

Governance Committee: Review of Scrutiny (Phase 2)

Background

- 1 Phase 1 of the Scrutiny Review, approved by the County Council in February 2011, changed some ways of working, reduced the number of meetings and introduced a new approach to cross-cutting scrutiny and policy development (i.e. task and finish groups). The diagram of the current scrutiny structure as agreed by the County Council in February 2011 is **attached at Appendix A**. It was agreed that a further review of the scrutiny function would be undertaken in autumn 2011 to consider the effectiveness of the changes in achieving the improved ways of working, and to decide whether further changes might be beneficial e.g. options for reducing the number of Select Committees or their size, or different configurations for the Committees in terms of the executive business they scrutinise, taking account of the reduced resources available.
- 2 The small cross-party member group (the Scrutiny Review Group) was reconvened to carry out Phase 2 and the following key principles emerged from an all-member workshop held in September 2011 and were subsequently applied to the review:
 - Ensure that all members are able to make a real contribution to the business of the County Council (including decision-making/scrutiny, policy development etc).
 - Focus scrutiny more on impact of decisions/changes and monitoring to see what happens in reality.
 - Concentrate on outcomes more than processes or services per se.
 - Move away from traditional committee meetings.
 - Build on the enthusiasm and capacity for more members to be involved in 'project' work, whether scrutiny or policy development.
 - Continue the development of how cross-cutting issues are handled (via Task and Finish Groups for issues that continue to overlap more than one Select Committee, allowing for wider member involvement).
 - Strengthen arrangements for service Select Committees to scrutinise budget and performance.
 - Increase the flexibility of how officers and members work to ensure the best use of time and people.
- 3 With these principles in mind, the Scrutiny Review Group considered what is working well in the current arrangements, and revisited earlier research on practice elsewhere in other local authorities around the country. It was also accepted that any new arrangements would need to be reviewed and refined as appropriate to take account of key national developments and changes to legislation e.g. regarding the Health and Social Care Bill.
- 4 All members of the County Council have had the opportunity to inform and influence the development of the proposals. Key service officers (including representatives from the NHS) and the West Sussex Governors Association have also been invited to comment on the proposals. The Governance Committee has considered the feedback which was generally supportive of

the proposals and a number of specific points were raised to help inform the effective implementation of the new arrangements.

- 5 The Scrutiny Review Group concluded that there was a need to change the current arrangements if members wish scrutiny to have a positive impact within the resources available. The Group's proposals have been endorsed by the Governance Committee in full, apart from minor changes to the nomenclature of Select Committees, and are set out below.

The Proposals

- 6 The establishment of **four Select Committees**, which sees an amalgamation of Health with Adult Social Care, and Community Services with Environmental, Economies and Infrastructure, with a corresponding reduction in two chairmen's special responsibility allowances. The proposed titles and working arrangements for those Select Committees are **set out at Appendix B**. However, the key components are:

- (a) Their main business to be scrutinising the expected outcomes of proposed service, cross-service or corporate plans/strategies (via preview before decision-making and call-in where necessary) and performance and budget monitoring.
- (b) Subject to proportionality requirements, and except for Select Committee chairmen (who will also sit on the Policy and Resources Select Committee), members will usually only sit on one Select Committee.
- (c) Select Committee Chairmen and Vice-Chairmen should to be drawn from different political groups.
- (d) A full day will continue to be reserved for Select Committee business, in order to maximise opportunities to flex the start time for the meeting, provide for verbal briefings/up-dates, training on technical or personal skills, visits or for any detailed scrutiny work required by small groups of Select Committee members. It is not intended that any formal Select Committee meeting will last an entire day.

- 7 **Task and Finish Groups** (TFGs) to continue to be established to consider cross-cutting scrutiny topics (those that straddle more than one of the four Select Committees). The Policy and Resources Select Committee to decide whether the preview will be allocated to a TFG or be for the Policy and Resources Select Committee to handle directly. Where a TFG is agreed:

- (a) The outline terms of reference (ToR), appointment of the Chairman, size/composition of the membership for that specific work, to be agreed by the Policy and Resources Select Committee. This agreement to be reached virtually if necessary.
- (b) It should meet in public when appropriate, while accepting that there may be occasions where private meetings aid more effective scrutiny/work. The decision to be taken by the Chairman of the TFG.

Governance

- (c) All TFG final reports should be publicly available.
 - (d) TFGs will usually have no more than seven members. Members to be appointed, in liaison with Group Leaders, based on skills, interest and capacity. Proportionality would not normally apply, although at least half the seats are likely to be allocated to the majority group.
- 8** All members of the County Council to continue to have a greater opportunity to be involved in policy development. These to be termed '**Policy Development Groups**' (PDGs) in future, not Task and Finish Groups and:
- (a) Select Committee Chairmen and Cabinet Members to discuss priorities for PDGs (as and when the issues arise, through regular dialogue).
 - (b) The creation of a PDG to be at the discretion of the Cabinet Member and reported to the Policy and Resources Select Committee, for information, to give an overview and transparency of the work undertaken.
 - (c) The ToR and final report of a PDG to be available to all members.
 - (d) The membership of a PDG to be cross-party and determined by the Cabinet Member with input from relevant Select Committee Chairmen and Group Leaders.
 - (e) Select Committees retain the right to undertake policy review (within the resources available) where an issue is not considered to be a priority for policy development by the Cabinet.
 - (f) Cabinet Member Working Groups will cease, and their role taken by PDGs, with the expectation that the membership will be cross-party.
- 9** All members (other than Cabinet Members) to be part of the body of members involved in **project work** to consider cross-cutting scrutiny issues or policy development. Members' individual areas of interest e.g. children, highways, finance etc., to be compiled and kept on a database, maintained by members, to help inform nominations for particular areas of work.
- 10** A total of 11 '**Member Days**' to be scheduled in the diary. Where at all possible, these days will be used to carry out much of small group work e.g. for scrutiny or policy development as well as member development. It is possible that more than one 'activity' will be held simultaneously on any one of those days e.g. a Select Committee TFG and/or a policy development group in the morning followed by a member development session in the afternoon. All members should keep all the 'member days' reserved in their diaries, although they may not always be called upon for the whole day/all of the days. Close liaison will be held between the Policy and Resources Select Committee, Cabinet Members and the **Member Development Group** (MDG) to co-ordinate the use of 'Member Days'. All members will be notified of the confirmed use or otherwise of a scheduled date at least 10 working days in advance. Both the electronic member diary and the Members' Portal will be kept up-dated on the use of these days.

- 11 Select Committee Task Forces** to remain an option for detailed scrutiny of a single issue. Task Forces will be appointed by individual Select Committees. The Policy and Resources Select Committee will monitor this as part of its overview of the work programme to ensure a focus on the priorities for the County Council and effective use of resources. Task Force membership will usually be drawn from the respective Select Committee. It will aim to meet on either the remainder of a day set aside for that Select Committee's formal business, or during a 'Member Day' (see above).
- 12** Members to be encouraged to lead on specific topics within the portfolio area of a Select Committee.
- 13** The **call-in criteria and arrangements** to be amended. A 'call-in' request will usually be accepted by the relevant Select Committee's Business Planning Group (BPG) where:
- It is supported by six members of the County Council; and
 - A Select Committee has not previewed the proposed decision
- unless a delay in making the decision is likely to significantly damage the interests of the County Council. This judgement would be made by the Monitoring Officer in consultation with members of the relevant Select Committee's BPG.
- 14** Acceptance of a call-in request where the Select Committee has previewed the proposed decision will be exceptional and based on the BPG's assessment of whether there is any additional information which was not available at the time the Select Committee originally considered it.
- 15** The Select Committee **work programme** will be monitored and agreed by the Policy and Resources Select Committee with:
- All non-executive member involvement via (a) one work programme planning event each February and, (b) submission of priority issues on the Members' Portal and, (c) raising any significant topical issue for future consideration at the formal meeting of the Select Committee or to the relevant BPG.
 - Each of the BPGs continuing to meet, as required, to plan the work of the specific Select Committees. The 'what and why' (including priority against existing items) then considered by the relevant BPG. A new item agreed, will be reported to Policy and Resources Select Committee as part of its regular monitoring of the overall programme.
 - The outcome from the annual work programme event to form the report to Policy and Resources Select Committee and then through to the County Council.

- 16 BPGs** to continue the stronger focus on outcomes for/impact on customers - working through how a priority issue is scrutinised. Each BPG:
- To have five members (including the Select Committee Chairman and Vice-Chairman) with a 3:2 ratio in favour of the majority group.
 - Membership to be agreed by Group Leaders and Select Committee Chairmen, and endorsed by the full Select Committee and reviewed annually. No member should sit on more than one BPG.
 - To agree the number of meetings to be held depending on individual Select Committee etc, but expectation that the BPG will handle work outside meetings via e-mail etc.
 - Must use the most efficient means of communication with each other and scrutiny support staff (e.g. e-mail, teleconferencing) to ensure meeting arrangements etc. can be easily agreed and most efficient use of time achieved.
- 17** Regular scheduled **informal meetings** of the Chairmen and Vice-Chairmen to cease. Development of good scrutiny practice to be subsumed by the Policy and Resources Select Committee.
- 18** A continuous development of **supporting arrangements** to ensure efficiency and overall best use of time (to be considered and monitored by the Policy and Resources Select Committee). E.g.
- (a) Pre-agenda meetings - should be short, sharp meetings to ensure that everything needed for an effective Select Committee meeting is, or will be in place (i.e. not to be used as a rehearsal of the committee meeting itself) and held using teleconference facilities where possible.
 - (b) Budget and Performance Monitoring - each service Select Committee to consider key issues at least quarterly. Policy and Resources Select Committee to undertake overview at each of its meetings.
 - (c) Fewer formal reports - encourage shorter reports and avoid duplication of effort for officers. For previewing decisions, it should usually be the draft decision report with a covering sheet outlining specific issues for scrutiny/recommendations for the Select Committee.
 - (d) Improved liaison between Select Committee Chairmen and Vice-Chairmen and Cabinet Members – sharing of priorities and work planning.
 - (e) Greater use of internal and external witnesses and input from interest groups.
- 19** The Scrutiny Review Group also flagged the need to ensure that there are sufficient **telephone and video conferencing facilities**, that the rollout of new IT software across the County Council properly addresses members'

needs to maximise efficient working practices between members and officers. It is also suggested that the **webcasting facilities** should be reviewed to enable filming in rooms other than the Council Chamber.

- 20 Member training and development** regarding scrutiny practice to be considered by the Policy and Resources Select Committee and fed into the MDG as appropriate (including use of 'Member Days' (see paragraph 10 above). The Scrutiny Review Group highlighted a greater need for input on technical issues, performance management etc., to improve knowledge and quality of debates, especially questioning.
- 21** A summary of the **proposed structure** for scrutiny (and the links with policy development) in diagram form is **attached at Appendix C**. A table included on the last page of that Appendix shows which portfolio areas (and thus Cabinet Members) are covered by which Select Committee - both for the current arrangement and the new proposals.
- 22** It is recommended that these new scrutiny arrangements take effect from 1 April 2012. To assist with a smooth transition, the appointment of Chairmen, Vice-Chairmen and the membership of each Committee will be approved later on this agenda. Members who will be serving on a committee covering a less familiar subject matter are encouraged to observe the March 2012 formal meeting of the existing committees, as appropriate, as part of induction arrangements.
- 23** The opportunity has been taken as part of the review to undertake a fundamental revision of the Protocol for Select Committees in the Constitution and for that protocol to be streamlined to reflect the greater focus on flexibility within the workings of scrutiny in the future. The proposed new protocol is **attached at Appendix D**. Also **attached at Appendix E** are proposed terms of reference for the four new Select Committees together with other consequential changes required to the Constitution.

Recommended

- (1) That the proposed changes to the Select Committee structure and arrangements as set out in paragraphs 6 to 23 and Appendices B and C be approved for implementation on 1 April 2012;
- (2) That the proposed new Select Committee Protocol to replace the current version in the Constitution, as set out at Appendix D, together with the other constitutional alterations, set out at Appendix E, be approved with effect from 1 April 2012;
- (3) That the Scrutiny Review Group remains in existence to work with officers in enabling a smooth transition to the new arrangements.

Governance

Mike Coleman

Chairman of the Governance Committee

Contact: Debbie Allman 01243 752719

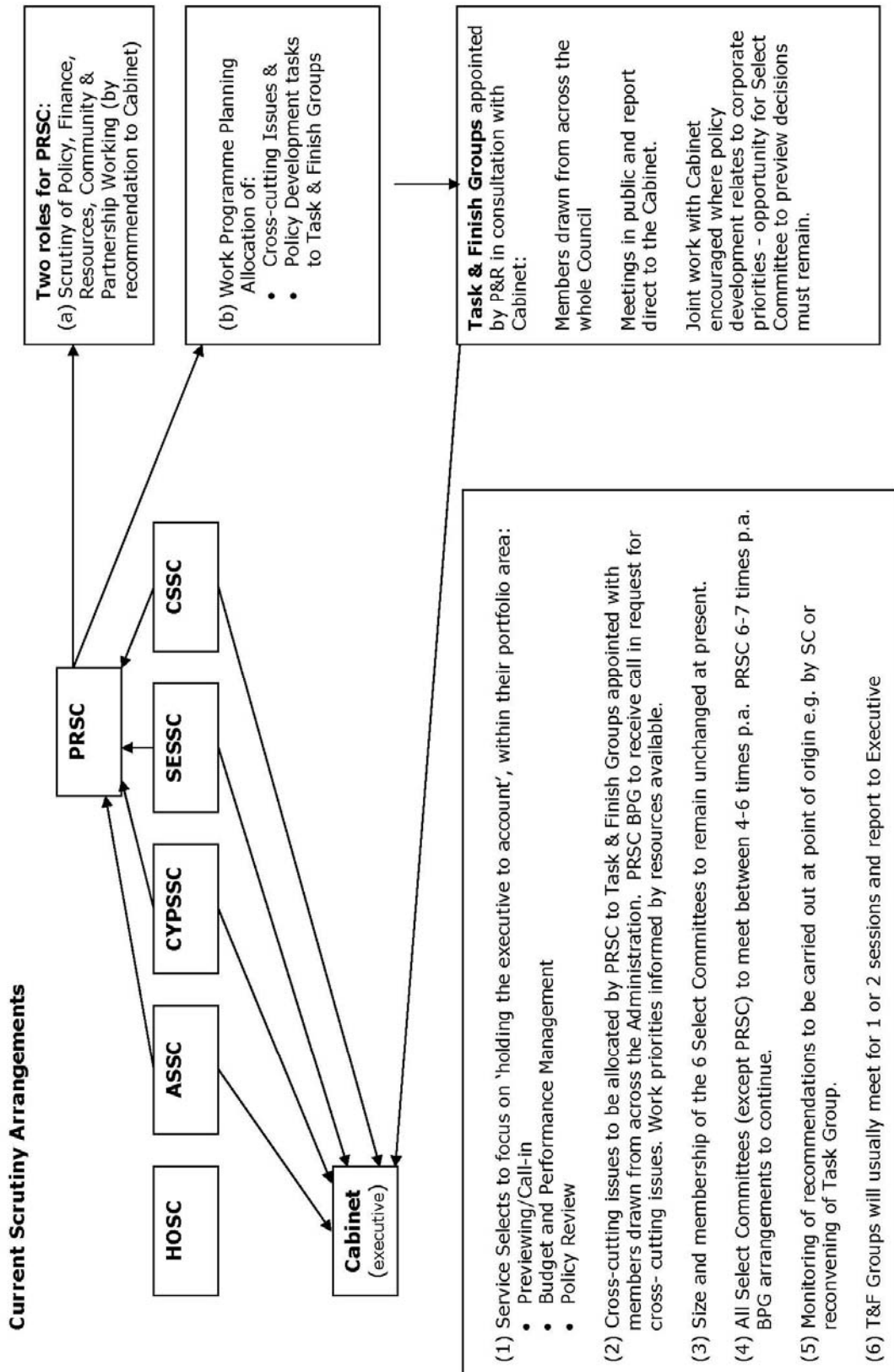
Background Papers

Summary of the feedback from the all member session on 14 September 2011

Paper to all members of the County Council in October 2011 and December 2011

Briefing papers for the Scrutiny Review Group

(see paragraph 1, page 336)



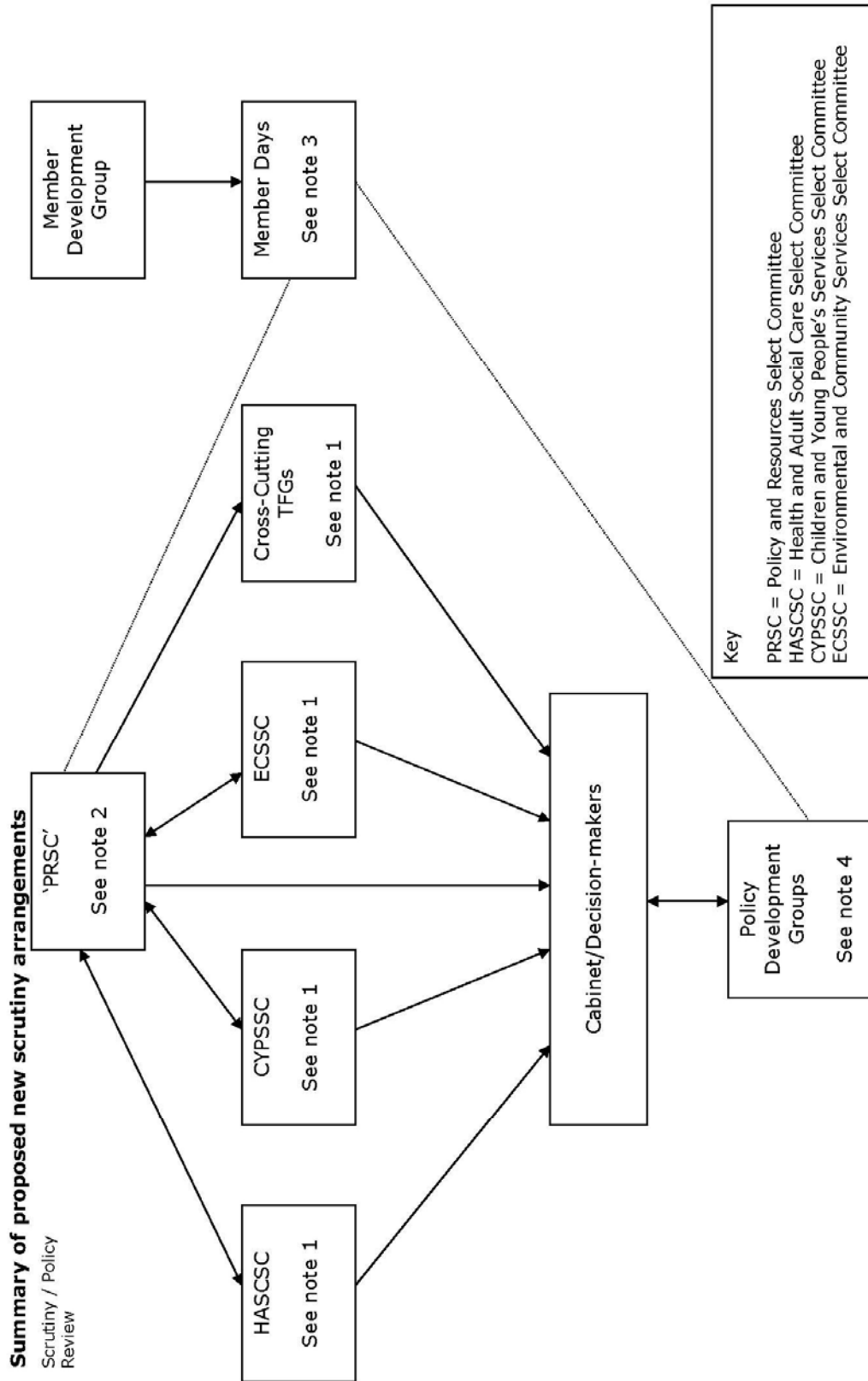
Governance - Appendix B

(see paragraph 6, page 337)

Proposed Formal Select Committee Structure

Select Committee	Remit	Members	No. of migs	Comments
Policy and Resources	<ul style="list-style-type: none"> Corporate service responsibilities (same as PRSC currently) including any call in for those service areas Approves and monitors the Select Committee rolling work programme Monitors overarching budget and performance reports Other 'policy/corporate' scrutiny (current handled by PRSC) Commissions cross cutting scrutiny TFGs (and agrees Chairman, memberships etc., at the meeting) May hear cross-cutting decision previews (i.e. those outside the remit of the other SCs) Approves Scrutiny Annual Report Considers and shares best practice in scrutiny Considers scrutiny training needs and how to address these 	18	9	<ul style="list-style-type: none"> Short, sharp meetings with increased focus on moving scrutiny issues forward Membership to include Select Committee chairmen The PRSC Business Planning Group will handle any call in requests relating to cross-cutting issues (i.e. proposed decisions that straddle more than one SC area).
Health and Adult Social Care	Amalgam of current HOSC and ASSC. Service responsibilities plus detailed service-level budget and performance and call-ins for those service areas	14+7+1	8	<ul style="list-style-type: none"> DC/BC reps 7 seats (with voting rights on health services matters) LINK/Local HealthWatch to have 1 seat (as against present 3) <p>N.B. Need to keep under review ref national developments on Health Scrutiny</p>
Environmental & Community Services	Amalgam of current CSSC and SESSC. Service responsibilities plus detailed service-level budget and performance and call-ins for those service areas	14	6	
Children and Young People's Services	As current CYPSSC. Service responsibilities plus detailed service-level budget and performance and call-ins for those service areas	14+4	6	4 co-opted members - 2x parent governor (as against present 3) and 2 Diocesan reps. Parent governor appointments encouraged to provide feedback to the West Sussex Governors Association. Removal of existing substitution facility for Diocesan reps (possible at present for a call-in only)
Total		60 (CC Seats)	29	A reduction of 13 CC seats and 9 formal SC meetings (based on the 2011/12 published diary)

(see paragraph 21, page 341)



Notes

1 Service Select Committees (three in total):

- (a) Main business to be scrutinising the expected outcomes of proposed service plans/strategies (via preview before decision making and call-in where necessary) and performance and budget monitoring.
- (b) Members will usually only sit on one Select Committee (except for Chairmen who also sit on Policy and Resources Select Committee).
- (c) Between 6-9 meetings each. A full day will continue be reserved for Select Committee business NOT intended to be whole-day formal meetings.
- (d) Business Planning Groups to have membership of five including Select Committee Chairmen/Vice-Chairmen (ratio 3:2 to majority group).
- (e) Task Forces will be appointed by individual Select Committees to undertake detailed scrutiny. Membership drawn from main Select Committee and report back to that Select Committee. The Policy and Resources Select Committee to monitor to ensure a focus on the overall priorities for the County Council and effective use of available resources.

2 Policy and Resources Select Committee

- (a) To have corporate service areas as per Policy and Resources Select Committee currently including call-in for those portfolio areas.
- (b) Enhanced role for overseeing work programme, ensuring scrutiny focuses on highest priorities and best use of resources, development of scrutiny practice/member scrutiny training.
- (c) BPG as per service Select Committees above.
- (d) Appoints cross-cutting scrutiny Task & Finish Groups (TFGs) or may do cross-cutting preview itself.
- (e) Liaison with Member Development Group on use of 'member days'.

3 Member Days

Total of 11 per annum to handle much of the small group/project work involving members including Task Forces, TFGs, Policy Development Groups and member development. Could be several 'activities' going on concurrently. Members asked to keep all free until use of date has been finalised (minimum of 10 working days before date). Not all members will be involved for all dates/whole day.

Database kept of members' interests to assist nominations to project work. All members involved in Select Committee work programme planning (one annual event).

4 Policy Development Groups (PDGs)

Priority topics discussed between Cabinet and Select Committee Chairmen. Cross-party PDGs encouraged as vehicle for wider member involvement.

PDGs to be set up at discretion of Cabinet Member. Creation of PDGs reported to 'PRSC' for information. Terms of reference and final report made available to all members. Membership agreed by Cabinet Member with input from Select Committee Chairmen and Group Leaders.

Cabinet Member Portfolios and related Select Committees

Portfolio/Topics	Current Select Committee	1 April 2012
<p>Leader</p> <ul style="list-style-type: none"> • Political and Policy Direction • County Strategy and Local Area Agreement • Health political and policy direction • Communications • County Local Committees • Partnership Working • Equality and Diversity • Freedom of Information and Data Protection 	<p>Policy and Resources</p>	<p>Policy and Resources</p> <p>Health and Adult Social Care (bullet 3)</p>
<p>Adults' Services</p> <ul style="list-style-type: none"> • Social Care Services • Community Health & Health Liaison (relating to services for adults) 	<p>Adults' Services</p> <p>HOSC (for Health aspects)</p>	<p>Health and Adult Social Care</p>
<p>Children and Families (Lead Member for Children's Services)</p> <ul style="list-style-type: none"> • Children's social care services • Children's Trust • Youth Justice • Youth Service • Community Health & Health Liaison for children and families 	<p>Children and Young People's Services</p> <p>HOSC (for Health aspects)</p>	<p>Children and Young People's Services (bullets 1-4)</p> <p>Health and Adult Social Care (bullet 5)</p>
<p>Deputy Leader and portfolio for Communities, Environment and Enterprise</p> <ul style="list-style-type: none"> • Deputising for Leader • Economic Strategy (including 2012 Olympics) • Libraries & Help Points • Arts & Heritage and Archives • Coast and Countryside (including Rights of Way) • Environment - Rural & Urban • National Parks and AONBs • Land-use Planning • Minerals • Waste (Minimisation, Management and Planning) • Democratic Services (& Members' IT) 	<p>Community Services (bullets 3 & 4)</p> <p>Strategic Environmental Services (bullets 2, 5, 6, 7, 8, 9, 10)</p> <p>Policy and Resources (bullet 11)</p>	<p>Environmental and Community Services (bullets 2-10)</p> <p>Policy and Resources (bullet 11)</p>
<p>Education and Schools</p> <ul style="list-style-type: none"> • Education (including adult education) • Schools • Learning and skills 	<p>Children and Young People's Services</p> <p>Adults' Services (for Adult Education)</p>	<p>Children and Young People's Services</p>
<p>Finance and Resources</p> <ul style="list-style-type: none"> • Finance • Property • Procurement • Human Resources Strategy • IT/Customer & Community Access • Performance Management • Legal Services 	<p>Policy and Resources</p>	<p>Policy and Resources</p>
<p>Highways and Transport</p> <ul style="list-style-type: none"> • Transport Planning and Highway Services • Public Transport • Gatwick 	<p>Strategic Environmental Services</p>	<p>Environmental and Community Services</p>
<p>Public Protection</p> <ul style="list-style-type: none"> • Fire • Community Safety • Drug & Alcohol Action • Gypsies and Travellers • Trading Standards • Emergency Planning • Registration Service • Coroner • Police Liaison 	<p>Community Services</p>	<p>Environmental and Community Services</p>

(see paragraph 23, page 341)

Part 4 Section 3 - Revised Protocol on Select Committees

Introduction

1. Select Committees are the main means by which the Executive is held to account. The guiding principle for the work of Select Committees is that it should involve constructive criticism to improve decision-making.
2. Select Committees have the power to scrutinise all executive matters and may also scrutinise any external issue or body that has a relevance to the residents of West Sussex. Any scrutiny of external bodies is subject to the agreement of that body, except where there are specific powers of scrutiny – there are specific powers to scrutinise the NHS (discharged by the Health and Adult Social Care Select Committee) and partners involved in tackling crime and disorder (Environmental and Community Services Select Committee).
3. Policy development will be undertaken through Policy Development Groups in which members will usually have the opportunity to be involved. See the Decision Making Protocol, Part 4, Section 1 for more details.

Work Programme

4. An outline annual work programme is prepared by members, endorsed by the Policy and Resources Select Committee and approved by County Council. Each Committee will have a standing informal group known as a Business Planning Group (BPG), which will have a leading role in co-ordinating the work programme through the year and will plan the objective and content of meetings and any task forces, within available resources. It will also agree on witnesses to be invited.
5. Each Committee's BPG will have five members, including the Chairman and Vice-Chairman of the Committee, with membership agreed by the Committee annually (with the involvement of political group leaders). At least three members should be from the majority group on the Council and any member should sit on one BPG only and the quorum for meetings will be two members. Work will be carried out virtually where possible.
6. Other items of work can be received in the following ways during the year:
 - (1) Items referred to the Committee by the Cabinet or a Cabinet Member or a County Local Committee (CLC) (either as a preview to a decision being taken or a review of a decision taken six months after the decision has been taken) – a Select Committee may turn down a referral by providing its reasons in writing to the referrer. CLC referrals may include Councillor Calls for Action - See the Protocol on County Local Committees, Part 4, Section 2A.
 - (2) Call-in of proposed decisions made by the Cabinet, a Cabinet Member, executive decisions by a CLC or a key decision made by an officer.

- (3) Items which a member of the Select Committee has requested to be included on the agenda, including items that might be drawn from the Executive's future decisions, set out in a Forward Plan (either as a preview to a decision being taking or a review of a decision taken six months after the decision has been taken).
 - (4) Any items on any relevant local government matter raised by any member of the County Council. If a Select Committee decides to take no action then it must give reasons in writing to the member requesting the item.
 - (5) Any item on any local crime and disorder matter referred by any member or by the Cabinet (Environmental and Community Services Select Committee only);
 - (6) Any proposal from an NHS body for substantial development or variation in a health service in or affecting residents of West Sussex (Health and Adult Social Care Select Committee only).
 - (7) Any other health matter raised by any other person or body, at the discretion of the Committee (Health and Adult Social Care Select Committee only). Any member of the public wishing to refer a health matter will need to provide 100 supporting signatures and give at least 10 days' notice.
 - (8) The County Council's Petitions Scheme, set out in Part 4, Section 7, allows for petitions to be referred to a Select Committee for consideration.
 - (9) Any item of joint scrutiny work referred under the auspices of the West Sussex Joint Scrutiny Steering Group (see the Joint Scrutiny Protocol, Part 4, Section 3B, for more information). Where a report on any joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group is referred to a Select Committee for onward transmission to the relevant Cabinet Member, the Committee may consider it before passing it on to the Cabinet Member as long as this does not cause delay which hinders the Cabinet Member's ability to address any recommendations in the report. In passing on any such report to the Cabinet Member, the Select Committee may give its own views on the content and any recommendations, but should not duplicate the work already undertaken.
7. Where work relates to the remit of more than one service-specific Select Committee (i.e. cross-cutting work) the Policy and Resources Select Committee will decide whether and how this is to be done. Cross-cutting work will usually be done by Task and Finish Groups, drawing on non-Executive members across the whole County Council. See the Task and Finish Group section later in the Protocol for further details.
8. The Policy and Resources Select Committee will monitor the progress of all

Governance - Appendix D

Select Committees against their published work programmes throughout the year to ensure that the highest priorities overall are scrutinised and best use is made of resources available.

Procedures at Select Committee Meetings - General

9. Standing Orders, Part 4, Section 1 apply as for other committee meetings and include provisions about interests in relation to Select Committees. The principle is that a person undertaking scrutiny of an issue should not also be closely involved in the decision itself. However, Select Committees require a more flexible mode of operation than traditional committees.
10. Informal, private meetings of members of Select Committees may take place, particularly to prepare for the questioning of witnesses (internal or external) in relation to high profile scrutiny investigations including call-ins or in relation to work planning for the budget.

Membership, Co-option and Liaison

11. The membership of Select Committees is set out in the Scheme of Delegation. Chairmen and Vice-Chairmen will be appointed by the County Council on their individual merits, but the Chairman and Vice-Chairman of a Committee will usually be from different political groups. Members will usually serve on one Committee only.
12. Select Committees may have such co-optees as are decided by the Select Committee in question but, with the exception of certain co-opted members of the Children and Young People's Services Select Committee and the Health and Adult Social Care Select Committee (noted below), co-optees will not be able to vote.
13. Church and parent governor representatives on the Children and Young People's Services Select Committee can vote on education matters only. They are also eligible to chair the Select Committee, but only during discussion of education matters.
14. Borough and district council co-opted members on the Health and Adult Social Care Select Committee can vote on health matters only. The Health and Adult Social Care Select Committee also has one non-voting, co-opted member from the Local Involvement Network.
15. Cabinet Members and Select Committee Chairmen are encouraged to have regular ongoing dialogue about their respective priorities and key issues. Support officers from Democratic Services may also attend any meetings held.

Documentation

16. The form of reports to and from Select Committees should be succinct, use plain English and be in an accessible format. A Select Committee may commission research or advice to assist it, and Select Committee

members are entitled to any relevant document in the possession of the County Council subject to the rights set out in the Access to Information Procedure Rules, Part 7.

17. Select Committees can also see background information from a range of other sources including Council plans, strategies and informal task force or task and finish group meeting notes, as well as external documents.
18. All documents to be considered formally should be despatched with the Committee papers. Exceptionally, late items may be admissible, at the discretion of the Chairman and should be made available to all attending the meeting, subject to any exempt information.
19. Select Committees will avoid having items for information only.

Speakers

20. A Select Committee can require any of the following to attend and advise a Select Committee meeting:
 - (1) A member of the Cabinet (there will be a standing invitation from the Select Committee Chairman to allow them to attend).
 - (2) A Deputy to a Cabinet Member
 - (3) The Chairman of a CLC
 - (4) An officer of the County Council
 - (5) An officer of any local NHS body (Health and Adult Social Care Select Committee only).
21. A Select Committee may request or allow any other person to attend and speak at a meeting, including other members, representatives of outside bodies, expert witnesses and West Sussex residents. The BPG will usually identify speakers and the length of the address to the Committee, but the final decision rests with the Chairman on the day of the Committee.
22. The following provisions apply for speakers:
 - (1) Any requirements to attend shall be subject to not less than seven working days' notice, except in a case of urgency.
 - (2) Where someone required to attend is genuinely unable to, an appropriate substitute may attend. The Leader will nominate a substitute for a Cabinet Member, either another Cabinet Member or Deputy, a CLC Chairman can nominate another member of the CLC and an officer can nominate another officer who is able to speak on the topic.
 - (3) Anyone asked to speak to a Select Committee is entitled to see the committee papers on the same timescale as members of the Committee, wherever possible and subject to any exempt material. All speakers shall respect the confidentiality of any exempt

information they receive and shall not disclose it without the authorisation of the Select Committee.

- (4) At the invitation of the BPG, speakers may submit clear and succinct papers in advance to the Select Committee, in time for the despatch of committee papers in the public domain. The final decision rests with the Chairman and Vice-Chairman at the pre-agenda meeting.
23. Where the press and public have to be excluded from a meeting, it does not follow that all those invited to attend also have to be excluded. Usually they should all be allowed to remain, to ensure the transparency of the process carried out with the press and public excluded. This is at the discretion of the Committee.

Conclusion and Recommendations from a Meeting

24. The Chairman of the Committee should be satisfied that a matter has been properly discussed, and the views of any minority reasonably heard, before closing a debate or accepting a motion. It is good practice for a Committee Chairman to sum up the debate prior to finalisation of recommendations. The Committee will confirm any recommendations to a Cabinet Member in writing.
25. Members may agree to an adjournment of the meeting, should they wish to pause to review papers and what they have heard, in order to formulate clear recommendations to conclude the debate. Democratic Services Unit officers can assist with this. It will be important to explain carefully, in public, the reasons for the adjournment and that no one will be given an unfair advantage.
26. If, having sought the advice of the Monitoring Officer and other relevant officers, the Select Committee considers that a decision is contrary to the Policy Framework or contrary to (or not wholly in accordance with) the budget, it may refer the matter to the County Council, as set out in the disputes procedure in Standing Orders, Part 4, Section 1.
27. On completion of a major piece of work, such as by a Select Committee Task Force, a report will be considered by the Committee before being submitted to the Cabinet Member as appropriate.
28. Draft Task Force reports should be discussed between the appropriate Committee Chairman, Cabinet Member and officers, before they are submitted to the Select Committee. Any consequential substantial changes to the draft report should be notified to the Committee and the Cabinet Member or officer should be given the opportunity to contribute to the Committee's discussion on the report.
29. The Cabinet Member will respond to reports and recommendations from a Select Committee in a letter covering all the points raised and with a reasoned justification where recommendations are rejected. This will be reported to the next meeting of the Select Committee.

30. There will be a system of monitoring the progress of recommendations from Select Committees so that Select Committees can track the progress of these. This will usually be by a report to a Select Committee after 12 months or some other period agreed between the Select Committee and the Cabinet. This may include reconvening a Task Force or Task and Finish Group for a single meeting to monitor the implementation and then report back to the Committee.
31. The Policy and Resources Select Committee will also endorse an annual scrutiny report summarising the work of Select Committees, Task and Finish Groups and Task Forces, for publication.

Call-in Protocol

32. The call-in mechanism is an important part of a short decision-making process and the role of Select Committees in calling-in a proposal before it is finalised is to test the merits of the proposal, consider the process by which the proposal has been formulated and to make recommendations to the Cabinet Member.
33. Select Committees may call-in any proposal by the Cabinet or a Cabinet Member, an Executive decision by a CLC or a key decision proposed by an officer within eight working days of the initial proposal being published via the Executive Decision Database (EDD) (six working days for decisions by a CLC). The only exception is any decision taken under the urgent action procedure. The call-in period will end at 5 p.m. on the eighth working day (sixth working day for a CLC decision) after the publication of the proposal in the EDD (subject to, for example, bank holidays). Any proposal takes effect at the end of the call-in period if it has not been called in.
34. Once a proposed decision is published in the EDD, members are encouraged to read the reports and request background papers if considering making a call-in request.
35. A member wishing to request the call-in of a proposed decision must notify the statutory Scrutiny Officer by, at the latest, 5 p.m. on the seventh working day (fifth day for CLC decisions) after the proposal is published via the EDD. The request should be in writing (which includes e-mail), should contain the reason for the request and the outcome being sought. The decision whether to call-in a proposed decision will be taken by the members of the relevant Select Committee's BPG.
36. If six members support the call-in request and the item has not already been considered by the relevant Select Committee, a call-in will usually be accepted. The only exception will be in cases where a delay in making the decision is likely to significantly damage the interests of the County Council. This judgement would be made by the Monitoring Officer in consultation with members of the relevant Select Committee's BPG.
37. If a decision has already been considered by the relevant Select Committee, the members of the BPG must consider whether any

significant new information has become available since the Select Committee consideration and will accept the call-in request if this is found to be the case. The decision of the BPG may be by majority if a unanimous view cannot be reached. Where there is no majority view the Select Committee Chairman's view will prevail

38. The Chairman of the BPG must notify the statutory Scrutiny Officer in writing (which includes e-mail) by no later than 5 p.m. on the eighth working day (sixth day for CLC decisions) after the publication of the proposal via the EDD, of the intention to call-in the proposal and of any requirement for Cabinet Member, CLC Chairman and/or officer attendance. If a decision is taken not to call-in the item, then the Chairman will confirm this in writing to the statutory Scrutiny Officer and the call-in requester by the deadlines set out above explaining the reasons for the rejection, which will also be published on the next set of Committee papers.
39. Normally the member who requested the call-in is entitled to speak at the Select Committee meeting considering it or, if they are unable to attend, may arrange for another member to speak on their behalf.
40. Any call-in of a proposed executive decision relating to an item of cross-cutting work will be considered by members of the Policy and Resources Select Committee's BPG and if it supports it, the BPG will nominate a Select Committee to hear it;
41. A proposal should only be called-in once. If, however, the Cabinet, Cabinet Member, CLC or officer (if a key decision) substantially amends the original proposal in a way which the Select Committee has not considered nor could reasonably have foreseen, so that in reality it becomes a different proposal, the Select Committee has the right to call it in again.
42. A Select Committee shall consider a matter called-in at a meeting (usually specially convened) which shall take place within 18 working days (16 working days for CLC decisions) from the date of publication of the item via the EDD, except when the Council is in recess, in which case the call-in will be delayed until after the recess. An extension may be allowed with the approval of the relevant Select Committee Chairman and Cabinet Member, CLC Chairman or officer where it is considered in the best interests of the scrutiny and decision-making process to do so, but any such extension shall be kept to a reasonable minimum.
43. The agenda for a call-in meeting should include the decision report agreed by the Cabinet or Cabinet Member, CLC or officer, together with all supporting papers and a list of expected speakers. The supporting papers should say whether consultation with local member(s) or district, borough or town or parish councils is required under the County Council's conventions, and, if so, a summary of the responses received.
44. The Committee's views on an item called-in should be sent to the Cabinet

Member within 24 hours. The options available to the decision-maker are set out in the Protocol on Decision-Making, Part 4, Section 2. If the Select Committee does not recommend that a called-in decision should be reversed, amended or further investigated, the original decision will take effect at the end of that meeting. The decision-maker will provide a reasoned, written justification on any occasion when it is decided not to accept the recommendation of a Select Committee following call-in in time for the next meeting of the Committee. The outcome of a call-in will be reported in the Members' Information Service and will include the names of the members of the Select Committee at the meeting which debated the matter.

Health Scrutiny

45. The Committee procedures set out in the Protocol apply to the Health and Adult Social Care Select Committee, especially the specific health scrutiny provisions in paragraphs 6 and 20. Other provisions specifically relating to health scrutiny are set out in this section.
46. An NHS body must consult the Committee on a reasonable timescale for the Committee to respond to a consultation. This will usually be not less than three months.
47. Any dissolution or establishment of an NHS Trust shall not in itself be a substantial development or variation and neither will pilot schemes within the meaning of Section 4 of the NHS (Primary Care) Act 1997. Any urgent change made by the NHS because of a risk to safety or welfare of patients or staff will not be subject to consultation, but the NHS must inform the Health and Adult Social Care Select Committee and outline the reasons for urgency.
48. The Health and Adult Social Care Select Committee is entitled to any information held by local NHS bodies which relates to the planning and provision of health services in West Sussex as the Committee may reasonably require in order to discharge its functions. Any exempt or confidential information shared with Committee members should have its confidentiality respected and should only be used in connection with a Committee investigation.
49. In any case where the Committee is not satisfied that consultation on any proposal for substantial variation or development is reasonable in terms of content or time allowed, or if the Committee is not satisfied that the reasons for an urgent change to services is adequate, it may refer the item to the Secretary of State. The Secretary of State may require the local NHS body to carry out further consultation as he or she considers appropriate.
50. In any case where the Committee considers that the proposal would not be in the interests of health provision in West Sussex (on a balanced view of all affected populations in the area), it may report to the Secretary of State in writing, who may make a final decision on the proposal and

Governance - Appendix D

require the local NHS body to take such action or desist from taking such action as he or she may direct.

51. The Committee may delegate its powers when appropriate as follows:
- (1) To the overview and scrutiny committee of another local authority, including a borough or district council, when it considers that that authority would be better placed to deal with an issue and that authority agrees to consider it.
 - (2) To a joint health overview and scrutiny committee extending across the county boundary, where an issue affects a wider area. The local authorities involved should identify a lead authority and how the joint committee will be supported and financed.
 - (3) When an NHS body issues a consultation on substantial development or variation of a health service that crosses a county boundary then the affected local authorities are required to establish a joint committee with the power to respond to the consultation, if they wish to respond to the consultation. Joint committees can be set up urgently – see Standing Order 62.
 - (4) The Health and Adult Social Care Select Committee has the delegated power to appoint members to a joint committee, providing proportionate makeup (in terms of the Council's overall political makeup) unless the Committee unanimously agrees to waive the proportionality requirement.

Select Committee Task Forces

52. Information about the establishment and operation of Task Forces can be found in the Corporate Advice Notes, Part 8, Section 11. Select Committees may set up Task Forces to look into specific projects solely within their terms of reference, or exceptionally for more general purposes and will submit a public report to the Select Committee at its conclusion.
53. Any member who has served on a Select Committee Task Force shall be entitled to see all papers considered by the Task Force and shall be entitled to attend and speak at the Select Committee during the report-back session. A member will only be able to vote if they are appointed as a voting member of the relevant Select Committee.

Task and Finish Groups

54. The section on Select Committee Task Forces above also applies, as appropriate, to Task and Finish Groups set up by the Policy and Resources Select Committee to do cross-cutting work.
55. Joint working with relevant partners will be encouraged, and incorporated in the arrangements for the relevant Task and Finish Group, where this is appropriate and seems likely to save time or add value to the work (Part 4, Section 3B relating to joint scrutiny arrangements applies);

56. The Task and Finish Group meetings will be held in public wherever possible, and report directly to the Executive with copies, for information, to members of the Policy and Resources Select Committee and any relevant service specific Select Committees. As informal groups, however, they are able to meet in private at the discretion of the TFG Chairman.

Officer Support

57. Officers of the County Council owe a duty to support and advise all members, irrespective of the political party to which members belong or whether they carry out Executive or non-Executive roles. Subject to the Chief Executive's overall role as principal policy adviser to the County Council on all issues, each director is the principal adviser to the County Council (and therefore to Select Committees) on his or her area of responsibility. Select Committees should make the best use of officer advice on the practical, financial and political implications of proposals so that Select Committees' final recommendations are well-formed and credible.
58. Directors and their staff who have been asked to prepare papers for the Select Committee should expect to attend the pre-agenda meeting with the Chairman and also the Committee meeting itself. They may be asked to attend informal planning sessions and pre-meetings, but may be asked not to attend informal pre-meetings for call-in meetings if they are to be questioned on their advice on a matter which has been called-in.
59. Work on issues referred to the Select Committee by the Cabinet or Cabinet Member, should be supported by the relevant executive director(s). An officer nominated by each executive director will be available to support the scrutiny role from a service perspective, on terms that reflect the needs of the scrutiny process.
60. The Head of Legal and Democratic Services has overall responsibility for the proper operation of Select Committees and a senior member of his staff is the Scrutiny Officer designated by the County Council. This post is responsible for promoting the role of scrutiny in the County Council and providing support to the scrutiny function. No one other than the specific officers from the Democratic Services Unit needs to attend formal Select Committee meetings, unless specifically invited (or required) to do so for a particular item. The Select Committee's approved work programme will be supported by officers in the Democratic Services Unit, in addition to the support from executive directors referred to above.
61. Nominated Democratic Services Unit support will act as the principal adviser to each Committee to help it to fulfil its scrutiny role, including undertaking or commissioning reports and project work. The officer will also advise the Chairman on any procedural issues arising and on members' interests at meetings of Select Committees and will liaise with service officers to ensure that reports are as required. The Democratic Services Unit will provide clerking services, including diary management, minute taking and production of agendas and their despatch in line with Access to Information requirements.

Governance - Appendix E

(see paragraph 23, page 341)

Review of Scrutiny - revised terms of reference (additions shown in bold, italic text, deletions struck through)

Select Committees (Appendix 8A)

There is a Policy and Resources Select Committee (Appendix 8A), a Health and Adult Social Care Select Committee (Appendix 8B), a Children and Young People's Services Select Committee (Appendix 8C) and an Environmental and Community Services Select Committee (Appendix 8D). Their constitutions and terms of reference are set out in the Appendices. Each Committee shall undertake the functions set out below in respect of those items relevant to the Select Committee's specific service area.

Policy and Resources Select Committee

Constitution

18 members of the County Council including the chairmen of the other Select Committees.

Terms of Reference

1. To consider existing policies and the effectiveness of their delivery relevant to the Select Committee's specific portfolio and to issues of major strategic importance to the County Council.
2. To review decisions of the Executive.
3. To review proposed decisions of the Executive including Executive decisions made by County Local Committees and key decisions under delegated powers made by officers on behalf of the Executive (call-in).
4. To review the manner in which non-Executive committees take decisions.
5. To consider matters referred to the Select Committee by the Executive.
6. To consider, as a "preview", items raised by any member where the matter is likely to be considered by the Executive because of its sudden prominence.
7. To consider items raised at meetings of the County Council and referred initially to the Cabinet for re-examination and which the Executive asks the Select Committee to consider.
8. To refer any matter arising within these terms of reference to a County Local Committee for consideration.
9. To receive and consider a referral from a County Local Committee made in accordance with the procedures for a Councillor Call for Action.
10. In addition to the budget **and performance** scrutiny responsibilities of its portfolio, to consider the annual budget and **performance framework** on a strategic basis **at each meeting** (rather than the detail of individual

- portfolios which are the preserve of the individual Select Committees) and to scrutinise the annual Treasury Management Strategy and performance in delivering it.
11. To consider the annual report of the West Sussex Pension Fund on its management and performance.
 12. To consider a programme of work *which the Committee believes* is in the interests of the County Council for it to review *in relation to its portfolio for approval as part* of the Select Committee work programme.
 13. To consider the Select Committees' suggested programme of work as a whole, its relevance and its resource implications, before proposals are finally recommended to the County Council for approval.
 14. To monitor and co-ordinate the Select Committees' work programme including the resolution of any disputes as to where a piece of work should be placed.
 15. To receive annual written reports from Select Committees on work activity to include outcomes/impacts etc to be used to produce an Annual Scrutiny Report on scrutiny activity during the previous year and endorse the Annual Scrutiny Report for publication.
 - ~~16. To ensure that proposals for local scrutiny by County Local Committees are consistent with the Select Committee work programme and that arrangements for local scrutiny are consistent with the role of Select Committees.~~
 167. To identify major items of work undertaken by Select Committees to be reported to meetings of the County Council for debate, with the intention that no more than one item will be reported to any one meeting of the County Council.
 178. To oversee the scrutiny function including the development *of good practice and supporting arrangements, member training and development, and the consideration* of any proposals for revisions to the scrutiny function.
 189. To consider any relevant local government matter raised by any member.
 1920. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 10(1).
 204. To consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
 212. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant Cabinet Member for consideration.

223. To ~~*undertake*~~ allocate items of policy development and cross-cutting work ~~in accordance with the more detailed provisions of paragraph 10 of the Protocol on Select Committees (Part 4, Section 3 of the Constitution).~~ *or to allocate it* to Task and Finish Groups in accordance with the more detailed provisions of paragraph 10 of the Protocol on Select Committees (Part 4, Section 3 of the Constitution).
23. *To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.*

Health and Adult Social Care Select Committee (Appendix 8B)

Constitution

14 members of the County Council and seven members comprising one from each of the borough and district councils (voting) and **one LINK** (Local Involvement Network) representative (non-voting).

Note:

The LINK representative will have health care as their main area of expertise and will serve for a maximum of two **two-year** terms, i.e. four years in total.

Terms of Reference

1. To consider existing policies and the effectiveness of their delivery relevant to the Select Committee's specific service area.
2. To review decisions of the Executive.
3. To review proposed decisions of the Executive including Executive decisions made by County Local Committees and key decisions under delegated powers made by officers on behalf of the Executive (call-in).
4. To review the manner in which non-Executive committees take decisions.
5. To consider matters referred to the Select Committee by the Executive.
6. To consider, as a "preview", items raised by any member where the matter is likely to be considered by the Executive because of its sudden prominence.
7. To consider items raised at meetings of the County Council and referred initially to the Cabinet for re-examination and which the Executive asks the Select Committee to consider.
8. To consider a programme of work **which the Committee believes** is in the interests of the County Council for it to review, and to recommend it to the Policy and Resources Select Committee for approval by the County Council as part of the Select Committee work programme.

9. To refer any matter arising within these terms of reference to a County Local Committee for consideration.
10. To receive and consider a referral from a County Local Committee made in accordance with the procedures for a Councillor Call for Action.
11. To consider any relevant local government matter raised by any member.
12. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 10(1).
13. To consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
14. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant Cabinet Member for consideration.
15. To review and scrutinise any matter relating to the planning, provision and operation of health services in the geographical area covered by West Sussex County Council, the health of the people of West Sussex and matters of general concern affecting the determinants of health for the community of the West Sussex area.
16. To set up appropriate procedures in accordance with the relevant statutory framework to facilitate the conduct of health review and scrutiny in West Sussex, in consultation with the district and borough councils in West Sussex and with the local NHS bodies.
17. To make reports and recommendations to local NHS bodies and to West Sussex County Council or any borough or district council in West Sussex on any **health** matter reviewed or scrutinised by it.
18. To respond to consultation by any local NHS body with reference to any proposal for a substantial development of the health service in the area of West Sussex or for a substantial variation in the provision of such service excluding pilot schemes (within the meaning of Section 4 of the National Health Service (Primary Care) Act 1997 and urgent proposals as defined in Regulation 4(3) of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 and to make comments by the due date specified by the local NHS body referring the matter.
19. To delegate health scrutiny powers to, appoint members to and agree terms of reference of a joint committee when there is an intention by a local NHS body to consult on a substantial variation or development to health services that extends beyond West Sussex.
20. To report to the NHS body(ies) or to the Secretary of State in writing in any case where the Committee is not satisfied that
 - (a) consultation on any proposal has been adequate in relation to content or time allowed; or

Governance - Appendix E

- (b) that the reasons given by the local NHS body for failing to consult because of urgency are not adequate.
21. To report to the Secretary of State in writing on any such proposals as are referred to above which it considers would not be in the interests of the health service in the area of West Sussex.
22. To take such other steps as may be appropriate including requiring the attendance of officers of local NHS bodies and other relevant people to attend the Committee and take steps to obtain appropriate information and explanations as may be appropriate to enable the Committee to discharge its functions effectively.
23. To delegate health scrutiny powers to one or more West Sussex borough and district councils whether or not they are acting jointly with the County Council when exercising its health scrutiny powers or to another county or unitary, borough or district council. To agree the terms of reference for any delegation and, in the case of any joint committee, to appoint members from the Committee.
24. To make such recommendations to the County Council as it sees fit as to the constitution of the Committee within the statutory framework.
- 25. *To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.***

Note:

A local NHS body ***is any body or organisation*** which provides, or arranges for the provision of, or performs any management function in relation to, ***NHS*** services to persons residing within West Sussex.

Children and Young People's Services Select Committee (Appendix 8C)

Constitution

14 members of the County Council and ***four*** nominated members (voting).

Note:

The four nominated (voting) members on the Children and Young People's Services Select Committee will comprise the following representatives:

Two parent governors

One from the Church of England Diocese of Chichester

One from the Roman Catholic Diocese of Arundel and Brighton

The term of membership of parent governor representatives will be four years. Where a 'casual' vacancy is filled, the new representative will be appointed for the remainder of the term.

~~The representatives of the Church of England and Roman Catholic Dioceses will each be able to nominate a single named substitute for call-in meetings.~~

Terms of Reference

1. To consider existing policies and the effectiveness of their delivery relevant to the Select Committee's specific service area.
2. To review decisions of the Executive.
3. To review proposed decisions of the Executive including Executive decisions made by County Local Committees and key decisions under delegated powers made by officers on behalf of the Executive (call-in).
4. To review the manner in which non-Executive committees take decisions.
5. To consider matters referred to the Select Committee by the Executive.
6. To consider, as a "preview", items raised by any member where the matter is likely to be considered by the Executive because of its sudden prominence.
7. To consider items raised at meetings of the County Council and referred initially to the Cabinet for re-examination and which the Executive asks the Select Committee to consider.
8. To consider a programme of work ***which the Committee believes is*** in the interests of the County Council for it to review, and to recommend it to the Policy and Resources Select Committee for approval by the County Council as part of the Select Committee work programme.
9. To refer any matter arising within these terms of reference to a County Local Committee for consideration.
10. To receive and consider a referral from a County Local Committee made in accordance with the procedures for a Councillor Call for Action.
11. To consider any relevant local government matter raised by any member.
12. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 10(1).
13. To consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
14. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant Cabinet Member for consideration.
15. ***To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.***

Environmental and Community Services Select Committee (Appendix 8D)

Constitution

14 members of the County Council

Terms of Reference

1. To consider existing policies and the effectiveness of their delivery relevant to the Select Committee's specific service area.
2. To review decisions of the Executive.
3. To review proposed decisions of the Executive including Executive decisions made by County Local Committees and key decisions under delegated powers made by officers on behalf of the Executive (call-in).
4. To review the manner in which non-Executive committees take decisions.
5. To consider matters referred to the Select Committee by the Executive.
6. To consider, as a "preview", items raised by any member where the matter is likely to be considered by the Executive because of its sudden prominence.
7. To consider items raised at meetings of the County Council and referred initially to the Cabinet for re-examination and which the Executive asks the Select Committee to consider.
8. To consider a programme of work *which the Committee believes is* in the interests of the County Council for it to review, and to recommend it to the Policy and Resources Select Committee for approval by the County Council as part of the Select Committee work programme.
9. To refer any matter arising within these terms of reference to a County Local Committee for consideration.
10. To receive and consider a referral from a County Local Committee made in accordance with the procedures for a Councillor Call for Action.
11. To consider any relevant local government matter raised by any member.
12. To consider a petition in accordance with the Petitions Scheme in accordance with Standing Order 10(1).
13. To consider a request for a review of the County Council's response to a petition in accordance with the Petitions Scheme.
14. To consider any relevant report of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and refer the report to the relevant Cabinet Member for consideration.

15. *To hold an annual meeting to scrutinise the work of the County Council and partner organisations in tackling crime and disorder.*
16. *To encourage members to lead on specific topics within the Committee's remit, as agreed by the Committee.*

Review of Scrutiny - Other consequential changes to the Constitution (deletions struck through, additions shown in bold, italic text)

Part 1 - Summary

The Cabinet

9. The Cabinet and Cabinet Members are assisted in their work by Deputies to Cabinet Members and Advisers to Cabinet Members and multi-party ~~Select Committee Task Forces~~ and ***Policy Development*** Cabinet Working Groups, which offer the opportunity for a wider group of members to consider and advise on (but not decide) areas of policy. ***Cabinet Members and Select Committee chairmen discuss priorities for Policy Development Groups as and when the need arises. The creation of a Policy Development Group is at the discretion of the Cabinet Member and is reported to the Policy and Resources Select Committee for information, to give an overview of and transparency to the work undertaken.*** ~~Initially the Cabinet Member will ask the relevant Select Committee to set up a Select Committee Task Force (see paragraph 10 below). If the Select Committee does not agree to do so the Cabinet Member may set up a Cabinet Working Group. Where a Cabinet Member is leading a major project or policy initiative and needs to participate fully in the development process, a Cabinet-led Working Group can be used, without the approval of the Select Committee, comprising the Cabinet Member or his or her Deputies to Cabinet Members or Advisers to Cabinet Members. The Cabinet Member will consult the Chairman of the relevant Select Committee~~ ***and Group Leaders*** on membership of the ***Policy Development*** Working Group.

Part 2

Chapter 6 - Select Committees

6.01 General

The County Council determines the number, terms of reference and membership of Select Committees whose responsibilities are set out below:

- (a) To ***scrutinise the expected outcomes of proposed service, cross-cutting or corporate plans or strategies and to undertake budget and performance monitoring including*** ~~considering~~ policies and the effectiveness of their delivery
- (b) To scrutinise or review decisions made by the Cabinet and Cabinet Members and the manner in which non-Executive Committees make decisions
- (c) To facilitate community involvement and to play a part in any other projects to improve the workings of the Council
- (d) To consider reports of joint scrutiny work undertaken under the

auspices of the West Sussex Joint Scrutiny Steering Group and refer such work to the relevant Cabinet Member for decision.

The terms of reference and delegations to Select Committees are set out in the Scheme of Delegation in Part 3 Section 2 Appendix 8.

The County Council has established the following Select Committees:

Select Committee	Area of Responsibility
Policy and Resources	Strategic overview of scrutiny process; Leader's portfolio; general strategy issues and policy development work ; cross-cutting work; Partnership Working; County Local Committees; IT and Customer & Community Access; Finance; Property; Procurement; Human Resources Strategy; Performance Management; Equality and Diversity; Legal and Democratic Services; Communications; Media & Marketing; Europe liaison
Health and Adult Social Care Adults' Services	Adults' Social Services; Community Health and Health Liaison; <i>Review and scrutiny of the planning, provision and operation of health services in West Sussex*</i>
Children and Young People's Services	Social Services relating to children and young people; Education; Learning and Skills; Youth Services; Youth Justice;
Environmental and Community Services	<i>Economic Strategy; Coast and Countryside (including Rights of Way); Environment - Rural and Urban; National Parks and Areas of Outstanding Natural Beauty; Transport Planning and Highway Services; Public Transport; Aviation; Land-use Planning; Minerals; Waste (Minimisation, Management and Planning)</i> ; Fire and Rescue Service; Community Safety; Trading Standards; Gypsies and Travellers; Emergency Planning; Police Liaison; Registration Service; Coroner; Libraries and Help Points; Arts & Heritage and Archives; Crime and Disorder Matters (Police and Justice Act 2006); Drug and Alcohol Action
West Sussex Health Overview and Scrutiny Committee*	Review and scrutiny of the planning, provision and operation of health services in West Sussex

Governance - Appendix E

Select Committee	Area of Responsibility
Strategic Environmental Services	Economic Strategy; Coast and Countryside (including Rights of Way); Environment – Rural and Urban; National Parks and Areas of Outstanding Natural Beauty; Transport Planning and Highway Services; Public Transport; Aviation; Land-use Planning; Minerals; Waste (Minimisation, Management and Planning)

- 6.02 *The **health functions of the Health and Adult Social Care Select Committee arise** West Sussex Health Overview and Scrutiny Committee was set up by the County Council under Part I of the Health and Social Care Act 2001. **The Committee** ‡ comprises members of the County Council and representatives of the borough and district councils, together with one non-voting member drawn from the health community. The terms of reference and delegations to the Select Committee are set out in the Scheme of Delegation in Part 3 Section 2 Appendix 8B.

Chapter 7 - The Executive

- 7.06 Cabinet Members may wish to be supported by Deputies to Cabinet Members or Advisers to Cabinet Members from their own party and by all-party Select Committee Task Forces or Cabinet Working **Policy Development** Groups. **Cabinet Members and Select Committee chairmen discuss priorities for Policy Development Groups as and when the need arises. The creation of a Policy Development Group is at the discretion of the Cabinet Member and is reported to the Policy and Resources Select Committee for information, to give an overview of and transparency to the work undertaken.** The presumption is that Select Committees are the principal consultative mechanism for policy review and development and for looking at politically contentious issues; Cabinet Working Groups are normally the reserve mechanism when Select Committees are unwilling or unable to become involved. Where a Cabinet Member is leading a major project or policy initiative and needs to participate fully in the development process a Cabinet-lead Working Group can be used, comprising the Cabinet Member or his or her Deputies to Cabinet Members or Advisers to Cabinet Members. Arrangements will be agreed with the relevant Cabinet Member and the Chairman of the Select Committee(s) and the Governance Committee shall decide in the event of a failure to agree. Task Forces and Working **Policy Development** Groups are expected to be time-limited.

Chapter 13 - Decision-Making

13.06 Decision-Making by Select Committees

Select Committees will follow Standing Orders and the Protocol on Select Committees set out in Part 4 Sections 1 and 3 of this Constitution when considering any matter. The West Sussex Health Overview and Scrutiny Committee will follow the Protocol on Select Committees (West Sussex

Health Overview and Scrutiny) set out in Part 4 Section 3A of the Constitution.

Part 3 - Scheme of Delegation

Section 1

2. Definitions

~~2.3.3.6~~ "Cabinet Working Group" means a small team of members from all political parties of the County Council, without Executive powers but appointed by a Cabinet Member, to assist in considering a particular proposal or programme he or she wishes to take forward. It may include Cabinet Members, a Deputy to a Cabinet Member and Advisers to Cabinet Members but should not normally be members of the Select Committee responsible for scrutinising that proposal or programme

2.3.3.18 "Select Committee" means the overview and scrutiny committee or committees appointed by the County Council whose functions include holding to account the Executive and contributing to the development of policy within the County Council.

2.3.3.19 "Select Committee Task Force" means a small, multi-party team of members of the County Council, without executive powers, appointed by a Select Committee **from amongst its members** to examine policy issues or proposals of concern to the Select Committee through their programme of work or to help develop policy at the request of a Cabinet Member. It may include a minority of representatives of outside bodies, experts or other interested parties as non-voting members, but cannot include Cabinet Members, nor a Deputy to a Cabinet Member whose portfolio is dealt with by that Select Committee.

2.3.3.20 "Policy Development Group" means a small team of members from all political parties of the County Council, without executive powers but appointed by a Cabinet Member, with input from the relevant Select Committee Chairman and Group Leaders, to assist in considering a particular policy proposal or programme he or she wishes to take forward. It may include Cabinet Members, Deputies to Cabinet Members and Advisers to Cabinet Members.

~~2.3.3.21~~ "Task and Finish Group" means a small, multi-party team of members drawn from across the Council, without executive powers but appointed by the Policy and Resources Select Committee, in consultation with the Cabinet, to undertake **cross-cutting scrutiny** policy development work. It may

include a minority of representatives of outside bodies, experts or other interested parties as non-voting members. ~~In cases where the Group is undertaking policy development work relating to the Council's corporate priorities it may include Executive members. A Task and Finish Group may also be appointed by the Policy and Resources Select Committee to undertake cross-cutting scrutiny work.~~

Appendix 2

Cabinet Members

2.13 To appoint Advisers to Cabinet Members and ***Policy Development*** Cabinet Working Groups

Standing Orders

Interpretation 1. (1) In these Standing Orders, unless the context requires otherwise, the following expressions have the meaning given below:

~~“Cabinet Working Group” means a small team of members from all political parties of the County Council, without executive powers but appointed by a Cabinet Member to assist in considering a particular proposal or programme he or she wishes to take forward. It may include Cabinet Members, Deputies to Cabinet Members and Advisers to Cabinet Members but should not normally be members of the Select Committee responsible for scrutinising the proposal or programme.~~

“Policy Development Group” means a small team of members from all political parties of the County Council, without executive powers but appointed by a Cabinet Member, with input from the relevant Select Committee Chairman and Group Leaders, to assist in considering a particular policy proposal or programme he or she wishes to take forward. It may include Cabinet Members, Deputies to Cabinet Members and Advisers to Cabinet Members.

~~“Select Committee” means an overview and scrutiny committee appointed by the County Council whose functions include holding to account the Executive and contributing to the development of policy within the County Council.~~

“Select Committee Task Force” means a small, multi-party team of members of the County Council, without executive powers but appointed by a Select Committee **from amongst its members**, to examine ~~policy issues or proposals of concern to the Select Committee through their programme of work or to help develop policy at the request of a Cabinet Member.~~ It may include a minority of representatives of outside bodies, experts or other interested parties as non-voting members, ~~but cannot include Cabinet Members, nor a Deputy to a Cabinet Member whose portfolio is dealt with by that Select Committee.~~

“Task and Finish Group” means a small, multi-party team of members drawn from across the Council, without executive powers but appointed by the Policy and Resources Select Committee, ~~in consultation with the Cabinet,~~ to undertake **cross-cutting scrutiny** ~~policy development work.~~ It may include a minority of representatives of outside bodies, experts or other interested parties as non-voting members. ~~In cases where the Group is undertaking policy development work relating to the Council’s corporate priorities it may include Executive members. A Task and Finish Group may also be appointed by the Policy and Resources Select Committee to undertake cross-cutting scrutiny work.~~

Appointments:
Terms of Office

53. (1) Unless otherwise provided by statute or a scheme approved by the County Council:

(b) Appointments by the County Council shall include the appointment ex-officio of:

(iii) ~~the Chairman of the West Sussex Health Overview and Scrutiny Committee and the chairmen of the~~ **three** ~~four~~ service Select Committees as members of the Policy and Resources Select Committee;

(g) Except in the case of the **Health and Adult Social Care** ~~West Sussex Health Overview and Scrutiny~~ **Select** Committee and the Standards Committee, the number of non-voting members who are not members of the County Council serving upon any committee shall not exceed 25% of the total membership of that committee.

(h) Non-voting members of a committee and voting borough and district council members of the **Health and Adult Social Care West Sussex Health Overview and Scrutiny Select Committee** shall be appointed by the committee concerned and in the case of a sub-committee, by the relevant parent committee, having regard in either case to the advice of the relevant Cabinet Member.

~~(g) A Select Committee member should not normally be a member of a Cabinet Working Group set up to consider a service area scrutinised by that Select Committee.~~

Substitutes

55. (1) Substitute members are permitted to attend a meeting of the Planning Committee and the Rights of Way Committee. ~~Substitutes for co-opted, non-elected members are permitted to attend a meeting of the Children and Young People's Services Select Committee when it is convened to hear a call-in.~~

(2) The County Council will, at each annual meeting, nominate a panel of substitutes for the Planning Committee and the Rights of Way Committee. ~~The substitutes for co-opted, non-elected members of the Children and Young People's Services Select Committee will be drawn from names put forward by their nominating body.~~

The Cabinet; Cabinet Member Matters; the Forward Plan

56. (6) In deciding Cabinet Member matters, the relevant Cabinet Members:

- (a) shall have regard to the Protocol on Decision-Making, within the Constitution;
- (b) may consult a Deputy to a Cabinet Member, an Adviser to a Cabinet Member or a ~~Select Committee Task Force, a Task and Finish Group~~ or **Policy Development** Cabinet Working Group before deciding a Cabinet Member matter.

Select Committees

57. (1) ~~Select Committees, other than the West Sussex Health Overview and Scrutiny Committee,~~ shall operate having regard to the Protocol on Select Committees in the Constitution. ~~The West Sussex Health Overview and Scrutiny Committee shall operate having regard to the~~

	<p>Protocol on Select Committees (West Sussex Health Overview and Scrutiny). In particular, the rules of debate referred to in previous Standing Orders will apply when formal decisions are to be taken but chairmen of Select Committees shall have regard to the need to conduct meetings in a flexible manner, with the aim of improving decision-making, and to the provisions of the protocol, on questioning officers.</p>
Call-in	<p>(4) A Select Committee, other than the West Sussex Health Overview and Scrutiny Committee, may call-in a proposed decision or recommendation by the Cabinet, a Cabinet Member, an Executive decision by a County Local Committee, or a key decision in the Forward Plan proposed to be made on behalf of the Executive by an officer, in accordance with the Protocol on Select Committees in the Constitution.</p>
Interests	<p>(10) In addition to any other interest which the member may have, a member of a Select Committee shall declare a conflict of interest in respect of any matter in which he or she has had prior involvement, as an Adviser to a Cabinet Member or member of a Policy Development Cabinet Working Group, a Task and Finish Group, non-Executive or County Local Committee; provided:</p> <ul style="list-style-type: none">(c) that membership of a Policy Development Cabinet Working Group, a Task and Finish Group, County Local Committee or non-Executive committee shall only require the member to refrain from speaking and voting and to withdraw, where the Select Committee is reviewing the recommendations or decisions of the Policy Development Cabinet Working Group, a Task and Finish Group, County Local Committee or non-Executive committee respectively; and(d) that a member of a Select Committee who is a member of a Policy Development Cabinet Working Group or a Task and Finish Group which has reported to a Cabinet Member whose decisions or recommendations are being reviewed by that Select Committee may be asked to support the Cabinet Member in responding to the Select Committee. In any event the member concerned will not be entitled to vote on that item.

Decisions of Committees; the Executive Decision Database; the Members' Information Service

Executive Decision Database

59. (2) The Head of Legal and Democratic Services shall maintain the Executive Decision Database (EDD) and make it available to all members, the press and public. The EDD shall include summaries of:

- (a) ~~*proposed decisions by*~~ matters ~~to be considered by a meeting of~~ the Cabinet or by individual Cabinet Members, ~~for decision or recommendation;~~
- (b) proposed decisions by the Executive ~~for or proposed~~ recommendations to the County Council on matters within the Policy Framework;
- (c) proposed Executive decisions by a County Local Committee;
- (d) proposed key decisions by an officer;
- ~~(e) decisions by a Select Committee chairman to call in or review a proposed decision or recommendation;~~
- ~~(f) as result of the call in of a decision, whether the Select Committee agreed with the Cabinet, a Cabinet Member, County Local Committee or officer or, if relevant, whether the Cabinet, Cabinet Member, County Local Committee or officer has agreed with the recommendation of the Select Committee.~~

Members' Information Service

(3) The Head of Legal and Democratic Services shall publish the Members' Information Service (MIS) for distribution to all members and make it available to the press and public. The MIS shall include information summaries of:

- (a) all proposed Cabinet and Cabinet Member decisions, Executive decisions by County Local Committees and key decisions by an officer published via the EDD in the previous week;
- (b) *decisions by a Select Committee Business Planning Group to call-in or review a proposed decision or recommendation;***

- (c) *as a result of the call-in of a decision, whether the Select Committee agreed with the Cabinet, a Cabinet Member, County Local Committee or officer or, if relevant, whether the Cabinet, Cabinet Member, County Local Committee or officer has agreed with the recommendation of the Select Committee;*
- (d) decisions by non-Executive committees or the Standards Committee where recommendations of officers have not been accepted to a material degree (to the extent that the chairman of the committee considers it necessary that a report be submitted to the County Council under Standing Order 6(2));
- (e) a report on the Sussex Police Authority by the member nominated to report by that Authority.
- (f) a report of the membership and terms of reference of each Select Committee Task Force, **Task and Finish Group** or **Policy Development Cabinet Working Group** established since the last such report and the appointment of Advisers to Cabinet Members and the issue(s) with which they will be dealing;
- (g) a reference to the publication or updating of any Forward Plan, or the Forward Plan itself;
- (h) matters of general information for members.

Part 4, Section 2 - Protocol on Decision Making

6. Cabinet Members may appoint a Deputy to a Cabinet Member, Advisers to Cabinet Members to give more general assistance, **and** all-party **Policy Development Cabinet Working Groups** (where appropriate) to advise them on particular policy issues and matters of current interest. This enables Cabinet Members to have access to advice from a wide range of people and provides opportunities for members to acquire experience of Executive decision-making. **Cabinet Members and Select Committee chairmen discuss priorities for Policy Development Groups as and when the need arises. The creation of a Policy Development Group is at the discretion of the Cabinet Member and is reported to the Policy and Resources Select Committee for information, to give an overview of and transparency to the work undertaken.** ~~The presumption is that Select Committees are the principal consultative mechanism for policy review and development and for looking at politically contentious issues;~~

~~Cabinet Working Groups are normally the reserve mechanism where Select Committees are unwilling or unable to become involved. Where a Cabinet Member is leading a major project or policy initiative and needs to participate fully in the development process a Cabinet led Working Group can be used, comprising the Cabinet Member and or his or her Deputy to a Cabinet Member or Advisers to Cabinet Members together with other interested members but normally excluding members of the relevant Select Committee. Arrangements will be agreed by the Cabinet Member and the Chairman of the relevant Select Committee(s) and the Governance Committee shall decide in the event of failure to agree. The work of Deputies to Cabinet Members, Advisers to Cabinet Members and **Policy Development** Cabinet Working Groups is not part of the formal decision-making process nor are they formally constituted advisory committees (see **Standing Order 57(10)** paragraphs 31 to 35, Protocol on Select Committees, Part 4 Section 2 3).~~

10. Reports on other matters come to the Cabinet at its request, as the result of work done by a Deputy to a Cabinet Member, Advisers to Cabinet Members, County Local Committees **or Policy Development Groups. Cabinet Members may also receive reports arising from cross-cutting** Task and Finish Groups appointed by the Policy and Resources Select Committee and service specific Select Committee Task Forces ~~and Cabinet Working Groups, the consideration of policy issues~~ or the review/call-in of individual decisions by Select Committees, on projects from the Select Committees' work programmes or referral by a Select Committee of joint scrutiny work undertaken under the auspices of the West Sussex Joint Scrutiny Steering Group and on the initiative of officers. Officers who become aware that a report is being generated which may need to be considered by the Cabinet should at the earliest stage inform the Chief Executive and the Head of Legal and Democratic Services so that they can agree with the Leader if, when and how the matter should be processed.
12. The executive director, director or head of service originating a draft report to the Cabinet will also, at an early stage, discuss its contents with the relevant Cabinet Member(s), and will ensure that the views of the Cabinet Member(s) concerned are taken into account in the final version of the report. The Cabinet Member may wish to involve a Deputy to a Cabinet Member, Advisers to Cabinet Members, ~~Select Committee Task Forces, Task and Finish Groups~~ or **Policy Development** Cabinet Working Groups in this process.
28. Although informal meetings of the Cabinet and the work of Deputies to Cabinet Members, Advisers to Cabinet Members and **Policy Development** ~~Cabinet Working~~ Groups are neither part of the formal decision-making process nor formally constituted advisory committees, the rules relating to members' interests still apply and it is the individual member's responsibility to ensure that they are complied with. Deputies to Cabinet Members may not be members of the Select Committee which deals with the portfolio of their Cabinet Member. Advisers to Cabinet Members must declare an interest at a Select Committee if they have recently advised on the issue under consideration, but it is unlikely (depending on the facts of

each case) that they would be unable to speak and vote on the issue. Members of a Task and Finish Group which has reported to a Cabinet Member should not speak or vote at a meeting of a Select Committee which is reviewing a recommendation or decision arising from the Group's report.

Part 6 - Members' Allowances Scheme

Schedule 1 - amendment to titles of current Select Committees and delete two Special Responsibility Allowances.

Schedule 2 - amend paragraph (5) as follows:

Travelling allowances will be paid as follows:

- (1) Attendance at all formally convened County Council, Cabinet, **Policy Development** ~~Cabinet Working Group~~, Select Committee, Select Committee Task Force, **Task and Finish Group**, non-Executive committee or panel meetings; or any such meetings held jointly with borough and district council members. Non-Cabinet Members can claim travelling allowances for attending meetings of the Cabinet provided that they sign the attendance book provided for this purpose.
- (5) Attendance, with the consent of the appropriate chairman, where the member is not a member of that committee or panel in accordance with Standing Order 54(5), provided, ~~except in the case of a named substitute for the Health Scrutiny Select Committee~~, that the Head of Legal and Democratic Services is notified beforehand.

Part 8, Section 11 - Select Committee Task Forces, Task and Finish Groups and **Policy Development** ~~Cabinet Working Groups~~

Select Committee Task Forces

1. For a Task Force set up by a Select Committee the following key points apply:
 - The membership is appointed by the Select Committee **from amongst its members**.
 - ~~Anyone duly appointed may be a member except a Cabinet Member or a Deputy to that Cabinet Member. Non-County Council members would not have voting rights.~~
 - ~~Normally the core of the Select Committee Task Force will be a group of Select Committee members (usually between 3 and 7).~~
 - The Select Committee Task Force is not a formal sub-committee, and can advise and recommend but not make decisions.
 - The membership is not required to be politically proportionate, but will normally be multi-party.

- The Select Committee Task Force will undertake research (e.g. hearing evidence from and co-opting experts, doing questionnaires of client groups and making visits)
- The Select Committee Task Force will have clear objectives and terms of reference.
- The work undertaken will form part of a programme approved by the County Council.
- The Select Committee Task Force may meet in private and informally, although they should aim to meet in public where appropriate.
- The Select Committee Task Force will normally, but not always, have a time-limited task.
- The Select Committee Task Force will work closely with Cabinet Members and Deputies to Cabinet Members, including inviting them to meetings as the Task Force feels is appropriate.
- The Select Committee Task Force is required to show the completed draft report before it goes to Select Committee to the Cabinet Member concerned, and to report his or her views to the Select Committee. Task Force members also have personal access to background papers.
- The Select Committee Task Force will produce a report with recommendations to the Select Committee.
- The Select Committee, if in agreement with the report, will send it to the Cabinet Member who will respond to the Select Committee and may implement *none*, some or all of the *recommendations* proposals.
- The report will be open unless it meets the legal tests for being closed, e.g. because it relates to personal or commercially sensitive information.
- The rules on interests for Select Committees apply (Standing Order 57(10)).

Task and Finish Groups

2. For a Task and Finish Group *set up by the Policy and Resources Select Committee* the following key points apply:
 - The Task and Finish Group will have clear objectives and terms of reference. It *will* ~~may~~ undertake ~~policy development work~~ or cross-cutting scrutiny work as determined by the Policy and Resources Select Committee, within available resources.
 - The *outline terms of reference, chairmanship and size and composition of* membership *will be agreed* ~~is appointed~~ by the Policy and Resources Select Committee (*virtually where necessary*). ~~When undertaking policy development work the membership will be appointed in consultation with the Cabinet.~~

- The members will be drawn from across the Council (usually between 3 and 7).
- The membership is not required to be politically proportionate, but will normally be multi-party **and at least half the seats are likely to be allocated to the majority group. Members will be appointed in liaison with Group Leaders based on skills, interest and capacity.**
- ~~In cases where policy development relating to the Council's corporate priorities (as defined by the annual Performance Framework) is being undertaken, the membership may include members of the Executive.~~
- A Task and Finish Group may include a minority of representatives of outside bodies, experts or other interested parties as non-voting members. In cases of cross-cutting work, joint working with relevant partners is encouraged and should be incorporated into the arrangements for the Task and Finish Group where this is appropriate and seems likely to save time or add value to the work.
- The Task and Finish Group is not a formal sub-committee, and can advise and recommend but not make decisions.
- The Task and Finish Group will undertake research (e.g. hearing evidence from and co-opting experts, doing questionnaires of client groups and making visits)
- The Task and Finish Group will meet in public **when appropriate (the decision to be taken by the Chairman of the Task and Finish Group) wherever possible.**
- The Task and Finish Group will normally, but not always, have a time-limited task.
- The Task and Finish Group will report directly to the Executive with a copy, for information, to the Policy and Resources Select Committee and any specific service Select Committee.
- The report will be open unless it meets the legal tests for being closed, e.g. because it relates to personal or commercially sensitive information.
- The rules on interests relating to Select Committees apply (Standing Order 57(10)).

Gabinet Working Groups

- 3. ~~A Working Group set up by the Cabinet or a Cabinet Member operates very similarly to a Select Committee Task Force except that it is more flexible, but under the control of the Executive.~~
- ~~A Cabinet Working Group may be set up if the Select Committee declines to do the work requested by the Cabinet Member.~~
- ~~The membership is chosen by the Cabinet Member; there is no formal requirement but in practice he or she will normally consult the party~~

~~Group Leaders and will set up a group which is politically proportionate.~~

- ~~• Cabinet Members, Deputies to Cabinet Members and Advisers to Cabinet Members can be full members.~~
- ~~• Working Groups should not normally include members of the Select Committee responsible for scrutinising the particular issue.~~
- ~~• There are options on how a Cabinet Working Group reports; there may be an open written report or a confidential one but no formal report need be produced. Working Group members do have personal access to papers produced.~~
- ~~• A Cabinet Working Group may also be set up if a Cabinet Member is leading a major project or policy initiative and needs to participate fully in the development process.~~
- ~~• Arrangements will be agreed by the relevant Cabinet Member and Chairman of the relevant Select Committee(s) and the Governance Committee shall decide in the event of failure to agree.~~
- ~~• The rules on interests apply (Standing Order 57(10)).~~

Policy Development Groups

3. For a Policy Development Group set up by a Cabinet Member the following points apply.

- Select Committee chairmen and Cabinet Members will discuss priorities for Policy Development Groups as and when the need arises through regular dialogue.**
- The creation of a Policy Development Group will be at the discretion of the Cabinet Member and reported to the Policy and Resources Select Committee for information.**
- All members of the Council can be involved in policy development and the membership of a Policy Development Group will be cross-party and determined by the Cabinet Member with input from the Select Committee Chairman and Group Leaders.**
- Cabinet Members, Deputies to Cabinet Members and Advisers to Cabinet Members can be full members.**
- Policy Development Groups can include members of the Select Committee responsible for scrutinising the particular issue but the number of such members should be kept to a minimum.**
- The terms of reference and final report of a Policy Development Group will be available to all members.**
- Select Committees retain the right to undertake policy review (within the resources available) where an issue is not considered to be a priority for policy development by the Cabinet.**
- The rules on interests apply (Standing Order 57(10)).**