

# INTRODUCTION TO OVERVIEW & SCRUTINY IN HILLINGDON

<b>Committee name</b>	Finance & Corporate Select Committee
<b>Officer reporting</b>	Mark Braddock, Democratic Services & Statutory Scrutiny Officer
<b>Papers with report</b>	Appendix A – List of previous Policy Reviews Appendix B – Scrutiny Call-in App Guidance Appendix C – Chapter 5, Select Committees – Constitution

## HEADLINES

As a councillor, you have been elected by your residents because you will represent them in ensuring the Council provides the services they need, to the standard they expect. By understanding their needs, councillors who sit on select committees can bring a different and independent perspective to the governance and policy-making processes of the Council, which can help drive improvement and positive change in local services.

This introductory report provides Committee Members with information about:

1. The role of select committees and overview & scrutiny in Hillingdon;
2. How the select committees operate and;
3. Scrutiny rules, support and guidance.

Democratic Services will give a visual presentation at the meeting outlining the key information within this report and answer any questions Members may have.

## RECOMMENDATION:

**That the Committee notes the report and seek any clarifications required.**

## The Select Committee's role

### What is “overview and scrutiny”?

Larger councils are required in law to have more than one overview and scrutiny committee as part of their core governance arrangements. The structure is local choice and most larger councils like Hillingdon, have a number of such committees usually structured around cross-cutting service areas, engaging Councillors (not in the Cabinet) in a variety of activity.

Their role is somewhat analogous to that of Select Committees in Parliament, broadly to:

1. Assist in the development of Council policy and the improvement of services and efficiency;
2. Review and evaluate the actions of the executive (i.e. Cabinet / Cabinet Member) before and after decisions are taken;
3. Have the power to make reports and recommendations on such matters and;
4. Scrutinise local health services and crime and disorder (if in a committee's remit).

As set out in statutory scrutiny guidance, issued in 2019, the principles of effective overview and scrutiny are to:

- provide constructive ‘critical friend’ challenge
- amplify the voices and concerns of the public
- be led by independent people who take responsibility for their role
- drive improvement in public services

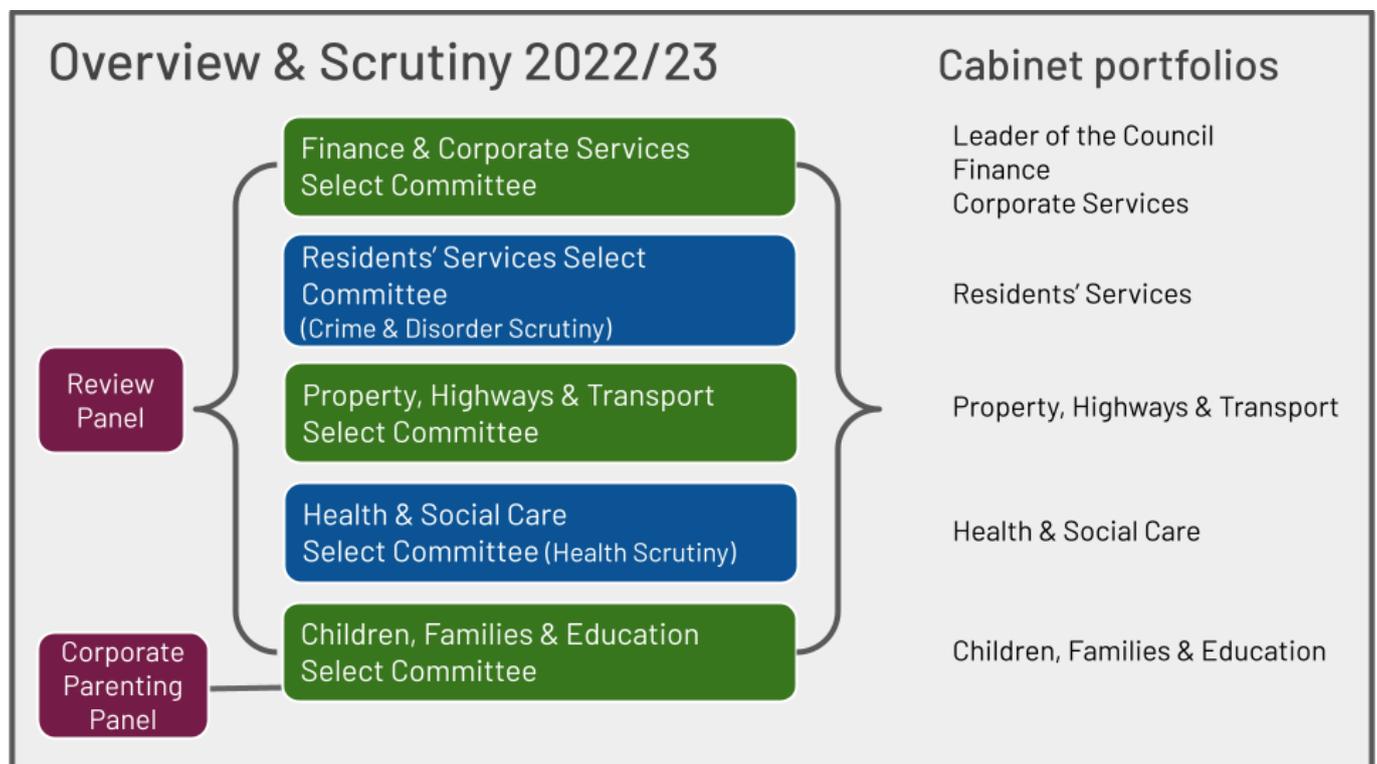
Stressed in this guidance, is that *“all Councillors and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created in 2000 to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements.”*

The guidance adds that *“Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.”*

In Hillingdon, this important overview and scrutiny work is undertaken through ‘select committees’, who each undertake a wide range of work in support of the above roles. This is demonstrated through the Annual Reports to Full Council listed in *Appendix A*.

### How overview and scrutiny in Hillingdon is arranged

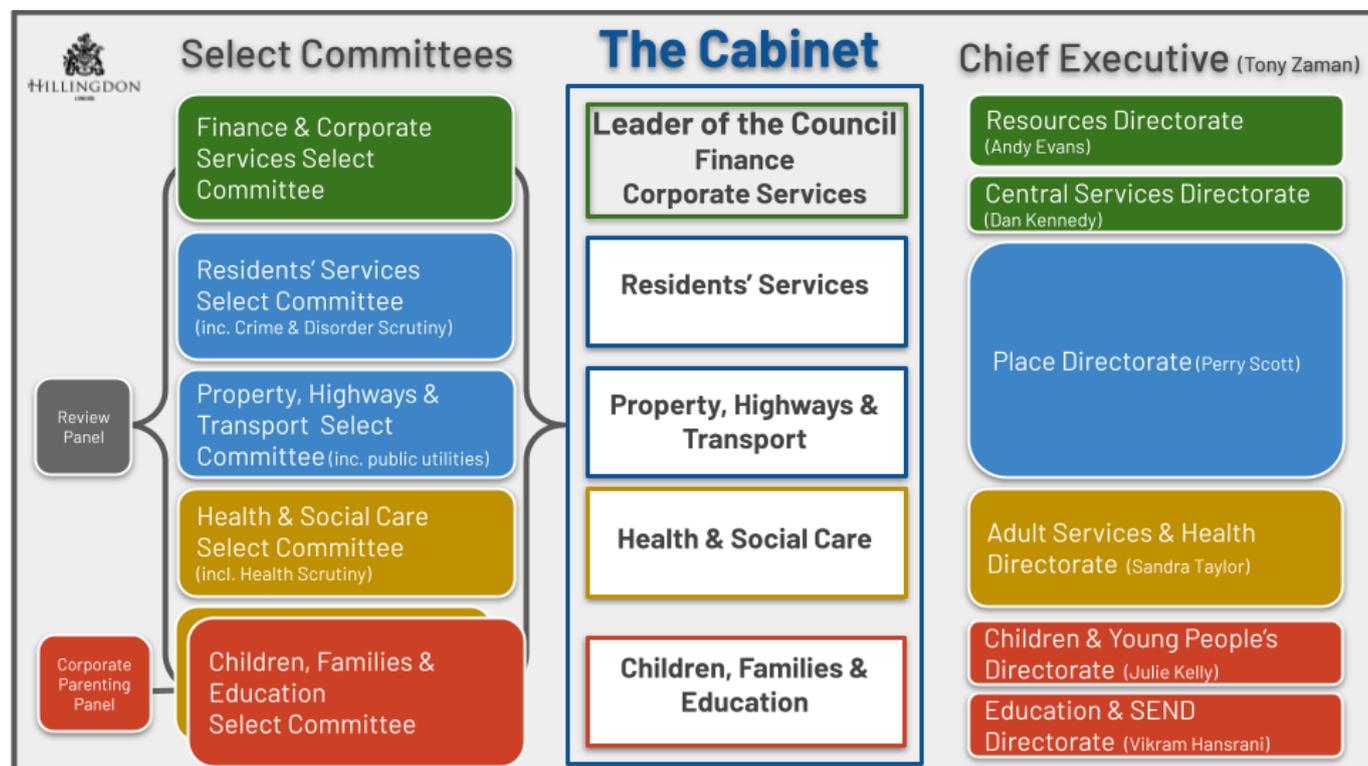
As part of the new remodelled Council Constitution, full Council agreed changes to the Council’s overview and scrutiny arrangements, creating 5 new select committees as set out below, with remits aligned neatly to the relevant Cabinet Member portfolios. This alignment is important, as it secures an accountable framework to the Council’s governance as shown in the chart below:



The Children, Families & Education Select Committee has established a Corporate Parenting Panel to undertake development activity with Children in the Council’s Care / Care Leavers, who also attend such meetings. Here, Councillors listen to their view and propose changes where required. Select Committee Chairmen may, on an exceptional basis, agree a single review panel

to undertake, for example, a cross-cutting policy review, reporting back to a Select Committee.

Council Directorates, run by the relevant Corporate or Executive Director, are also closely aligned to Cabinet portfolios and Select Committees, further aiding accountability at officer level:



### What are the general responsibilities of select committees?

All 5 select committees have general responsibilities, which they undertake on a regular basis, and are built into each of their multi-year work programmes. These are:

- 1) Monitoring the Cabinet Forward Plan, which lists future reports for decision to the Cabinet and Cabinet Members over the coming months and year;
- 2) Post-decision scrutiny - this is the statutory call-in procedure, which can be exercised up to 5 working days after a Cabinet or Cabinet Member decision is made, should the committee agree via a majority to do this (further guidance below);
- 3) Undertaking the statutory external scrutiny of local public agencies, e.g. Safer Hillingdon Partnership, Police, Fire Brigade, NHS, Health services etc... (if in Terms of Reference)
- 4) May undertake a review into past Cabinet or Cabinet Member decisions taken, e.g. after 6 months to check their implementation;
- 5) Undertake in-depth or single meeting policy reviews on topics within their remit to improve services and recommend changes to the decision-making Cabinet – this is a substantial area of committee activity and explained further below in this report.
- 6) Monitor the implementation of previous committee policy reviews, which have been approved by the Cabinet. A list of recent reviews is set out in *Appendix A*;
- 7) Commenting on the annual draft budget approved by Cabinet, as part of statutory consultation on it, before the budget and Council Tax is approved each February;
- 8) Help shape key policy framework documents before they go to Cabinet and full Council for final approval, e.g. Local Plan, Housing Strategy, Licensing Policies;
- 9) Monitor the budget mid-year and receives quarterly performance reports (with performance indicators) so Councillors can monitor services and ask questions;

- 10) Receive information reports on specific areas within their remit, and may undertake site visits or other activities as part of their work;
- 11) May exercise the statutory “Councillor Call for Action” (mechanism of last resort) which has not yet been used in Hillingdon.

### Remit of this Select Committee

This Committee’s specific Terms of Reference are set out below, as per the Council’s Constitution. They set the parameters (Cabinet Member portfolios and service areas) in which the Committee can undertake reviews, monitor, request reports from and provide input to Cabinet on matters, as per its general responsibilities above:

Cabinet Member Portfolios	Leader of the Council (Cllr Ian Edwards) Cabinet Member for Corporate Services (Cllr Douglas Mills) Cabinet Member for Finance (Cllr Martin Goddard)
Relevant service areas	<ol style="list-style-type: none"> <li>1) Democratic Services</li> <li>2) Corporate Communications</li> <li>3) Corporate Finance</li> <li>4) Procurement</li> <li>5) Exchequer &amp; Business Assurance Services</li> <li>6) ICT</li> <li>7) Legal Services</li> <li>8) Human Resources</li> <li>9) Business Administration</li> <li>10) Business Performance</li> <li>11) Customer Access</li> <li>12) Business Improvement Delivery (BID)</li> </ol>

### Cross cutting topics

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Resident Experience

It is important that the Committee remains wholly within its Terms of Reference when undertaking scrutiny activity and Democratic Services can advise further on this if required at meetings, as and when potential items are requested to be looked into by the committee.

## How committees operate

### Multi-year work programme

The way that each select committee plans their work is via the multi-year work programme, which is on the agenda for every meeting. It’s an important ‘live’ document, as it sets out the programme of activity at each committee meeting. It is developed and steered with the chairman and owned by the Committee, who can shape and adapt it, as the time progresses.

The work programme will span across municipal years to provide more flexibility in undertaking in-depth reviews, timetabling and reporting of any findings to Cabinet. Also, as there is not a 'deadline' of completing reviews within a traditional municipal year, this opens up greater opportunities to engage with witnesses and residents, increasing the value of the Committee's findings. Multi-year work programmes also enable the Committee to better plan ahead for monitoring purposes, e.g., past reviews and update reports on matters at the most suitable time interval.

Multi Year Work Programme															
May 2021 - April 2022															
2021						2022									
Corporate, Finance and Property Select Committee	June 3	July 20	August No meeting	September 7	October 21	November 24	December No meeting	January 12	February 2	March 2	April 20				
<b>Review E: Performance Monitoring and Reporting</b>															
Topic selection / scoping stage	Selection		Scoping Report												
Witness / evidence / consultation stage															
Findings, conclusions and recommendations															
Final review report agreement															
Target Cabinet reporting															
<b>Regular service &amp; performance monitoring</b>															
Mid year Budget Update															
Annual complaints & service update report															
Biennial Safety Review - Sports Grounds (tbc)															
Cabinet's budget proposals for next financial year															
All Select Committee Budget Response															
Cabinet Forward Plan Monthly Monitoring															
<b>One-off service monitoring</b>															
The Council's Engagement with the Armed Forces															
How the Council helps local small businesses with their procurement processes															
Deability Access in Public Buildings															
Hillingdon Digital Connectivity Strategy *															
Energy Efficiencies in the Civic Centre															
Information Governance															
Cyber Security															
Repairs and Maintenance															
Website upgrade / performance															
Financial Assistance to local voluntary organisations															
Corporate Communications															
HOAC															
<b>Past review delivery</b>															
Recruitment															
Homophobic, Biphobic & Transphobic Bullying															
Local Commerce, Employment, Skills & Job Creation (date tbc)															
Voluntary Sector Response during COVID-19 Pandemic															
<b>Internal use only</b>															
Report deadline	21-May-21	08-Jul-21		24-Aug-21	08-Oct-21	12-Nov-21		21-Dec-21	21-Jan-22	18-Feb-22	08-Apr-22				
Agenda published	26-May-21	12-Jul-21		27-Aug-21	13-Oct-21	16-Nov-21		04-Jan-22	25-Jan-22	22-Feb-22					

(example work programme)

Multi-year work programmes can cover:

1. Policy reviews (which can span months with witness sessions)
2. Regular service / performance reports
3. One off information reports
4. Cabinet Forward Plan
5. Any external scrutiny (if applicable)
6. Past review monitoring
7. Other activity, e.g. site visits

It is important to keep the work programme manageable, and thereby the activity undertaken at each meeting, achievable. For example, each additional information report requested by the Committee will have additional resource implications for council service areas. Good timing is also a factor to enable officers sufficient notice to prepare any information or committee report given competing demands on their service areas.

A report later in this agenda sets out a proposed "draft" multi-year work programme that the Committee will update and refine as the months and years progress.

## Undertaking policy reviews

A key role of select committees are to shape and develop policies and deliver improvements to council services. Over the years, committees have undertaken successful in-depth reviews and this has resulted in a number of positive changes locally, with some also affecting policy at a national level. The typical cycle of a more in-depth policy review is as follows:

1. Selection of topic;
2. Scoping and structuring the review;
3. Witness & evidence stage (this is the main activity seeking out evidence);
4. Draft recommendations considered;
5. Final report, with recommendations, approved by Committee;
6. Report referred to Cabinet for consideration and decision;
7. If agreed by Cabinet, monitoring of the approved recommendations at a later date.

Some committees opt for quick single meeting reviews where the topic and service area to be scrutinised is very focussed. It is advisable that any review is done one at a time, given resources.

In undertaking reviews, committees have a lot of tools at their disposal to get the best outcome. This is usually gained from the external witnesses that participate, the evidence and data considered but importantly the voice of users or residents concerned. It is vital for the committee to have both qualitative and quantitative data to support their inquiries. Committees are also not bound by their formal structure of evening meetings. Site visits, informal meetings and workshops can sometimes be more productive in gathering evidence.

Useful things that Councillors themselves can also do in preparation for reviews are:

- Prepare your own draft questions for witnesses in advance;
- Find out more about any individual or external organisation invited;
- Do your own additional research on the topic - you may find something officers don't!
- Use your network of councillors in other local authorities to seek any views;
- Talk to residents at surgeries about the review - get their thoughts.

Policy reviews will be a matter for a more detailed discussion at the July meeting of the committee.

However, for information, *Appendix A* to this report, sets out the previous reviews undertaken by Overview and Scrutiny Committees in Hillingdon over the last 5 years.

## Scrutiny call-in procedure

One of the statutory duties of select committees are to scrutinise decisions just after they are made by the Cabinet and Cabinet Members. Such decisions cannot take effect, until a period of 5 working days has elapsed, which is called the "scrutiny call-in period".

This period of 5 working days provides, in exceptional cases, for a Councillor on the relevant select committee to request the "call-in" of a particular decision and ask for it to be re-considered by the Cabinet or Cabinet Member. Upon a majority of the committee agreeing to this request, the decision is then formally called-in and cannot be implemented by officers until it is reconsidered by the decision-maker.

In 2021, a new [Scrutiny call-in App](#) was introduced to make this process modern and automated, believed to be the only one in the UK. It can be used on mobile devices, along with laptops. It

enables a councillor on the relevant select committee to make a request to call-in a decision.

All Cabinet and Cabinet Member decisions published by Democratic Services include a link to the App, so Councillors can exercise this duty, in the exceptional event it is needed. More guidance on how the call-in process works using the App is set out in *Appendix B*. It's a very straightforward process, so the guidance, whilst it needs to be comprehensive, does not do the 'App' itself justice.

To set up or access the App, Democratic Services have two user guides depending on devices to be used, e.g. mobile or laptop. These guides will be circulated internally to Councillors.

When it comes to exercising this scrutiny call-in procedure, it is important to note that there are certain Cabinet or Cabinet Member decisions that cannot be called-in. These include budget and policy framework documents, like the annual budget and also urgent decisions made (see below).



## Urgency decisions

In exceptional circumstances the chairmen of the relevant select committee has the prerogative to decide to (or not to) waive the 5 working day scrutiny call-in period, where Cabinet or Cabinet Member decisions are deemed urgent and/or where a key decision has not been given notice on the Forward Plan and the chairman agrees that it can be taken urgently. These are called “urgent” or “special urgency” decisions and you will be notified of these by Democratic Services.

## Rules, support and guidance

### The rules relating to Overview and Scrutiny

*Appendix C* sets out Chapter 6 of the Council’s Constitution. These are the formal rules by which the select committees operate and carry out their responsibilities, and summarised in this report. Members are advised to keep a copy of this for future reference. It is also available on the Council’s website.

### The Committee’s relationship with Cabinet

Select Committees should be a constructive, and where required, critical friend of the Cabinet. Set out at the end of Chapter 6 of the Constitution, is the *Protocol on Overview & Scrutiny and Cabinet Relations*. This sets out the practical expectations of each party, to ensure an effective relationship that adds value to overview and scrutiny in Hillingdon.

### Support to the Committee

Primary support will come from **Neil Fraser**, your Clerk to this Committee and a Democratic Services Officer. Neil will act as the primary link with the Chairman, Committee and Council Officers, witnesses and other parties involved in carrying out the planned work. They will also lead on research and commissioning information to support the work of the Committee.

Additionally, service areas in the Council will be able to offer support, for example, in the execution of any surveys or more in-depth research or statistical information that may be required, if reasonable in nature.

As required in law, the Council has appointed a Statutory Scrutiny Officer who will oversee support to committee and give guidance.

### **Information to select committees**

Select committees will have access to a wide range of public, internal and possibly confidential information when undertaking their reviews and other scrutiny activity. Select committees also have access to all Cabinet and Cabinet Member reports once published, including all those that are confidential in nature.

Any information requests should be directly linked to the committee's work being undertaken and made via the committee meeting itself. Usually, the Clerk to the Committee will then arrange for that information to either be brought back to a subsequent meeting or circulated around outside the meeting if more desirable.

Councillors will need to be aware that there will understandably be some information, under the domain of the Cabinet or Cabinet Member that they will not have automatic access to, unless the Leader of the Council or Cabinet Member permits its release. This will include, for example, briefing note or draft reports before they are published by Democratic Services. However, as per the *Protocol on Overview & Scrutiny and Cabinet Relations*, good information-sharing between the Committee and Cabinet Member is always encouraged, where feasible.

Should it be required in exceptional circumstances, select committees can operate in a closed (private) session where the information to be discussed meets the legal test not to disclose such matters to the public.

### **Questioning attendees**

Council officers will inevitably attend most committee meetings to answer questions about matters on the agenda. Similarly, Cabinet Members may also attend if invited. There are also formal procedures for compelling attendance by senior officers and Cabinet Members, though this has yet to be used in recent times. External witnesses and residents will also attend as part of policy reviews. In any questioning, Councillors should take care to ensure this is conducted in a fair and balanced manner and not extend to personal criticism.

### **What select committees cannot do**

Select committees, by their very nature are 'non-executive' in function. What this means, is that committees cannot make formal decisions like the Cabinet or other decision-making bodies of the Council. They also cannot formally instruct officers attending meetings to take a particular course of action or make a decision. Select committees may, however, seek to suggest matters to officers and ultimately can make formal recommendations to decision-makers, namely the Cabinet.

Select committees, understandably given their nature, cannot be a mechanism to raise an individual complaint that may have been received from a resident, particularly if it includes personal information. However, anecdotal information gained through a councillors' insight can be useful to highlight matters when appropriate. It is usual for select committees to discuss more general findings and issues, rather than individual matters.

## **Broadcasting of meetings**

All Select Committees are broadcast live on the Council's YouTube channel: [Hillingdon London](#). Whilst meetings are required to be held in person with Councillors present, the Council has the capability for witnesses and external parties to attend virtually and give evidence, if required.

## **Essential reading and references**

- [The Good Scrutiny Guide – Centre for Governance and Scrutiny](#)  
This expert guide book is recommended for reading, and covers all aspects of scrutiny.
- [Statutory Scrutiny Guidance 2019](#)  
This is the latest guidance issued by the Government on how overview and scrutiny should operate. The Council considered this in full at its meeting in September 2019.
- [Councillors' Work Book on Scrutiny](#)  
This Local Government Association guide, whilst prepared before the above statutory guidance was issued, is still relevant and has been designed as a learning aid for elected councillors, whether you have been a councillor for some time, or whether you have been elected more recently.

## **BACKGROUND PAPERS**

[Council Constitution](#)

# Appendix A - List of recent Policy Reviews

(with hyperlinks)

## 2021/22

- [Select Committee Annual Report – 2021/22](#)
- [The Council's offer of Assisted Living Technologies](#)  
(considered at the [Cabinet meeting on 21 April 2022](#))
- [Electric Vehicles, Infrastructure and Future Policy Development for the Borough](#)  
(considered at the [Cabinet meeting on 24 March 2022](#))
- [Our engagement with tenants and leaseholders](#)  
(considered at the [Cabinet meeting on 17 February 2022](#))
- [Performance Reporting and Monitoring in Hillingdon](#)  
(considered at the [Cabinet meeting on 17 February 2022](#))
- [Adult & Community Learning Service \(ACE\)](#)  
(considered at the [Cabinet meeting on 11 November 2021](#))
- [Children's Dental Health](#)  
(considered at the [Cabinet meeting on 14 October 2021](#))
- [Voluntary Sector Response to Covid-19](#)  
(considered at the [Cabinet meeting on 27 May 2021](#))

## 2020/21

- [Policy Overview & Scrutiny Annual Report – 2020/21](#)
- [Making the Council More Autism Friendly](#)  
(considered at the Virtual [Cabinet meeting on 22 April 2021](#))
- [Review into Littering and Fly-tipping](#)  
(considered at the Virtual [Cabinet meeting on 22 October 2020](#))

## 2019/20

- [Policy Overview & Scrutiny Annual Report – 2019/20](#)
- [Review into GP Pressures](#)  
(considered at the [Cabinet meeting on 23 January 2020](#))
- [Universal Credit: likely favourable and adverse impacts, risks and local partnership response](#)  
(considered at the [Cabinet meeting on 14 November 2019](#))
- [Community safety and new policing structures in Hillingdon](#)  
(considered at the [Cabinet meeting on 25 July 2019](#))
- [Combating the homophobic, biphobic and transphobic bullying of young people in Hillingdon](#)  
(considered at the [Cabinet meeting on 20 June 2019](#))

## 2018/19

- [Policy Overview and Scrutiny Annual Report – 2018/19](#)
- [Digital broadcasting of Policy Overview, Scrutiny and Select Committees](#)  
(considered at the [Cabinet meeting on 30 May 2019](#))
- [Payment modernisation for key resident services](#)  
(considered at the [Cabinet meeting on 30 May 2019](#))

## Appendix B – Scrutiny Call-in App Guidance

Below is a summary of the full guidance which will be issued to Councillors on how to use the App, alongside user guides to download / access the App:

1. All Cabinet and Cabinet Member decisions notices clearly identify the relevant Select Committee, and thereby Members of, who can attempt to call-in any decision. Select Committee remits and Council service areas / Cabinet portfolios (who generate the reports based on the decision) are clearly aligned to enable this.
2. The decision notices clearly show the last date and time any call-in request can be made, i.e. which is 5 working days at 5pm after the date the decision notice was published.
3. It can only be a Member of the Select Committee shown on the decision notice that can initiate any call-in request. A Member cannot initiate a call-in on behalf of another select committee membership.
4. The call-in request is done via the [Scrutiny call-in App](#). This 'App' can be accessed via a link for a computer or laptop - or downloaded via an App if you have an iPad or mobile device. Details how to do access the App will be provided.
5. The App has a simple online form to complete where you can provide details.
6. Once the online form is submitted, the call-in request is then sent via an automated email to ALL Members on the Select Committee including the Councillor on the committee that initiated it.
7. Councillors do not have to respond to the email, but if they wish to indicate their approval (or rejection) of the request, they will need to click on the link in the email to do so. Importantly, this also applies to the Councillor initiating the call-in request too.
8. Upon a majority of Members indicating their approval via the App (and before the end of the scrutiny call-in period), it then becomes a valid call-in and Democratic Services are automatically alerted via the App. The decision of the Cabinet or Cabinet Member is then put on hold and cannot be implemented.
9. On the App there is a handy "call-in history" section where you can view the status of any current and past call-in requests.

Call-ins requests cannot be initiated at formal committee meetings. So, those requests that do not receive a majority are not reported to the Committee. Only those that are valid with a majority of Members approving will then be heard at a Committee meeting as part of the next steps in the scrutiny call-in process.

**Helpful user guides available to download the App – these will be sent to Councillors internally:**

- iPad/mobile
- Laptop

# Appendix C – Chapter 6, Select Committees (Extract from Council Constitution)

## Chapter 6 – Select Committee arrangements

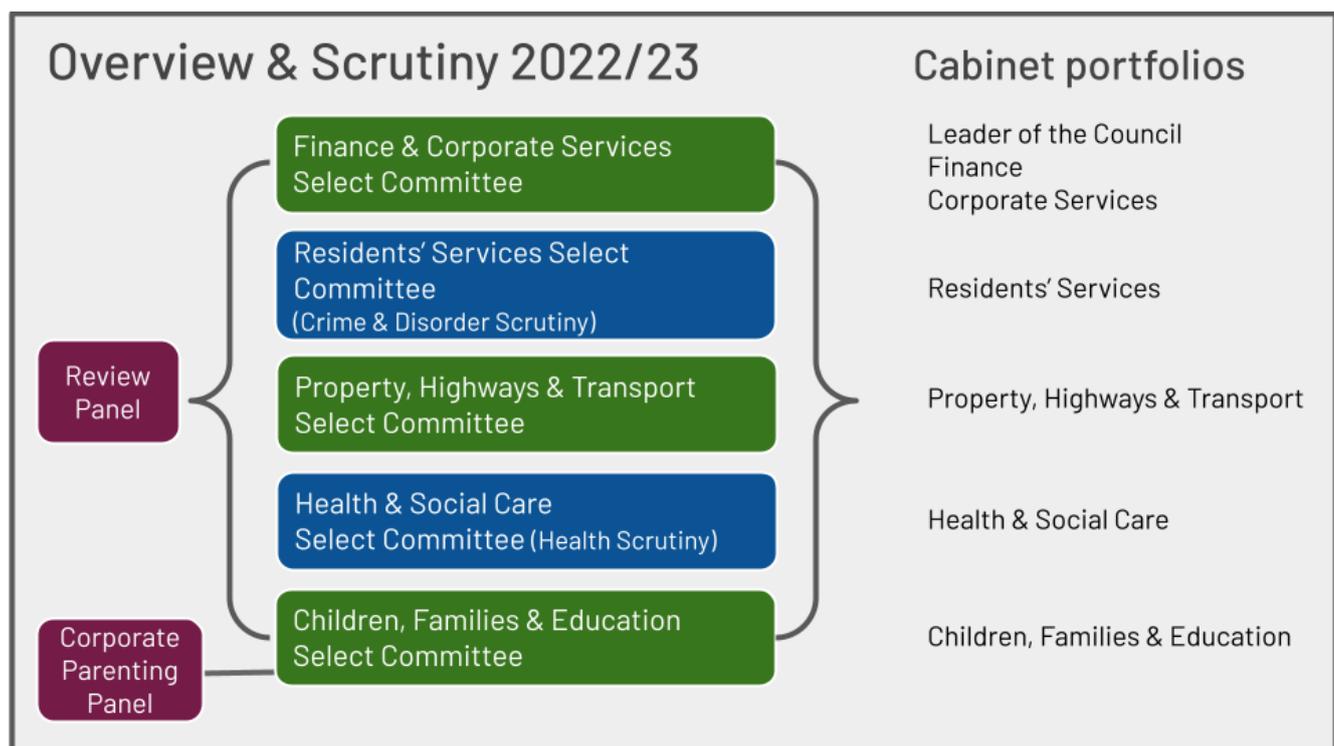
The Council has established Select committees to:

5. Assist in the development of Council policy and the improvement of services and efficiency
6. Review and evaluate the actions of the Cabinet before and after decisions are taken;
7. Have the power to make reports and recommendations on such matters;
8. Scrutinise local health services and crime and disorder reduction.

These committees exercise the Council's statutory overview and scrutiny functions under the Local Government Act 2000, Health and Social Care Act 2001, Police and Justice Act 2006 (and later Acts and regulations).

### About the Select Committees

The Council has appointed the following Select Committees to discharge these functions:



The Select Committees will mirror Cabinet Member portfolios and Directorate Structures as far as practicable. The Residents' Services Select Committee and the Health & Social Care Select Committee will undertake the statutory external scrutiny functions on crime & disorder and health respectively. Chairmen of the Committees may jointly agree to establish a Task and Finish Review Panel to undertake detailed reviews. The Children, Families & Education Select Committee will establish a Panel to oversee the corporate parenting responsibilities of the Council. The terms of reference for each of these Committees and their Panels, where established, are set out in this Chapter.

## **Councillor Membership and attendance**

The Council will appoint to these committees as it considers appropriate from time to time. The current membership number is 7 Councillors appointed on a proportional basis to each Select Committee. For the Children, Families & Education Select Committee, membership may also include co-opted Members as set out.

All Councillors except Members of the Cabinet and Cabinet Assistants may be Members of a Select Committee. However, no Member may be involved in scrutinising a decision with which he/she has been directly involved or has a prejudicial interest. All Councillors, including Cabinet Members, may attend a Select Committee meeting and address the Chairman of that Committee only at his/her discretion.

Committee members shall hold office until they resign, are removed from office or their successors are appointed.

## **Co-opted Members & Education Representatives**

Each Select Committee shall be entitled to recommend to Council the appointment of permanent non-voting co-optees, or agree as a committee a non-voting co-optee for a limited duration as an advisor to assist with a specific review or work activity, for example, a subject matter expert from the local community.

The Children, Families & Education Select Committee shall additionally include in its membership the following Co-opted voting education representatives, where duly appointed or elected:

- 1) 1 Church of England diocese representative;
- 2) 1 Roman Catholic diocese representative; and
- 3) Such other representatives of faiths and denominations as may be appointed by the Council subject to a direction being issued by the Secretary of State.
- 4) A minimum of 2 and maximum of 5 parent governor representatives elected by parents.

Education representatives may only vote on matters relating to education, whether in respect of schools or wider educational issues, that are on the agenda. They may in addition speak, but not vote, on any other matters within the remit of the committee.

All co-opted members of a select committee are bound by the Members and Co-opted Members Code of Conduct as set out in Part 3, [Chapter 21](#).

## **Quorum**

The quorum for a Select Committees shall be 4 Members of the committee.

## **Chairmen and Vice-Chairman**

The posts of Chairmen and Vice-Chairman of the Committees will be decided by the Membership of that particular committee.

# Role and Remit

## General Terms of Reference

The Following Terms of Reference are common to the select committees:

1. To conduct reviews of policy, services or aspects of service which have either been referred by Cabinet, relate to the Cabinet Forward Plan, or have been chosen by the Committee according to the agreed criteria for selecting such reviews;
2. To monitor the performance of the Council services within their remit (including the management of finances and risk);
3. To comment on the proposed annual service and budget plans for the Council services within their remit before final approval by Cabinet and Council;
4. To consider the Forward Plan and comment as appropriate to the decision-maker on Key Decisions which relate to services within their remit (before they are taken by the Cabinet);
5. To review or scrutinise decisions made or actions taken by the Cabinet, a Cabinet Member, a Council Committee or an officer.
6. To make reports and recommendations to the Council, the Leader, the Cabinet, a Select Committees or any other Council Committee arising from the exercise of the preceding terms of reference.
7. To exercise the right set out in this Chapter of the Call-in Procedure Rules and to call-in and recommend for reconsideration any key decisions made but not yet implemented by the Cabinet, a Cabinet Member, a Council Cabinet Sub-Committee or an officer. This would include any key decision that needs further information from the decision-maker to explain why it was taken.
8. In accordance with the Local Government and Public Involvement in Health Act 2007, to consider 'Councillor Calls For Action' (CCfA) submissions.

Select Committees will not investigate individual complaints.

## Councillor Call for Actions

The CCfA is a process designed to help Councillors resolve issues and problems on behalf of their residents, acting as a last resort for people who have been unable to get issues resolved through other means. CCfA should not be regarded merely as a scrutiny process and an issue can only become a CCfA once a Councillor has exhausted all other steps to resolve an issue in his or her ward such as a petition hearing, correspondence with elected Members and officers, questions to Council etc. Whilst CCfA's may be submitted by all Councillors on any issue, there are certain exceptions which are:

- (a) An issue relating to a planning appeal, licensing appeal or where a person has an alternative avenue to resolve an issue (e.g. through an appropriate complaints process)
- (b) 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 Select Committee

## Procedure

- 1) A Member may submit a CCfA in writing to the Head of Democratic Services who will seek to confirm with the Member concerned if all other potential avenues to resolve the issue in question have been exhausted and that the request does not fall within the exemptions

detailed above. If necessary the Head of Democratic Services will discuss the matter with the Leader of the Council, the appropriate Cabinet Member and the Chief Whip.

- 2) If satisfied that the CCfA is valid the Head of Democratic Services will submit the request to the appropriate Committee Chairman for inclusion on the agenda for the next meeting of the Select Committees.
- 3) Relevant officer(s) and / or representatives from partner organisations may be invited to attend and information can be requested from such organisations.
- 4) Discussion would take place at Committee to explore potential solutions and the item would end with the Committee recommending a course of action to the appropriate body - including detailed financial consequences and budgetary proposals.
- 5) The process may not necessarily resolve the issue immediately but the process will act as a spur for Members and officers to work together to jointly develop policies to overcome the problem.

### **Finance & Corporate Services Select Committee**

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolios	<ul style="list-style-type: none"> <li>• Leader of the Council</li> <li>• Cabinet Member for Corporate Services</li> <li>• Cabinet Member for Finance</li> </ul>
Relevant service areas	<ol style="list-style-type: none"> <li>13) Democratic Services</li> <li>14) Corporate Communications</li> <li>15) Corporate Finance</li> <li>16) Procurement</li> <li>17) Exchequer &amp; Business Assurance Services</li> <li>18) ICT</li> <li>19) Legal Services</li> <li>20) Human Resources</li> <li>21) Business Administration</li> <li>22) Business Performance</li> <li>23) Customer Access</li> <li>24) Business Improvement Delivery (BID)</li> </ol>

#### Cross cutting topics

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Resident Experience

## Residents Services' Services Select Committee

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolio	<ul style="list-style-type: none"><li>• Cabinet Member for Residents' Services</li></ul>
Relevant service areas	<ol style="list-style-type: none"><li>1) Community Safety, Licensing, Standards and Enforcement</li><li>2) Planning &amp; Regeneration</li><li>3) Housing policy, homelessness &amp; tenancy management</li><li>4) Green Spaces, Sport &amp; Culture</li><li>5) Waste Services</li></ol>

### Statutory Crime and Disorder Scrutiny

This Committee will act as a Crime and Disorder Committee as defined in the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and carry out the bi-annual scrutiny of decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

### Duty of partners to attend and provide information

The Crime and Disorder (Overview and Scrutiny) Regulations 2009 permits this Select Committee to make a request in writing for information to bodies who form the local Crime and Disorder Reduction Partnership (Safer Hillingdon Partnership), which includes the Police. The Committee should scrutinise the work of the partnership at least once a year and may also require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions. The Committee may not require a person to attend unless reasonable notice of the intended date of attendance has been given to that person.

### Cross-cutting topics

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Climate Change
- Local impacts of Heathrow expansion
- Local impacts of High Speed 2
- Community Cohesion

## Property, Highways & Transport Select Committee

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolio	<ul style="list-style-type: none"> <li>• Cabinet Member for Property, Highways &amp; Transport</li> </ul>
Relevant service areas	<ol style="list-style-type: none"> <li>1) Property &amp; Estates</li> <li>2) Capital Programme - Major Projects</li> <li>3) Transportation</li> <li>4) Highways</li> <li>5) Repairs &amp; Engineering (including housing repairs)</li> <li>6) Building Safety / Facilities Management</li> </ol>

Cross-cutting topics

This Committee will scrutinise and review the work of utility companies whose actions affect residents of the Borough.

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Civic Centre, Property and built assets

**Health & Social Care Select Committee**

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolios	<ul style="list-style-type: none"> <li>• Cabinet Member for Health &amp; Social Care</li> </ul>
Relevant service areas	<ol style="list-style-type: none"> <li>1. Adult Social Work</li> <li>2. Adult Safeguarding</li> <li>3. Provider &amp; Commissioned Care</li> <li>4. Public Health</li> <li>5. Health integration / Voluntary Sector</li> </ol>

Statutory Healthy Scrutiny

This Committee will also undertake the powers of health scrutiny conferred by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. It will:

- Work closely with the Health & Wellbeing Board & Local HealthWatch in respect of reviewing and scrutinising local health priorities and inequalities.
- Respond to any relevant NHS consultations.

Duty of partners to attend and provide information

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, imposes duties on ‘responsible persons’ to provide a local authority with such information about the planning, provision and operation of health services in the area of the authority as it may reasonably require to discharge its health scrutiny functions through the Health & Social Care Select Committee. All relevant NHS bodies and health service providers (including GP practices and other primary care providers and any private, independent or third sector providers delivering services under arrangements made by clinical commissioning groups, NHS England or the local authority) have a duty to provide such information. Additionally, Members and employees of a relevant NHS body or relevant health service provider have a duty to attend before a local authority when required by it (provided reasonable notice has been given) to answer questions the local authority believes are necessary to carry out its health scrutiny functions. Further guidance is available from the Department of Health on information requests and attendance of individuals at meetings considering health scrutiny.

### Cross-cutting topics

This Committee will also act as lead select committee on the monitoring and review of the following cross-cutting topics:

- Domestic Abuse services and support

### **Children, Families, & Education Select Committee**

To undertake the overview and scrutiny role in relation to the following Cabinet Member portfolio(s) and service areas:

Cabinet Member Portfolios	<ul style="list-style-type: none"> <li>• Cabinet Member for Children, Families &amp; Education</li> </ul>
Relevant service areas	<ol style="list-style-type: none"> <li>1. Children's Services (including corporate parenting)</li> <li>2. Children's Safeguarding</li> <li>3. Youth Justice</li> <li>4. Youth Services</li> <li>5. SEND</li> <li>6. Education</li> <li>7. Children and Families Development</li> <li>8. Skills &amp; lifelong learning</li> </ol>

This Select Committee will establish a Panel to support strong oversight of the Council's corporate parenting responsibilities. The Committee may appoint 3 Members to this Panel based on political balance. Membership may include non-Cabinet Members not on the Committee. The Committee may also appoint relevant Council officers and other external stakeholders to the Panel and agree its chairmanship and operation. In agreeing its operation, the Committee will provide for the Panel not to be able to establish any other sub-group or body to carry out its responsibilities.

## Corporate Parenting Panel

### Terms of Reference as approved by the parent Select Committee

The purpose of the Panel is to support the Select Committee in championing corporate parenting across the Council, directly engaging children in the Council's care and care leavers in the democratic and decision-making process, working with them and partners to monitor relevant service and improve outcomes and life chances.

### Membership will comprise of:

#### Voting Members

- a) 3 Elected Members, who be appointed by the Select Committee based upon political balance, one of whom to be appointed as Chairman. A Vice-Chairman may also be appointed. Elected Members do not need to be Members of the parent Committee but cannot be Cabinet Members. 3 named substitutes, appointed by the Select Committee may attend in the absence of the appointed Members of the Panel and that they be from any of the five Select Committees based on political balance.

#### Non-voting Members

- b) Up to 5 Children in Care Council Members (one of whom the Chairman or Vice-Chairman may ask to assist them informally in chairing a specific meeting).\*
- c) Senior Officer from Children's Services
- d) Corporate Parenting Manager
- e) The Virtual School Head Teacher
- f) The Local Authority's designated LAC Nurse or Doctor
- g) 1 x Foster Carer representative

#### Advisors

Relevant Council officers, e.g. from Social Care, Early Intervention and Prevention, Housing Service, along with external representatives, e.g. Department for Work and Pensions, may attend relevant Panel meetings as advisors. Council officers should attend the Panel to present any reports to the Panel regarding their service area.

*\*This gives Children in Care Council representatives, in an informal capacity, a unique opportunity to get experience of assisting the Chairman or Vice-Chairman in the running of the meeting.*

#### Meetings and Operation

The Panel will meet four times a year and in private\*

- a) The Panel will have in place a work programme for its activity.
- b) The Chairman of the Panel, in conjunction with other members, shall agree the dates of the Panel for the ensuing year, where possible.
- c) The Chairman of the Select Committee should authorise any additional meetings that may be required or requested by the Chairman of the Panel.
- d) The Panel will allow themes and agenda topics to be brought to them from the Children in Care Council (CiCC), with themes identified at each meeting.

- e) The Chairman of the Panel will agree agenda items in advance of the meeting.
- f) The Panel cannot establish any other sub-groups or bodies to carry out its responsibilities.

*\*Unlike the parent Select Committee, the Panel is not required to operate under statutory procedures outlined in the Local Government Act 1972 and access to information rules do not apply. This allows the Panel to be conducted in a flexible way to suit the requirements of the Members and young people participating in it.*

#### Terms of Reference

- a) To champion the seven corporate parenting principles introduced by the Children and Social Work Act 2017.
- b) To support the work of the Select Committee overseeing the Council's corporate parenting responsibilities by providing a strategic overview and monitoring of the statutory services for Looked After Children (LAC) and care leavers across the Borough, reporting back to the Committee on any findings, as appropriate.
- c) To actively engage young people who are looked after by the Council, along with care leavers, in order to ensure they have an opportunity to influence the development of services, participate in the decision-making and democratic process.
- d) To receive annual reports of the work of the Independent Reviewing Officers, LAC Health Team, LAC & Leaving Care Service, Virtual School and Fostering and Adoption Service.
- e) To consider the impact on outcomes for children on other relevant activities linked to LAC and care leavers lived experiences, e.g. emotional wellbeing.
- f) To undertake any associated activity, review or task as requested by the Select Committee, reporting back to the Committee if directed.
- g) That through the Chairman of the Panel, to advise the Select Committee and relevant Cabinet Member on matters relating to corporate parenting.
- h) To present the minutes of the Panel to a subsequent meeting of the Select Committee, where the Chairman of the Panel, along with any Children in Care Council Members, may attend to update the Committee on the Panel's work.

#### **Task and Finish Review Panels**

##### Membership

Membership of a Review Panel may include non-Cabinet Members not on the 'parent' Committee(s) or co-opted Members. Panel membership will be subject to the usual political balance rules.

##### 'Review' Panel Terms of reference

Chairmen of the five select committees may jointly agree to establish Task and Finish Review Panels as set out in these Procedure Rules on the following matters:

1. Focussed reviews within a particular Committee's remit
2. Cross-cutting reviews that cover the remit of more than one Committee;
3. Any functions, but within the purview of the Council, not included within the remit of any Committee;

A single Task and Finish Review Panel may be in operation at any one time and co-ordination of this will be by the five Select Committees Chairmen and any Panel will be subject to the approval of the Leader of the Council. The Chairmen will jointly agree the review topic, terms of reference, membership and chairmanship of any Panel. They will also agree the timescale for undertaking the review, including which Committee it will report back its findings to for consideration, prior to any report being presented to Cabinet. For reviews that span across the remit of more than one committee, any findings from a Panel will be reported to the Finance & Corporate Select Committee, unless the Chairmen jointly agree otherwise.

## **North West London Joint Health Overview and Scrutiny Committee**

The Council agreed on 18 November 2021 that the Council would join the North West London Joint Health Overview and Scrutiny Committee (NWL JHOSC) comprising representatives from the boroughs of Brent, Camden, Ealing, Hammersmith and Fulham, Harrow, Hillingdon, Hounslow, Kensington and Chelsea, Richmond, Wandsworth and Westminster. It meets with representatives of NHS inner North West London to consider matters concerning health care subject to consultation.

## **How Select Committees operate**

### **Meetings and Multi-Year Work Programmes**

Each Select Committee will operate a timetable of meetings, approved by Full Council, in order to carry out its programme of work. The Select Committees will be responsible for setting their own work programme, within their terms of reference. In doing so, they shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council. Work programmes will span across municipal years, to provide for in-depth reviews and ensure flexibility in reporting to Cabinet.

Select Committees and any Panels shall, as a default, consider the following business:

- 1) minutes of the last meeting;
- 2) declarations of interest ;
- 3) referrals from Cabinet/Council for reviews by the Select Committees if applicable; and
- 4) the business otherwise set out on the agenda for the meeting as determined by the Committee's Work Programme or the Chairman.

### **Special meetings and cancellation of meetings**

The Chairman of a Select Committee may call a special meeting or cancel a meeting having consulted the Chief Whips of Party Groups and/or Opposition Lead(s). A special meeting may also be called on the requisition of at least two thirds of the whole number of the Committee delivered in writing to the Head of Democratic Services.

## **Requests from Council / Cabinet to review specific matters**

Select Committees shall respond, as soon as their work programme permits, to requests from the Council and the Cabinet, including individual Cabinet members for matters for which they have delegated authority, to review particular areas of Council activity. Where they do so, Select Committees shall report their findings and any recommendations back to the Cabinet, or if it is outside the budget and policy framework, the Council. The Council and/or the Cabinet shall normally consider the report of the Select within one month of receiving it.

## **Policy Review and Development**

- 1) Select Committees are to be consulted on the Council's budget and policy framework documents as set out in the Budget and Policy Framework Procedure Rules.
- 2) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Select Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 3) Select Committees (or a Panel) 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. Such advisors and assessors would only be invited to speak on matters connected with their appointment. The Committees 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 external witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget provision is not exceeded. The Senior Democratic Services Manager will manage the overall budget, allocating amounts to individual Select Committees to spend as necessary.

## **Principles of undertaking reviews**

Where a Select Committees or Panel conducts reviews or investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- 1) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- 2) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- 3) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

## **Reporting to Cabinet (or Council)**

- 1) Once it has formed recommendations on proposals for development, the Select Committee will prepare a formal report and submit it to the Head of Democratic Services for consideration by the Cabinet if the proposals are consistent with the existing budgetary and policy framework.
- 2) Reviews will be submitted to the full Council, via the Cabinet for comment first, if recommendations require a departure from or a change to the agreed budget and policy framework.

- 3) If a Select Committee cannot agree on one single final report, a single minority report may be prepared and submitted for consideration by the Cabinet or Council with the majority report.
- 4) The Cabinet or Council shall normally consider the report of the Committee within one month of it being submitted to the Head of Democratic Services.
- 5) Reports from Panels must be presented to Cabinet from and on behalf of their parent Committee.
- 6) Reports from Committees within the remit of the Health & Wellbeing Board or any other Council Committee shall be referred to Cabinet first with a recommendation that the report then goes to the Board/Committee concerned.
- 7) Select Committees and Panels may undertake reviews and submit reports spanning across municipal years, except in the year leading up to local council elections.
- 8) Select Committees must report at least annually to Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

To ensure that such reports are considered by the Cabinet:

- 9) The Forward Plan or agenda for Cabinet meetings shall include an item entitled 'Reports from Select Committees'. Only one item from each Select Committee is to be permitted for each Cabinet meeting or a meeting of a Cabinet Sub-Committee (unless they have been considered in the context of the Cabinet's deliberations on other substantive items on the Cabinet agenda) and shall be included on the Cabinet meeting agenda normally within one month of the Committee completing its report/recommendations.

### **Formal comments to Cabinet and consultations**

Committee Members will have access to the Cabinet's timetable for decisions and also its intentions for consultation on matters, as set out in the Forward Plan, including those on budget and policy framework documents.

The committees may submit formal comments on forthcoming Cabinet or Cabinet Member reports, where the committee has had the ability to consider the matter. To facilitate this, a standard section will be included within all executive reports called '*Select Committee Comments*' for such comments to be included and considered by the Cabinet or Cabinet Member at a later date when they make a decision.

In such cases, a Select Committee may agree comments:

- 1) by majority vote at the meeting the matter is being considered; or
- 2) if additional time is required to devise the comments, by delegation to the Democratic Services Officer in conjunction with the Chairman (and in consultation with the Opposition Lead(s)).

Notwithstanding the process above to submit formal comments, committees will also be able to participate, where timetabling permits, in the course of any other public consultations by the Council.

### **Additional rights to information**

As referenced in the Rules on Access to Information in Part 3 of the Constitution, in addition to their

rights as Councillors, Members of Select Committees have the additional right to documents and to notice of meetings.

Subject to the limits specified below, a Select Committee (including any of its sub-committees or Panels) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Cabinet or its committees; or
- (b) any decision taken by an individual member of the Cabinet;
- (c) any decision that has been made by an officer of the authority in accordance with executive arrangements.

The Cabinet, Cabinet Member or Officer must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear days after the request has been received.

Limits on these rights apply to:

- (a) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (b) any document or part of a document that contains the advice of a political adviser.

Nothing outlined above in this section prevents more detailed liaison between the Cabinet, Cabinet Members and Select Committees as appropriate depending on the particular matter under consideration as set out in the Cabinet and Overview and Scrutiny Protocol.

### **Informal attendance at meetings**

Any Cabinet Member, Member, senior officer and also more junior officers may be invited to attend to assist any Select Committees or a Panel on policy topics or any other matter within their work programme or remit. A Select Committees or Panel may also invite any other person to discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, other stakeholders and shall invite such people to attend.

### **Formal duty to attend by officers**

In accordance with their terms of reference, a relevant Select Committees or Panel may review or scrutinise any decisions made or actions taken in connection with the discharge of any Council functions, subject to the matter being within their Terms of Reference. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer (Service Manager or above) to attend before it to explain in relation to matters within their remit:

- 1) any particular decision or series of decisions;
- 2) the reasons for their action;
- 3) the extent to which the actions taken implement Council policy; and/or
- 4) their performance

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

When calling senior officers and/or Members to account, the Committee or Panel will remain bound by the Code of Conduct for Members and Co-opted Members. Any discussion concerning an employee's salary or conditions of service would normally be dealt with in the confidential part of the meeting.

Committees and Panels shall take care to ensure that the questioning of Members, officers and individuals from outside the Council is conducted in a fair and balanced manner.

Committees and Panels have the right to criticise the Council and its actions but this shall not extend to personal criticism of individuals.

Where any Member or officer is required to attend a Committee or Panel under this provision, the Chairman of that Committee will inform the Head of Democratic Services. The Head of Democratic Services shall inform the Member or officer in writing or by email giving at least 10 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee or Panel. Where the account to be given to the Committee or Panel will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee or Panel shall in consultation with the Member or officer arrange an alternative date for attendance.

### **Officer Support**

The appointed Statutory Scrutiny Officer will arrange for dedicated officer support to assist the Select Committees in carrying out their official business. The Select Committees may exercise overall responsibility for the finances made available to them. However, the Head of Democratic Services has responsibility for allocating finances to the individual committees.

### **Call-in Procedure Rules**

This can be exercised by all Select Committees:

- 1) When a decision is made by the Cabinet, a Cabinet Member, Cabinet Sub-Committee, or a Key Decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including by electronic means, and shall be available at the Civic Centre normally within 2 working days of being made. The notice of the decision will bear the date on which it is published and notified to all Members of the Council and will specify that the decision will come into force, and will then be implemented, on the expiry of 5 working days from 5pm, after the publication of the decision, unless that decision is called-in.
- 2) During that period, the Head of Democratic Services shall arrange for a call-in of a decision for scrutiny if so requested in writing by a majority of members of the relevant Select Committee who shall give their reasons for requesting that the decision be called in at the time of making the request.
- 3) The request to call-in must be via the approved online form [[Scrutiny Call-in App](#)] issued by the Head of Democratic Services and the ruling by the Head of Democratic Services on the

relevant Select Committee (and therefore Members of) to initiate and hear a call-in based on their Terms of Reference shall be final.

- 4) The Head of Democratic Services shall then notify the relevant decision-maker (Cabinet, Cabinet Member or Officer), Chief Executive and Corporate / Executive Director that a valid call-in has been received and that the decision must be put on hold and not implemented.
- 5) The Head of Democratic Services, in consultation with the Chairman of the relevant Select Committee, will then call a meeting of that Committee as soon as possible and in any event, to be held within 10 working days of the valid call-in request.
- 6) The Select Committee will receive the original report on the decision, any additional information required given the reasons for the call-in and may invite relevant officers / Cabinet Member(s) to the meeting to give account.
- 7) If the Select Committee agrees to uphold the decision made, then via majority vote, the decision stands and can be implemented with immediate effect.
- 8) If, having considered the decision further, the Select Committee object to or are still concerned about the decision, then via majority vote, it may:
  - a) refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns. The decision-making body or person, considering all factors, then will make a final decision on the matter and that decision stands and comes into immediate effect.
  - b) refer the matter to Full Council, but only in the circumstances set out below.

If for any reason following a valid call-in request, the Select Committee does not formally meet within 10 working days of the date of the request, the original decision shall take effect at the end of the 10-day period.

### **Referral of call-in to Full Council**

A decision will not be referred to Full Council unless either the Committee believes it to be contrary to the Policy Framework or Budget or considers that it was a Key Decision that was not dealt with as such by the Cabinet and that the advice of the Monitoring Officer / Section 151 Officer concurs with this. If it is referred to the decision maker, they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.

If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary, and the decision will be effective in accordance with the provision below.

If the Council does object, it has no authority 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-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

If the Council does not meet, or if it does but does not refer the decision back to the decision-making

body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

### **Waiver of call-in period for urgent or special urgency decisions**

In accordance with the Rules on Access to Information in Part 3 of the Constitution, the call-in procedure set out above shall not apply where the decision being taken by the Cabinet or Cabinet member 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 or could lead to an (increased) risk of damage to people or property. The record of the decisions, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.

The Chairman of the relevant Select Committee (or Vice-Chairman in their absence) must be informed that the decision will be implemented immediately upon him/her agreeing that the decision is reasonable and to it being treated as a matter of urgency. In the absence of the Chairman or Vice-Chairman then the Mayor (or Deputy Mayor if required) can take this decision. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

### **Matters that cannot be called-in**

The following decisions cannot be called-in by Members of a Select Committee:

- a) Any decision relating to a non-executive function, e.g. licensing or planning decision;
- b) Non-key decisions delegated by Cabinet to Council officers (e.g. operational, i.e. to implement the Cabinet's decision);
- c) Decisions taken certified as urgent, under urgency or special urgency provisions (where the Chairman of the relevant Select Committee has waived the scrutiny call-in period);
- d) A decision that has already been the subject of a call-in during the previous 6 months;
- e) Any decision that is required to be taken by the full Council (e.g. Annual Budget, Policy Framework documents, or reports to Cabinet making recommendations to full Council);
- f) Decisions that are not technically decisions, i.e. "to note" or "to receive";
- g) Previously taken decisions by Cabinet Members that are later 'ratified' by Cabinet.

### **Protocol on Overview & Scrutiny and Cabinet Relations**

In addition to the procedures set out in this Chapter, the following protocol sets out the practical expectations of Select Committees Members and Cabinet Members to ensure an effective relationship that adds value to overview and scrutiny governance in Hillingdon. It was adopted by Full Council on 12 September 2019:

\*\*\*\*\*

This protocol sets out the practical expectations of Select Committee Members and Cabinet Members to ensure an effective relationship that adds value to overview and scrutiny governance in Hillingdon.

Notwithstanding their independent role, Committee Members are expected to:

- Take into account suggestions from Cabinet Members as well as other stakeholders, on the

development of their multi-year work programmes or policy reviews to ensure strong organisational and community support;

- Ensure appropriate early engagement with Cabinet Members on draft policy review recommendations in order to gauge support.
- Seek early engagement with the relevant Cabinet Member, Cabinet Member for Finance and Leader of the Council to consider the viability of draft policy review recommendations that may have a financial consequence;
- Seek the support of the relevant Cabinet Member, Leader of the Council and Corporate / Executive Director when it considers to compel a particular contractor providing Council services to provide information or attend a meeting;
- Through Democratic Services, ensure Corporate & Executive Directors and Cabinet Members are kept regularly informed about the committee's activity and multi-year work programmes.
- Liaise with the relevant Corporate / Executive Director, Cabinet Member and Leader of the Council should exceptional financial or officer resources be required in order to undertake a particular future work activity or policy review.

Respecting the independent role of the committees, Cabinet Members are expected to:

- Never personally seek to direct the activity of a committee, though they may make suggestions or request matters of interest to be considered by a Committee;
- Ensure their attendance to provide information when requested by the Committee (noting that further informal and formal provisions by a committee for this are set out in the Constitution).
- Actively support the provision of relevant council information and other requests from the Committee as part of their work programme;
- Fully and openly, consider any findings from a committee following a formal scrutiny call-in or from any final recommendations presented to Cabinet from a policy review.
- Where feasible, provide opportunities for committees to provide their input on forthcoming executive reports as set out in the Forward Plan to enable wider pre-decision scrutiny (in addition to those statutorily required to come before committees);
- Ensure all recommendations from committees approved by the Cabinet are implemented in a timely and effective manner by officers, and that this be monitored regularly by Corporate & Executive Directors, as it is with the Committees themselves.

In the unlikely event that that a difference in view occurs between the parties, the Committee Chairman, Committee Member or Cabinet Member should inform the Statutory Scrutiny Officer, who will seek to resolve the matter in accordance with this protocol, the Council's Constitution and other relevant guidance and will consider the best interests of both overview & scrutiny and the executive. Should the matter not be resolved, any final determination will be by the Monitoring Officer. The Statutory Scrutiny Officer will report on the effectiveness of this protocol as part of the Annual Report to Council each year.