



Section E

SCRUTINY PROCEDURE RULES

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Definitions in relation to crime and disorder matters:

(1) The 'Responsible Authorities' are the Local Authority (Borough and County Council), the Police Force, the Police Authority, the Fire and Rescue Authority and the Primary Care Trust (and as from April 2010 it is expected that Probation Authorities will become a Responsible Authority).

(2) The 'Co-operating Bodies' are Probation Authorities, NHS Trusts, NHS Foundation Trusts, proprietors of independent schools and Further Education Governing Bodies.

(3) 'Crime and Disorder Functions' is defined in Section 5 of the Crime and Disorder Act 1998 (formulation and implementation of crime and disorder strategies).

(4) A 'Local Crime and Disorder Matter' in relation to the Councillor Call for Action Procedures, means a matter concerning crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour or other behaviour adversely affecting the local environment) in the area represented by the Councillor; or this misuse of drugs, alcohol and other substances in that area.

1. Structure

- 1.1 The Council will have one Scrutiny Committee which will perform all Overview and Scrutiny functions on behalf of the Council.
- 1.2 The Committee shall also act as the Council's Crime and Disorder Committee for the purposes of overview and scrutiny of the formulation and implementation of the Crime and Disorder strategies of the local Crime Reduction Partnership.
- 1.3 The composition and terms of reference of the Scrutiny Committee will be as set out in Part 3 of this Constitution.
- 1.4 Scrutiny Committee has a duty to scrutinise the discharge of the executive functions of the Council and other related functions of the Authority and to make reports and recommendations thereon. The Scrutiny Committee should be the key mechanism for enabling councillors to represent the views of their constituents and other organisations and hence to ensure that these views are taken into account in policy development. The Committee should take a cross-cutting rather than a narrow service-based view of the conduct of the Council's affairs. The Committee should consider different approaches and formats for their meetings.
- 1.5 The scrutiny process is different from the traditional committee approach in at least four ways:-
 - Members must take a lead role and set the agenda (within limits set by the Council).

- Scrutiny Committee is not a decision-making body.
- Officers supporting the scrutiny function should be allowed to do so without constraint from the Cabinet (subject to agreed resource limits).
- The reports of the Scrutiny Committee are prepared in an entirely different way after hearing and debating written and oral evidence.

1.6 Councillors serving on the Scrutiny Committee should strive to be independent. They should seek consensus on outcomes whilst recognising political balance. They should be constructive and not judgmental. They should be open and transparent in their approach.

2. Who May Sit on the Scrutiny Committee?

2.1 All Councillors except the Mayor and Members of the Cabinet may serve on the Scrutiny Committee. However, no Councillor may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

3.1 The Scrutiny Committee shall be entitled to recommend to Council the appointment of co-optees.

3.2 A scheme for the co-option of members shall specify the number of co-optees, their term(s) of office and any criteria for their selection and appointment and the Scrutiny Committee shall only make appointments in accordance with a scheme approved by Full Council. In addition, the scheme shall specify whether a co-opted person's membership is to be limited to the exercise of the Committee's powers in relation to a particular matter or type of matter.

3.3 Additionally, when the Committee is carrying out the Council's functions as a Crime and Disorder Committee, the following statutory provisions shall apply:

(a) The Committee shall only co-opt a person to serve on the Committee who

(a) is an employee, officer or member of a responsible authority or of a co-operating person or body; and

(b) is not a member of the executive of the Committee's local authority.

(b) A co-opted person shall not be entitled to vote on any particular matter, unless the Committee so determines.

(c) Membership may be withdrawn at any time by the Committee.

4. Meetings of the Scrutiny Committee

4.1 There shall normally be 5 ordinary meetings of the Scrutiny Committee scheduled to meet in each year. This recognises that much of the work of the Committee will be done in task groups. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chairman of the Scrutiny Committee or by the Chief Executive if he/she considers it necessary or appropriate.

4.2 In addition to formal meetings, the Chairman may arrange for briefings and seminars to be held.

5. Quorum and Substitution

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

5.2 Substitution shall be allowed in accordance with the Council Procedure Rules in Part 4 of this Constitution.

6. Who Chairs Scrutiny Committee Meetings?

6.1 The Council shall appoint as Chairman a Councillor from the largest opposition political group on the Council and as Deputy Chairman, a Councillor from the controlling political group.

7. Work Programme

7.1 The Scrutiny Committee will be responsible for setting its own work programme and in doing so they shall take into account wishes of Councillors on that Committee who are not members of the largest political group on the Council. The programme should be prepared on a 3-year rolling programme basis and reviewed annually in liaison between the Scrutiny Committee, the Cabinet and the Corporate Management Team before being submitted to Full Council for approval. The programme will have full regard to the availability of resources and in particular the Officer support required.

7.2 The Committee should focus on a small number of large issues and/or service area reviews selected primarily on the basis of maximum impact to the local community and in meeting key corporate priorities. Work should so far as possible be undertaken by task groups set up on a "task and finish" basis.

7.3 When putting forward the proposed programme, the Scrutiny Committee shall ensure that the following matters are clearly stated:-

- The subject matter.
- Specific details as to what issues are to be covered.
- An initial indication of the groups and organisations to be invited to contribute and the persons to be invited to attend.

Those putting forward suggestions for items for inclusion in the programme should therefore keep the above requirements in mind.

- 7.4 In-year variations of the programme may be made in accordance with the provisions set out in the Committee's terms of reference for Full Council and its Committees in Part 3 of this Constitution.
- 7.5 The programme shall also make provision for consideration of crime and disorder issues at a minimum of one of the Committee's meetings in every 12 month period as required under Regulation 4 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009. It is expected that prior liaison will be undertaken with the Chairman of the local Crime Reduction Partnership in relation to the matters to be considered.

8. Agenda Items

- 8.1 Any member of the Scrutiny Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive after advising the Chairman of the Committee will ensure that it is included on the next available agenda.
- 8.2 See section 9 below as to items raised under the Councillor Call for Action procedures.
- 8.3 The Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Scrutiny Committee at its next available programmed meeting.

9. Councillor Call for Action (CcfA)

- 9.1 The Council has adopted procedures to allow for any Councillor to raise certain matters for consideration by the Committee under the CcfA powers of Section 119 of the Local Government and Public Involvement in Health Act 2007. These are set out in Appendix 1 to these Procedure Rules. A summary flow-chart is also given in Appendix 2.
- 9.2 Use of the CcfA power should be seen as longstop and used only when other attempts to deal with an issue or solve a problem have failed. Matters which can be the subject of a CcfA include those for which the Council has a responsibility or which directly affect the Borough of Eastbourne and for which the Council can reasonably be expected to exercise some degree of influence. Certain matters should normally be

excluded from being a CcfA in line with the provisions of The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) England) Order 2008. These are:

- (a) Matters relating to a planning or licensing decision.
- (b) A matter relating to an individual or entity in respect of which that individual or entity has recourse to a right of appeal conferred by legislation.
- (c) Any matter which is vexatious, discriminatory or unreasonable.

However, an allegation that a function for which the council is responsible has not been discharged at all or that its discharge has failed on a systematic basis may still be the subject of a valid CCFA notwithstanding (a) and (b) above.

- 9.3 The Scrutiny Committee has issued guidance to Councillors on how issues subject to a potential CcfA might be handled in order to reflect best practice and ensure that issues are dealt with effectively and in a timely fashion.
- 9.4 The CcfA procedures require that the Chairman and Deputy Chairman of the Committee are notified of CcfAs and sets out their responsibilities for agreeing the appropriate course of action to be taken in respect of a CcfA once received.

10. Policy Review and Development

- 10.1 The role of the Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 10.3 The Scrutiny Committee may hold hearings and investigate the available options for future direction in policy development. They may ask witnesses to attend to address them on any matter under consideration.

11. Means of Conducting Hearings and Investigations

- 11.1 It is recommended that the Committee should normally set up task groups for the purposes of conducting initial hearings and investigations into policy matters and issues relating to service delivery and performance. Such a task group will normally comprise 2 councillors (one from each of the controlling group and the main opposition group) and nominated by the lead Scrutiny councillor for

each of the respective groups.

- 11.2 The Scrutiny Committee will set the task group's terms of reference and time-scale for report back to the Scrutiny Committee.

12. Reports from Scrutiny Committee

- 12.1 Once it has formed recommendations on proposals for development and/or service improvement, the Scrutiny Committee will prepare a formal report and in the case of functions the responsibility of the authority submit it in writing to the Chief Executive for consideration by the Cabinet if the proposals are consistent with the existing budgetary and policy framework, or to the Council if the recommendation would require a departure from or a change to the agreed budget and policy framework.
- 12.2 The Council or Cabinet shall consider the report of the Scrutiny Committee at the next available programmed meeting after submission to the Chief Executive.
- 12.3 In the case of reports to other bodies, including reports on crime and disorder matters, the report shall be submitted in writing to the Chief Executive (or other appropriate person) of that body.
- 12.4 The Committee's report and findings shall be made public except where disclosure of information would be classed as either exempt or confidential under the Council's Access to Information Procedure Rules.
- 12.5 If the Scrutiny Committee cannot agree on one single final report, then up to one minority report may be prepared and submitted with the majority report.

13. Making sure that Scrutiny Reports are considered by Cabinet.

- 13.1 Once a Scrutiny report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Cabinet unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of eight weeks from the date the report was adopted by the Scrutiny Committee. In such cases, the report of the Scrutiny Committee shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the Scrutiny report within eight weeks then the matter will be referred to Council for review, and the Chief Executive will call a Council meeting to consider the report and make a recommendation to the Cabinet.
- 13.2 The Scrutiny 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 Scrutiny Committee following a consultation of possible policy/service

developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

14 Requests for information and response to reports on Crime and Disorder matters

- 14.1 The Committee may ask for information relevant to its crime and disorder functions from a responsible authority or a co-operating person or body. Such information must be provided subject to the following provisions:
- (a) Information shall be provided by the date requested or if some or all of the information cannot be reasonably provided on such date, as soon as reasonably possible.
 - (b) Information shall be depersonalised, unless the identification of such individual is necessary or appropriate in order to enable the Committee to exercise its powers, and shall not include information that would prejudice legal proceedings or current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating persons or bodies.
- 14.2 An authority, person or body to which a report or recommendation is given must consider the report or recommendations and respond indicating what (if any) action it proposes to take and must have regard to the report or recommendations in exercising its functions. The response shall be in writing and submitted to the Committee within 28 days from the date the report or recommendation was made, or, if this is not reasonably possible, as soon as possible thereafter.
- 14.3 Notwithstanding the requirements of paragraph 14.2 above, it should be the normal practice for the responsible authority or co-operating person or body to be consulted informally before a report or recommendation is submitted with the objective of making it more likely that the recommendations, when finally made, are relevant and realistic.
- 14.4 Following receipt of the response, the Committee will be expected to agree with a responsible authority or co-operating person or body how progress in implementing the recommendations will be monitored.

15. Rights of Scrutiny Committee Members to Documents

- 15.1 In addition to their rights as Councillors, Members of the Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 15.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and Scrutiny Committee as appropriate depending on the particular matter under consideration.

16. Councillors and Officers Giving Account

16.1 The Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions, and shall do so if a petition has been received, within the Council's Petitions Scheme, calling for a senior officer to attend to answer questions on the delivery of a service.. 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:

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

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

16.2 Where any councillor or officer is required to attend the Scrutiny Committee under this provision, the Chairman of the Committee will inform the Chief Executive. The Chief Executive shall inform the councillor or officer in writing giving at least three 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. Where the account to be given to the Committee will require the production of a report, then the councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

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

16.4 In respect of petitions calling for a senior officer of the Council to attend the Committee to answer questions, the Scrutiny Secretary will, in addition to giving the petition organiser notice of when the meeting will be held, ensure that the organiser is given the opportunity of suggesting questions to the Chairman and for these to be received no later than 3 working days before the meeting.

17. Attendance by Others

17.1 The Scrutiny Committee may invite people other than those people referred to in paragraph 16 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear

from residents, stakeholders and Councillors and officials in other parts of the public sector and shall invite such people to attend. Such attendance will be optional except in the circumstances set out in paragraph 17.2 below.

- 17.2 The Scrutiny Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body (as defined in Section 5 of the Crime and Disorder Act 1998) in connection with the scrutiny of a crime and disorder matter to answer questions.
- 17.3 Where any person is required to attend the Scrutiny Committee under the provision at 17.2 above, the Chairman of the Committee will inform the Chief Executive. The Chief Executive shall give the person reasonable notice of the intended date of attendance.

18. Call-in

- 18.1 When a decision is made by the Cabinet, an individual Member of the Cabinet, or a committee of the Cabinet, 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 where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chairman and Members of the Scrutiny Committee (and others as described in Rule 9 of the Cabinet Procedure Rules) will be sent copies of the records of all such decisions within the same time-scale, by the person responsible for publishing the decision.
- 18.2 That notice will bear the date on which it is published and will specify that the decision(s) will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called-in.
- 18.3 During that period, the Chief Executive shall call-in a decision for scrutiny by the Committee if so requested in accordance with paragraph 19.1 below, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within five days of the decision to call-in.
- 18.4 If, having considered the decision, the Scrutiny Committee is still concerned about it then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision maker they shall then reconsider within a further ten working days, amending the decision or not, before adopting a final decision.
- 18.5 If following an objection to the decision, the Scrutiny Committee does

not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny meeting, or the expiry of that further five working day period, whichever is the earlier.

- 18.6 If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within ten working days of the Council request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council request.
- 18.7 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.

19. Exceptions and Manner of Call-in

- 19.1 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- (a) only decisions involving new operational policies or strategic initiatives, unbudgeted expenditure or reductions in service may be called in
 - (b) a recommendation of the Executive to the full Council is not a decision that may be called-in;
 - (c) a minimum of three members of the Scrutiny Committee from at least two political groups must request that a decision be called in;
 - (d) substitute members of the Scrutiny Committee shall not be entitled to call-in decisions except when the call-in request is made at a meeting of the Committee and when the substitute member is taking the place of another member in accordance with Rule 4.4 of the Council Procedure Rules; and
 - (e) written notice of a request to call-in a decision shall be given to

the Chief Executive and the notice shall be signed by the Councillors making the request.

20. Call-in and Urgency

20.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor 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 Mayor the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

20.2 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.

21. The Party Whip

21.1 When considering any matter in respect of which a Member of the Scrutiny Committee is subject to a party whip the Councillor must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

22. Procedure at Scrutiny Committee Meetings

22.1 The Scrutiny Committee shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest (including whipping declarations);
- (iii) consideration of any matter referred to the Committee in relation to call-in of a decision;
- (iv) responses of the Executive to reports of the Scrutiny Committee; and
- (v) the business otherwise set out on the agenda for the meeting.

- 22.2 Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development and/or service improvement), 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:
- (i) 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;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

23. Procedure at a Scrutiny Task Group

- 23.1 A preliminary meeting will be held attended by the councillors appointed to the task group, the Scrutiny Secretary and the relevant Lead Officer for the purposes of:
- (a) Determining the overall content and scope of the issue, subject to any terms of reference already established by the Scrutiny Committee.
 - (b) Agreeing the persons to be invited to answer questions and/or give evidence.
 - (c) Setting the approach to be taken (e.g. workshops, interviews, presentations, etc.)
 - (d) Scheduling sessions (e.g. full day, one or two half days, one or two evenings).
- 23.2 A scrutiny task group may meet in public or private as desired. When meeting in public notice of their meetings shall be given in accordance with the Council's Access to Information Procedure Rules.
- 23.3 Task group sessions shall normally include:
- (a) Interviews, discussions, representations involving councillors, officers and external invitees as appropriate, followed by;
 - (b) Councillors debating the matter and making decisions upon their findings and recommendations.
- 23.4 Paragraphs 22.1(ii) and 22.2 above shall apply to a task group.
- 23.5 References to the rights of the Scrutiny Committee to request councillors and officers to attend and to invite persons from outside the

Council to attend (paragraphs 16 and 17 above) shall apply in respect of the proceedings of a scrutiny task group.

- 23.6 The relevant Lead Officer will be responsible for preparing the report and findings on behalf of the task group.
- 23.7 The reports, findings and recommendations of a scrutiny task group shall be made public except where disclosure of information would be classed as either exempt or confidential.

24. Officer Support for Scrutiny Committee

- 24.1 One of the Committee Administration Team shall be designated "Scrutiny Secretary" and shall have a role in ensuring the efficient and effective operation of the scrutiny process. So far as is practical the Scrutiny Secretary and Cabinet Secretary roles will be kept separate and not be undertaken at any one time by the same person.
- 24.2 The Scrutiny Secretary will maintain an overview of the progress of scrutiny work. Where recommendations of the Scrutiny Committee are approved (either in full or in part) by either the Executive or the Council, the Scrutiny Secretary shall monitor implementation of those recommendations and draw the Scrutiny Committee's attention to any failures to "follow through" in line with agreed action plans.
- 24.3 The Scrutiny Secretary will not be expected to undertake detailed research or investigation on behalf of the Scrutiny Committee and such support will be drawn from the Council's resources as a whole. It is accepted that for a small Authority like Eastbourne it is not feasible to provide Scrutiny Committee with a separate team of officer support. Officers must be able to provide impartial advice and support and feel free to do so without fear of any discrimination as a result.
- 24.4 With respect to the proceedings of a scrutiny task group, the Scrutiny Secretary shall co-ordinate invitations, venue and facilities. The relevant Lead Officer shall produce research and background documentation.
- 24.5 The arrangements for preparing the agenda for meetings of the Scrutiny Committee will be as follows:-
- The Scrutiny Secretary will draw up a menu of items drawing upon the Work Programme, outstanding issues or requests by the Committee and items referred by the Executive or other Council bodies.
 - The menu will be the subject of informal discussion between the Chairman and the relevant Head of Service.
 - A draft agenda will then be circulated to the Chairman and Deputy

Chairman of the Scrutiny Committee and, the Lead Scrutiny councillor for the controlling political group, all Members of the Cabinet and the Corporate Management Team and relevant officers.

- A cross-party pre-agenda meeting will be held at which the Chairman, Deputy Chairman (and other Lead councillor if appropriate), will attend together with the relevant Lead Officers and Scrutiny Secretary.

25. Meetings of the Chairman and Deputy Chairman

25.1 The Chairman and Deputy Chairman of the Committee shall meet on a monthly basis along with the Scrutiny Co-ordinator. This meeting may be held in conjunction with the pre-agenda meeting. The purpose of this meeting shall be to:

- Review progress in respect of reviews currently underway by task groups.
- Review the Forward Plan of Key Decisions and consider which, if any, of the matters listed on the Plan should be the subject of an item on the agenda for a forthcoming meeting of the committee.
- Review performance monitoring information.
- Develop a draft work programme for the coming year.
- Be notified of any Councillor Calls for Action that have been received and agree the appropriate course of action having regard to the CCfA Procedure Rules at Appendix 1 below.
- Be notified of any petitions that have been received in accordance with the Council's Petitions' Scheme (Part 4, Section K of the Constitution) and if requested receive updates on progress in relation to the matter raised in a petition and consider if an item should be placed on the Committee's agenda in respect of a petition.

In addition, the Chairman may invite other Councillors (including Cabinet members) and officers to attend the monthly meeting in connection with the discussion of matters relating to their particular areas of responsibility.

26. Access and Provision of Scrutiny Committee Agenda papers and Publication of Minutes

26.1 Councillors' rights of access to papers are no less than those of the press and public, with the addition that they may have papers containing confidential or exempt information.

26.2 All agendas, reports and minutes will normally be available via the Council's website and on the intranet within two working days of their publication.

Appendix 1

Councillor Call for Action Procedure Rules

The following procedures will be followed:-

1. A councillor raises the item with the Scrutiny Chairman. This should be done via the Scrutiny Co-ordinator. The Councillor would be expected to provide some basic information, including the following:

- Description of issue
- What has prompted raising issue (e.g. concerns of local residents)
- Who is affected (e.g. neighbourhood, local children etc)
- Action to date? (what's been done so far to solve problem)
- What's needed to solve problem? (possible solutions, desired outcomes)
- Any critical timescales or deadlines?

(N.B. A notification form is available for Councillors' use. At the time the CCfA is received, the Scrutiny Co-ordinator will seek to find out from the relevant senior manager the current circumstances in relation to the CCfA in order to advise the Chair and Deputy Chair of Scrutiny. It may also be possible to resolve the issue at this stage.)

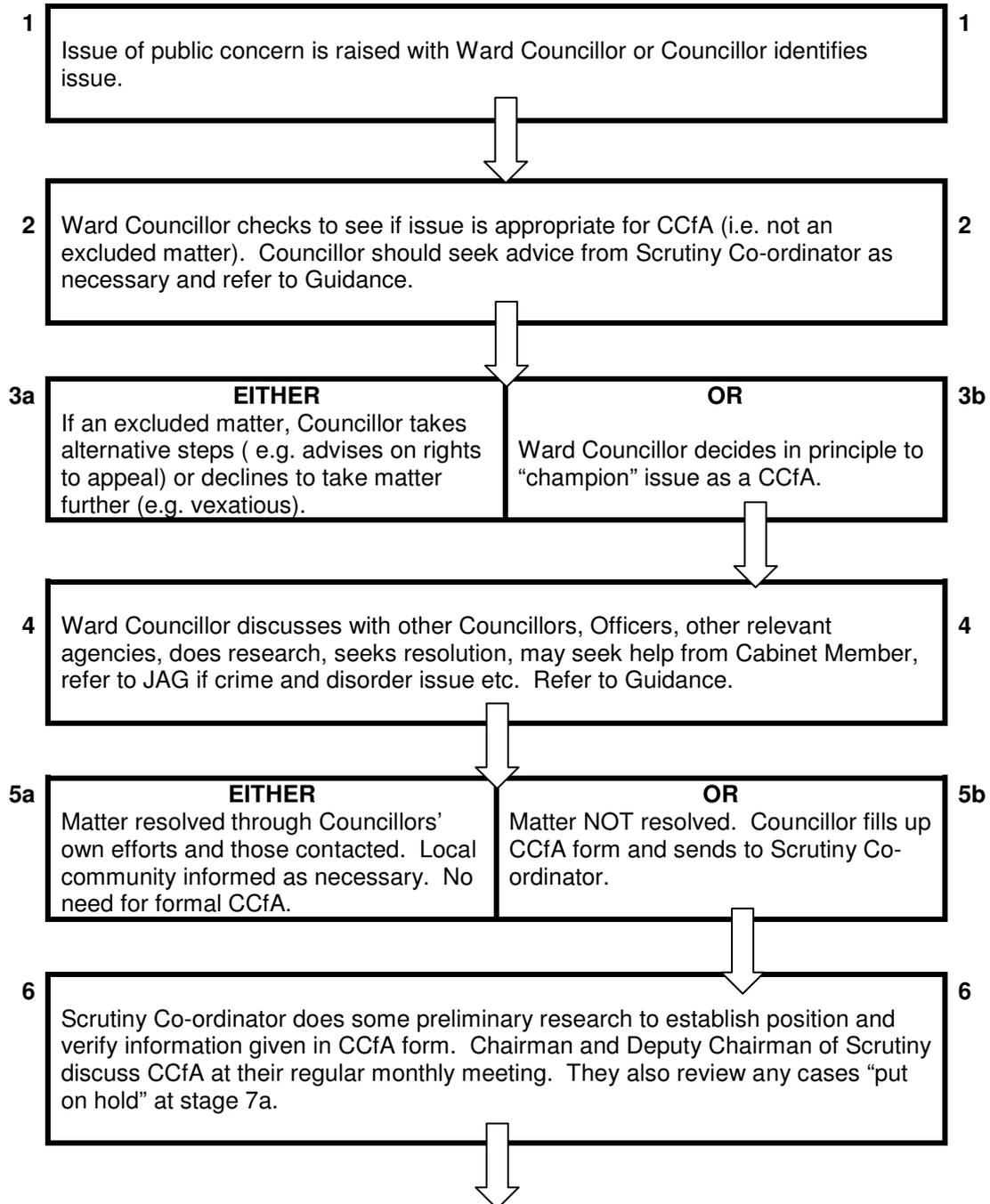
2. Chairman decides if item is to go forward. It is expected that discussion of any CCfAs will take place at the monthly meeting of the Chairman and Deputy Chairman of the Scrutiny Committee. In deciding if the matter should be placed on the Committee's agenda, the Chairman will wish to take account of the following:
 - Do alternative avenues for resolution exist (complaints procedures, planning/licensing appeals etc)?
 - Have efforts to deal with the issue/solve the problem been sufficiently exhausted to justify Committee consideration?
 - Do any of the other statutory exclusions apply (vexatious, discriminatory, unreasonable etc.)?
3. Chairman decides what steps should be taken to bring the issue before the Committee (e.g. officer report, attendance, including attendance by a Cabinet member or other councillor if appropriate, invitation to partner organisations, outside groups and individuals to attend).
4. Discussion at Committee should be based on achieving the outcomes desired by the member raising the issue – explore options and solutions – and make recommendations for certain action to be taken. Committee discussion alone may not achieve result but act as

a spur to members and officers to work together to jointly develop policies to overcome problem.

5. Committee may decide that best course is to establish a scrutiny review task group to look further at the issue and report back to the full Committee.
6. Councillor raising CCfA to be kept advised of progress at all stages and will be invited to attend any meeting of the Scrutiny Committee giving consideration and also invited to give evidence to a review task group if one is established. The Councillor will also be consulted as to who else should be invited to give evidence or have an opportunity of speaking to the Committee.
7. Councillor raising CCfA to keep the person (or the representative of a group) who either drew the matter to the Councillor's attention or asked for the Councillor to take action informed of progress.
8. In the event that the Committee choose not to make a report or recommendations on the matter, the Councillor raising the CCfA shall be informed of its decision and given reasons for it.
9. In relation to a crime and disorder matter, the Councillor raising the CCfA shall be sent a copy of the report or recommendations which is submitted to a responsible authority or a co-operating person or body.

Appendix 2

Councillor Call for Action (CCfA) Flowchart



Eastbourne Borough Council Constitution
Part 4 - Rules of Procedure

7a	<p style="text-align: center;">EITHER</p> <p>Chairman decides that it is not appropriate for formal Scrutiny Committee action (e.g. excluded matter) or believes that further efforts to resolve matter should be taken first. Ward Councillor advised who in turn should advise local community.</p>	<p style="text-align: center;">OR</p> <p>To Scrutiny Committee. Committee can deal straight away or set up Task Group. Invitations to appropriate persons to attend and give evidence. Refer to Guidance. Outcome may be recommendations for action made to Cabinet or other relevant body or individual. Ward Councillor advised who in turn should advise local community.</p>	7b
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