



Monday, 30 May 2022

Dear Sir/Madam

A meeting of the Overview and Scrutiny Committee will be held on Thursday, 9 June 2022 in the Council Chamber, Council Offices, Foster Avenue, Beeston, NG9 1AB, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:	J C Patrick (Chair)	M Hannah
	D K Watts (Vice-Chair)	E Kerry
	S Easom (Vice-Chair)	P J Owen
	M J Crow	R S Robinson
	S Dannheimer	C M Tideswell
	L Fletcher	I L Tyler
	J C Goold	

## A G E N D A

1. APOLOGIES

To receive apologies for absence.

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. CONSIDERATION OF CALL IN

To consider any matter referred to the Committee for a decision in relation to the call in of a decision.

4. RESPONSES OF THE CABINET OR DECISION MAKER TO REPORTS OF THE COMMITTEE

To allow the Committee to consider any matters arising from their reports in the future.

5. ESTABLISHING EFFECTIVE SCRUTINY (Pages 3 - 38)

To inform the Committee of their specific powers and to identify topics for scrutiny.

6. CABINET WORK PROGRAMME (Pages 39 - 40)

To inform the Committee of items on the Cabinet's work programme, from which items for scrutiny may be identified.

7. WORK PROGRAMME (Pages 41 - 42)

Committee is asked to approve its Work Programme, including identifying topics for scrutiny, that will help to achieve the Council's key priorities and associated objectives.

## Report of the Executive Director

**ESTABLISHING EFFECTIVE SCRUTINY**1. Purpose of Report

To inform the Committee of their specific powers and to identify topics for scrutiny.

2. Recommendation

**The Committee is asked to RESOLVE that the process and forms for identifying topics for scrutiny be approved.**

3. Detail

This Committee has been appointed to scrutinise the actions of the Executive and to review the policies and practices of the Council. It has the power to inquire, research and report on matters within its remit and can determine which topics are selected for scrutiny. In addition, it can 'call-in' decisions of the Executive within three days of the publication of Cabinet minutes, enabling further consideration to be given to them. Chapter 2 Part 7 of the constitution is included at appendix 1.

It is suggested that, initially, topics for scrutiny be suggested by Councillors and Officers through the use of the Scrutiny Form at appendix 2. Topics that are to be investigated will then be scoped using the Scoping Form at appendix 3. Once an opening work programme is established, the aim is to allow members of the public to refer matters of concern to the Committee.

4. Financial Implications

There are no anticipated financial implications for the Council's approved budget.

5. Legal Implications

The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011. This was to ensure Members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.

6. Background Papers

Nil.

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# Broxtowe Borough Council Constitution

## Chapter 2 – Part 7

### Overview & Scrutiny Arrangements and Procedure Rules

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## **Chapter 2 Part 7: OVERVIEW & SCRUTINY ARRANGEMENTS AND PROCEDURE RULES**

### **1. The Overview & Scrutiny Committee and Arrangements for Overview & Scrutiny**

The Council will have an Overview & Scrutiny Committee which may appoint Scrutiny Sub-Committees or working groups to carry out detailed examination of particular topics for report back to it. Such Sub-Committees or working groups may be appointed for a fixed period on the expiry of which they shall cease to exist.

Any Member of the Council may refer a matter to the Overview & Scrutiny Committee in accordance with Rule 8 below.

### **2. The Membership of the Overview & Scrutiny Committee**

All Members of the Council except Members of the Cabinet (or Committees of the Cabinet), the Mayor and Deputy Mayor of the Council are eligible for appointment as Members of the Overview & Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

### **3. Co-Optees**

The Overview & Scrutiny Committee shall be entitled to appoint a maximum of six people as non-voting co-optees either as standing Members of the Committee or on a time limited basis to assist with the Committee; and may also appoint non-voting co-optees to assist with Overview and Scrutiny Sub-Committees or working groups. The selection and nomination of co-opted Members shall be in accordance with any protocol agreed by the Overview & Scrutiny Committee.

### **4. Meetings of the Overview & Scrutiny Committee**

The Council may determine a cycle of meetings for the Overview & Scrutiny Committee and its Sub-Committees (if any). If the Council do not set the cycle, the Overview & Scrutiny Committee shall determine its own cycle of meetings. The Chair, or in their absence the Vice-Chair, may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the Committee's work programme. A meeting of the Overview & Scrutiny Committee and any of its Sub-Committees may be called by its Chair (or in their absence, the Vice-Chair) or by the Monitoring Officer, if they consider it necessary or appropriate.

## **5. Quorum**

The quorum for an Overview & Scrutiny Committee or Scrutiny Sub-Committees one quarter of the Members of the Committee rounded up and not less than three.

## **6. The Chair**

There shall be a Chair and a Vice-Chair of the Overview & Scrutiny Committee appointed by the Council. The Chair and the Vice-Chair of and a Scrutiny Sub-Committee, shall be appointed by the Chair of the Overview & Scrutiny Committee as required.

6.1 In the absence of the Chair the Vice-Chair can exercise the powers of the Chair.

6.2 The Chair and the Vice-Chair of the Overview & Scrutiny Committee shall be entitled to attend each Scrutiny Sub-Committee [and may participate in the meeting but shall not be entitled to vote].

## **7. Work Programme**

The Overview & Scrutiny Committee and the Scrutiny Sub-Committees will, following consultation with the Chair and Vice-Chair of the Overview & Scrutiny Committee, set their own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

## **8. Agenda Items**

8.1 Any Member of the Council, including Members of the Overview & Scrutiny Committee or Scrutiny Sub-Committee shall be entitled to give notice to the Monitoring Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. Seven working days' notice of the item should be given to the Monitoring Officer together with sufficient information to enable the Monitoring Officer to advise about the nature and purpose of the item.

8.2 On receipt of such a request, so long as it is an appropriate matter to be considered, the Monitoring Officer will ensure that it is included on the next available agenda.

8.3 The Overview & Scrutiny Committee and the Scrutiny Sub-Committees shall also respond, as soon as their work programme permits, to requests from the Council, Cabinet and or the relevant Committee to review particular areas of Council activity. Where they do so, the Overview & Scrutiny Committee shall



report their findings and any recommendations back to the Council, Cabinet and/or relevant Committee. The Council, Cabinet and/or relevant Committee shall consider the report of the Overview & Scrutiny Committee or its Sub-Committees within two meetings of receiving it.

## **9. Policy Review and Development**

- 9.1 The role of the Overview & Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in in the Budget and Policy Framework Procedure Rules at Chapter 2 Part 6 of this Constitution.
- 9.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview & Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 9.3 The Overview & Scrutiny Committee and a Scrutiny Sub-Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay for any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## **10. Reports from the Overview & Scrutiny Committee and Scrutiny Sub-Committees**

- 10.1 The Overview & Scrutiny Committee or a Scrutiny Sub-Committees will prepare a report detailing its considerations, proposals or recommendations for consideration by the Cabinet, relevant Committee or the Council.
- 10.2 The Overview & Scrutiny Committee will submit the report to the Monitoring Officer for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or the relevant Committee or the Council to the Council as appropriate (e.g. if the proposals or recommendations would require a departure from or a change to the agreed Budget and Policy Framework).
- 10.3 If the Overview & Scrutiny Committee cannot agree on a single final report to the Council or Cabinet as appropriate, one minority report may be prepared

and submitted for consideration by the Cabinet, relevant Committee or the Council with the majority report.

- 10.4 The Cabinet, relevant Committee or the Council shall consider the report of the Overview & Scrutiny Committee within two meetings of the report being submitted to the Monitoring Officer.

## **11. Ensuring the Cabinet's Consideration of Overview & Scrutiny Reports**

11.1 The agenda for Cabinet meetings shall include an item entitled 'Scrutiny Reviews'. The reports of the Overview & Scrutiny Committee referred to the Cabinet shall be included following this point in the agenda (unless they have been considered in the context of the Cabinet deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Cabinet or Council (as the case maybe) within two meetings, they will provide an explanation of the reasons to the Chair of the Overview & Scrutiny Committee as soon as practicable.

11.2 The Overview & Scrutiny Committee and a Scrutiny Sub-Committee will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview & Scrutiny Committee following a consideration of possible policy/service developments, it will be able to respond in the course of the Cabinet's consultation process in relation to any Key Decision.

11.3 Where the Cabinet has delegated decision-making power to individual Members of the Cabinet or Officers, the Overview & Scrutiny Committee will submit a copy of their report to them for consideration. At the time of doing so the Overview & Scrutiny Committee shall serve a copy of the report on the Monitoring Officer. The Cabinet Member or Officer with delegated decision-making power must consider the report and respond in writing to the Overview & Scrutiny Committee within four weeks of receiving it. A copy of their written response to it shall be sent to the Monitoring Officer and the Leader.

## **12. Rights of the Overview & Scrutiny Committee to Documents**

12.1 In addition to their rights as Councillors, Members of the Overview & Scrutiny Committee and the Scrutiny Sub-Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules at Chapter 2 Part 5 of this Constitution.

12.2 Nothing in this Rule 12 more detailed liaison between the Cabinet and the Overview & Scrutiny Committee and the Scrutiny Sub-Committees as appropriate depending on the particular matter under consideration.

**13. Members and Officers Giving Account to the Overview & Scrutiny Committee**

13.1 The Overview & Scrutiny Committee and the Scrutiny Sub-Committees may scrutinise and review decisions made 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:

13.1.1 any particular decision or series of decisions;

13.1.2 the extent to which the actions taken implement Council policy; and/or

13.1.3 their performance

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

13.2 For this purpose, senior Officer includes any Chief Officer or Deputy Chief Officer and other appropriate senior Officers. Where there are concerns about the appropriateness of the Officer who should attend, the relevant Chief Officer shall discuss this with the appropriate Scrutiny Chair or Vice-Chair with a view to achieving consensus.

13.3 Where any Member or Officer is required to attend the Overview & Scrutiny Committee or a Scrutiny Sub-Committee under this provision, the Chair of that Committee will inform the Monitoring Officer. The Monitoring Officer shall inform the Member or Officer, if necessary in writing, giving at least 7 working days' notice of the meeting at which they are required to attend (unless agreed otherwise). Any notice will state the nature of the item on which the Member or Officer is required to attend to give account and whether any papers are required to be produced for the Committee.

13.4 Where the account to be given to the Overview & Scrutiny Committee or Scrutiny Sub-Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that report.

13.5 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview & Scrutiny Committee or Scrutiny Sub-

Committee shall, in consultation with the Member or Officer, arrange an alternative date for attendance.

**14. Attendance by Others**

The Overview & Scrutiny Committee or Scrutiny Sub-Committee may invite people other than those referred to in Rule 13 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 Officers in other parts of the public sector and may invite such people to attend.

**15. Call-In**

15.1 The Overview & Scrutiny Committee has the power to Call-In decisions made by the Cabinet or a Committee (or by an individual Cabinet Member or Officer where acting under delegated authority) (which term shall also include a Joint Committee) but not yet implemented. The purpose is to consider whether to recommend that a decision be reviewed by the decision-maker This is a power which should only be used in exceptional circumstances and cannot be used in respect of day-to-day management and operational decisions.

15.2 When a decision is made by the Cabinet, an individual Member of the Cabinet or Officer with delegated powers or under joint arrangements, notice of the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Overview & Scrutiny Committee Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

15.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is Called-In under the provisions set out below and shall otherwise be in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (in respect of Executive decisions) or the Openness of Local Government Bodies Regulations 2014 (in respect of relevant Non-Executive decisions).

15.4 Within that period:

15.4.1 the Chair or, in their absence the Vice-Chair, of the Overview & Scrutiny and two Members of the Committee; or

15.4.2 any five Members of the Council

may sign a notice requesting that the decision is Called-In and submit the notice to the Monitoring Officer. The notice should give reasons for the request for Call-In having regard to the principles of decision making set out at Chapter 1 Part 2 of this Constitution.

- 15.5 On receipt of the notice the Monitoring Officer will, as soon as possible, seek the views of the Chair or in their absence, the Vice-Chair of the Overview & Scrutiny Committee, or in the absence of both, a Chair or Vice-Chair of Scrutiny Sub-Committee.
- 15.6 The Chair or Vice-Chair to whom the request is referred will consider whether the request is valid. They will take account of whether a case has been made out for Calling-In the decision and whether delaying the implementation of the decision would be likely to cause significant damage to the Council's interests. They will have regard to the advice of the Monitoring Officer and S151 Officer on this point.
- 15.7 If it is considered that the request for Call-In is valid, the Monitoring Officer will convene a meeting of the Overview & Scrutiny Committee within 7 working days, after consulting the Chair of the Committee about the date. The Committee will then proceed in accordance with Rule 15.9 below.
- 15.8 If the Chair or Vice-Chair to whom the request is referred, considers that the request is not valid the decision will not be Called-In. The Monitoring Officer will submit a report to the next available meeting of the Overview & Scrutiny Committee giving details of the request and Chair's/Vice-Chair's reasons for refusing it.
- 15.9 Where the Overview & Scrutiny Committee considers a Call-In request, the format of the meeting will be as follows:-
- 15.9.1 after the Chair opens the meeting the Members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed;
- 15.9.2 on matters of particular relevance to a particular Ward Members who are not signatories to a Call-In have the opportunity to make comments on the Call-In at the meeting, such speeches not to exceed five minutes each. Ward Members will take no further part in the discussion or vote. Ward Members must register

- their request to speak by contacting the Monitoring Officer by 12 noon on the day prior to the relevant hearing;
- 15.9.3 the decision-maker and any relevant Portfolio Holder(s) will then be invited to make any comments;
- 15.9.4 the relevant Head of Service or their representative will advise the Overview & Scrutiny Members on the background and context of the decision and its importance to achieving Service priorities;
- 15.9.5 the Scrutiny Members will ask questions of the Members and Officers in attendance;
- 15.9.6 the decision-maker and any relevant Portfolio Holder(s) will be invited to make any final comments on the matter.
- 15.10 The Overview & Scrutiny Committee, after considering the evidence presented to the meeting, will make one of the following decisions:-
- 15.10.1 to take no further action, in which case the decision will take effect immediately;
- 15.10.2 refer the decision back to the decision-maker for reconsideration, setting out the nature of the Committee's concerns; the decision-maker must then re-consider the matter within a further 10 working days, taking into account the concerns of the Overview & Scrutiny Committee, before making a final decision;
- 15.10.3 to refer the matter to full Council for its views.
- 15.11 If, following a request for Call-In, the Overview & Scrutiny Committee does not meet as set out above, or does meet but having decided to refer the decision fails to do so, the decision will take effect on the date upon which the Overview and Scrutiny Committee meeting should have taken place, or the expiry of that further 7 working day period during which the decision should have been referred.
- 15.12 If the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no place to make decisions in respect of a Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will

refer any decision to which it objects back to the decision-maker, together with the Council's views on the decision. That decision-maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet or a Committee a meeting will be convened to reconsider the decision within 10 working days of the Council's request. Where the decision was made by an individual, the individual will reconsider the decision within 10 working days of the Council's request.

15.13 If the Council objects to the decision but does not refer the decision back to the decision-maker, the decision will become effective on the date of the Council meeting at which the Council considered and referred the decision.

15.14 If a decision is referred to the Council and the Council fails to meet for the purpose of considering the decision, the decision will take effect on the expiry of the period during which the Council meeting should have been held.

## **16. Exceptions**

16.1 In order to ensure that the Call-In procedure is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

16.1.1 that Call-In can be invoked in respect of a decision only once;

16.1.2 that Call-In will not apply to day-to-day management and operational decisions taken by Officers (Administrative Decisions)

16.2 A decision pertaining to an "excluded matter" pursuant to the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012 cannot be Called-In.

## **17. Call-In and Urgency**

17.1 The Call-In procedure set out above shall not apply where the decision being taken is urgent.

17.2 A decision will be urgent if any delay will likely to be caused by the Call-In process would seriously prejudice the Council's or the public's interests.

17.3 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-maker, the decision is an urgent one, and therefore not subject to Call-In.

17.4 The Chair, or in their absence, the Vice-Chair of the Overview & Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of

the Chair or Vice-Chair of the Overview & Scrutiny the Mayor, or in their absence, the Deputy Mayor's consent shall be required. In the absence of both the Mayor and Deputy Mayor the Chief Executive or their Deputy's consent shall be required.

17.5 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

17.6 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.

## **18. The Party Whip**

18.1 If a Member of the Overview & Scrutiny Committee or a Scrutiny Sub Committee is subject to a party whip in respect of an issue to be considered by it, that Member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **19. Overview & Scrutiny Committee Meeting Procedure**

19.1 The Overview & Scrutiny Committee and the Scrutiny Sub-Committees shall consider the following business:-

19.1.1 minutes of the last meeting;

19.1.2 declarations of interest;

19.1.3 consideration of any matter referred to the Committee or Sub-Committee for a decision in relation to call in of a decision;

19.1.4 responses of the Cabinet or decision-maker to reports of the Overview & Scrutiny Committee;

19.1.5 the business otherwise set out on the agenda for the meeting.

19.2 The Overview & Scrutiny Committee or any of the Scrutiny Sub-Committees may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:-

19.2.1 that the business be conducted fairly and all Members of the Committee or Sub-Committee be given the opportunity to ask questions of attendees, and to contribute and speak;



19.2.2 that those assisting by giving evidence be treated with respect and courtesy;

19.2.3 that the business be conducted as efficiently as possible.

19.3 Following any investigation or review, the Committee or Sub-Committee shall prepare a report, for submission to the Cabinet, decision-maker and/or Council as appropriate and shall make its report and findings public.

## **20. Matters within the Remit of More than One Scrutiny Sub-Committee**

20.1 Where a matter for consideration by a Scrutiny Sub-Committee also falls within the remit of another Overview & Scrutiny Sub-Committee the decision as to which Sub-Committee will consider the matter shall be agreed by the Chairs of the Sub-Committees or, if they fail to agree, the Chair of the Overview & Scrutiny Committee.

## **21. Councillor Call for Action**

21.1 The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council, via the Scrutiny process.

21.2 Any Member may request that an item is placed on the agenda of the Overview & Scrutiny Committee for consideration. The Member making that request does not have to be a Member of the Overview & Scrutiny Committee or a Scrutiny Sub-Committee.

21.3 The Call for Action should be an option of “last resort”. In considering whether to refer to a matter in accordance with these provisions, Members must have regard to relevant guidance issued by the Secretary of State. A Call for Action will only be included on the Overview & Scrutiny Committee agenda if the Chair, in consultation with the Monitoring Officer, is satisfied that:

21.3.1 the Member has made all reasonable efforts to resolve the matter via direct liaison with the Council’s Officers and/or relevant partners; and

21.3.2 the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted Council policy or legislation; and

21.3.3 the issue of concern has a demonstrable impact on a part or the whole of the Member’s Ward;

and information to support the above criteria should accompany the Call for Action request.

- 21.4 A Call for Action cannot, in any event, relate to:
  - 21.4.1 a planning decision;
  - 21.4.2 a licensing decision;
  - 21.4.3 any matter concerning 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;
  - 21.4.4 any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview & Scrutiny Committee.
  - 21.4.5 any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.
- 21.5 If the Chair (or the Vice Chair in their absence) rejects the Call for Action the Member who made the request shall be provided with reasons for the decision.
- 21.6 A valid Call for Action will be considered at the next ordinary meeting of the Overview & Scrutiny Committee or at a special meeting of the Committee within 14 days of validation whichever is the sooner. The Committee may either decide to consider the matter itself or refer it to an appropriate Scrutiny Sub-Committee.
- 21.7 The subject matter of the Call for Action will be the subject of a report from the relevant Head of Service, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Overview & Scrutiny Committee or Scrutiny Sub-Committee meeting to provide that information, make representations and answer questions.
- 21.8 The Call for Action will be considered by the Overview & Scrutiny Committee or Scrutiny Sub-Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules at Chapter 2 Part 5 of this Constitution.

- 21.9 The Member who referred the matter under Rule 21.2 above may address the Overview & Scrutiny Committee or Scrutiny Sub-Committee in respect of the Call for Action for up to 10 minutes.
- 21.10 The Overview & Scrutiny Committee or Scrutiny Sub-Committee may also consider representations from any residents of the Ward affected by the Call for Action, subject to the discretion of the Chair.
- 21.11 If the Call for Action concerns issues that fall within the remit of the Cabinet, the relevant Cabinet Member / Portfolio Holder shall also attend the Overview & Scrutiny Committee or Scrutiny Sub-Committee to answer questions and make any representations.

## **22. Reports and Recommendations on a Call for Action**

- 22.1 Where the Overview & Scrutiny Committee or a Scrutiny Sub-Committee makes a report or recommendations to the Council or the Cabinet as a result of a reference under Rule 21 above, the Overview & Scrutiny Committee or Scrutiny Sub-Committee may publish the report, subject to the provisions of the Local Government Act 2000 (as amended) ("the 2000 Act") in relation to confidential or exempt information.
- 22.2 The Overview & Scrutiny Committee or Scrutiny Sub-Committee will, by notice in writing to the Monitoring Officer, require the Council or Cabinet:-
- 22.2.1 to consider the report or recommendations,
- 22.2.2 to respond to the Overview & Scrutiny Committee or Scrutiny Committees indicating what, if any action the Council or Cabinet proposes to take,
- 22.2.3 if the Overview & Scrutiny Committee or Scrutiny Sub-Committee has published the report or recommendations, to publish the response, subject to the provisions the 2000 Act (as amended) relating to confidential or exempt information,
- 22.2.4 if the Overview & Scrutiny Committee or Scrutiny Sub-Committee provided a copy of its report or recommendations to the Member who referred the matter to the Committee, to provide that Member with a copy of the response, subject to the provisions 2000 Act (as amended) in relation to confidential or exempt information,

and to do so within two months of the date when the Council or Cabinet received the report or recommendations or (if later) the date when the Monitoring Officer received the notice.

### **23. Scrutiny of Crime and Disorder Matters**

23.1 The Overview & Scrutiny Committee is designated as the Council's Crime and Disorder Committee (the "Crime & Disorder Scrutiny Committee") (in accordance with section 19 of the Police and Justice Act 2006) with responsibility for scrutinizing crime and disorder and community safety matters.

23.2 Any Member of the Council may give notice to the Monitoring Officer that they wish an item which they consider to be a crime and disorder matter to be included on the agenda for discussion at the next meeting of the Crime & Disorder Scrutiny Committee.

23.3 On receipt of the request, the Monitoring Officer will ensure that the item is included on the next available agenda for consideration by the Crime & Disorder Scrutiny Committee.

23.4 Rules 21.7 to 21.11 above shall apply to the consideration of a crime and disorder matter by the Crime & Disorder Scrutiny Committee as they apply to the consideration of a Call for Action by the Overview & Scrutiny Committee or Scrutiny Sub-Committee.

23.5 If the Crime & Disorder Scrutiny Committee decides not to make a report or recommendation to the Council in relation to the crime and disorder matter, it must notify the Member who referred the matter of its decision and the reasons for it.

23.6 Where the Crime & Disorder Scrutiny Committee makes a report or recommendations to the Council it must:-

23.6.1 provide a copy of the report or recommendations to the Member who referred the matter to the Committee and

23.6.2 provide a copy of the report or recommendations to such of:-

(a) the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998); and

(b) the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998);

as the Council thinks appropriate.

23.7 Where the Overview & Scrutiny Committee makes a report or recommendations to the Council or provides a copy of a report or recommendations under Rule 23.6.2 above, the Committee must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:-

23.7.1 consider the report or recommendations;

23.7.2 respond to the Committee indicating what (if any) action it proposes to take;

23.7.3 have regard to the report or recommendations in exercising its functions.

23.8 For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the Crime & Disorder Scrutiny Committee will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than twice in every 12 month period.

23.9 Where the Crime & Disorder Scrutiny Committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act, 2006, the Committee shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

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# Broxtowe Borough Council Constitution

## Chapter 2 – Part 7a

### Overview & Scrutiny Arrangements Flow Diagram

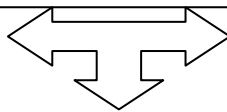
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## **Chapter 2 Part 7a: OVERVIEW & SCRUTINY ARRANGEMENTS FLOW DIAGRAM**

Overview and Scrutiny allows for the understanding of why decisions are made and ensuring the best decisions are made. The Overview and Scrutiny Committee provides the opportunity for Members and Officers to improve the quality and delivery of services. The Committee has the power to consider policy review and development Call-in decisions and consider a Call for Action.

Any Member, including Members of the Overview & Scrutiny Committee may give notice to the Monitoring Officer that they wish an item added to the agenda of the next meeting of the Committee



All Members of the Council except Members of the Cabinet, the Mayor of the Council and Deputy Mayor of the Council, are eligible for appointment as members of the Overview & Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

The Overview & Scrutiny Committee may appoint Scrutiny Sub-Committees or working groups to carry out detailed examination of particular topics for report back to it. Such groups may be appointed for a fixed period before ceasing to exist.

The Overview & Scrutiny Committee shall be entitled to appoint a maximum of six people as non-voting co-optees either as standing Members of the Committee or on a time limited basis.

**When are the Meetings held?**

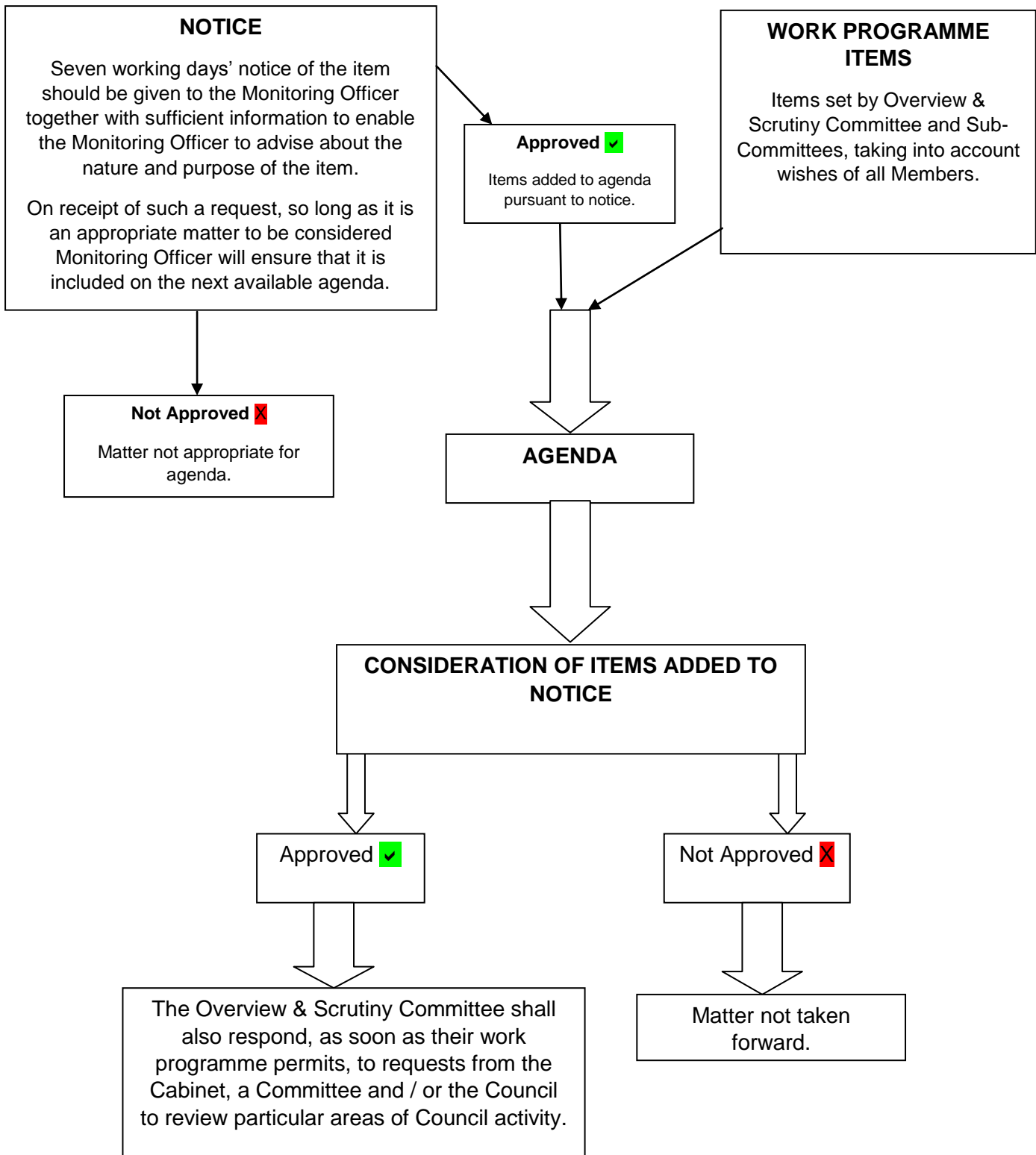


The Council may determine a cycle of meetings for the Overview & Scrutiny Committee and its Sub-Committees.

If the Council do not set the cycle, the Overview & Scrutiny Committee shall determine its own cycle of meetings.

The Chair, or in their absence the Vice-Chair, may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the Committee's work programme.

The Quorum for meetings will be no less than 3 of the Overview & Scrutiny Committee Members.



## OVERVIEW & SCRUTINY COMMITTEE MEETING PROCEDURE

The Overview & Scrutiny Committee any Scrutiny Sub-Committees shall consider the following business:-

- minutes of the last meeting;
- declarations of interest;
- consideration of any matter referred to the Committee or Sub-Committee for a decision in relation to call in of a decision;
- responses of the Cabinet or decision-maker to reports of the Overview & Scrutiny Committee;
- the business otherwise set out on the agenda for the meeting.
- The Overview & Scrutiny Committee or any of the Scrutiny Sub-Committees may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:-
  - that the business be conducted fairly and all Members of the Committee or Sub-Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - that those assisting by giving evidence be treated with respect and courtesy;
  - that the business be conducted as efficiently as possible.

Following any investigation or review, the Committee or Sub-Committee shall prepare a report, for submission to the Cabinet, decision-maker and/or Council as appropriate and shall make its report and findings public.

### REPORTS

The Overview & Scrutiny Committee or a Scrutiny Sub-Committee prepare a report detailing its considerations, proposals or recommendations for consideration by the Cabinet, relevant Committee or the Council.

#### Who is the report submitted to?



The report will be submitted to the Monitoring Officer for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or the relevant Committee or Council as appropriate (e.g. if the proposals or recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

**What if a report cannot be agreed?**



If the Overview & Scrutiny Committee cannot agree on a single final report one minority report may be prepared and submitted for consideration with the majority report.

**Consideration of report and ensuring consideration**



The Cabinet, relevant Committee or the Council shall will consider the report of the Overview & Scrutiny within two meetings of the report being submitted to the Monitoring Officer.

The agenda for the Cabinet meetings shall include an item entitled 'Scrutiny Reviews'

If the item is not considered within two meetings the Cabinet, Committee or the Council as applicable will provide an explanation as to the reasons.

Where decision-making has been delegated to an individual Cabinet Member or Officer, a copy of the report will be submitted to them for consideration. The Cabinet Member or Officer must consider the report and respond in writing within four weeks of receiving it.

**MEMBERS AND OFFICERS GIVING ACCOUNT TO THE OVERVIEW & SCRUTINY COMMITTEE**

The Overview & Scrutiny Committee may require a Member or Officer to attend a meeting in relation to a report. The Overview and Scrutiny Committee may also scrutinise and review decisions made or actions taken in connection with the discharge of any function of the Council under the Call-In procedure or the Councillor Call for Action Procedure, and may require any Member of the Cabinet, a Committee the Chief Executive and / or any senior Officer to attend before it to in relation to matters within their remit in relation to

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy; and/or
- their performance

**Notice to attend meeting**

If any Member or Officer is required to attend a meeting of the Overview and Scrutiny Committee the Monitoring Officer shall give at least 7 working days' notice of the meeting at which they are required to attend.

Where the Member or Officer is unable to attend, the meeting, an alternative date shall be agreed.

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# Broxtowe Borough Council Constitution

## Chapter 2 – Part 7b

### Overview & Scrutiny Arrangements Call-in Flow Diagram

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## Chapter 2 Part 7b: CALL – IN PROCESS FLOW DIAGRAM

The Overview and Scrutiny Committee has the power to Call-In decisions made by the Cabinet a Committee or an Officer under delegated authority, but not yet implemented.

### Exceptions:

- Call-In can be invoked in respect of a decision only once
- Call-In does not apply to day-to-day management and operational decisions taken by Officers (Administrative Decisions)
- A decision which is an “excluded matter”\* pursuant to the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012 cannot be Called-In.\*

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### Urgent decision

- The Call-In procedure shall not apply where a decision being taken 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 decision and notice will specify whether the decision is urgent.

### SIGNED NOTICE REQUESTING DECISION TO BE CALLED-IN

A notice stating the reasons for the request for a decision to be Called-In must be signed and submitted to the Monitoring Officer within 5 working days of the publication of the decision in question

A notice may be signed by the Chair, or in their absence the Vice-Chair of the Overview and Scrutiny and two Members of the Committee; or by any five Members of the Council requesting that the decision is Called-In

### CONSIDERATION

The Monitoring Officer will then seek the views of the Chair, or in their absence, Vice-Chair of the Overview and Scrutiny Committee as to the validity of the Call-In request

The Chair or Vice-Chair will consider whether the case to Call-In the decision has been made out and whether delaying the implementation of the decision would likely to cause significant damage to the Council’s interest.

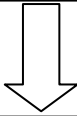
#### VALID REQUEST

Monitoring Officer to convene a meeting of the Overview & Scrutiny Committee within 7 working days

#### INVALID REQUEST

Decision will not be Called-In. Monitoring Officer report for reasons why will be available at next Overview & Scrutiny Committee meeting.

**When a valid request has been made:**



**THE MEETING**

After Chair opens the meeting, the Members who asked for the decision to be Called-In then explain their reasons for the request.

Electoral relevance – the Ward Members who are not signatories to a Call-In have the opportunity to comment on the Call-In, however speeches should not exceed five minutes each.

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Decision-maker and / or any relevant Portfolio Holder(s) on behalf of the Cabinet to make comments.

Relevant Head of Service or their representation will advise the Scrutiny Members of the background and context of decision.

Scrutiny Members to ask questions of the decision-maker and / or relevant Portfolio Holder(s) on behalf of the Cabinet, Ward Members and Officers in attendance.

Decision-maker and any relevant Portfolio Holder(s) on behalf of the Cabinet to make final comments.

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**DECISION**



No further action – decision will take effect immediately.

Refer matter to full Council for views

Refer decision back to decision-maker and / or relevant Portfolio Holder(s) on behalf of the Cabinet for further consideration and report back within 10 working days.

- \*\*"Excluded matters" are:**
- planning decision
  - licensing decision
  - any matter concerning 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
  - any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview & Scrutiny Committee.
  - any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.



Broxtowe  
Borough  
COUNCIL

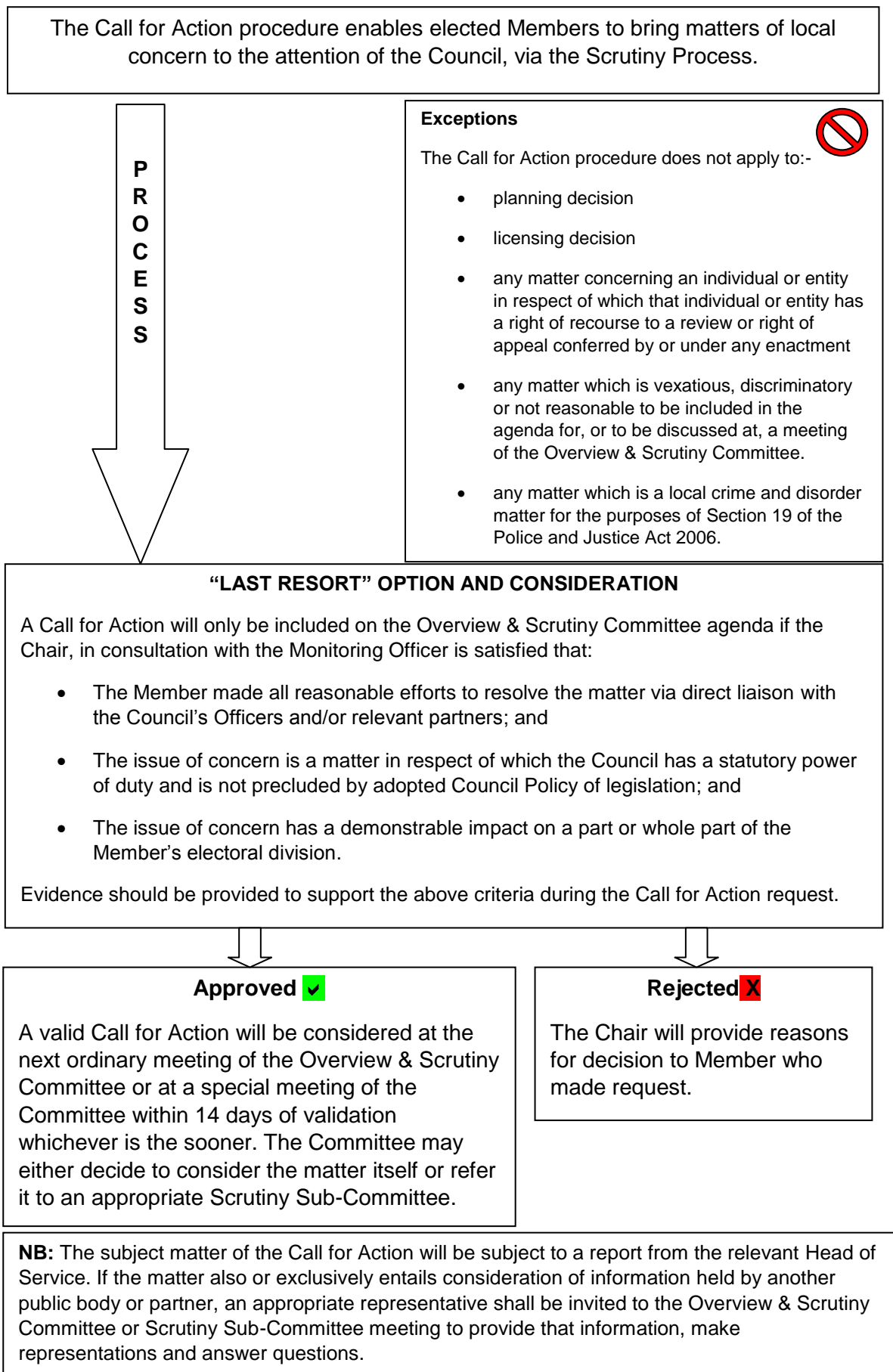
# Broxtowe Borough Council Constitution

## Chapter 2 – Part 7c

### Councillors Call for Action flow diagram

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## Chapter 2 Part 7c: COUNCILLOR CALL FOR ACTION FLOW DIAGRAM



## Reports and Recommendations on a Call for Action

Where the Overview & Scrutiny Committee or a Scrutiny Sub-Committee makes a report or recommendations to the Council or the Cabinet regarding a Call for Action, the Overview & Scrutiny Committee or Scrutiny Sub-Committee may publish the report, subject to the provisions of the Local Government Act 2000 (as amended) ("the 2000 Act") in relation to confidential or exempt information.

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The Overview & Scrutiny Committee or Scrutiny Sub-Committee will, by notice in writing to the Monitoring Officer, require the Council or Cabinet:-

- to consider the report or recommendations
- to respond to the Overview & Scrutiny Committee or Scrutiny Committees indicating what, if any action the Council or Cabinet proposes to take
- if the Overview & Scrutiny Committee or Scrutiny Sub-Committee has published the report or recommendations, to publish the response, subject to the provisions the 2000 Act (as amended) relating to confidential or exempt information
- if the Overview & Scrutiny Committee or Scrutiny Sub-Committee provided a copy of its report or recommendations to the Member who referred the matter to the Committee, to provide that Member with a copy of the response, subject to the provisions 2000 Act (as amended) in relation to confidential or exempt information

**Within two meeting** of the date when the Council or Cabinet received the report or recommendations or (if later) the date when the Monitoring Officer received the notice.

**Report of the Leader of the Council**

**CABINET WORK PROGRAMME**

1. Purpose of Report

Cabinet is asked to approve its Work Programme, including potential key decisions that will help to achieve the Council's key priorities and associated objectives.

2. Recommendation

**Cabinet is asked, that the Work Programme, including key decisions, be approved.**

3. Detail

The Work Programme for future meetings is set out below. Key decisions are marked with an asterisk\*.

<p>21 June 2022</p>	<ul style="list-style-type: none"> <li>• Lifeline Policy</li> <li>• Permission to consult on review/renewal of PSPO's</li> <li>• Bramcote Leisure Centre Feasibility Study *</li> <li>• Domestic Homicide Review Additional Funding Request</li> <li>• Safeguarding Children Policy Update</li> <li>• Safeguarding Adult Policy Update</li> <li>• Food Service Plan</li> <li>• Learning and Development Plan</li> <li>• Apprentice Strategy</li> <li>• Economic Growth and Regeneration Strategy</li> <li>• Anti -Social Behaviour Policy</li> <li>• Evening Car Parking Charges *</li> <li>• Peer Review</li> <li>• Approval of Levelling Up Bid Submissions</li> </ul>
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19 July 2022	<ul style="list-style-type: none"> <li>• Housing Income Policies</li> <li>• Irrecoverable Arrears</li> <li>• Statement of Accounts Update and Outturn Position 2021/22</li> <li>• Treasury Management Annual Report 2021/22</li> <li>• Grants to Voluntary and Community Organisations</li> <li>• Grant Aid – Citizen’s Advice Broxtowe</li> <li>• Waste Strategy</li> <li>• Environmental Enforcement</li> <li>• Decarbonisation of the Fleet</li> <li>• Air Quality Status report</li> <li>• HMO Policy Special Planning Document</li> </ul>
13 September 2022	<ul style="list-style-type: none"> <li>• Housing Furniture Scheme</li> <li>• Modern Slavery Statement</li> <li>• Child Poverty Action Plan</li> <li>• Capital Programme Update 2022/23</li> <li>• Revenue Budget Variations 2022/23</li> <li>• Workforce Profile</li> <li>• Dog Policy Review</li> </ul>
4 October 2022	<ul style="list-style-type: none"> <li>• Irrecoverable Arrears</li> <li>• Medium Term Financial Strategy and Business Strategy</li> <li>• Budget Consultation 2022/23</li> <li>• Grants to Voluntary and Community Organisations</li> <li>• Wellbeing Strategy</li> <li>• House Building Delivery Plan</li> </ul>

4. Background Papers

Nil.



**Report of the Executive Director**

**WORK PROGRAMME**

1. Purpose of Report

Committee is asked to approve its Work Programme, including identifying topics for scrutiny, that will help to achieve the Council's key priorities and associated objectives.

2. Recommendation

**The Committee is asked to RESOLVE that the Work Programme, including topics for scrutiny, be approved.**

3. Detail

The Work Programme for future meetings is set out below.

9 June 2022	<ul style="list-style-type: none"> <li>• Work Programme</li> </ul>
7 July 2022	<ul style="list-style-type: none"> <li>• Reviews to be set by Committee</li> </ul>
1 September 2022	<ul style="list-style-type: none"> <li>• Reviews to be set by Committee</li> </ul>
10 November 2022	<ul style="list-style-type: none"> <li>• Reviews to be set by Committee</li> </ul>
12 January 2022	<ul style="list-style-type: none"> <li>• Reviews to be set by Committee</li> </ul>
30 January 2023	<ul style="list-style-type: none"> <li>• Budget Review</li> </ul>
31 January 2023	<ul style="list-style-type: none"> <li>• Budget Review</li> </ul>
23 February 2023	<ul style="list-style-type: none"> <li>• Reviews to be set by Committee</li> </ul>

4. Background Papers

Nil.

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