management Strategy and policies.
- (15) To consider any petition before its consideration by the appropriate decision-maker.
- (16) To consider a petition referred to the Commission before its consideration by the appropriate decision.

Scrutiny Procedure Rule 8 sets out the process to be followed in respect of functions (11), (12) and (13) above.

# SCRUTINY PROCEDURE RULES

## SCRUTINY PROCEDURE RULES

### 1. What will be the Arrangements for the Overview and Scrutiny Commission and its Panels?

The Council will have an Overview and Scrutiny Commission as set out in Article 6 of the Constitution. The Overview and Scrutiny Commission may establish task-orientated, time-limited scrutiny panels, the number to be running at any one time to be subject to resource constraints. These panels will be charged with carrying out an in-depth investigation into a specific service area or policy or any issue of genuine importance to the town. ~~The Commission will also establish, on an annual basis, a Performance Monitoring Panel.~~ Each panel will work to a specific brief set out by the Overview and Scrutiny Commission and will report to the Commission.

### 2. Who May Sit on the Overview and Scrutiny Commission and its Panels?

All Councillors except Members of the Cabinet may be Members of the Overview and Scrutiny Commission.

Membership of the scrutiny panels may be drawn from the Commission itself and/or from other non-Cabinet Members of the Council. **The panels will be politically balanced unless agreed otherwise by the Group Leaders. Membership will depend on the knowledge and expertise required to deal with the matter in hand, as long as the principle of independence is not compromised. The Commission will agree the Chair of the Panel (who may potentially be the nominator and not necessarily an OSC Member). Panel members will then be agreed in consultation with Group Leaders and the party group secretaries. However at least one member of the panel must be an OSC Member**

No Member may be involved in scrutinising a decision in which he/she has been directly involved. Paragraph 7 of the Councillors Code of Conduct refers

### 3. Co-optees

- (a) The Overview and Scrutiny Commission shall be entitled to recommend to Council the appointment of additional people to serve on the Commission as co-optees and whether they shall have voting rights.
- (b) The Commission may appoint co-optees onto any of its panels and decide whether or not they shall have voting rights or agree to let the Chair of the relevant scrutiny panel decide this in consultation with the Chair of the Overview and Scrutiny Commission and the Head of Legal and Democratic Services. The requirements of Regulation 3 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 apply to the co-option of members to a Committee dealing with crime and disorder matters.

### 4. Terms of Reference

The terms of reference of the Overview and Scrutiny Commission are as set out in Article 6 of the Constitution.

The Overview and Scrutiny Commission may set such terms of reference for the scrutiny panels as it considers appropriate.

## 5. **Meetings of the Overview and Scrutiny Commission**

There shall be at least seven ordinary meetings of the Overview and Scrutiny Commission programmed each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting of the Overview and Scrutiny Commission may be called by the Head of Legal and Democratic Services if he/she considers it necessary or appropriate and must be called by the Head of Legal and Democratic Services if required to do so by a notice in writing given either by the Chair of the Overview and Scrutiny Commission or by any three Members of the Overview and Scrutiny Commission.

## 6. **Quorum**

The Quorum for the Scrutiny Commission and Scrutiny Panels shall be as set out in the Council Procedure Rules in Part 4 of this Constitution.

## 7. **Who Chairs Overview and Scrutiny Commission Meetings?**

The Council will appoint the Chair and Vice Chair of the Overview and Scrutiny Commission ~~and the Commission will appoint the Chairs of any scrutiny panels it establishes.~~ The Chair and Vice Chair of the Overview and Scrutiny Commission will be drawn from amongst the Councillors sitting on the Commission.

~~The Commission will appoint the Chair of each scrutiny panel from the membership of the Commission.~~

**The Commission will agree the Chair of the Panel (who may potentially be the nominator and not necessarily an OSC Member). Panel members will then be agreed in consultation with Group Leaders and the party group secretaries. However at least one member of the panel must be an OSC Member.**

## 8. **Agenda Items**

- (a) Any member of the Council shall be entitled to give notice to the Head of Legal and Democratic Services that he/she wishes to refer a local government matter relevant to the functions of the Commission or a local crime and disorder matter to the Commission and for it to be included on the agenda and discussed at the next available meeting of the Commission. As part of the discussion, the Commission will decide whether or not it would be appropriate to refer a matter to a scrutiny panel to carry out an in-depth investigation and report back to the Commission.

A local government matter is defined in S.21A of the Local Government Act 2000 as one that

- (i) relates to the discharge of any function of the Council,

- (ii) is not an excluded matter (a local crime and disorder matter or a matter defined by Order).

A local crime and disorder matter as defined in S.19 of the Police and Justice Act 2006, in relation to a Councillor, means a matter concerning crime and disorder (including, in particular, forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or the misuse of drugs, alcohol and other substances which affects all or part of the electoral area for which the Councillor is elected or any person who lives or works in that area.

Excluded Matters as defined by Order include:

- (i) any matter relating to a planning decision;
- (ii) any matter relating to a licensing decision;
- (iii) **any matter relating to an individual complaint;**
- (iv) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- (v) any matter which is vexatious, discriminatory or not responsible to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Commission or at a meeting of a Sub-Committee of that Commission.

However, a matter which consists of an allegation of systematic failure to discharge a function for which it is responsible may be referred to the Overview and Scrutiny Commission, notwithstanding the fact that the allegation specifies matters which would otherwise be excluded by virtue of the above.”

- (b) Any Member of the Overview and Scrutiny Commission shall be entitled to give notice to the Head of Legal and Democratic Services that he/she wishes to refer an item relevant to the functions of the Commission to the Commission (and for a member of a Scrutiny Panel to be able to refer to the Panel any matter which is relevant to the Panel's functions). The item shall then be included on the agenda and be discussed at the next available meeting of the Commission (or Panel).
- (c) The Commission may also review or scrutinise decisions made, or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions. The Commission will meet for the purpose when it is considered appropriate but no less than once in every twelve month period.
- (d) **Procedure**

When considering whether or not to exercise its powers to review or scrutinise a local government matter or a local crime and disorder matter, the Commission may have regard to representations made by a local Councillor exercising powers under Section 236 of the Local Government and Public Involvement in Health Act 2007. If the Commission decides not to exercise its powers, the local Councillor should be advised of the reasons for the decision. The local Councillor

should also receive a copy of any report or recommendations which the Commission makes to the Council or to the Cabinet relating to the matter (subject, in the case of a local government matter, to the exclusion of any confidential information and, where appropriate, of any exempt information which should, instead, be summarised). In the case of a local crime and disorder matter and matters relating to the discharge by the responsible authorities of their crime and disorder functions, a copy of the report and recommendations should be provided to the responsible authorities and the co-operating persons and bodies (as defined in S5 of the Crime and Disorder Act, 1998) as is considered appropriate

In the case of a local government matter or an item relevant to the functions of the Commission, the Commission must (by notice in writing) require the Council or the Cabinet to consider and respond within two months to any report or recommendations it makes, and to indicate what (if any) action is proposed. The Council or the Cabinet are under a duty to comply with these requirements and if the Commission has published its report or recommendations, then the response should also be published (subject to the exclusion of any confidential information and, where appropriate, of any exempt information which should, instead, be summarised).

In the case of a matter relating to the discharge by the responsible authorities of their crime and disorder functions, the Commission shall notify the responsible authorities to whom the report or recommendations have been made, and the co-operating persons and bodies who have been provided with a copy, that they must consider and respond to the report or recommendations, indicating what (if any) action is proposed, and must have regard to the report and recommendations in exercising their functions.

## **9. Petitions**

### **Officer Evidence**

- (a) If a petition contains between 50 and 999 signatures it will be considered by the Overview and Scrutiny Commission prior to its submission to the appropriate decision-maker.
- (b) The Commission will endeavour to consider any petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- (c) At the meeting of the Overview and Scrutiny Commission the Chair will invite the petition organiser to address the Commission for a maximum of 3 minutes on the issue.

### **Matters Referred to the Commission**

- (a) The Commission may consider a petition referred to it by the Cabinet, Council or a Committee or Sub-Committee of the Council.

## 10. Reports from the Overview and Scrutiny Commission

- (a) In addition to reporting to the Full Council each cycle on its current work, the Overview and Scrutiny Commission will produce reports when a particular piece of work has been completed, to the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), to a Committee where the matter falls within its terms of reference or to the Council as appropriate (e.g. if the proposal would require a departure from or a change to the agreed budget and policy framework ~~or if it relates to the outcome of a best value review~~). These reports will be presented directly by the Chair of the Overview and Scrutiny Commission (or, with the agreement of the Chair of the Overview and Scrutiny Commission, by the Member who led the review). Where the Council is to receive the report a copy of the report will be submitted to the Cabinet held in the same cycle. The Cabinet may comment upon the report and these comments will be presented to the Council at the time the report is considered. The Chair of the Overview and Scrutiny Commission will be entitled to introduce his/her report and to answer questions made by Members of the Cabinet if he/she wishes to do so.
- (b) If the Overview and Scrutiny Commission cannot agree on one single report, then up to one minority report may be prepared and submitted for consideration with the majority report.
- (c) The report of the Overview and Scrutiny Commission shall be considered as soon as reasonably practicable.

## 11. Rights of Overview and Scrutiny Commission Members to Documents

- (a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Commission and its panels have the additional rights to documents and to notice of meetings as set out in the Access to Information Procedure Rules in part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Commission as appropriate, depending on the particular matter under consideration.

## 12. Members and Officers Giving Account

The Overview and Scrutiny Commission and its panels may, within their terms of reference, scrutinise and review decision-making 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 Cabinet, any Committee Chair, the Head of Paid Service and/or **the Deputy Chief Executive** ~~any Director~~ or any Service Head to attend before it to explain in relation to matters within their remit:

- (i) Any particular decision or series of decisions;
- (ii) The extent to which the actions taken implement Council policy; and/or
- (iii) Their performance;

- (iv) Any response to a petition calling for a senior Council officer to give evidence.

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

- (b) Where any Member, Committee Chair or Employee is required to attend the Overview and Scrutiny Commission or a scrutiny panel under this provision, the Chair of the Commission/or that panel will inform the Head of Legal and Democratic Services. The Head of Legal and Democratic Services shall inform the Member or Employee in writing, giving at least five working days' notice of the meeting at which he/she is required to attend. The notice will state the name 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 Commission or panel. Where the account to be given to the Commission or panel will require the production of a report, then the Member or Employee concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the Member or Employee is unable to attend on the required date, then the Overview and Scrutiny Commission or panel shall in consultation with the Member or Employee arrange an alternative date for attendance.

### **13. Attendance by Others**

The Overview and Scrutiny Commission or its panels may invite people other than those people referred to in paragraph 11 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, Members and Employees in other parts of the public sector and shall invite such people to attend. When carrying out its functions relating to crime and disorder, the attendance of an officer or employee of a responsible authority or of a co-opted person or body may be required in order to answer questions. Reasonable notice of the intended date of attendance must be given to that person.

Petition organisers may attend a meeting of the Overview and Scrutiny Commission as detailed in the Crawley Borough Council Petitions Scheme (see page 449).

### **14. Call In**

Call in should only be used in exceptional circumstances. These are where the Member(s) calling in the decision believes that the decision was not taken in accordance with the principles set out in Article 12.2 (decision-making).

#### **Call In of Decisions Made by the Cabinet as a Whole**

- (a) At Cabinet meetings or Committees of the Cabinet, immediately after the decision is taken, any Member of the Council present may indicate that they wish to call-in the decision because they do not believe it has been taken in accordance with the provisions of decision making set out in Article 12 of the Constitution.
- (b) The Member of the Council calling in the decision must indicate how they believe the principles of Article 12.2 have been breached, not



only by identifying the principle which they feel has not been complied with but also by specifying how they consider it has been breached. If there should be any doubt about the validity of a call-in, the matter may be referred to the Head of Legal and Democratic Services for determination. Where it is decided by the Head of Legal and Democratic Services that a request for call-in is invalid, the Leader and the Member of the Council calling in the decision will be advised that the call-in provisions do not apply and that, therefore, the original decision will stand. The implementation of the decision will be reported to the Cabinet and to Full Council.

- (c) If a decision is called in, it is treated as suspended. The Member of the Council calling in the decision must then obtain within the five working days following the call-in, the support of three other Members of the Council. The support must be communicated to the Head of Legal and Democratic Services either by way of a signed pro-forma or separate written confirmation by each supporter, which may be a hard copy or e mail communication (to [democraticservices@crawlley.gov.uk](mailto:democraticservices@crawlley.gov.uk)) and acknowledgement of receipt shall be obtained. Failure to obtain the support of three other Members within this period will mean that the original decision will stand and, on the sixth working day, the decision will be implemented. The implementation of the decision will be reported to the Cabinet and to Full Council.
- (d) In the case of the Cabinet or a Committee of the Cabinet, if the required number of signatures is produced within the period specified, then the decision will continue to be treated as suspended and the matter will be reconsidered at the next meeting of Full Council. If the Full Council does not object, then the original decision stands. If the Council does object, it cannot change the decision unless that decision was contrary to the policy framework or contrary or not wholly in accordance with the budget. Unless that is the case, the Council will refer the matter back either to the next meeting of the Cabinet for reconsideration (in which case the matter may not be called-in a second time) or to the Overview and Scrutiny Commission. If the matter has already been the subject of scrutiny, it shall only be referred back to the Overview and Scrutiny Commission if there is new material to be considered. The Council may pass a resolution specifying the nature of its objection to the proposed decision.

### **Call In of Decisions Made by Individual Cabinet Members**

- (e) Notice of decisions to be made by individual Cabinet Members, or of key decisions made by employees with delegated authority from the Cabinet, will be published in the weekly Members' Information Bulletin and will be made available for public inspection at the Council's offices.
- (f) Unless, within five working days of the publication date of the Members' Information Bulletin, any Member of the Council objects to the proposed decision on the grounds that they do not believe the decision, if implemented, would be in accordance with the principles of decision-making set out in Article 12 of the Constitution, then the decision is implemented on the sixth working day.

- (g) If any Member of the Council objects, then the decision is called in. If a decision is called in, it is treated as suspended. The Member of the Council calling in the decision must then obtain the support of three other Members of the Council within the five working days following the publication date of the Members' Information Bulletin. The call in and the support must be communicated to the Head of Legal and Democratic Services either by way of a signed pro-forma or separate written confirmation by each supporter, which may be a hard copy or e mail communication (to [democraticservices@crawlley.gov.uk](mailto:democraticservices@crawlley.gov.uk)) and acknowledgement of receipt shall be obtained. Failure to obtain the support of three other Members within this period will mean that the original decision will stand and, on the sixth working day, the decision will be implemented.
- (h) If the required support is given within the period specified, then the decision will continue to be treated as suspended and the matter will then be referred to the next Council meeting. Any decision taken by the Cabinet Member for Community Engagement relating to grants applications will not be subject to call-in since it would be subject to appeal to the Grants Appeals Panel.
- (i) Any objection to a proposed decision by an individual Cabinet Member, or to a key decision made by an employee with delegated authority from the Cabinet, must be made in writing to the Head of Legal and Democratic Services (either hard copy or email). The Member of the Council calling in the decision must indicate how they believe the principles of Article 12 have been breached.
- (j) If the required number of signatures is produced within the period specified, then the decision will continue to be treated as suspended and the matter will be reconsidered at the next meeting of Full Council. If the Full Council does not object, then the original decision stands. If the Council does object, it cannot change the decision unless that decision was contrary to the policy framework or contrary or not wholly in accordance with the budget. Unless that is the case, the Council will refer the matter back to either the individual Cabinet Member who originally took the decision for reconsideration (in which case the matter may not be called in a second time), to the next meeting of the Cabinet for reconsideration (in which case the matter may not be called in a second time), or to the Overview and Scrutiny Commission. If the matter has already been the subject of scrutiny, it shall only be referred back to the Overview and Scrutiny Commission if there is new material to be considered. The Council may pass a resolution specifying the nature of its objection to the proposed decision.

#### **Call In and Urgency (Protection from Call In)**

- (k) The call in procedure set out above shall not apply where the decision being taken by the Cabinet 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 agenda item in the case of matters to be decided by the Cabinet as a whole or the Members' Information Bulletin item in the case of proposed decisions by individual Cabinet Members, or key decisions made by employees with delegated authority from the Cabinet, must indicate the reason why, in the opinion of the Head of Paid Service or his/her nominee, the

matter should be treated as urgent, and that in his/her opinion the decision proposed is reasonable in all the circumstances. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- (l) The operation of the provisions relating to call in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

## 15. The Party Whip

When considering any matter in respect of which a Member of the Overview and Scrutiny Commission or its panels 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 Commission's or the panel's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

## 16. Procedure at Overview and Scrutiny Commission Meetings

- (a) The Overview and Scrutiny Commission shall consider the following business:
  - (i) Minutes of the last meeting;
  - (ii) Declarations of interest (including whipping declarations);
  - (iii) The business otherwise set out on the agenda for the meeting, including:-
    - (a) consideration of any matter referred to the Overview and Scrutiny Commission for a decision in relation to call-in of a decision;
    - (b) matters referred to the Overview and Scrutiny Commission in relation to relevant petitions submitted under the Crawley Borough Council Petitions Scheme; and
    - ~~(c) responses of the Cabinet or Full Council to reports of the Overview and Scrutiny Commission;~~
  - (iv) Forward Plan;
  - (v) Supplemental agenda. (This item can be used to discuss any item on the forthcoming Cabinet agenda)
- (b) Where the Overview and Scrutiny Commission or its panels conduct investigations, the Commission or its panels may also ask people to attend to give evidence at Commission or panel meetings which are to be conducted in accordance with the following principles:
  - (i) That the investigation be conducted fairly and all Members of the Commission or panel be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) That those assisting the Commission or panel by giving evidence be treated with respect and courtesy; and

- (iii) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Commission/panel shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

**17. Public Speaking at the Overview and Scrutiny Commission**

- (1) At the beginning of every ordinary meeting of the Commission, there will be a public question time.
- (2) During public question time, a member of the public may ask a question which is relevant to any item on the agenda, a scrutiny panel or potential review. The question must not relate to an individual case which should be dealt with under the Council's complaints procedure or any other formal appeals procedure.
- (3) The Chair of the Commission at his/her discretion may answer the question or invite other Members or employees to respond.
- (4) Members of the public do not need to give prior notice of their questions. They may signify their wish to ask a question by raising their hand.
- (5) After the question has been answered, the person asking the question may ask one supplementary question.
- (6) The duration of question time will be a maximum of 15 minutes. It may be extended at the Chair of the Commission's discretion.
- (7) Petition organisers may address the Commission in accordance with Paragraph 9 of these procedure rules.

**DRAFT OVERVIEW AND SCRUTINY COMMISSION: WORK PROGRAMME 2015 – 2016**

**OSC 8 June 2015**

Presentation on Prevent agenda  
Revised Operations for the OSC & Future of PMSP  
Presentation on the 2014-2015 Transformation Plan and Transformation plan 2015-2018  
Review of Working Groups, Advisory Groups, Policy Development Forums & Seminars  
Appointments to Scrutiny Panels for 2015/2016  
Appointments to Health and Adult Social Care Select Committee (HASC), Joint Scrutiny Steering Group, West Sussex Joint Scrutiny Flooding Task and Finish Group

**OSC Review Workshop - Tuesday 23 June 2015**

**TRAINING - Making Effective Use of Overview and Scrutiny - Wednesday 15 July 2015** (tbc)

**OSC 6 July 2015**

**'confirmed' Cabinet 8 July 2015**

Budget and Strategy 2016/17–2020/21  
Treasury Management Outturn 2014-2015  
Five Year Business Plan for Crawley's Adventure Playgrounds  
Five Year Business Plan for Tilgate Park and Nature Centre  
Findings of the OSC Workshop 23 June 2015 - establishment of any new scrutiny panels.

**OSC 7 September 2015**

Discussion with Police and Crime Commissioner (following invite issued by OSC Chair 10 Feb 2015)  
Safer Crawley Partnership Performance Review 2014-15 and Future Priorities  
Systems Thinking Update – Allotments  
Review of the Amendments to the Under Occupation Incentive Policy update report  
Cabinet Member Discussion – Cabinet Member for Public Protection and Community Engagement

**OSC 5 October 2015**

**'confirmed' Cabinet 7 October 2015**

Crawley Borough Local Plan: Crawley 2030

**OSC 9 November 2015**

Verbal Update – Glendale Golf performance  
Systems Thinking Update – Facilities (Review following implementation 2.6.14)  
Cabinet Member Discussion – Cabinet Member for Wellbeing

**OSC 30 November 2015**

**'confirmed' Cabinet 2 December 2015**

Treasury Management Mid-Year Review 2015-2016

**OSC 11 January 2016**

Verbal Update – Freedom Leisure performance  
Systems Thinking Update – Payments  
Cabinet Member Discussion -

**OSC 8 February 2016**

**'confirmed' Cabinet 10 February 2016**

Budget and Council Tax 2016/17  
Treasury Management Strategy 2016-2017

**OSC 21 March 2016**

**'confirmed' Cabinet 23 March 2016**

**Other items that may be required but as yet unscheduled** - Fairness Commission Scrutiny Panel Final Report