

CABINET

14 OCTOBER 2009

PRINCIPAL SCRUTINY COMMITTEE

19 OCTOBER 2009

COUNCILLOR CALL FOR ACTION

REPORT OF CORPORATE DIRECTOR (GOVERNANCE)

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RECENT REFERENCES:

PS321 - Councillor Call for Action – Interim Report – 18 February 2008

EXECUTIVE SUMMARY:

As part of the Local Government and Public Involvement in Health Act 2007, the Government has enacted provisions for a Councillor Call for Action (CCfA). CCfA is about helping Councillors to resolve issues and problems on behalf of their residents, where other methods of resolution have been exhausted.

CCfA should be seen in light of other changes to enhance the powers of overview and scrutiny functions, to work more closely with partners and across organisational boundaries. It will mean that scrutiny will be in a stronger position to resolve a wide range of policy issues, including local issues arising through CCfA itself and also to bring consistency to the way in which Councillors can act as catalysts for improvement in local government, and amongst the Council's partners.

RECOMMENDATIONS:

That Cabinet and Principal Scrutiny Committee recommend to Council:

1. the adoption of the Guidance to Members – Councillor Call for Action, as set out in Appendix 1, for inclusion in Part 8 of the Constitution – Local Guidance Notes.

2. the adoption of the changes to the Constitution set out in Appendices 2 and 3 of the Report, to incorporate references and consequential changes arising from the Councillor Call for Action.
3. that delegation of powers and budget to individual ward Councillors be not pursued at this time.

CABINET14 OCTOBER 2009PRINCIPAL SCRUTINY COMMITTEE19 OCTOBER 2009COUNCILLOR CALL FOR ACTIONReport of Corporate Director (Governance)1 Introduction

- 1.1 Provisions contained within the Local Government and Public Involvement in Health Act 2007 are intended to enhance the powers of overview and scrutiny, to work more closely with partners and across organisational boundaries. An important element of this legislation was the formalising of a Councillor Call for Action (CCfA) initiative.
- 1.2 CCfA provides a process whereby Ward Councillors can bring an issue to the attention of an overview and scrutiny committee. This issue may have been referred to them as part of their work in their community, possibly because other methods of resolution have been exhausted. There are some exclusions to items that can be subject to CCfA - see paragraph 4 below. The matters that can be referred as a CCfA are not just those limited to the statutory functions of this Council – the Local Government and Public Involvement in Health Act 2007 has looked to enhance scrutiny working across organisational boundaries. For example, CCfA will complement the Council's work elsewhere to scrutinise the targets and outcomes of the Local Area Agreement and its partners. Partner agencies will need to have regard to a 'call', although it may be appropriate to consider a method of referral to the County Council in some instances, who have the statutory role in setting the targets of the LAA and have a more enhanced role in its scrutiny.
- 1.3 Therefore, CCfA should not be regarded as a "scrutiny process" in isolation. It should be considered as part of existing Council functions, including support for Councillors' ward work, the complaints process, call-in, petitions and others. CCfA would allow for issues that would benefit from scrutiny consideration to rise to the surface, and for those issues which are best dealt with through other means to be signposted accordingly.
- 1.4 The Government is currently considering regulations and guidance on procedures for petitions – to give petitioners rights to address meetings and to have a formal response, provided certain criteria are met. This will be the subject of a separate report when the proposals are brought into force. The Council's current procedures for petitions generally are less restrictive and

allow wider participation than the minimum rights proposed by the Government.

2 Councillor Call for Action Informal Scrutiny Group (ISG)

- 2.1 An Informal Scrutiny Group (ISG) was established by Principal Scrutiny Committee in June 2007 to look at the proposed '*community* call for action' that formed part of the Police and Justice Act 2006 and then emerging proposals for a 'councillor call for action' being introduced through the Local Government and Public Involvement in Health Bill. The Local Government and Public Involvement in Health Act 2007 introduced the 'Councillor Call for Action' and amended the Police and Justice Act 2006 to bring the former '*community* call for action' into line with this. The 'Councillor Call for Action' was implemented from April 2009.

3 Purpose and objectives of CCfA

- 3.1 CCfA will be a means of "last resort" in a broad sense, with issues being raised at committee after other avenues have been exhausted.
- 3.2 CCfA can provide:-
- a public forum for discussion of the issues
 - an opportunity to discuss the issues in a neutral environment
 - an opportunity to discuss a problem with the explicit and sole aim of solving it
 - a high-profile process owned by the ward Councillor.
- 3.3 "Potential" CCfAs are "logged", so that even when the criteria are not met, the logging process itself can act as an impetus for the Council to resolve an issue. CCfA should not provide Members with an additional opportunity to challenge executive decisions.

4 Powers to exclude issues from CCfA

- 4.1 The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 sets out the following matters that are excluded from being referred by a Councillor:
- (a) any matter relating to a planning decision;
 - (b) any matter relating to a licensing decision;
 - (c) 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;
 - (d) 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.

5 Existing Overview and Scrutiny work

- 5.1 CCfA issues should feed into the broad scrutiny work programme and assist in making it more relevant and timely, and give it a higher profile with local people.

6 Community Safety Issues

- 6.1 The Police and Justice Act 2006 has made provision for community safety related CCfAs to be referred to the relevant scrutiny committee. In the case of the City Council, this is the Social Issues Scrutiny Panel. The Panel's terms of reference were recently amended to reflect its new enhanced role (Report PS372 refers).

7 Other Partners

- 7.1 To give full effect to CCfAs, the interpretation of "local government matter" includes issues relating to the Council's partners, in line with the area focus of Comprehensive Area Assessment (CAA). An authority's duties increasingly impact on other organisations and involve partners within and outside the Local Strategic Partnership (LSP). Other changes to enhance the powers of overview and scrutiny functions included the ability to scrutinise those partners signed up to the Local Area Agreement (LAA). The Police and Justice Act 2006 has also required Crime and Disorder partners to engage with the relevant crime and disorder scrutiny committee.

8 Consideration of proposals for a CCfA

- 8.1 Like other authorities, the City Council has processes within its Constitution that enable Members to raise issues on behalf of their local community. Such items can be placed on any committee agenda, including scrutiny bodies (Council Procedure Rule 36, Part 4, Page 10). Petitions can also be raised and considered by full Council and Committees (Council Procedure Rule 15, Part 4, Page 10).
- 8.2 The CCfA Informal Scrutiny Group (ISG) was mindful of the processes in 8.1 above and produced an interim Report (PS321 refers) pending further Government guidance to be issued on the operation of the CCfA. A guidance note was also prepared which sought to encourage Councillors to make fuller use of their existing rights under the current Constitution, as a trial for the 'Councillor Call for Action'. That report and the guidance note were endorsed by the meeting of Principal Scrutiny Committee on 18 February 2008. The guidance (with some proposed amendments shown in tracking) is set out as Appendix 1 to this Report.

- 8.3 Official guidance on the CCfA was recently published and generally accords with the content of Report PS321, although Officers will need to ensure that the processes continue to interact, where necessary, with existing Council functions, including support for Councillors' ward work, the complaints process, call-in, petitions etc.
- 8.4 The members of the former Informal Scrutiny Group have been consulted on the proposals in this report.
- 8.5 Member Training on how Scrutiny can assist Councillors in their work in improving services in their communities has been arranged for 20 October 2009. This will have regard to the proposals in this Report.
- 8.6 The Council has engaged in discussions with Hampshire County Council in potential joint working in scrutiny and will pursue opportunities as and when they arise.

9 Changes to the Council's Constitution

- 9.1 Having regard to the Council procedures which already exist (as set out in paragraph 8.1), it was not considered necessary to duplicate or over-elaborate these procedures with an additional system in advance of the detailed regulations and guidance. Therefore, in view of this and pending the formal introduction of the CCfA, the previous ISG produced guidance (set out as an Appendix 1 to this report) draws attention to how the Council's existing Constitution would be used to deliver how it was envisaged the CCfA would operate.
- 9.2 Now that the detailed regulations are available, Appendix 1 has been amended in tracking to take them into account.
- 9.3 The Council's Constitution will require formal acknowledgement of a CCfA scheme and detailed changes proposed are set out in Appendices 2 and 3.
- 9.4 One change proposed relates to the current right of a Member to require that a report is brought to Cabinet or a committee on a topic. The various references are shown, amended in tracking, in Appendix 2. It is proposed that this legal right to require reports is changed to the CCfA process envisaged by the legislation. CCfA is a scrutiny led process. The new legal right to require reports to be brought to overview and scrutiny is contained in Appendix 3.
- 9.5 However, Appendix 2 has been amended to show more clearly the various other methods by which Members may request that reports are brought to various Council bodies, without the need to use the CCfA process. CCfA will normally be seen as a high profile method to raise issues.
- 9.6 Appendix 3 also contains references to a new legal requirement for Cabinet or the Committee concerned to give a formal response to a scrutiny report

which makes recommendations. In practice, this occurs to a significant degree already – but this raises the profile of the need to give a formal considered response.

- 9.7 Appendix 3 also outlines the right of the Scrutiny Committee to require the County to give a response to a report which has recommendations affecting an LAA target. Other partners can be asked to have regard to such recommendations.
- 10 Delegated Powers for Individual Councillors – S236 Local Government and Public Involvement in Health Act 2007
 - 10.1 S.236 of the 2007 Act enables Councils to give delegated powers to individual Councillors to take some decisions affecting their local areas. This is seen as a linked provision to the CCfA.
 - 10.2 The power would enable small budgets to be delegated to local members to enable them to make decisions affecting their local community. Examples would be small grants to local groups or for environmental improvements. The County Council, for example, has a scheme where each councillor has a ward budget of £10,000 for such issues.
 - 10.3 For probity reasons, consultation would be required with officers and a public record made of decisions – similar to the Portfolio Holder Decisions Notices used at Winchester.
 - 10.4 However, in order to have any impact, such a scheme would have significant cost implications for a Council with 57 members. Given the current budget pressures that will be faced in setting the budget for 2010/11 it is recommended that individual delegation to Ward Councillors be not proceeded with at this time.

OTHER CONSIDERATIONS:

11 RELEVANCE TO SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN:

The Councillor Call for Action will help deliver the following objective: 'An efficient and effective Council – Support and deliver the role of Councillors as community leaders'.

12 RESOURCE IMPLICATIONS:

- 12.1 There are no direct financial implications arising from this report. However, any significant changes in the approach to scrutiny may affect the use of staffing resources and will need to be managed within overall resources available to avoid adversely affecting other programmes.

- 12.2 If the delegation to individual ward councillors was to be considered there would be significant budget implications that with current budget constraints, would adversely impact upon existing services.

13 RISK MANAGEMENT ISSUES

- 13.1 There are reputation management issues if the scrutiny function is not undertaken to an adequate standard – particularly when making recommendations about the performance of outside bodies.

BACKGROUND DOCUMENTS:

IdEA Guidance, via <http://www.idea.gov.uk/idk/aio/9410414>

APPENDICES:

Appendix 1 – Guidance to Members – Councillor Call for Action

Appendix 2 – Review of Relevant Provisions in the Council's Constitution – Members requesting Items on Agendas.

Appendix 3 - Review of Relevant Provisions in the Council's Constitution - Specific References to the Councillor Call for Action.

Guidance to Members – Councillor Call for Action

What is the 'Councillor Call for Action'?

All Councillors have a right to raise issues of concern to their local Ward or to the people who live or work in that Ward, with Principal Scrutiny Committee or the relevant Scrutiny Panel.

This is a legal right given through Section 119 of the Local Government and Public Involvement in Health Act 2007 (LGPIH Act), ~~and Section 19 of the Police and Justice Act 2006, and as amended by the LGPIH Act~~ the Crime and Disorder (Overview and Scrutiny) Regulations 2009 also allow community safety related matters to be discussed at the Council's designated 'crime and disorder' committee – the Social Issues Scrutiny Panel.

The intention of the new legislation is to enhance the opportunities for Members to raise issues on behalf of their local community. Principal Scrutiny Committee has asked that Members be encouraged to use the "Councillor Call for Action" ~~as soon as possible. At Winchester, a similar right already exists~~ existed in the Constitution and also applies to Cabinet meetings. It has only been used occasionally. ~~Changes to the Constitution will be considered in due course when further regulations and guidance are available. This document sets out arrangements to encourage and allow Members to make use of this provision in advance of the formal guidance, expected later in 2008.~~

What type of issues can be raised?

Anything that is a concern in the Ward or to people who live or work in that area can be raised provided it

EITHER (Police and Justice Act 2006)

- Concerns crime and disorder, including anti-social behaviour or other types of behaviour that are having a negative impact on the local environment; or
- The misuse of drugs, alcohol and other substances

OR (LGPIH Act 2007)

- Relates to the discharge of any function of the City Council – this goes beyond the services that the Council provides to include anything where the Council has a responsibility or those that it can impact through its partnership working;
AND
- Is not excluded from being raised.

What issues are excluded?

~~Under the Council's existing Constitution the following are excluded:~~

- ~~• A member can give notice of no more than one item for any particular meeting~~
- The topic has to come within the terms of reference of the relevant scrutiny body.

- Scrutiny bodies do not have the right to review decisions of the Planning Development Control Committee on specific applications and cases where applicants have a right of appeal, and similar decisions by the Licensing and Regulation Committee and the Licensing Sub Committee. Individual cases dealt with by the Personnel Committee, Appeals and Disputes Committee, Standards Committee and the Housing (Appeals) Committee are also not subject to scrutiny review.

~~This list may change once Government guidance is issued.~~

- Any matter considered by the Chairman or the Committee to be vexatious, discriminatory or otherwise not reasonable to be included on the agenda for a meeting.
- Normally not more than one topic can be considered per meeting.

Who can raise an issue?

Ward Councillors can raise issues that affect their Ward or the people who live and work there. Where more than one Councillor represents a Ward, an individual Councillor can raise an issue and does not need agreement of other Ward Councillors to do so.

However, in Wards represented by more than one Councillor, it would be advisable to alert other Councillors to the issue in case a different Councillor is already pursuing the matter through other routes.

When should issues be raised?

The 'Call for Action' is a powerful tool designed to raise the profile of an issue. It is best used to give new impetus to issues that have become 'stuck' – for example, perhaps not getting on to the agenda of other agencies or falling between different agencies - and where all attempts to resolve them have so far failed. Councillor Call for Action should be seen as a 'signpost' towards a solution to an issue, rather than being a method to resolving the issue itself.

How should an issue be raised?

Councillors should always try to resolve issues informally before turning to the 'Call for Action', for example by speaking to officers, or approaching the relevant Portfolio Holder who may consider raising it with the appropriate Strategic Outcome Group of the Winchester District Strategic Partnership.

Councillors wishing to raise an issue are advised to discuss this first with the relevant Head of Division, the Head of Partnerships and Communications~~Head of Performance & Scrutiny~~, the Head of Democratic Services or a Corporate Director to

ensure that all options for an informal resolution have been explored and that it is appropriate to raise it through this route.

If, following discussion, a Councillor ~~feels~~ considers that the 'Call for Action' is the appropriate way forward, s/he should then complete the attached pro-forma and return it to the Head of Democratic Services at least 14 clear working days in advance of the date of the meeting at which it is to be considered. As a minimum, the pro-forma will be circulated as background to the agenda item.

What is the role of Principal Scrutiny Committee and Scrutiny Panels?

The appropriate Scrutiny body must consider the issue at their ~~next~~ future meeting ~~(following the appropriate notice period) unless the Chairman gives reasons as to why this is not appropriate.~~ The Councillor raising the issue will generally be expected to attend the meeting to present the item. S/he will be able to join the meeting for consideration of the item in order to answer questions and provide further information to the Scrutiny Committee or Panel as requested.

At the end of the discussion, the Scrutiny body will consider what, if any, action to take about the issue raised. Possible actions would be:

- Reject the issue – the Committee / Panel may feel that no case has been made.
- Do nothing – the Panel may feel that airing the issue in public has been sufficient and that no further action is required;
- Refer the matter to Cabinet or the relevant Portfolio Holder with a recommendation for them to take action;
- Refer the matter to another organisation with a recommendation for them to take action;
- Carry out further investigations – for example by inviting other witnesses to a future meeting of the Panel or setting up an Informal Scrutiny Group to carry out further investigations and report back.

Where the matter is referred to Cabinet, a Portfolio Holder or the County Council ~~another organisation~~, the recommendation will not be binding on them but ~~they are encouraged~~ required to report back within a ~~reasonable time~~ 2 months, saying what they have done in response to it ~~their response is.~~ Other partner organisations can also be asked to have regard to any recommendations made by the Committee.

~~It would be good practice for the Councillor raising the matter to receive a formal response within a reasonable time~~ The Councillor raising the matter will be notified of any responses made.

Councillor Call for Action

Councillors wishing to bring a matter before Principal Scrutiny Committee or a Scrutiny Panel under the 'Councillor Call for Action' are asked to complete this pro-forma and return it to the Head of Democratic Services at least 14 working days before the date of the meeting.

Officers will be happy to support Members and assist in completing this pro-forma.

1. Issue to be raised

Please briefly describe the issue that you wish to raise

2. Is this a community safety issue?

Please tick

Yes – go to question 4

No – go to question 3

3. How does this relate to the work of the City Council and / or its? LAA Partners?

Please briefly indicate how this relates to the work of the City Council and / or its LAA Partners

4. What action has already been taken to resolve the issue?

Disclaimer: Views expressed in this form are those of the Councillor raising the issue and do not necessarily reflect the views of the City Council.

Please briefly describe the action already taken, indicating who has been involved in this.

5. Which Scrutiny Body would you like to consider this issue?

Please tick

Principal Scrutiny Committee

Social Issues Scrutiny Panel (this Panel will consider any community safety issues)

Environment Scrutiny Panel

Local Economy Scrutiny Panel

Resources Scrutiny Panel

The Corporate Director (Governance) in consultation with the Chairman of Principal Scrutiny Committee will take your preference into account when allocating this matter to a scrutiny body.

6. Is there any particular action you would like to recommend to Principal Scrutiny Committee or the relevant Scrutiny Panel?

Please indicate.

Please note that while this will form a recommendation to Principal Scrutiny Committee or the Scrutiny Panel they will make their own decision following consideration of the item.

7. Is there anyone who you would like to be invited as a witness to address the Principal Scrutiny Committee or relevant Scrutiny Panel?

Disclaimer: Views expressed in this form are those of the Councillor raising the issue and do not necessarily reflect the views of the City Council.

Please note – witnesses will be invited at the discretion of the Chairman. The Council can only request witnesses to attend unless they are serving officers or Members of the authority who are required to attend.

Please Note; Comments may be sought from officers or other parties with an interest in this matter for inclusion in the Committee papers.

Councillor Call For Action
Review of Relevant Provisions in the Council's Constitution
Members Requesting Items on Agendas

Proposed changes to the text are shown by track changes.

Council Procedure Rule 36

36. MEMBERS' AGENDA ITEMS

(a) A Member shall be entitled to require request that an item to be placed on the agenda of a meeting of a committee or sub-committee or of the Cabinet provided that (a) the particulars thereof are given to the Corporate Director (Governance) at least 14 working days prior to the date of the meeting (b) no member (other than the person presiding) may give notice of more than one item of business for any one meeting. The Chairman shall determine whether to take the item on the agenda. The agenda for the meeting will give the name of the Councillor who asked for the item to be considered.

(b) A Member may also request that an item be placed on the agenda of a future meeting when the body concerned considers an item on its future work programme or during a debate on a related item.

(c) A Member shall have the right to require an item be placed upon the agenda of an overview and scrutiny committee under the "Councillor Call for Action" provisions in paragraph 12 of the Overview and Scrutiny Procedure Rules.

Cabinet Procedure Rule 2.5 (b)

2.5(b) Any Member of the Council may require request ~~the Corporate Director (Governance) to make sure that~~ an item is placed on the agenda at the next available meeting for consideration, provided that at least 14 working days notice prior to the date of the meeting is given to the Corporate Director (Governance). ~~If he/she receives such a request the Corporate Director (Governance) will make the arrangements.~~ No Member (other than the Leader) may give notice of more than one item of business at any one meeting. The Chairman shall determine whether to take the item on the agenda. The agenda for the meeting will give the name of the Member who asked for the item to be considered.

A Member may also request that an item be placed on the agenda of a future meeting when Cabinet considers an item on its future work programme or during a debate on a related item.

Overview and Scrutiny Procedure Rules

10. Work Programme

- 10.1 The overview and scrutiny committees will be responsible for setting their own work programme within the scope of their terms of reference 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.

11. Agenda Items

- ~~11.1 Any Member of Council shall be entitled to give notice to the Corporate Director (Governance) that he/she wishes an item relevant to the functions of that body to be included on the agenda for the next available meeting. On receipt of such a request, the Corporate Director (Governance) will ensure that it is included on the next available agenda, provided that it is received at least 14 working days prior to the date of the meeting. No member (other than the Chairman) may give notice of more than one item of business at any one meeting. The agenda for the meeting will give the name of the Member who asked for the item to be considered.~~

Any Member of the Council may request that an item is placed on the agenda at the next available meeting for consideration, provided that at least 14 working days notice prior to the date of the meeting is given to the Corporate Director (Governance). No Member (other than the Chairman) may give notice of more than one item of business at any one meeting. The Chairman shall determine whether to take the item on the agenda. The agenda for the meeting will give the name of the Member who asked for the item to be considered.

A Member may also request that an item be placed on the agenda of a future meeting when Cabinet considers an item on its future work programme or during a debate on a related item.

Councillor Call For Action

Review of Relevant Provisions in the Council's Constitution

Specific References to the Councillor's Call for Action

Changes to the Overview and Scrutiny Procedure Rules

Insert the following after current paragraph 11:

12. 'Councillor Call for Action (CCfA)

12.1 Any Member shall have the right to refer to an overview and scrutiny committee any "local government matter" relevant to that committee's terms of reference. A "local government matter" is one which

(a) relates to the discharge of any functions of the authority or

(b) affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area and

is not an excluded matter.

The Member should, where possible, seek to resolve the matter by other means before using the "Call for Action" provisions.

12.2 The following matters are excluded from being referred by a Member:

(a) any matter relating to a planning decision;

(b) any matter relating to a licensing decision;

(c) 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;

A matter does not fall within (a) to (c) above if it relates to an allegation that the function has not been discharged at all or is failing on a systematic basis.

(d) any matter which is vexatious, discriminatory or not reasonable in the view of the chairman to be included in the agenda for, or in the view of the body concerned, to be discussed at a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee. The advice of the Corporate Director (Governance) shall be considered before a decision is made to exclude a referral under this provision. Reasons for the decision will be given to the councillor who made the referral.

12.3 Referral's related to a community safety matter(s) should be considered by the Social Issues Scrutiny Panel, as the Council's designated "Crime and Disorder Committee" for the purposes of Section 19 of the Police

and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.'

12.4 Other referrals will be referred to the appropriate overview and scrutiny committee as determined by the Corporate Director (Governance), following consultation with the appropriate Chairman.

Insert as new para 17

Reports of Overview and Scrutiny Committees – District Council Matters

17.1 The Cabinet or relevant portfolio holder (in respect of Executive matters) or Council or Committee (in respect of Non-executive matters) should make a response to recommendations in an overview and scrutiny report within 2 months.

17.2 The response may be:

- (a) within the minute of the relevant body when it considers the report
- (b) by a decision notice under the portfolio holder decision making scheme
- (c) by a report by the portfolio holder to the relevant overview and scrutiny committee.

17.3 The Chairman of the relevant overview and scrutiny committee will determine whether the response needs to be considered on the agenda of a future meeting of the committee.

Insert as new para 18

Reports of Overview and Scrutiny Committees – County Council Local Area Agreement Matters

18.1 If the matter is related to a local improvement target for a service undertaken in partnership under the Local Area Agreement (LAA) and the overview and scrutiny committee makes a report and recommendations, the County Council, as lead authority to the LAA, is required to respond within 2 months to, and its Partner authorities (than than NHS bodies) to have regard to, reports and recommendations of the committee.

Delete the following from Para 2.2 of the Rules and the related Paragraph A7 in the terms of reference of Principal Scrutiny Committee.

2.2 Decisions of the Planning Development Control Committee on specific applications and cases where applicants have a right of appeal, and similar decisions by the Licensing & Regulation and Appeals & Disputes Committees, are not subject to review by the Principal Scrutiny Committee. Individual cases dealt with by the Personnel Committee and the Housing (Appeals) Committee are also not subject to scrutiny review.

Replace by new para 3.5 relating to all overview and scrutiny committees

3.5 The following matters are excluded from being considered by an overview and scrutiny committee:

- (a) any matter relating to a planning decision;
- (b) any matter relating to a licensing decision;
- (c) 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;

A matter does not fall within (a) to (c) above if it relates to an allegation that the function has not been discharged at all or is failing on a systematic basis.

Insert in terms of reference of all overview and scrutiny committees and as Article 6.02 (e) of the Constitution

To consider any referrals under the Councillor Call for Action provisions in the Overview and Scrutiny Procedure Rules.