



City of Westminster

Committee Agenda

Title: **General Purposes**

Meeting Date: **Thursday 14th September, 2023**

Time: **6.30 pm**

Venue: **Room 18.06 - 18h Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

David Boothroyd (Chair)
Aicha Less
Ellie Ormsby
Mark Shearer

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall, 64 Victoria Street. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Senior Committee and Councillor Co-ordinator.

**Email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

To approve the minutes of the meeting held on 21 June 2023.

(Pages 3 - 4)

4. APPROVAL OF COMPENSATION PAYMENT FOLLOWING A LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO) INVESTIGATION

(Pages 5 - 14)

5. APPROVAL OF COMPENSATION PAYMENT FOLLOWING A HOUSING OMBUDSMAN INVESTIGATION (1)

(Pages 15 - 58)

6. APPROVAL OF COMPENSATION PAYMENT FOLLOWING A HOUSING OMBUDSMAN INVESTIGATION (2)

(Pages 59 - 90)

7. APPROVAL OF COMPENSATION PAYMENT FOLLOWING A HOUSING OMBUDSMAN INVESTIGATION (3)

(Pages 91 - 132)

8. COUNCILLORS PARENTAL LEAVE POLICY

(Pages 133 - 148)

9. POLICY AND SCRUTINY REVIEW

(Pages 149 - 186)

**Stuart Love
Chief Executive
8 September 2023**



CITY OF WESTMINSTER

MINUTES

General Purposes Committee

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **General Purposes Committee** held on **Wednesday 21st June, 2023**, Room 18.4, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors David Boothroyd (Chair), Matt Noble, Ellie Ormsby and Paul Swaddle

1 MEMBERSHIP

- 1.1 It was noted that Councillor Matt Noble was substituting for Councillor Aicha Less and Councillor Paul Swaddle was substituting for Councillor Mark Shearer.

2 DECLARATIONS OF INTEREST

- 2.1 There were no declarations of interest.

3 MINUTES

- 3.1 **RESOLVED:** That the minutes of the meeting held on 22 February 2023 be signed by the Chair as a correct record of the proceedings.

4 APPROVAL OF COMPENSATION PAYMENT

- 4.1 The Committee was presented with a report providing details of a complaint submitted by a tenant through the Council's complaints process and to the Housing Ombudsman. Following this complaint, a compensation payment of £3,400 was required to be paid to the leaseholder from the Housing Revenue Account.
- 4.2 The Committee noted the contents of the report and discussed its details. It was hoped that lessons had been learnt from the case and the Committee was pleased to note that significant changes to the complaints process had subsequently been implemented.

RESOLVED:

That the payment of compensation of £3,400 be approved to comply with the Housing Ombudsman's order.

5 MEMBERS ALLOWANCES SCHEME 2023-24 - AMENDMENT

- 5.1 A report proposing to amend the Members' Allowances Scheme for 2023-2024 was introduced, it was explained that the scheme had received initial approval by the General Purposes Committee at its meeting on 22 February 2023 and was formally adopted by Council on 8 March 2023. It was noted that the scheme could be amended in year.
- 5.2 Options to amend the allowances scheme had been proposed by both Groups. The proposals were to enable a Special Responsibility Allowance (SRA) to be paid to an additional member of the Cabinet and it had also been proposed to create a second Opposition Deputy Leader post. It was noted that aside from these proposed changes the Allowances Scheme would continue to be based on the current scheme.
- 5.3 The Committee considered the proposals, and it was confirmed that the Members Allowance budget was sufficient to meet the revised financial commitments for 2023-24, as set out in the proposed scheme. The Committee noted that changing the number of SRAs payable to Cabinet Members and Opposition Deputy Leaders did not mean that these posts had to be appointed to.

RESOLVED:

That Full Council be recommended to approve the Amended Members' Allowances Scheme for 2023-2024 with effect from 1 July 2023, which included amending the number of SRAs payable to Cabinet Members from six to seven and Deputy Leaders of the Opposition from one to two.

(Councillor Swaddle abstained from voting on the recommendation)

The Meeting ended at 6.42pm.

CHAIRMAN: _____

DATE _____



General Purposes Committee Report

Meeting or Decision Maker:	General Purposes Committee
Date:	12 September 2023
Classification:	General Release Appendix A - Not for Publication
Title:	Approval of compensation payment following a Local Government and Social Care Ombudsman (LGSCO) Investigation
Fairer Westminster Summary:	Contributes to our commitment to providing excellent public health and social care services
Financial Summary:	A compensation payment of £2,000 is required to the complainant
Report of:	Bernie Flaherty: Bi-Borough Executive Director of Adults

1. Executive Summary

- 1.1 Following a complaint from a service user through the Council's statutory complaints process and to the LGSCO, a compensation payment of £2000 is required to the complainant. As the level of compensation awarded is in excess of £2,000 a report is required to come to the General Purposes Committee.
- 1.2 The complaint concerns delays in Adult Services completing an assessment and then carrying out adaptations to the user's bathroom.

2. Recommendations

- 1.3 That the Committee approves and notes the payment of the compensation made to comply with the LGSCO's order.

3. Reasons for Decision

- 1.4 Compensation payments awarded which exceed £2,000 need to come before the General Purposes Committee to comply with the Council's Good Practice Guide for Effective Complaint Handling and under Part F (Section 4) of Westminster City Council's Financial Regulations.

4. Background, including Policy Context

- 1.5 The service user submitted a complaint to the Council on 6 September 2022 covering the following issues:
- A 17-month delay in assessing her needs and installing a tap
 - She was unable to wash her hands unaided during this time
- 1.6 A stage 1 response was issued on 26 September 2022. It was accepted that there had been some delays and an apology was offered.
- 1.7 The complainant expressed dissatisfaction with the response and so the matter was reviewed by the service. A further response was sent on 8 February 2023 offering £500 compensation.
- 1.8 Adult Social Care have a 1 stage complaints process, so the complainant escalated her complaint to the LGSCO.

5. Investigation by the LGSCO:

- 1.9 We received an initial final decision from the LGSCO on 3 March 2023 stating that they were satisfied with the Council's remedy of £500 and an apology and no further action was needed.
- 1.10 The case was re-opened by the LGSCO on 13 March 2023 as new information had come to light.
- 1.11 A final decision was received on 26 June 2023 stating that the Council was at fault for long delays in assessing Miss X's need for replacement taps and installing them. This meant Miss X was without appropriate taps for over a year and had considerable difficulty in washing her hands. The Council was ordered to apologise, pay her £2,000 and review its processes.

The compensation was broken down as follows:

£1,800 to remedy the injustice caused to her as a result of the delays in replacing the kitchen taps. This is based on £150 per month for eleven months, plus a further £150 for the uncertainty about whether the Council could have obtained the taps earlier if it had been more proactive in late 2022. A further £200 to remedy the additional time and trouble she was put to in pursuing the matter. This makes a total payment of £2,000.

6. Post complaint follow-up work

- 6.1 There was a supply issue with Medequip which we have addressed. We have now changed contracts to NRS with an improved timeline and process regarding special orders. We acknowledge learning areas identified and are addressing these.
- 6.2 Our assessment was that there was no delay in her assessment or intervention to support with alternatives, and this was challenged but rejected by the LGSCO. We

accept the delay in the installation due to the contractor and supply issues. More could have been done to vary the solution and supplier.

- 6.3 A written apology was issued to Miss X on 28/7/23 as per the LGSCO's recommendations.
- 6.4 A working group has been assembled, led by the Professional Lead OT for WCC to address learning from this case and implement improvements to processes regarding referral and assessment pathways as well as special order and minor adaptations.

7. Financial Implications

The compensation awarded will be paid from the Occupational Therapy Assessment contract (W21300).

8. Legal Implications

The LGSCO recommended the Local Authority make an offer of £2,000 compensation. The report sets out the action taken following the recommendations of the LGSCO.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

Zoe Evans, Corporate Complaints Manager zevans@westminster.gov.uk

APPENDICES:

Appendix A - LGSCO report and determination issued on 26 June 2023 (Confidential)

BACKGROUND PAPERS:

Stage 1 response dated 26 September 2022

Stage 1 follow up response dated 8 February 2023

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City of Westminster

General Purposes Committee Report

Meeting or Decision Maker:	General Purposes Committee
Date:	14 September 2023
Classification:	General Release Appendices A-D not for publication
Title:	Approval of compensation payment over £2000
Wards Affected:	N/A
Fairer Westminster Strategy:	Our tenants and lessees are consistently satisfied with our housing services, and the improved condition and energy efficiency of our housing stock.
Financial Summary:	A compensation payment of £5,033 is required to a resident from the Housing Revenue Account
Report of:	Sarah Warman, Strategic Director of Housing and Commercial Partnerships

1. Executive Summary

Following a complaint from a tenant through the Council's complaints process and to the Housing Ombudsman, a compensation payment of £5,033 is required to the tenant from the Housing Revenue Account. As the level of compensation awarded is in excess of £2,000 approval is required by the General-Purpose Committee.

The complaint concerns failure to undertake repairing responsibilities.

2. Recommendations

That the committee notes and approves the payment of compensation over £2,000 to comply with the Stage 2 complaint award and the Housing Ombudsman's order.

3. Reasons for Decision

Compensation payments awarded which exceed £2,000 need to come before the General-Purpose Committee in order to comply with the Council's Good Practice Guide for Effective Complaint Handling and under Part F (Section 4) of Westminster City Council's Financial Regulations.

4. Background, including Policy Context

- 4.1 The resident lives in a three-bedroom flat with her two children. The flat is owned by the Council and she has a sole secure tenancy which began on 1 June 2020. The resident moved to the property as her previous home was part of a regeneration project.
- 4.2 The resident submitted over the course of 2020-2021 a number of complaints seeking help with the matters considered by this investigation. The resident has informed the Ombudsman that the Council's handling of matters raised had a negative impact on her health and wellbeing. The Council failed to acknowledge her vulnerabilities, despite the fact that the resident disclosed to the Council that she was living with a mental health condition.
- 4.3 The Housing Ombudsman Service confirmed that determinations about liability for any impact to health would more usually be dealt with as a personal injury claim through the courts but given the general distress and inconvenience which the situation may have caused the resident they awarded further compensation and issued a determination of severe maladministration.

4.4 Investigation by the Housing Ombudsman:

The Housing Ombudsman Service concluded their investigation and issued their determination on June 15, 2023. In that determination they confirmed that there has been severe maladministration by the landlord with regard to its handling of repairs. There was also maladministration in respect of our handling of the associated complaint. The Housing Ombudsman Service awarded £5,033 compensation and this is broken down as follows:

Award	Service failure
£2,833	Delays in handling of damp and mould related repairs
£1300	Time and trouble taken pursuing this matter including distress and inconvenience
£700	Inadequate handling of the resident's vulnerabilities.
£200	Handling of the complaint.

4.5 Post complaint follow-up work

A full Senior Management Team review has been carried out, with our findings and actions shared with the Housing Ombudsman Service and the Regulator to satisfy their compliance.

5. Financial Implications

The compensation awarded will be paid from the HRA budget established for the purpose.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Jayson Sandiford, Housing Complaints & Service Improvement Manager
jsandiford@westminster.gov.uk

BACKGROUND PAPERS:

Appendix A Stage 1 complaint response

Appendix B Stage 2 complaint response

Appendix C Housing Ombudsman investigation report

Appendix D Housing Ombudsman determination letter

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City of Westminster

General Purposes Committee Report

Meeting or Decision Maker:	General Purposes Committee
Date:	14 September 2023
Classification:	General Release Appendices A-D not for publication
Title:	Approval of compensation payment over £2000
Wards Affected:	N/A
Fairer Westminster Strategy:	Our tenants and lessees are consistently satisfied with our housing services, and the improved condition and energy efficiency of our housing stock.
Financial Summary:	A compensation payment of £2,100 is required to a resident from the Housing Revenue Account
Report of:	Sarah Warman, Strategic Director Housing and Commercial Partnerships

1. Executive Summary

Following a complaint from a tenant through the Council's complaints process and to the Housing Ombudsman, a compensation payment of £2,100 is required to the tenant from the Housing Revenue Account. As the level of compensation awarded is in excess of £2,000 approval is required by the General-Purpose Committee.

The complaint concerns failure to undertake repairing responsibilities.

2. Recommendations

That the committee notes and approves the payment of compensation over £2,000 to comply with the Stage 2 complaint award and the Housing Ombudsman's order.

3. Reasons for Decision

Compensation payments awarded which exceed £2,000 need to come before the General-Purpose Committee in order to comply with the Council's Good Practice Guide for Effective Complaint Handling and under Part F (Section 4) of Westminster City Council's Financial Regulations.

4. Background, including Policy Context

4.1 The complaint is about the Council's response to the resident's reports of damage following planned works at the property and the subsequent issues of repair to the property. The resident is a tenant and has lived at the property for more than 18 years. At the time of the complaint the resident was undergoing chemotherapy treatment for cancer.

4.2 Housing Ombudsman Investigation and Compensation

The Housing Ombudsman Service concluded their investigation and issued their determination on July 17, 2023. In that determination they confirmed that there has been severe maladministration by the Council with regard to its handling of repairs, handling of the complaint and record keeping. The Housing Ombudsman Service awarded £2,100 compensation and this is broken down as follows:

Award	Service failure
£300	For the distress and inconvenience related to the chasing and managing of the repair and complaint relating to the roof and window repair
£600	For the distress and inconvenience related to chasing and managing of the repair and complaint relating to the drain and kitchen.
£800	For the stress and inconvenience related to the lack of sensitivity in dealing with this complaint and the lack of regard to this resident's vulnerabilities.
£100	For costs associated with the total length of time the scaffolding was in situ and alarm connected and for the disruption in relation to the television aerial;
£300	For the inconvenience caused by poor record keeping

4.3 Housing Ombudsman Findings and Determination

The Housing Ombudsman found that the Council failed to apply its own policy in relation to repairs, compensation and complaint handling. There were unreasonable delays in carrying out repairs following the damage caused by contractors, and resident was treated in an unfair and unsympathetic manner, without having any regard for her vulnerabilities in both the complaint handling and during the repairs process. Poor record keeping was also found to have impacted upon the Council's ability to deal with the repairs effectively

The Housing Ombudsman's determination was as follows:

- Severe maladministration by the landlord in its response to the resident's reports of damage following planned works at the property and the subsequent issues of repair to the property.
- Service failure in the landlord's complaint handling.
- Maladministration in the landlord's record keeping

4.4 Learning from this case

The Council has extracted the following learning from this case which is being implemented. This is in addition to the orders made by the Housing Ombudsman:

- We are reminding major works contractors of the Council's expectations with regards to treating residents with dignity and respect and of the Council's expectations with regards to vulnerable residents. We are also reiterating the need to arrange to homes by pre-booked appointments and not unannounced visits.
- We are reviewing communications on major works to ensure they set reasonable expectations including
 - timescales
 - access arrangements
 - arrangements for quality control
 - how disruption will be minimised
- We are reviewing record keeping of communications with residents and contractors

4.8 Post complaint follow-up work

A full Senior Management Team review has been carried out, with a senior member of staff (director level) to apologise on the Councils behalf and hold a discussion with the resident to establish if there are any ongoing issues relating to the complaint.

The report has been shared with the contractor and arrangements made for a formal meeting to review lessons learnt from the case.

5. Financial Implications

The compensation awarded will be paid from the HRA budget established for the purpose.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

*Jayson Sandiford, Housing Complaints & Service Improvement Manager
jsandiford@westminster.gov.uk*

BACKGROUND PAPERS:

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Appendix B Stage 2 complaint response

Appendix C Housing Ombudsman investigation report

Appendix D Housing Ombudsman determination letter

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City of Westminster

General Purposes Committee Report

Meeting or Decision Maker:	General Purposes Committee
Date:	14 September 2023
Classification:	General Release Appendices A-D not for publication
Title:	Approval of compensation payment over £2000
Wards Affected:	N/A
Fairer Westminster Strategy:	Our tenants and lessees are consistently satisfied with our housing services, and the improved condition and energy efficiency of our housing stock.
Financial Summary:	A compensation payment of £3,430 is required to a resident from the Housing Revenue Account
Report of:	Sarah Warman, Strategic Director Housing and Commercial Partnerships

1. Executive Summary

Following a complaint from a tenant through the Council's complaints process and to the Housing Ombudsman, a compensation payment of £3,430 is required to the tenant from the Housing Revenue Account. As the level of compensation awarded is in excess of £2,000 approval is required by the General-Purpose Committee.

The complaint concerns failure to undertake repairing responsibilities.

2. Recommendations

That the committee notes and approves the payment of compensation over £2,000 to comply with the Stage 2 complaint award and the Housing Ombudsman's order.

3. Reasons for Decision

Compensation payments awarded which exceed £2,000 need to come before the General-Purpose Committee in order to comply with the Council's Good Practice Guide for Effective Complaint Handling and under Part F (Section 4) of Westminster City Council's Financial Regulations.

4. Background, including Policy Context

The complaint is about the Council's response to the resident's reports of a roof leak in July and October 2021 including the provision of temporary accommodation and the impact of the handling of the repairs on the family.

The resident is a secure tenant of the Council. The property is a 3-bedroom mid-terrace house with a flat roof. The resident lives with her 2 children, who were 17 and 21 at the time of the events.

5. Investigation by the Housing Ombudsman

The Housing Ombudsman Service concluded their investigation and issued their determination on August 29, 2023.

The investigation covered how the Council managed internal repairs to the property following the leak; the accommodation provided to the family and the duration of that offer; and how the complaints were managed.

The investigation concluded that:

- The Council failed to complete the repairs within a reasonable time and to provide a timescale for the repairs
- The Council did not check that it was reasonable to expect the resident to return to live at her property before ending the temporary accommodation or take into account vulnerabilities within the family.
- Complaint responses were delayed and did not adequately address the concerns the resident had raised

6. Housing Ombudsman Determination

The Housing Ombudsman Service concluded their investigation and issued their determination on 29 August 2023.

The determination was that there was severe maladministration in the Council's handling of repairs following the leaks into the property in 2021 and in handling the rehousing during the repairs.

In addition, there was maladministration in the handling of the resident's complaint.

The Housing Ombudsman has ordered the Council to pay the tenants £3,430 compensation as follows:

Award	Service failure
£2000	For the distress and inconvenience to the resident and her family caused by the delays between December 2021 to date in completing outstanding internal repairs to the property
£900	For the distress and inconvenience and discomfort to the resident and her family during the 6-week period from 13 September 2021 to 22 October 2021.
£500	For the adverse effect caused by the Council's poor handling of her complaint. This includes the £300 offered by the Council for the time and trouble to the resident in making the complaint.

7. Post complaint follow-up work

Following the determination the Council will provide the resident with a reasonable timeframe for completing all repairs outstanding from the leaks in July 2021.

The Council will also carry out the following actions:

- Review training and guidance to staff about assessing properties prior to ending decants, with the aim of ensuring the failings identified in this report are not repeated.
- Review processes for monitoring that repair work completed by repairs contractors is to an appropriate standard. The Council should also review whether it has appropriate processes in place to oversee the rectifying work that has not been completed to an adequate standard in the first instance.
- Review its processes for recording repairs, including attendance times and ongoing progress of work with the aim of ensuring the failings identified in this report are not repeated.

8. Financial Implications

The compensation awarded will be paid from the HRA budget established for the purpose.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

*Jayson Sandiford, Housing Complaints & Service Improvement Manager
jsandiford@westminster.gov.uk*

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City of Westminster

Committee Report

Meeting or Decision Maker:	General Purposes Committee
Date:	14 September 2023
Classification:	General Release
Title:	Councillors Parental Leave Policy
Wards Affected:	All
Fairer Westminster/Policy Context:	The adoption of an enhanced policy will help the Council advance equality of opportunity and helps to discharge our public sector equality duty in creating positive impacts for protected groups.
Financial Summary:	Potential costs are anticipated to be relatively minimal, should a councillor in receipt of a Special Responsibility Allowance (SRA) take time off for parental leave. No additional budget provision has been identified as required at this stage since the existing budget has provision for more than the current allowances scheme requires.
Report of:	Parveen Akhtar (Director of Law and Governance)

1. Executive Summary

- 1.1 This report presents a revised parental leave policy for Councillors. The policy has been reviewed as it has not been reviewed since the adoption of the original policy in September 2019, but also in response to the 'Fairer Westminster' motion passed by Full Council on 28 June 2023 which committed the Council to "Review the Council's parental leave policy, setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances to ensure it as inclusive and fair as possible".
- 1.2 It is considered that improving the current provisions for new parents may help contribute towards increasing the diversity of sex, gender, experience, age and background of local representatives.

2. Recommendations

- 2.1 That the revised Parental Leave Policy for Councillors, attached at Appendix A - WCC Proposed New Parental Policy for Members 2023 be approved and adopted into the Council's Constitution as part an Appendix to the Member's Allowances Scheme.

3. Reasons for Decision

- 3.1 The policy has been reviewed as a matter of good practice in periodically reviewing such policies but also in response to the 'Fairer Westminster' motion passed by Full Council on 28 June 2023 which committed the Council to "Review the Council's parental leave policy, setting out members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances to ensure it as inclusive and fair as possible".
- 3.2 The proposed amendments to the policy represent greater alignment with practice across London as well as clarifying and simplifying the process by which parental leave may be requested and handled.
- 3.3 The revised policy is designed to enable Councillors who have or adopt children to take appropriate leave, mirroring provisions made for staff as recommended by the Independent Remuneration Panel for London.
- 3.4 It is important that parental leave must apply to parents regardless of their gender and covers adoption leave to support those parents who choose to adopt.

4. Background, including Policy Context

- 4.1 It is anticipated that the adoption of updated parental leave policies will help ensure that the councillor role is accessible as possible to all sections of the

community, offering greater opportunity for diversity and representativeness of candidates. Although this is primarily a matter for political parties, the council's policies and support for councillors have a direct impact on the ability of councillors to perform their duties and therefore the Council retains an responsibility to ensure that such policies are as supportive and enabling as possible. A parental leave policy provides anyone considering standing for election with clarity on what to expect in the event of the birth or adoption of a child during their term of office.

- 4.2 Employees have defined statutory rights in relation to maternity, paternity, adoption, and shared parental leave and pay. However, there are currently no equivalent legal rights for elected representatives, hence the need for Councils to make local arrangements which are applicable to the position of councillors who hold elected office rather than employment.
- 4.3 In September 2019, the Council approved the existing parental leave policy for Councillors. In terms of allowances the current parental policies for Councillors at Westminster ensure all Councillors continue to receive their Basic Allowance, in full, in the case of pregnancy, maternity, paternity and sickness leave. Councillors entitled to a Special Responsibility Allowance continue to receive their allowance in the case of maternity, shared parental or adoption leave at a rate of three months full pay and the following three months at half pay.
- 4.4 In accordance with Section 85 of the Local Government Act 1972, Members of the Council are required to attend a meeting of the Council within a six-month period unless the Council agrees to an extended leave of absence prior to the expiration of that six-month period. In the event that the councillor is a member of the Council's Executive, they must attend a meeting of the Executive within a six-month period. Where a Councillor requires extended absence, in light of parental leave, they should seek a dispensation from the Full Council by submitting an application in writing to the Head of Governance and Councillor Liaison.
- 4.5 In reviewing the current policy a comparative analysis of the parental leave policies of seven London councils and guidance provided by the Labour Group at the Local Government Association were reviewed; as per Appendix B. This has shown that Westminster is an outlier in the length of time the payments of Special Responsibility Allowances (SRAs) are paid. In most other Councils researched the SRA is paid either in full for the length of the maternity leave period or provided at the full rate for 6 months, followed by payment at 50% for 6 months.

5 Proposals

- 5.1 The proposed revisions to the existing policy, are set out in more detail below:
 - Clarity that Members taking maternity leave are entitled to 12 months leave, provided the 'six month rule' set out in Section 85 as noted above is adhered to.

- An extension to the length of time for the payment of any Special Responsibility Allowance (SRA).
- Revision of the shared parental leave policy so that any Councillors who have partners, who are not Council Members, but are taking parental leave, are entitled to share that leave and be reimbursed appropriately.
- The inclusion of clearer processes on how Councillors apply for parental leave and expectations on what arrangements should be put in place when Councillors are taking this leave.

5.2 Extension of the payment of any Special Responsibility Allowance

It is recommended that any policy for Councillors reflects the current staff policy and also those of other similar London councils. Therefore, the proposal is to increase the length of time of the payment of any Special Responsibility Allowance (SRA) from the current three months full pay followed by three months half pay to six months full pay followed by six months half pay.

In cases of shared parental leave the payment amount, would replicate when the shared leave was taken e.g in the first six months of the baby's life it would be full pay and if in the second six months then half pay.

5.3 Shared parental leave

The current policy only allows for Councillors to take shared parental leave if both parties are Council Members. This is outdated and does not reflect the desire of the Council to become more family friendly and encourage a more diverse range of people to stand as local Councillors; nor does it reflect the staff policy.

The proposal is to revise the Councillor policy to reflect the staff policy, and that of other Councils, so that Members who have partners who are taking parental leave can share this.

5.4 Notification of leave, and of return

Councillors wishing to request parental leave under the policy shall notify the Chief Executive, no later than 28 days before the date they wish the period of leave to start, who will be empowered to determine if the request meets Council policy and accordingly authorise such a period of absence.

The period of leave should be agreed between the councillor requesting leave and their group leader, group whip and Chief Executive. The group leader, group whip or councillor concerned should notify the Chief Executive of cover arrangements.

The councillor should keep the group leader and Chief Executive informed of their intentions, giving at least one month's notice of their intended return date, including whether the period of absence should be extended to cover a longer period than first anticipated.

In addition to the above it is suggested that revisions to the policy include what specific information is required on application for parental leave as per the below. This mirrors the Council's policy for employees.

For maternity or paternity leave:

- i) The expected date of childbirth
- ii) Provision of a copy of the MATB1 (available from a doctor or midwife)
- iii) Confirmation of the dates which the Councillor will be absent.

For shared parental leave:

- i) Confirmation of their entitlement to shared parental leave and the expected (or actual) date of birth/placement
- ii) Confirmation of the start and end dates of the Mother/Main Adopter's maternity/adoption leave, the amount of shared parental leave available and how much each parent intends to take
- iii) Provision of a copy of the MATB1 or matching certificate/official notification
- iv) Confirmation of the dates which the Councillor will be absent.

For adoption leave:

- i) Confirmation they are the Main Adopter and the date the child is expected to be placed for adoption (UK Adoption) or the date on which the date on which the child is expected to enter Great Britain (Overseas Adoption);
- ii) Provision of a copy of the matching certificate/official notification;
- iii) Confirmation of the dates which the Councillor will be absent.

5.5 Arrangements for Councillors taking leave.

In light of changes to the policy for parental leave it was thought prudent to set out a general expectation for Councillors when taking any type of leave.

As a basic requirement it is suggested that all Councillors place an out of office on emails to advise residents of alternative sources of advice and that Councillors put in place any arrangements for the cover of their responsibilities over the period of leave.

Individual considerations will apply in all different circumstances based on the roles held by different Members but the main considerations which will be reviewed with the Member in advance of taking parental leave are as follows:

- Handling ward work, inc. ward budgets – this can be handled informally within the ward with the agreement of other ward members;
- Seat on committees – this will generally require cover arrangements to be made by the Group whip, on the advice of the Monitoring Officer,

and consideration may be given as to whether to make such changes on a temporary or permanent basis; and

- Executive decision-making authority and portfolio management – when a Cabinet Member is unavailable to exercise their delegated authority or manage their portfolio due to parental leave, arrangements will be made at the Leader's discretion having had regard to appropriate advice from the Monitoring Officer.

5.6 These proposed revisions to the Councillor Parental Leave Policy underscores the Council's commitment to creating a supportive work environment that recognises the diverse needs of our members. This practice reflects the Council's commitment to inclusivity and gender equality, enhancing diverse representation. By offering enhanced parental leave, the council ensures members' well-being, fostering a positive environment and promoting sustainable, dedicated public service. Ultimately, parental leave strengthens the council's effectiveness, responsiveness, and connection with the community it serves.

5.7 A revised Councillor Parental Leave Policy, taking into consideration the revisions above has been drafted and is attached as Appendix A.

6. Financial Implications

6.1 There are no direct financial implications arising from this report. However, there will be costs, anticipated as relatively minimal, associated with the parental leave policy should a Councillor in receipt of a Special Responsibility Allowance (SRA) take parental leave and cover arrangements are put in place which involve additional SRAs to be paid, but there is not currently any such arrangement in place or planned. No additional budget provision has been identified at this stage since there is deemed to be sufficient headroom in the overall Member allowances budget to accommodate take up of the policy. This position will be kept under review.

7. Legal Implications

7.1 There is no legal requirement for the Council to adopt a parental leave policy for Councillors. However, the introduction of such a policy will help the Council advance equality of opportunity and helps to discharge our public sector equality duty in creating positive impacts for protected groups.

In accordance with Section 85 of the Local Government Act 1972, Members of the Council are required to attend a meeting of the Council within a six-month period unless the Council agrees to an extended leave of absence prior to the expiration of that six-month period. Any request for parental leave beyond a six-month period would need to take account of this with either a plan to attend a qualifying meeting during the required time window or a plan to request extended leave.

- 7.2 Under Regulations 4 (1) (a) and (b) of the Local Authorities (Members' Allowances) (England) Regulations 2003 (S12003/1021) there is a requirement that any amendments to a council's Member Allowances scheme must be made with regard to the report of the Independent Remuneration Panel. The last report of the Independent Remuneration Panel for London last reported in 2022 and noted that:

“Our view is that members’ allowances schemes should allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave in the same terms that the council’s employees enjoy such benefits (that is to say, they follow the same policies)”.

Accordingly the policy changes proposed are consistent with the recommendations of the Independent Remuneration Panel where possible.

8. Carbon Impact

- 8.1 There are no carbon implications arising out of this report.

9. Equalities

- 9.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 9.2 The implementation of a parental leave policy for councillors will provide councillors who are elected to public office with appropriate leave in relation to maternity, paternity adoption or other appropriate parenting responsibilities. It is considered that access to such entitlements may contribute towards increasing the diversity of gender, experience, age, and background of those standing for election and local authority groups.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Tristan Fieldsend tfieldsend@westminster.gov.uk

APPENDICES

LIST APPENDICES ABOVE BACKGROUND PAPERS

Appendix A - WCC Proposed New Parental Policy for Members 2023

Appendix B - Benchmarking on Parental Leave Policies for Members

BACKGROUND PAPERS

WCC Current Parental Leave Policy for Members – adopted September 2019

WCC Current Employees' Parental Leave Policy

Appendix A

Maternity, Paternity, Shared Parental and Adoption Leave Policy for Councillors

1. Introduction

This Policy sets out Members' entitlement to maternity, paternity and adoption leave and relevant allowances.

The objective of the policy is to ensure that Members are able to take appropriate leave at the time of birth or adoption of a child.

There is at present no legal right to parental leave of any kind for people in elected public office.

Note that the provisions for leave that is possible for these (and other) purposes differ from the duration that Special Responsibility Allowances (SRA) are payable.

Legal advice has been taken on these policies, and they conform with current requirements including the requirement for members to attend a meeting of the Council within a six-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six-month period.

2. Leave Periods

2.1 Maternity

- Members giving birth are entitled to up to 12 months maternity leave from the due date.
- Where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 12-month period.
- In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52-week entitlement.
- The Member must notify the Head of Governance and Councillor Liaison of their intention to take maternity leave in writing no later than 28 days before the date they wish the period of maternity leave to start and:
 - i) Confirm the expected date of childbirth
 - ii) Provide a copy of the MATB1 (available from a doctor or midwife)
 - iii) Confirm the dates which the Member will be absent.

2.2 Paternity

- A Member is entitled to take up to two weeks paternity leave if they are either: the biological father of the child; the spouse, civil partner or partner of the Mother/Single Adopter; or are the Other Adopter of the child.

- The Member may take one week or two consecutive weeks of paternity leave, but not single days or less than a week's duration. Paternity leave must be taken within two months of the birth or adoption.
- The Member must notify the Head of Governance and Councillor Liaison of their intention to take paternity leave in writing no later than 28 days before the date they wish the period of maternity leave to start and:
 - i) Confirm the expected date of childbirth
 - ii) Provide a copy of the MATB1 (available from a doctor or midwife)
 - iii) Confirm the dates which the Member will be absent.

2.3 Adoption

- A Member who adopts a child through an approved adoption agency shall be entitled to take up to 26 weeks statutory adoption leave (SAL) and a further 26 weeks of additional adoption leave (AAL).
- The Member must notify the Head of Governance and Councillor Liaison of their intention to take adoption leave in writing no later than 28 days before the date they wish the period of adoption leave to start and:
 - i) Confirm they are the Main Adopter and the date the child is expected to be placed for adoption (UK Adoption) or the date on which the date on which the child is expected to enter Great Britain (Overseas Adoption);
 - ii) Provide a copy of the matching certificate/official notification;
 - iii) Confirm the dates which the Member will be absent.

2.4 Shared Parental Leave

- A Member is entitled to Shared Parental Leave if they have (or share with the other parent) the main responsibility for the care of the child and are either the Mother, Father, Main Adopter or Other Adopter of the child, or the spouse, civil partner or partner of the Mother/Main Adopter.
- A Member may share up to 50 weeks leave if the Mother/Main Adopter curtails their maternity/adoption leave before using their full entitlement of 52 weeks. The number of weeks available as Shared Parental Leave will be reduced by the number of weeks maternity or adoption leave that has already been taken by the Mother or Main Adopter.
- There is a requirement for the mother to take the first two weeks after childbirth as maternity leave.
- Shared Parental Leave can be taken as one continuous block or in multiples of complete weeks, but must end no later than one year after the birth/placement of the child.
- The Member must notify the Head of Governance and Councillor Liaison of their intention to take shared parental leave in writing no later than 28 days before the date they wish the period of shared parental leave to start and:

- i) Confirm their entitlement to shared parental leave and the expected (or actual) date of birth/placement
 - ii) Confirm the start and end dates of the Mother/Main Adopter's maternity/adoption leave, the amount of shared parental leave available and how much each parent intends to take
 - iii) Provide a copy of the MATB1 or matching certificate/official notification
 - iv) Confirm the dates which the Member will be absent.
- A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

2.5 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six-month period. Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return. Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

3. Pay and Allowances

3.1 Basic Allowance

All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity, shared parental or adoption leave.

3.2 Special Responsibility Allowances

- Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for the first 6 months in the case of maternity or adoption leave followed by 6 months at half allowance.
- The payment of Special Responsibility Allowances, during a period of maternity, shared parental or adoption leave shall continue for a period of up to twelve months (constituting 6 months full SRA followed by 6 months half SRA).
- Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.
- Where a replacement is appointed to cover the period of absence, that person shall receive an SRA on a pro rata basis for the period of the temporary appointment. In

such circumstances, this parental leave policy takes precedence and adjusts the total number of SRAs being paid at any one time as set out in the main section of the allowances scheme

3.3 Shared Parental Pay

Shared parental pay consists of: 6 months at full SRA (including statutory maternity/paternity/adoption pay) and 6 months at half SRA (including statutory maternity/paternity/adoption pay).

Under this policy, a mother or adopter can decide to share his/her parental leave and pay allowance with their partner by choosing to return to work early and convert any unused allowance into shared parental leave/pay during the first year of birth or adoption of their child. To do this, they must "curtail" (end early) their allowance, so that it becomes available for their partner.

There are 52 weeks of leave/pay available to be shared under this policy, though there is a requirement for the mother to take the first 2 weeks after childbirth as maternity leave.

4. Requests for extended leave

While this policy allows Members to take up to 12 months leave, as stated above, under the Local Government Act 1972 any member of the council is required to attend a meeting of the Council within a six-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six-month period.

In case where a member wishes to request extended absence, they should write to the Head of Governance and Councillor Liaison who will prepare a report for the consideration of the Full Council.

5. Resigning from Office and Elections

- If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office
- If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are elected, their basic allowance and SRA commences from the date that child is born

6. Arrangements for Councillors taking leave.

All Councillors taking parental leave should place an out of office message on their emails to advise residents of alternative sources of advice.

Individual considerations will apply in all different circumstances based on the roles held by different Members but the main considerations which will be reviewed with the Member in advance of taking parental leave are as follows:

- Handling ward work, including decisions on ward budgets – this can be handled informally within the ward with the agreement of other ward members;
- Seat on committees – this will generally require cover arrangements to be made by the Group whip and consideration may be given as to whether to make such changes on a temporary or permanent basis;
- Executive decision-making authority and portfolio management – when a Cabinet Member is unavailable to exercise their delegated authority or manage their portfolio due to leave, arrangements will be made at the Leader's discretion having had regard to appropriate advice;

The group leader, group whip or councillor concerned should notify the Chief Executive of cover arrangements agreed.

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	Westminster current policy	WCC proposed policy	Surrey County Council	London Borough of Tower Hamlets	Islington	Hackney	Southwark	Camden	LGA Labour Group Model policy
Maternity leave period	<ul style="list-style-type: none"> 6 months an option of extending 6 months more prematurity of 29 days or more - more day upon agreement on top of 52 weeks 	52 weeks	<ul style="list-style-type: none"> 6 months an option of extending 6 months more prematurity of 29 days or more - more days upon agreement on top of 52 weeks 	same as employees - unknown	<ul style="list-style-type: none"> 6 months an option of extending 6 months more prematurity of 29 days or more - more leave upon agreement on top of 52 weeks 	<ul style="list-style-type: none"> 52 weeks 2 weeks compulsory after birth (inc of 52 weeks) 	<ul style="list-style-type: none"> 39 weeks maternity leave; an option to extend to 52 weeks prematurity of 29 days or more - extra leave on top of 52 weeks entitlement 	52 weeks	<ul style="list-style-type: none"> 6 months an option of extending 6 months more prematurity of 29 days or more - more leave upon agreement on top of 52 weeks
Maternity pay	<ul style="list-style-type: none"> BA in full SRA- 3 months full pay, 3 months half 	<ul style="list-style-type: none"> BA in full SRA- 6 months full pay, 6 months half 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> Basic Allowance in full whilst on Maternity leave SRA-6 weeks 90%, 7 to 24 weeks 50% Members who claims MP- MP 39 weeks 	<ul style="list-style-type: none"> BA paid in full SRA 6 weeks in full, 20 weeks half pay of SRA Members are not eligible for Statutory Maternity Pay (SMP) if they are not employed elsewhere 	<ul style="list-style-type: none"> BA paid in full SRA paid 6 month and subject to review another 6 months 	<ul style="list-style-type: none"> BA paid in full SRA paid in full
Paternity leave	<ul style="list-style-type: none"> 2 weeks 	<ul style="list-style-type: none"> 2 weeks 	<ul style="list-style-type: none"> minimum of 2 weeks 	same as employees	<ul style="list-style-type: none"> minimum of 2 weeks 	<ul style="list-style-type: none"> Max of 2 weeks 	<ul style="list-style-type: none"> minimum of 2 weeks up to 13 weeks 	up to 2 weeks	up to 2 weeks
Paternity Pay	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA 2 weeks full pay 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full
Shared parental leave	<ul style="list-style-type: none"> Both parents must be members 52 weeks of leave/pay available to be shared the mother to take the first 2 weeks after childbirth as ML 	Any parent may take shared parental leave	<ul style="list-style-type: none"> Shared parental leave arrangements though the employment replicate the arrangements in terms of leave from Council Both parents are members leave might be shared of 24 weeks for the first six months and 26 weeks for any leave agreed up to 50 weeks 	n/a	<ul style="list-style-type: none"> Shared parental leave arrangements though the employment replicate the arrangements in terms of leave from Council Both parents are members leave might be shared of 24 weeks for the first six months and 26 weeks for any leave agreed up to 50 weeks 	<ul style="list-style-type: none"> Shared parental leave arrangements though the employment replicate the arrangements in terms of leave from Council 	<ul style="list-style-type: none"> Shared parental leave arrangements though the employment replicate the arrangements in terms of leave from Council If both parents are members leave might be shared of 24 weeks for the first six months and 26 weeks for any leave agreed up to 52 weeks + exceptional arrangement in case of prematurity 	50 weeks (the number of weeks used here will be reduced from maternity/adoption leave	<ul style="list-style-type: none"> Generally will seek to replicate arrangements made through employer Where both parents are members 52 weeks of leave/pay available to be shared the mother to take the first 2 weeks after childbirth as ML
Shared parental pay	<ul style="list-style-type: none"> BA in Full 12 weeks at full SRA 13 weeks at half SRA 	<ul style="list-style-type: none"> BA in full SRA- 6 months full pay, 6 months half 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	n/a	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	n/a	n/a	<ul style="list-style-type: none"> BA paid in full SRA paid 6 month and subject to review another 6 months 	<ul style="list-style-type: none"> BA paid in full SRA paid in full
Adoption leave	<ul style="list-style-type: none"> 6 months option of extending another 6 months 	52 weeks	<ul style="list-style-type: none"> 6 months option of extending to 52 weeks 	same as employees	<ul style="list-style-type: none"> 6 months option of extending to 52 weeks 	<ul style="list-style-type: none"> 52 weeks 	<ul style="list-style-type: none"> 39 weeks with the option up to extend to 52 weeks 	<ul style="list-style-type: none"> 52 weeks 	<ul style="list-style-type: none"> 6 months option of extending to 52 weeks
Adoption Pay	<ul style="list-style-type: none"> BA paid in full SRA- 3 months full pay, 3 months half 	<ul style="list-style-type: none"> BA in full SRA- 6 months full pay, 6 months half 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA paid in full 	<ul style="list-style-type: none"> BA paid in full SRA- 6 weeks 90%, 7 to 24 weeks 50% 	<ul style="list-style-type: none"> Basic Allowance in full SRA 6 weeks in full, 20 weeks half pay of SRA and 13 weeks of no SRA pay 	<ul style="list-style-type: none"> BA paid in full SRA paid 6 month and subject to review another 6 months 	<ul style="list-style-type: none"> BA paid in full SRA paid in full
Other						<ul style="list-style-type: none"> Surrogacy is same as Adoption pay and leave. Foster to adopt. 	<ul style="list-style-type: none"> Members can waive their right to receive Basic Allowances and any other allowances 		

*BA- Basic Allowance
 SRA- Special Responsibility Allowance (only applies to Members that are entitled to SRA)
 MP- Maternity Pay

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City of Westminster

Committee Report

Meeting or Decision Maker:	General Purposes Committee
Date:	14 September 2023
Classification:	General Release
Title:	Policy and Scrutiny Review
Wards Affected:	All
Fairer Westminster/Policy Context:	We are committed to becoming a Fairer Council, putting residents at the heart of decision-making, listening to communities and acting in the most transparent manner possible. Policy and Scrutiny plays a key role in the good governance of the council and contributes to better decision making.
Financial Summary:	There are no direct costs arising from the contents of this report
Report of:	Parveen Akhtar (Director of Law and Governance)

1. Executive Summary

- 1.1. In October 2022, Westminster City Council engaged the Centre for Governance and Scrutiny ("CfGS") to undertake an independent review into policy and scrutiny in Westminster. This review would make recommendations to ensure the function meets the high expectations of the Council, our communities and our partners by providing the most effective and impactful scrutiny function possible.
- 1.2. CfGS engaged Members and officers alike in a programme of evidence gathering activity which included a series of conversations with key internal scrutiny stakeholders, focus groups, observations of committee meetings and document research over a period of two months.
- 1.3. The review was completed in May 2023 and the outcome was reported back to the Scrutiny Commission as the Council's overarching body responsible for Policy and Scrutiny on 22 June 2023.
- 1.4. Overall, the review provides a set of recommendations geared towards making scrutiny at Westminster more impactful strategically, on policy making and in accountability terms.
- 1.5. The Scrutiny Commission agreed to establish a Task Group to work through each recommendation and determine the next steps to take. The Scrutiny Improvement Task Group met on 21 July to plan its work, on 25 July to discuss a vision for scrutiny and key roles and relationships for scrutiny members, and again on 24 August to discuss the recommendations relating to the structure of committees. At this final meeting the Task Group reached a consensus on a preferred option to be introduced as put forward in this paper.
- 1.6. All Policy and Scrutiny Committees are standing committees of the Full Council and therefore it must be a decision of the Full Council to amend their terms of reference as well as any other associated Constitutional arrangements which underpin the workings of scrutiny.
- 1.7. This report therefore brings forward the preferred option of the Scrutiny Improvement Task Group for a revised committee structure for consideration and recommendation onward to Full Council on 20 September.
- 1.8. The paper also recommends the adoption of amended sections of the Constitution relating to Policy and Scrutiny, in line with the deliberations of the Scrutiny Improvement Task Group and stemming from the CfGS review. This includes the adoption of an overarching vision statement for scrutiny in Westminster and the adoption of a Scrutiny-Cabinet protocol to guide relations between the executive and those members working in scrutiny.

- 1.9. The Scrutiny Improvement Task Group will continue to meet to work through remaining recommendations from the review and any further Constitutional changes arising will be brought back for further consideration. It is not however, anticipated that any further change is required as the remaining recommendation relate to informal practices and therefore the recommendations contained in this report are being brought forward at this stage so as to enable progress to be made and momentum to be maintained with the review.

2. Recommendations

- 2.1. That the General Purposes Committee recommends to Full Council for approval of:
- The replacement of the existing Policy and Scrutiny Committee structure with a revised Policy and Scrutiny Committee structure as summarised at paragraph 4.8, and for this new structure to take effect from 27 September 2023, following the current round of committee meetings.
 - A revised Chapter 4 (“Policy and Scrutiny”) of the Council’s Constitution as set out at Appendix A, including revised terms of reference for Policy and Scrutiny Committees, including the North West London Joint Health Overview and Scrutiny Committee
 - The delegation of authority to the Monitoring Officer to make other minor amendments to provisions in the Constitution consistent with the contents of this report.

3. Reasons for Decision

- 3.1. The proposals contained in this report respond to the recommendations made by the CfGS and the subsequent deliberations of the Scrutiny Improvement Task Group.
- 3.2. The proposals contribute to the improved and effective operation of Policy and Scrutiny at Westminster – providing a constructive forum for development of new ideas and policy proposals as well as robust accountability and transparency mechanisms.

4. Background, including Policy Context

- 4.1. The CfGS review undertaken in late 2022 and early 2023 made a number of key findings and recommendations with regard to the effectiveness of Policy and Scrutiny at Westminster City Council.
- 4.2. The review noted a cultural challenge facing Westminster in how Policy and Scrutiny performs its roles and specifically commented that “*several of the issues highlighted [in the review] are rooted in a developing a vision of scrutiny at the council and being clear about the purpose of scrutiny.*”

This led to a recommendation for the Council to *“develop a Westminster vision for overview and scrutiny. Define its purpose and goals of scrutiny using insights from this Review. Use this definition to underpin scrutiny processes, relationships, and work programming. Share the definition with partners, stakeholders, and the public to raise the profile and esteem for scrutiny.”*

- 4.3. The Scrutiny Improvement Task Group responded to this recommendation and has put forward a vision for Policy and Scrutiny at Westminster which is set out in Appendix A (section 1.1) as part of the revised relevant sections of the Constitution.
- 4.4. Similarly, the CfGS review made a number of observations and recommendations on key relationships for Policy and Scrutiny as well as how these relationships affect the impact of Policy and Scrutiny. Many of these can be responded to with adjustments to informal arrangements or will emerge over time as culture changes. However, the review specifically recommended that the council should *“Develop a protocol between Cabinet and Scrutiny around the role of Scrutiny in pre-scrutiny and policy development.*
 - a) *identify how and when policy development items come to scrutiny and how recommendations are embedded in Council processes and timelines.*
 - b) *Ensure scrutiny’s input into policy development can be early and constructive. This will require scrutiny being given early access, information, and clear line of sight to new policy areas are in open discussion stage.*
- 4.5. Following discussion by the Scrutiny Improvement Task Group, such a protocol is proposed for adoption as part of the revised relevant sections of the Constitution (Appendix A – section 2.3). The Task Group also discussed the need to rely on the Nolan Principles for Standards in Public Life in all descriptions of how Members should behave and this is therefore also reflected in the draft protocol.
- 4.6. The CfGS review recommended that the council should: *“review the structure of Overview and Scrutiny in Westminster to identify opportunities to consolidate and integrate functions in the most efficient and proportionate ways”*. This recommendation was supplemented by a separate recommendation that *“scrutiny of children’s services (and associated areas) [should be] be separated from Adult Care and Health, possibly establishing a committee for each service area”*.
- 4.7. The Scrutiny Improvement Task Group considered these recommendations, alongside analysis of practice across London local government, conducted by officers. Within this there was consensus for a move towards Policy and Scrutiny Committees structured and constituted

based on strategic themes, which are important to the organisation and prioritised by scrutiny members. This would represent a move away from the existing practice of constituting Committees solely in opposition to Cabinet Member portfolios which causes committees to try to performance manage Cabinet Members, which is not the role of good scrutiny and it also leads to a lack of focus with committees trying to do too much across sometime disparate portfolios of work. Instead the thematic approach was agreed as preferable as it allows scrutiny to take a more strategic approach to its work, focusing in on areas of major policy or service priority/change and with a view to making impact through meaningful and timely recommendations to decision makers.

4.8. Accordingly the following revisions to Policy and Scrutiny Committees are proposed for adoption:

Current committee	Membership	New committee
Westminster Scrutiny Commission	Councillor Angela Piddock (Chair) Councillor Rachael Robathan Councillor Tim Mitchell Councillor Paul Fisher Councillor Concia Albert Councillor Jason Williams Councillor Lorraine Dean	Overview and Scrutiny Committee
Children & Adults, Public Health & Voluntary Sector	Councillor Angela Piddock (Chair) Councillor Iman Less Councillor Ellie Ormsby Councillor Selina Short Councillor Max Sullivan Councillor Lorraine Dean Councillor Ralu Oteh-Osoka	Young People, Learning and Employment
Climate Action, Housing and Regeneration	Councillor Concia Albert (Chair) Councillor Gillian Arrindell Councillor Robert Egleton Councillor David Harvey Councillor Elizabeth Hitchcock Councillor Ed Pitt Ford Councillor Hamza Taouzzale	Vulnerable Adults, Health and Communities

Communities, City Management and Air Quality	Councillor Jason Williams (Chair) Councillor Laila Cunningham Councillor Mark Shearer Councillor James Small-Edwards Councillor Judith Southern Councillor Hamza Taouzzale Councillor Tim Mitchell	Climate Action, Environment and Highways
Finance, Planning and Economic Development	Councillor Paul Fisher (Chair) Councillor Md Shamsed Chowdhury Councillor Sara Hassan Councillor Patrick Lilley Councillor Alan Mendoza Councillor Ian Rowley Councillor Paul Swaddle OBE	Housing and Regeneration

- 4.9. These changes are being proposed as revisions to the existing committees and their terms of reference as opposed to the deletion of the old committees and constitution of entirely new committees. This minimises mid-year disruption and enables existing Chairs to continue in their roles without the need for extraordinary procedural meetings of committees to elect new Chairs.
- 4.10. While Committee Members are attached to the revised committees as set out above, both Groups whips may choose to notify officers of changes to Memberships in advance of the next round of meetings in November/December 2023.
- 4.11. Additionally, Westminster is a member of the Northwest London Joint Overview and Scrutiny Committees through joint committee arrangements and the terms of reference for this committee are also included in Appendix A.
- 4.12. All of the above is reflected in the revised Chapter 4 of the Constitution as set out at Appendix A. In addition to the specific points noted in sections 4.2-4.10 of this report, Chapter 4 has also been subject to a thorough review to ensure it is up to date and that it reflects the new approach to Policy and Scrutiny agreed by the Scrutiny Improvement Task Group. Notable other changes made are as follows:

- Greater clarity around the specific functions of Policy and Scrutiny in pre and post-decision scrutiny (section 1.4);
- Amendment of the section of work programming to provide flexibility for when Cabinet Members and senior officers will engage with Policy and Scrutiny on their priorities – previously there was a requirement for this to be at a “June/July meeting” and in many cases this may be possible earlier in the year so section 2.1.7 has been amended to commit to an annual exercise without specifying a month.
- Added clarity about who may sit on a Task Group (section 2.1.15 (6)) i.e. that only members who sit on a Policy and Scrutiny Committee may do so. This is currently accepted practice and this amendment codifies this arrangement.
- Minor amendments to call-in provisions under 2.1.16 and 2.1.17 to:
 - reflect the proposed thematic model of committees to ensure all executive decisions subject to call-in are visible to the relevant committee based on their terms of reference, including provision for the Monitoring Officer and Statutory Scrutiny Officer to identify the correct committee in cases of ambiguity; and
 - clarify which decisions are subject to call-in, formally codifying national guidance that this applies to all key decisions as defined elsewhere in the Constitution and in law, removing the contradictory arbitrary threshold of £100,000 of expenditure or savings.
- Removal of the form for Councillor Call for Action from the Constitution (section 2.2). The provisions around Councillor Call for Action remain the same but the form is available on request from the Governance and Councillor Liaison team to improve the accessibility and concision of the Constitution itself.

5. Financial Implications

- 5.1. There are no direct financial implications associated with this report.

6. Legal Implications

- 6.1. Section 9F of the Local Government Act 2000 requires the Council to have at least one overview and scrutiny committee and that these committees must have the power:

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
 - to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
 - to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
 - to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
 - to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,
- 6.2. The same section provides for local authorities to enter into joint scrutiny arrangements should they wish to do so, as Westminster has chosen to do with the Northwest London Joint Overview and Scrutiny Committee.
- 6.3. The further provisions of Section 9F as well as associated statutory guidance issued in 2019 by the then Ministry of Housing, Communities and Local Government, provide the wider legal context for the proposals set out in this report. The proposals set out in this report are consistent with these provisions and the statutory guidance.

7. Carbon implications

- 7.1. There are no carbon implications arising out of this report.

8. Equalities implications

- 8.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 8.2. The recommendations of this report do not have any direct equalities implications across protected characteristics since they represent changes to the Council's Constitution and terms of reference for committees.
- 8.3. There are however wider considerations of the benefits this new approach may bring to the Council's ability to critically assess the impact of decision making on different groups within our community through improvements in overall governance and transparency.

- 8.4. It is not possible to quantify these benefits but it is expected that, by revising the way in which policy and scrutiny committees operate and focus their time, emerging policy proposals from the executive will benefit more from the input of Policy and Scrutiny committees at the formative stage, thus enabling more in depth consideration of impacts, including equalities, as well as constructive challenge on how policy objectives should be achieved.
- 8.5. The same principle applies to decisions which have already been implemented and which are subject to review by scrutiny to assess the impact they have had on communities. In this situation, a more, strategic, focused approach to review should enable more in-depth consideration of equalities impacts of decisions and thus the ability to change things for the better.

9. Consultation

- 9.1. The Scrutiny Improvement Task Group comprises of members from both political groups on the Council and the proposals in this report have been drawn up based on the deliberations and consensus of the Task Group.
- 9.2. The Task Group will continue to meet to consider further recommendations of the CfGS review and the next session will consider public engagement with Policy and Scrutiny. Within this, there is an ambition for Policy and Scrutiny Committees to be more open and welcoming environments for our communities. Consideration will be given to how the public can participate in committee meetings, but also how the Policy and Scrutiny function itself reaches out to understand the perspective of our communities on issues under review.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

Richard Cressey, Head of Governance and Councillor Liaison

Clare O’Keefe, Lead Policy and Scrutiny Advisor

APPENDICES

Appendix A – Revised Chapter 4 “Policy and Scrutiny” of the Council’s Constitution

BACKGROUND PAPERS

- Centre for Governance and Scrutiny – Scrutiny Improvement Review (Westminster) – June 2023

Chapter 4 – Policy and Scrutiny

1. INTRODUCTION TO THE POLICY AND SCRUTINY PROCESS AND THE COMMITTEES

1.1. SCRUTINY AT WESTMINSTER – VISION AND PURPOSE

Scrutiny is a vital function to promote transparency and accountability. On behalf of Westminster’s communities and stakeholders, local non-Executive Councillors will endeavour to ensure services in the city not only meet people’s needs but enhance lived experiences by:

1. Championing the best possible outcomes for communities and stakeholders.
2. Holding the Council, its partner organisations and external bodies to account for decisions taken and the impacts on our communities.
3. Examining Council priorities, actively engaging in policy development and offering constructive challenge prior to decisions being taken.
4. Working strategically across the city to focus our efforts on policy and service areas where scrutiny can make the biggest impact.
5. Demonstrating integrity and commitment by adhering to the Nolan Principles of Public Life.

1.2. SCOPE AND FUNCTIONS OF POLICY AND SCRUTINY COMMITTEES

The Council has appointed the Policy and Scrutiny Committees set out in the left-hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000 in relation to the matters broadly set out in the right-hand column of the same table. Detailed terms of reference for the Policy and Scrutiny Committees are set out separately in this Constitution.

COMMITTEE	SCOPE
OVERVIEW AND SCRUTINY COMMITTEE	To provide overall leadership to the Policy and Scrutiny function. To scrutinise cross-cutting or corporate areas of policy and/or service delivery and to approve the annual report of Policy and Scrutiny activity. Within this, to act as the statutory committee responsible for scrutinising decisions made to combat crime and disorder.
CLIMATE ACTION, ENVIRONMENT AND HIGHWAYS POLICY AND SCRUTINY COMMITTEE	To lead Policy and Scrutiny work relating to the work of the Council and others in the City to: <ul style="list-style-type: none"> • Tackle the climate emergency • Keep the City clean • Provide sustainable transport options and green space

HOUSING AND REGENERATION POLICY AND SCRUTINY COMMITTEE	<p>To lead Policy and Scrutiny work relating to the work of the Council and others in the City to:</p> <ul style="list-style-type: none"> • Deliver exceptional housing services to tenants and lessees • Tackle rough sleeping • Build more affordable homes, including through regeneration and associated programmes • Build more homes • Regenerate places and areas of the City, including through place-shaping schemes
VULNERABLE ADULTS, HEALTH AND COMMUNITIES POLICY AND SCRUTINY COMMITTEE	<p>To lead Policy and Scrutiny work relating to the work of the council and others in the City to:</p> <ul style="list-style-type: none"> • Safeguard and support vulnerable adults • Drive improvements in public health • Provide community safety services • Support the voluntary and community sector • Provide health services, including acting as the statutory committee responsible for health scrutiny
YOUNG PEOPLE, LEARNING AND EMPLOYMENT POLICY AND SCRUTINY COMMITTEE	<p>To lead Policy and Scrutiny work relating to the work of the Council and others in the City to:</p> <ul style="list-style-type: none"> • Safeguard children and young people • Provide education, learning and skills development services and opportunities both at school age and beyond • Provide support for people to find and sustain work • Provide library services • Provide leisure services

1.3. GENERAL ROLE

Within their terms of reference, Policy and Scrutiny Committees may:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the Full Council and/or the Executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) question and gather evidence from any person (with their consent);
- (v) establish Sub-Committees or Task Groups in line with the provisions set out in Section 2 of this Chapter;
- (vi) consider any Councillor Calls for Action referred by a Ward Member to the Committee; and

- (vii) exercise the right to call-in for decisions made but not yet implemented by the Executive.

1.4. SPECIFIC FUNCTIONS

(1) Policy development (“pre-decision scrutiny”). Policy and Scrutiny Committees may:

- (i) undertake ‘pre-decision scrutiny’ in areas which will assist the Council and the Executive in key areas of policy or service development – this should be with the agreement of the Executive but there may be a small number of extraordinary circumstances where such agreement is either not appropriate or possible;
- (ii) investigate areas and issues of emerging concern in the City with a view to making recommendations to the Executive on how to respond to these;
- (iii) conduct research, community and other engagement in the analysis of policy issues and possible options; and
- (iv) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(2) Review (“post-decision scrutiny”). Policy and Scrutiny committees may:

- (i) review and scrutinise decisions made by the Executive and/or committees and Council officers, and the impact of these decisions, both in relation to individual decisions as well as the aggregated impact of multiple decisions;
- (ii) take a strategic approach to reviewing organisational performance against policy objectives or in relation to particular decisions, initiatives or projects – operational and individual service performance management is the responsibility of the Audit and Performance Committee;
- (iii) upon referral by the Audit and Performance Committee, undertake in-depth reviews into individual areas of service performance which are high risk, of significant public or reputational interest or otherwise warrant more detailed consideration to resolve issues; and
- (iv) review and scrutinise the decisions and performance of other organisations operating in the City and invite reports from them by requesting them to address the Policy and Scrutiny Committee and local people about their activities and performance.

1.5. PROCEEDINGS OF POLICY AND SCRUTINY COMMITTEES

Policy and Scrutiny Committees will conduct their proceedings in accordance with the Policy and Scrutiny Procedure Rules and, so far as relevant, the Committee and Sub-Committee Procedure Rules set out in Chapter 5 of this Constitution.

2. POLICY AND SCRUTINY PROCEDURE RULES INCLUDING COUNCILLOR CALL FOR ACTION

2.1. POLICY AND SCRUTINY PROCEDURE RULES

2.1.1 What will be the number and arrangements for Policy and Scrutiny Committees?

- (1) The Council will have the Policy and Scrutiny Committees set out in this Chapter. Such Committees may appoint **Sub-Committees** or Task Groups on **either a formal or informal basis**. Policy and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.
- (2) The Overview and Scrutiny Committee is responsible for overseeing and co-ordinating the activities of Policy and Scrutiny Committees generally and resolving any disputes between them.

2.1.2 Who may sit on Policy and Scrutiny Committees?

- (1) All Councillors except Members of the Cabinet may be Members of a Policy and Scrutiny Committee, **Sub-Committee** or a Task Group. However, no Member may be involved in scrutinising a decision in which they been directly involved.

2.1.3 Education representatives

- (1) Each relevant Policy and Scrutiny Committee or Task Group dealing with education matters shall include in its membership the following voting representatives:
 - (a) 1 Church of England diocese representative;
 - (b) 1 Roman Catholic diocese representative; and
 - (c) 2 parent governor representatives.
- (2) A relevant Policy and Scrutiny Committee/Task Group in this paragraph is a Policy and Scrutiny Committee, Sub-Committee or Task Group of a local education authority, where the Committee or Task Group functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If the Policy and Scrutiny Committee/Task Group deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak with the permission of the Chair.
- (3) The Council has agreed to include additionally in the membership of the Policy and Scrutiny Committee with responsibility for education, two Headteachers of Westminster maintained schools as non-voting co-opted Members.

2.1.4 Meetings of the Policy and Scrutiny Committees (including the Westminster Scrutiny Commission)

- (1) Each Policy and Scrutiny Committee shall be responsible for deciding how many times it meets during the year. Extraordinary meetings may be called from time to time as and when appropriate. A Policy and Scrutiny Committee meeting may be called by the Chair of the relevant Policy and Scrutiny Committee in consultation with the Vice-Chair (if any) and the Opposition Party spokesperson on the Committee or by any three Members of the Committee or by the Proper Officer if they consider it necessary or appropriate.

2.1.5 Quorum

- (1) The quorum for a Policy and Scrutiny Committee shall be 3 voting Members of the Committee.

2.1.6 Who Chairs Policy and Scrutiny Committee Meetings?

- (1) Chairs of Policy and Scrutiny Committees will be drawn from among the Councillors sitting on the Committee, and subject to this requirement the Committee may appoint such a person as it considers appropriate as Chair. The Leader of the Council shall be entitled to nominate a member of the Committee as its Chair approval by the Committee/Sub-Committee.

2.1.7 Work Programme

- (1) The Policy and Scrutiny Committees/Task Groups will be responsible for implementing their own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.
- (2) Each Policy and Scrutiny Committee shall undertake an annual work programming exercise with input from relevant Cabinet Members and senior officers to identify areas where scrutiny may be able to add most value and have most impact in the year ahead. Each Policy and Scrutiny Committee should then consider its work programme as a living document for regular review, including formally at each meeting of the Committee.
- (3) The Overview and Scrutiny Committee has responsibility for the allocation of tasks not included in a Committee's terms of reference to the most appropriate Policy and Scrutiny Committee. In the event of the allocation of the task being urgent and requiring allocation before the next meeting of the Overview and Scrutiny Committee, the Chief Executive shall allocate the task in consultation with the Chairs of all Policy and Scrutiny Committees.

2.1.8 Rights of Members to request the inclusion of agenda items ("Councillor Call For Action")

- (1) Having had regard to any guidance issued by the Secretary of State, any Member shall be entitled to give notice to the Chief Executive that they wish

an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Proper Officer will inform the Chair of the relevant Policy and Scrutiny Committee or Sub-Committee and ensure that it is included on the agenda for discussion at the next practicable meeting.

- (2) The Chief Executive will not include any matters on the relevant agenda where they have been excluded by any Orders made by the Secretary of State.
- (3) Where the relevant Committee decides not to exercise any of its powers in relation to any request made under (1) above, it will notify the Member of their decision, and the reasons for it.
- (4) Where the relevant Committee makes a report or recommendations to the authority it shall provide a copy of the report or recommendations to the Member who referred the matter in question and any other responsible authorities and co-operating persons and bodies as it thinks appropriate.
- (5) The protocol for the use of the Councillor Call for Action is set out at section 2.2.

2.1.9 Policy Review and Development

- (1) The role of the Policy and Scrutiny Committees 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.

In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Policy and Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

- (2) Policy and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

2.1.10 Reports from Policy and Scrutiny Committee

- (1) Once it has formed recommendations on proposals for development or concluded a scrutiny, the Policy and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet or relevant Cabinet Member (if the recommendations are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendations would require a departure from or a change to the agreed budget and policy framework).

- (2) The Council, Cabinet or relevant Cabinet Member, as appropriate, shall consider the report of the Policy and Scrutiny Committee at the earliest practicable opportunity.

2.1.11 Making sure that Policy and Scrutiny Reports are considered by the Executive

- (1) In the event that a request from a Policy and Scrutiny Committee is not included on the agenda for a Cabinet or Cabinet Committee meeting or considered by the relevant Cabinet Member within 2 months of its submission to the Proper Officer, the Chair of the relevant Policy and Scrutiny Committee may require the report to be submitted to Full Council.

2.1.12 Rights of Policy and Scrutiny Committee Members to Documents

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

2.1.13 Requirement for Members and Officers to attend and give account – (post-decision scrutiny)

- (1) Any Policy and Scrutiny Committee, Sub-Committee or Task Group may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions, i.e. Executive decisions and decisions of non-Executive committees.
- (2) The power to scrutinise non-Executive decisions should normally, in line with Government guidance, be exercised as part of wider policy reviews and Policy and Scrutiny Committees should not normally scrutinise individual decisions made by non-Executive committees, particularly decisions in respect of development control, licensing, registration, consents and other permissions.
- (3) As well as reviewing documentation, in fulfilling the scrutiny role, Policy and Scrutiny Committees may require any Member of the Cabinet, the Head of Paid Service 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) service performance, subject to referral by the Audit and Performance Committee.

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

- (4) Where any Member or officer is required to attend a Policy and Scrutiny Committee under this provision, the Chair of that Committee will inform the Proper Officer. The Proper Officer shall inform the Member or officer in writing giving at least 10 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are 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 Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (5) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Policy and Scrutiny Committee shall in consultation with the Member or officer arrange an alternative date for attendance.
- (6) These provisions to require attendance are only to be used where necessary and, in most cases, more collegiate ways of working should generally be adopted whereby Cabinet Members and senior officers are invited to attend for particular discussions or to send a suitable alternative, but that their attendance is not mandated unless in exceptional circumstances.

2.1.14 Attendance by Others

- (1) A Policy and Scrutiny Committee may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

2.1.15 Task Groups

- (1) Each Policy and Scrutiny Committee will have the ability to establish Task Groups to scrutinise issues within their terms of reference. The Constitution and terms of reference of any Task Group, shall be determined by the relevant Policy and Scrutiny Committee. It will be possible to establish single member scrutiny where appropriate but otherwise the Opposition Group will be entitled to a seat on all Task Groups but proportionality generally will not apply. Task groups which in the opinion of the relevant Committee Chair need to be established as a matter of urgency and therefore cannot wait until the next programmed meeting may be established by the Chair who must consult all Members of the Committee before doing so. The establishment of the Task Group shall be confirmed at the next meeting.
- (2) Task Groups will operate on an informal basis and will not be subject to the formal requirements relating to meetings in respect of the issue of agendas, minutes and notice of meetings etc. However, meetings will at the discretion of the Task Group usually, be open to members of the public except where the normal rules on confidentiality apply or there is a reasonable reason for a meeting taking place in private,

- (3) Every Task Group will report on a regular basis to the parent Committee in the case of a prolonged or ongoing scrutiny. In other cases a formal report should be submitted for consideration by the Parent Committee once the investigations have been completed.
- (4) It will be possible to establish joint Task Groups comprising Members from more than one Policy and Scrutiny Committee in order to deal with cross-cutting issues.
- (5) A Policy and Scrutiny Committee may hold a special meeting or establish a formal Sub-Committee to conduct a scrutiny or any other of its business should it consider this desirable.
- (6) Task Group membership shall be drawn from the parent Committee or, where circumstances dictate, any Policy and Scrutiny Members. Members who do not sit on a Policy and Scrutiny Committee may not sit on a Task Group.

2.1.16 Call-in

- (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 by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. All the Members of the relevant¹ Policy and Scrutiny Committee(s) and all relevant Ward Members will be sent copies of the report, at the time of issue and a record of such decisions within the same timescale by electronic means by the person responsible for publishing the decision.
- (2) That notice will bear the date on which it is published and will (save where an exemption under 2.1.17 below applies) specify that the decision will come into force, and may then be implemented at 5pm on the 5th working day after the publication of the decision, unless (3) below applies. Where an exemption applies, the decision will come into force as soon as it is made.
- (3) During that period (if applicable), the Proper Officer shall call-in a decision for scrutiny by the relevant Committee if so requested by any 3 Members of the Committee entitled to vote on the subject matter of the decision and/or, in relation to a decision affecting a single Ward by all 3 Members of that ward and shall then notify the decision-taker of the call-in. They shall summon a meeting of the Committee on such date as they may determine, where possible after consultation with the Chair of the Committee, and in any case the meeting is to be held if possible within 10 working days of the decision to call-in or as soon as reasonably practicable thereafter as determined by the Proper Officer in consultation with the Committee Chair, where call-in is

¹ As determined by the Monitoring Officer and Statutory Scrutiny Officer in cases of doubt

requested by all 3 Members of a Ward, those Members will be invited to the relevant meeting. In circumstances where 1 of the Ward Members is the decision taker or otherwise unable to act, the Ward call-in can be activated by the remaining 2 Ward Members. If at any time after the call-in has been triggered but prior to the Committee meeting taking place, 1 of the 3 Members withdraws their call-in request and therefore only 2 or 1 Members remain requesting the call-in, no further action in relation to the call-in shall take place. Members requesting the call-in shall be required to give reasons why they believe the decision not to be sound in order to assist the decision maker in preparing for the response.

- (4) If, having considered the decision, the Policy and Scrutiny Committee is, by majority vote, still concerned about the decision, then it may refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or, if in the opinion of the Chief Executive the matter is contrary to the budget and policy framework, refer the matter to Full Council. If referred to the decision maker they shall then reconsider within a further 10 working days, or as soon as possible thereafter, amending the decision or not, adopting a final decision.
- (5) If following an objection to the decision, the Policy and Scrutiny Committee does not meet in the period set out in paragraph (3) 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 Policy and Scrutiny meeting, or the expiry of that further 5 working day period, whichever is the earlier.
- (6) If the matter is referred to the Full Council, the Proper Officer shall include it on the agenda of the next possible meeting. If 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 10 working days of the Council request or as soon as practicable. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request or as soon as possible thereafter as determined by the Proper Officer in consultation with the Leader.
- (7) If the Council 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.

2.1.17 Exception to call-in

- (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:

- (i) only key decisions are subject to call-in. The Proper Officer may apply the call-in provisions in cases of doubt as to whether a decision is key or not;
- (ii) the decision shall be referred back to the decision maker or to Full Council only where a majority of the Members of [ana](#) Policy and Scrutiny Committee are in agreement;
- (iii) the call in procedure may not be used where the decision is in accordance with the recommendations of the relevant Policy and Scrutiny Committee.
- (iv) in the case of Ward Member call-in (referred to in (3) above), a maximum of four such call-ins a year per Ward will be permitted.
- (v) Executive decisions made under joint arrangements with other Local Authorities shall not be capable of being called-in.

2.1.18 Call-in and Urgency

- (1) The call-in procedure set out above shall not apply where the decision being taken is urgent under the provisions set out in Chapter 8 on this Constitution. 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 Chief Executive, in consultation with the Chair(s) of the relevant Policy and Scrutiny Committee(s), must agree to the decision proposed being treated as a matter of urgency. In the absence of the Chief Executive, the Deputy Chief Executive or the Monitoring Officer shall be able to provide such consent, or in their absence a Deputy Monitoring Officer. Decisions taken as a matter of urgency must be reported to the Overview and Scrutiny Committee, together with the reasons for urgency, on an annual basis.
- (2) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Overview and Scrutiny Committee with proposals for review if necessary.

2.1.19 Procedure at Policy and Scrutiny Committee Meetings

- (1) Policy and Scrutiny Committees and Sub-Committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) consideration of any matter referred to the Committee for a decision in relation to a call in of a decision;

- (iv) responses of the Cabinet or Cabinet Members to reports of the Overview and Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting in accordance with the work programme and as agreed by the Chair.
- (2) Where the Policy and Scrutiny Committee conducts 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:
- (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.
- (3) Following any investigation or review, the Committee/Sub-Committee shall prepare a report for submission to the Cabinet, Cabinet Member, Committee or Full Council as appropriate and shall make its report and findings public save where this would involve the disclosure of exempt or confidential information within the meaning of the Local Government Act 1972.

2.1.20 Matters within the Remit of More than One Policy and Scrutiny Committee

- (1) Where a Policy and Scrutiny Committee wishes to conduct a review or scrutinise a matter which also falls (whether in whole or in part) within the remit of another Policy and Scrutiny Committee, then the Committee conducting the review shall invite the Chair of the other Committee (or their nominee) to attend its meetings when the matter is being reviewed.
- (2) Where a matter for consideration by a Policy and Scrutiny Committee/Task Group also falls within the remit of one or more other Policy and Scrutiny/Task Group, the decision as to which Policy and Scrutiny/Task Group will consider it will be resolved by the Overview and Scrutiny Committee.

2.1.21 Suspension of Procedural Requirements

- (1) A procedural requirement of these rules may be suspended to the extent that the Monitoring Officer advises is strictly necessary to meet a legal requirement.

2.2. COUNCILLOR CALL FOR ACTION PROTOCOL

2.2.1 Overview

- (1) The “Councillor Call for Action” (CCfA) was introduced by Section 119 of the Local Government and Public Involvement in Health Act 2007 which inserted Section 21A(1)(c) into the Local Government Act 2000.
- (2) Section 21A (1) (c) enables any member of the Council to refer to the relevant Policy and Scrutiny Committee any local government matter which is relevant to the functions of the Committee.
- (3) In addition, the amended Section 19 of the Police and Justice Act 2006 came into force on 30 April 2009. This enables any Member of the Council to refer to their Crime and Disorder Committee any local crime and disorder matter which affects their Ward.
- (4) Any Councillor can refer a local government matter even if they have not been asked by a member of the public to consider the matter.

2.2.2 Limitations

- (1) It is important to recognise that CCfA is not guaranteed to solve a given problem. CCfA can provide a method for discussing such problems and, through discussion, try to overcome them.

2.2.3 Issues excluded from referral as a CCfA

- (1) The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:
 - (i) any matter relating to a planning decision or pending application;
 - (ii) any matter relating to a licensing decision or pending application;
 - (iii) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - (iv) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee.
- (2) A matter will not be excluded under (a) – (c) where the allegation consists of the function not being discharged at all or that its discharge has failed or is failing on a systematic basis.

2.2.4 Steps to be taken prior to making a Councillor Call for Action referral

- (1) Prior to a Councillor referring a matter as a CCfA to a Policy and Scrutiny Committee, that Councillor should have tried to resolve the matter themselves using all mechanisms available to them.

2.2.5 How to make a Councillor Call for Action referral

- (1) If the matter cannot be resolved, then the Councillor can refer it to a Policy and Scrutiny Committee as a "Councillor Call for Action". To do this the Councillor should complete the CCfA form available from the Governance and Councillor Liaison Team and return it to the Chief Executive. The form requires the following details:

- The name of the Councillor and Ward they represent.
- The title of the CCfA and date of submission.
- Why you think the issue should be looked at and by which Policy and Scrutiny Committee.
- A brief synopsis of what the main areas of concern are.
- What evidence you have in support of your CCfA.
- Which, if any, areas or community groups are affected by the CCfA.
- What you have done to try and resolve the issue prior to requesting a CCfA.
- Is the CCfA currently the subject of legal action by any party (to your knowledge) or being examined by a formal complaints process?
- Are there any deadlines associated with the CCfA of which the Policy and Scrutiny Committee needs to be aware.
- Whether there are any other issues which may be of use to the Policy and Scrutiny Committee.

- (2) The Chief Executive will assess the matter to ensure that it is not excluded from referral to the Policy and Scrutiny Committee by virtue of any orders made by the Secretary of State. Only the Chief Executive in consultation with the Chair of the relevant Policy and Scrutiny Committee, can take the decision that the matter is an excluded matter.

- (3) If the matter is not an excluded matter, the Chief Executive will inform the Chair of the relevant Policy and Scrutiny Committee that the item will be included on the next Committee agenda. It is then up to the Members of the Committee to decide whether or not to exercise any of its powers under section 21 (2) of the Local Government Act 2000 in relation to that matter.

2.2.6 Decision of the Committee whether to take the matter further

- (1) When the Committee is considering whether or not it will exercise any of its powers in relation to the CCfA request (i.e. to undertake further, in-depth investigation), it will have regard to any representations made by the Councillor (making the CCfA request) as to why the Committee should exercise its powers.

- (2) The Councillor who submitted the CCfA request can either present their CCfA request without supporting papers (save for their CCfA request form), or prepare a report setting out their views.
- (3) The criteria the Committee will use to decide whether or not to exercise any of its powers in relation to the CCfA request will include:
- Is the Committee satisfied that all reasonable attempts have been made to resolve the issue by the Councillor submitting the request? And do the responses received by that Councillor demonstrate that the matter is not being progressed?
 - Has the Committee considered a similar issue recently – if yes, have the circumstances or evidence changed?
 - Is there a similar or related issue which is the subject of a review on the current work plan?
 - Relevant time pressures on resolving the CCfA should be taken into account.
 - Have all relevant service areas or partner organisations been informed and given enough time to resolve the issue? What response has the Councillor received?
 - Is this a case that is being or should be pursued via the Council's complaints procedure?
 - Is the issue part of an issue of genuine local concern which could have an impact on the local community?
 - And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Member's Ward?
- (4) When considering a CCfA request, the Policy and Scrutiny Committee may invite the relevant Head of Service and/or an external organisation to discuss the issue with the Committee and answer any questions.
- (5) If the Committee decides not to accept the CCfA referral it will inform the Councillor (if that Councillor is not a member of the relevant Committee or Sub-Committee) and provide reasons.
- (6) If the Committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme and inform the Councillor of the action to be taken.

2.2.7 Potential Outcomes

- (1) There are a number of potential outcomes following the consideration of the issue:
- The Committee could determine not to make a report or recommendations and will notify the Councillor (if that Councillor is not a Member of the relevant Committee or Sub-Committee) in writing;

- The Committee could determine that it is an issue that requires further investigation and will commission a scrutiny review of the issue;
 - The Committee could write a report and make recommendations on the CCfA to the Council, the Cabinet, relevant Cabinet Members, Committee or Chief Officers.
- (2) Once the Committee has completed its work on the CCfA referral the Member who made the CCfA request will receive a copy of the report or recommendations made. The report will also be made available on the Council's website.

2.2.8 Timescales

- (1) Once a CCfA request has been assessed as not being an excluded matter, the item will be included on the next Committee agenda.
- (2) Should a CCfA request result in recommendations to Full Council or Cabinet an item will be placed on the agenda for the next ordinary meeting.
- (3) Should a CCfA request result in recommendations to partner organisations, such organisations will be invited to make a response to the recommendations.

2.3. SCRUTINY-CABINET PROTOCOL

2.3.1 Recommended as good practice, this Scrutiny-Cabinet protocol sets out practical expectations for how Cabinet Members and Scrutiny Members interact with one another.

2.3.2 The protocol aims to contribute positively to delivery of the vision of scrutiny at Westminster and complement the existing rules and procedures set out elsewhere in the Constitution.

2.3.3 Work Programming

- (1) Work programmes should be aligned to Council priorities, with a balance of pre-scrutiny and post-implementation scrutiny. Though work programmes are owned by Policy and Scrutiny Committees, Cabinet Members should have the opportunity to assist in the development of programmes by identifying opportunities for scrutiny to have impact, whilst respecting the independence of scrutiny.
- (2) Cabinet Members should also provide an annual update to Policy and Scrutiny Members on their policy priorities for the year ahead to aid scrutiny planning.
- (3) Senior officers play a role in advising both Cabinet and Scrutiny on how to maximise the impact of, and benefit from, scrutiny in the development of work programmes.

2.3.4 Policy Development

- (1) Cabinet and senior officers should draw attention to major forthcoming decisions and engage with Policy and Scrutiny Committees early in the policy development process to enable meaningful and timely input from scrutiny.
- (2) Cabinet Members, Policy and Scrutiny Chairs and Committee Members should have regular meetings to: discuss how and when scrutiny can have the most impact in developing policies, keep scrutiny aware of planned decisions and inform scrutiny of proposals before publication on the executive decision forward plan.
- (3) Recognising the risks around sharing sensitive information, Cabinet should provide clear reasoning for any policy development scrutiny which needs to be held in private session. Policy and Scrutiny Members should examine the executive decision forward plan to identify priorities for scrutiny and, where possible, all Scrutiny Members should have, and attend, briefings on relevant policies and developments.

2.3.5 Behaviours

- (1) All Members should adhere to the Nolan principles of Public Life in all interactions with one another, officers and the public, as well as in their work to engage with the Policy and Scrutiny process.
- (2) Specifically, Policy and Scrutiny Committee Members should:
 - Take a strategic perspective, focusing on the wider community outcomes.
 - Be clear about the purpose of their work, the challenge they seek to provide and the lines of questioning pursued.
 - Be objective, evidence-based and constructive, acting as a critical friend to the Cabinet with a view to improving decision making.
 - Aim for consensus, drawing on political insight, but unafraid to act through majority vote where consensus cannot be reached.
 - Work collaboratively with the Cabinet to while recognising that Cabinet will not always agree with scrutiny conclusions and recommendations.
 - Be well informed on subject matter, taking up briefing opportunities and coming fully prepared to meetings, thus being able to contribute to impactful, strategic discussions.
- (3) And Cabinet Members should:
 - Recognise and value the role of Policy and Scrutiny, and be open to constructive challenge.
 - Engage with Committee Chairs and Members to ensure they are kept informed as to the priorities and plans of the Cabinet at the earliest possible opportunity and proactively identify issues where Policy and Scrutiny Members may be able to support and influence their work.
 - Respect the independence of Policy and Scrutiny Committees and their chosen work programmes.
 - Properly and fully consider the conclusions, findings and recommendations of Policy and Scrutiny, responding to these appropriately.
- (4) To ensure purposeful challenge, questioning from Policy and Scrutiny Members to Cabinet Members should be focused, constructive, strategic and outcome-based. Where possible, Cabinet Members should attend all relevant scrutiny meetings and be open to constructive challenge.

2.3.6 Recommendations

- (1) Recommendations from Policy and Scrutiny to Cabinet Members should be SMART (specific, measurable, achievable, relevant and timed). The development of recommendations should be an iterative process: led by Policy and Scrutiny Members, drafted with appropriate input from the Executive and have due regard to advice received from senior officers and the Monitoring Officer as well as input from the community. Ensuring recommendations are constructive, clear and outcome-based will aid impact.
- (2) In line with statutory requirements, the Executive should consider the recommendations of Policy and Scrutiny within two months and provide responses to recommendations including reasoning behind any

recommendations not being accepted. If necessary and proportionate, Scrutiny Chairs should attend Cabinet meetings to provide feedback. Policy and Scrutiny Committees will also track recommendations, including responses, and assess the impact of scrutiny.

2.3.7 Performance Management

- (1) The Audit and Performance Committee is responsible for overall performance management of council services and receives quarterly performance reports to support this work.
- (2) It is not the role of Policy and Scrutiny to performance manage individual service areas or Cabinet Members. There is however provision built in for the Audit and Performance Committee to refer areas of concern regarding service performance to the relevant Policy and Scrutiny Committee and in such circumstances, the relevant Cabinet Member should attend a meeting of that Committee to explore the reasons behind the performance concerns and, where appropriate, receive feedback and recommendations from the Committee as to how to remedy any issues.

2.3.8 Monitoring

- (1) This protocol should be monitored on a regular basis by Scrutiny Chairs and the Cabinet. The Statutory Scrutiny Officer and the Monitoring Officer should be responsible for overseeing compliance with the protocol as well as supporting and promoting a culture of scrutiny by fully reviewing the protocol as part of the annual review and evaluation of Policy and Scrutiny activity which is reported to Full Council.

3. POLICY AND SCRUTINY COMMITTEE TERMS OF REFERENCE

OVERVIEW AND SCRUTINY COMMITTEE

CONSTITUTION

7 Members of the Council (4 nominated by the Majority Party and 3 by the Opposition Party) but shall not include a member of the Cabinet.

TERMS OF REFERENCE

- (1) To provide overall leadership to the Policy and Scrutiny function, coordinating across work programmes and requesting that other committees investigate particular issues where appropriate and necessary.
- (2) To scrutinise cross-cutting or corporate areas of policy and/or service delivery, including but not limited to:
 - Corporate strategy
 - Crime and disorder;
 - Emergency planning
 - The local economy
 - Overall Local Development Framework (Planning Policy)
 - Overall licensing policy
 - Overall financial management (to the extent that this is not handled by the Audit and Performance Committee)
 - Corporate Property
 - Commercial Services and Procurement
 - Staffing/HR
 - Legal
- (3) To approve the Annual Report of Policy and Scrutiny activity and submit this to Full Council where necessary.
- (4) To exercise call-in provisions for issues within the scope of this terms of reference or for any matter which does not fall within the scope of the terms of reference for any other Policy and Scrutiny Committee.
- (5) To discharge the Council's statutory responsibilities under Section 19 of the Police and Justice Act 2006, thus acting as the Council's crime and disorder committee and fulfilling all the duties that entails.

CLIMATE ACTION, ENVIRONMENT AND HIGHWAYS POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Members).

TERMS OF REFERENCE

- (1) To undertake Policy and Scrutiny activity, in line with the functions set out in Section 1 of Chapter 4 of the Constitution, in respect of matters noted in this terms of reference.
- (2) To lead Policy and Scrutiny Activity for all matters relating to:
 - The climate action programme
 - Environmental enforcement
 - Waste and cleansing
 - Highways and parking
 - Parks and open spaces
 - Any other matter intended to achieve environmental improvement, tackle the climate emergency or otherwise improve the cleanliness of the City
- (3) Matters referred to in (2) above which are the responsibility of external agencies, and where the Committee may legitimately act to investigate.
- (4) Any other matter which the Overview and Scrutiny Committee has requested that this Committee investigates.

HOUSING AND REGENERATION POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Members).

TERMS OF REFERENCE

- (1) To undertake Policy and Scrutiny activity, in line with the functions set out in Section 1 of Chapter 4 of the Constitution, in respect of matters noted in this terms of reference.
- (2) To lead Policy and Scrutiny Activity for all matters relating to:
 - Housing services and policies
 - Reducing rough sleeping
 - Housing regeneration schemes
 - Housing delivery and provision in the private and other sectors, and policies which enable this
 - Place-shaping schemes including Oxford Street
 - Any other matter intended to build housing, deliver housing services to residents and tackle homelessness and rough sleeping
- (3) Matters referred to in (2) above which are the responsibility of external agencies, and where the Committee may legitimately act to investigate, including housing associations.
- (4) Any other matter which the Overview and Scrutiny Committee has requested that this Committee investigates.

YOUNG PEOPLE, LEARNING AND EMPLOYMENT POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Member).

4 co-opted Members with voting rights i.e. one co-opted representative each from the Church of England and Roman Catholic Diocesan Education Boards and two Parent Governor Representatives. 2 co-opted Members without voting rights, i.e. 2 Headteachers of Westminster maintained schools.

NB: The voting rights of the co-opted only extend to matters relating to Education.

TERMS OF REFERENCE

- (1) To undertake Policy and Scrutiny activity, in line with the functions set out in Section 1 of Chapter 4 of the Constitution, in respect of matters noted in this terms of reference.
- (2) To lead Policy and Scrutiny Activity for all matters relating to:
 - Children's safeguarding services
 - Schools and other pre-18 education options
 - Adult education, including further and higher education
 - Wider employment and skills programmes
 - Libraries
 - Leisure services and partnerships
 - Any other matter intended to support or safeguard young people, improve the learning environment of the City or provide leisure and library-related services
- (3) Matters referred to in (2) above which are the responsibility of external agencies, and where the Committee may legitimately act to investigate.
- (4) Any other matter which the Overview and Scrutiny Committee has requested that this Committee investigates.

VULNERABLE ADULTS, HEALTH AND COMMUNITIES POLICY AND SCRUTINY COMMITTEE

CONSTITUTION

7 Members of the Council (4 Majority Party Members and 3 Opposition Party Members).

TERMS OF REFERENCE

- (1) To undertake Policy and Scrutiny activity, in line with the functions set out in Section 1 of Chapter 4 of the Constitution, in respect of matters noted in this terms of reference.
- (2) To lead Policy and Scrutiny Activity for all matters relating to:
 - Adult's safeguarding services
 - Public health improvement
 - Health services in the city
 - Community safety services
 - Voluntary and community sector relationships and investment
 - Any other matter intended to support or safeguard vulnerable adults, improve health and wellbeing and our communities and support the voluntary sector in the city
- (3) Matters referred to in (2) above which are the responsibility of external agencies, and where the Committee may legitimately act to investigate, in particular to scrutinise matters relating to the provision of Health Services within Westminster, including the consideration of any reports referred by the local HealthWatch
- (4) Any other matter which the Overview and Scrutiny Committee has requested that this Committee investigates.
- (5) To discharge the Council's statutory responsibilities under Section 7 and 11 of the Health and Social Care Act 2001 and Section 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 with regard to any planned substantial developments and variations to NHS services, except where joint arrangements are made.

NORTHWEST LONDON JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

CONSTITUTION

One nominated voting member from each Council participating in the Northwest London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote in the voting member's absence. In addition, one non-voting co-opted member of the London Borough of Richmond. This committee will require at least six voting members in attendance to be quorate. The Northwest London Joint Health Overview and Scrutiny Committee will elect its own Chair and Vice Chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, to allow for any annual changes to the committee's membership.

TERMS OF REFERENCE

- (1) To scrutinise the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; in particular the implementation plans and actions by the North West Integrated Care System and their Integrated Care Board, focusing on aspects affecting the whole of North West London. Taking a wider view than might normally be taken by individual local authorities
- (2) To review and scrutinise decisions made, or actions taken by North West London Integrated Care System, their Integrated Care Board and/or other NHS service providers, in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London, where appropriate.
- (3) To make recommendations to North West London Integrated Care System and its Integrated Care Board, NHS England, or any other appropriate outside body in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; and to monitor the outcomes of these recommendations where appropriate.
- (4) To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London. Individual local authority members of the North West London Joint Health Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under the for North West London).
- (5) Participation in the Joint Health Overview and Scrutiny Committee will not preclude any scrutiny or right of response by individual boroughs. In particular, and for the sake of clarity, this joint committee is not appointed for and nor does it have delegated to it any of the functions or powers of the local authorities, either individually or jointly, under Section 23 of the local authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

DURATION

The Joint Health Overview and Scrutiny Committee will continue until all participating authorities decide otherwise and does not preclude individual authorities from leaving the Committee if they choose to do so. The Committee will keep under review whether it has fulfilled its remit and recommendations of the Committee will be reported to a Full Council meeting of each participating authority at the earliest opportunity.

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