

**GRENFELL TOWER
PUBLIC INQUIRY**

Exhibit SM/1

The Royal Borough of Kensington and Chelsea Constitution

Issued: February 2016

ARTICLE 6 - SCRUTINY COMMITTEES

6.01 General Remit

(a) General Duties of Scrutiny Committees

Scrutiny committees are empowered to:

1. review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
2. recommend and report to the full Council (including committees of the Council) or the Executive (including advisory groups) in connection with the discharge of any of the Council's functions;
3. consider any matter affecting the Royal Borough or its inhabitants;
4. exercise the right to call-in for reconsideration decisions made but not yet implemented by the Executive; and
5. hold an inquiry into a matter which has been the subject of a report from the Monitoring Officer or the Chief Finance Officer.

(b) Policy Development and Review

Scrutiny committees may:

1. assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
2. conduct research, community and other consultation in the analysis of policy issues and possible options;
3. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
4. question members of the Executive and/or members of committees, executive directors and directors about their views on issues and proposals affecting the area; and
5. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people and, subject to Order of the Secretary of State, to require partner organisations to provide information to scrutiny committees.

(c) Scrutiny

Scrutiny committees may:

1. review and scrutinise the decisions made by and the performance of the Executive;

2. undertake more general reviews of decisions made by committees and officers;
3. review and scrutinise the performance of the Council generally in relation to its policy objectives, performance targets and/or particular service areas;
4. question members of the Executive and/or members of committees, executive directors and directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
5. make recommendations to the Executive, appropriate committees and/or the Council arising from the outcome of the scrutiny process;
6. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee about their activities and performance; and
7. question and gather evidence from any person (with their consent).

(d) **Finance**

Scrutiny committees may exercise overall responsibility for the finances made available to them.

- (e) Committee members shall hold office until their successors are appointed.

6.02 **Scrutiny Steering Group**

(a) **Membership**

The chairmen of all the scrutiny committees shown below.

(b) **Terms of Reference**

The co-ordination of scrutiny work; preparation of an annual scrutiny programme; annual negotiations with the Executive regarding scrutiny-side resources (financial and staffing) for the year ahead in the light of the plan; the mediation of any boundary disputes between scrutiny committees; and call the Executive to account on the direction of the Council and to take an overarching view on the development of policy.

6.03 **Housing and Property Scrutiny Committee**

(a) **Membership**

Eleven members.

(b) **Terms of Reference**

To scrutinise:

1. the provision, planning, management and performance of all housing services;
2. any partnerships associated with the delivery of housing;
3. social housing regeneration and the Housing Regeneration Programme;
4. Supporting People services;
5. the Tenant Management Organisation;
6. Housing strategy, housing stock finance and development;
7. Corporate asset management.

6.04 Adult Social Care and Health Scrutiny Committee

(a) Membership

Eleven members, plus two non-voting co-opted members.

(b) Terms of Reference

To scrutinise:

1. the provision, planning, management and performance of all adult social care services;
2. health partnerships where adult social care is a significant partner in terms of service delivery or management accountability;
3. any partnerships associated with the delivery of adult social care services;
4. corporate grants to organisations providing services that fall within this Committee's remit;
5. the provision of the public health service;
6. the plans, strategies and decisions of the Health and Wellbeing Board;
7. matters referred to the Committee by the local Healthwatch organisation;
8. local health bodies including those established by the Health and Social Care Act 2012. These include the NHS Commissioning Board (NCB), Clinical Commissioning Groups (CCGs); NHS Trusts or NHS Foundation Trusts and other relevant health service providers (n.b. this may include voluntary, independent and private sector providers);
9. aspects of partnerships where the Council is a partner in terms of health service delivery and accountability; and
10. with scrutiny committees of other London boroughs as appropriate, matters within this Committee's remit which cross borough boundaries.

6.05 Cabinet and Corporate Services Scrutiny Committee

(a) Membership

Eleven members.

(b) Terms of Reference

1. business handled by the full Cabinet which does not fall within the remit of another Scrutiny Committee;

2. individual Cabinet Member decisions not allocated to another scrutiny committee;
3. to carry out the functions of a crime and disorder committee in accordance with the Police and Justice Act 2006;
4. matters of corporate management or interest including:
 - i. local democracy;
 - ii. the achievement of effective, transparent and accountable decision-making by the Council;
 - iii. the Council's approach to Best Value;
 - iv. the Council's budget and overall financial management;
 - v. corporate policy, including Council-wide personnel and staff management policies;
 - vi. information and communication technology;
 - vii. the introduction, development or termination of major services within the Borough;
 - viii. the Mayoralty and Civic functions;
 - ix. services to members, including allowances;
 - x. corporate grants;
 - xi. community relations;
 - xii. consultation with the local community;
 - xiii. European matters;
 - xiv. drugs, community safety and emergency planning;
 - xv. regeneration and economic development; and
 - xvi. scrutiny of the Kensington and Chelsea Partnership and other partnerships associated with the delivery of corporate services.

6.06 Family and Children's Services Scrutiny Committee

(a) Membership

Eleven members, plus four co-opted voting members and two co-opted non-voting members

(b) Terms of Reference

1. social services provision for children and families;
2. scrutiny of the Family and Children's Strategic Partnership and Children's Trust arrangements and responsibility for the scrutiny of other partnerships associated with the delivery of the services within the Committee's remit;
3. education, training and youth services;

4. early years, childcare and play services;
5. sports education;
6. youth support service incorporating careers advice;
7. libraries services;
8. education and industry links; and
9. participation with other education providers in voluntary organisations.

6.07 Public Realm Scrutiny Committee

(a) Membership:

Eleven members.

(b) Terms of Reference:

1. the preservation, enhancement and protection of the built and natural environment;
2. the scrutiny of any partnerships associated with the delivery of services within the Committee's remit;
3. the performance of the planning department;
4. the provision, planning and management of measures for the protection and enhancement of the quality of life in the Borough, including:
 - i tourism and visitor management;
 - ii environmental quality and cleanliness;
 - iii control of pollution and contaminated land;
 - iv environmental health matters, including enforcement and other operational matters (but not those aspects of environmental health that fall under the broad 'public health' remit of the Adult Social Care and Health Scrutiny Committee);
 - v transport, streets and highways;
 - vi traffic management and parking;
 - vii waste management;
 - viii licensing policy;
 - ix planning policy;
 - x museums, arts and cultural services
 - xi leisure services, parks and open spaces;
 - xii burials, cremation, mortuaries and coroners services;

xiii Notting Hill Carnival.

5. The efficiency and effectiveness of the Council's regulatory and enforcement activity, including the need for effective co-operation and collaboration between licensing, highways and planning enforcement.

6.08 Scrutiny Arrangements

- (a) Members of the Cabinet may not be members of scrutiny committees.
- (b) The Councillors serving on scrutiny committees must reflect the political balance of the Council.
- (c) Scrutiny committees must meet in public and their agendas must be made publicly available, in accordance with access to information requirements in local government legislation.
- (d) The five scrutiny committees will, collectively, have the power to scrutinise all of the decisions of the Authority. However, the following principles will apply:
 - Scrutiny committees should not normally scrutinise non-key decisions made by officers under the scheme of delegation. Where necessary, such scrutiny should be confined to overall reviews of service performance.
 - Scrutiny Committees must not scrutinise:
 - (i) individual decisions made by other committees of the Council;
 - (ii) any matter relating to a planning or licensing decision;
 - (iii) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment (other than the right to complain to the Local Government Ombudsman);
 - (iv) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the scrutiny committee or at a meeting of a sub-committee of that committee.
 - Individual scrutiny committee members should not normally be involved in reviewing decisions made by other committees of which they are members.
- (e) In discharging their scrutiny functions, scrutiny committees will be entitled to report, with recommendations as appropriate, to the Cabinet or to the full Council.
- (f) As indicated in Article 7.08 (c) below, the Executive will be required to consult the relevant scrutiny committee when formulating proposals in relation to the Council's budgetary and policy framework. Again, the scrutiny committee will be entitled to report, with recommendations, to the Cabinet or to the full Council.

- (g) Scrutiny committees can also make reports or recommendations to the Cabinet or to the full Council in relation to matters which are not the responsibility of the Authority, but which nevertheless affect the Royal Borough or its inhabitants.
- (h) In discharging their responsibilities, scrutiny committees may require members of the executive and Directors or Executive Directors to attend before it to answer questions. The officers may choose to be accompanied or represented by other officers.
- (i) Scrutiny Committees may also require any other member of the Council to attend before it to answer questions relating to any function which is exercisable by the member under delegated authority in relation to the electoral ward for which the member is elected.
- (j) Scrutiny committees may **invite** other people to take part in their discussions when, for example, considering issues of local concern.
- (k) Any member may, by means of a Councillor Call for Action, require that any matter falling within a Scrutiny Committee's terms of reference be placed on the agenda and discussed. It will, however, be for consideration by that committee*, as to whether:
 - the officers should be asked to produce a report on the matter; or
 - the member concerned should be asked to produce a report.

[Should the matter be of sufficient urgency as to suggest the need for a written report to the next available meeting of that committee, the Member making the call for action may request that the committee's approval be sought by phone and/or e-mail to a brief written item being prepared by officers.]*

- (l) Any member of the authority may refer to a scrutiny committee of the authority of which he is not a member any local government matter which is relevant to the functions of the committee.
- (m) Scrutiny committees have specific power to recommend that key decisions made, but not yet implemented, be reconsidered. The Council is required to make provision for the manner in which this so-called 'call-in system' is to operate. Article 6.09-6.10 defines the arrangement that will apply.

6.09 Key Decisions Made by Individual Cabinet Members

- (a) Article 7 (dealing with decision-making by the Executive) defines key decisions. It also provides for a period of five clear working days during which the relevant scrutiny committee members can comment on proposed key decisions. Where any matters raised by individual scrutiny committee members cannot be resolved, the relevant Cabinet Member has the option of referring the matter to the relevant scrutiny committee.

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- (b) At the end of the five-day period (and assuming the Cabinet Member does not refer the matter to the scrutiny committee), the key decision may be made and will then be published.
- (c) Other than in cases of special urgency, the key decision will not be implemented for a further five clear working days.
- (d) During that further five-day period, a request may be made by scrutiny committee members for the matter to be called-in.
- (e) If at least one third of the voting members of the scrutiny committee make such a request in writing (including e-mail), it should be forwarded to the Director of Strategy and Local Services who will:
 - notify the chairman of the relevant scrutiny committee; and
 - notify the relevant Cabinet Member.
- (f) On receipt of those notifications:
 - the chairman of the scrutiny committee will seek to arrange for the matter to be discussed by the scrutiny committee; and
 - the relevant Cabinet Member will defer implementing the decision for a maximum additional period of five clear working days.
- (g) If that matter is not considered by the scrutiny committee before the end of that five-day period, the Cabinet Member will be free to arrange for the implementation of the decision.
- (h) If the matter is considered by the scrutiny committee before the expiry of the five-day period, that committee may then decide:
 - to take no further action; or
 - to formally recommend the Cabinet Member to reconsider the decision; or
 - if the Monitoring Officer and/or Chief Finance Officer advises the scrutiny committee that the proposed decision is contrary to the Council's budgetary or policy framework, the scrutiny committee may refer the matter to the full Council. (In that event, the Council has the option of reaffirming Council policy and thereby disallowing the proposed decision or, alternatively, agreeing to change Council policy to allow the proposed decision to be implemented.)
- (i) In the event of the matter being referred to the full Council, the Cabinet Member will be expected to defer implementing the decision for a further ten clear working days pending consideration by the full Council.
- (j) If the scrutiny committee decides to recommend the Cabinet Member to reconsider the proposed decision, or if the Council advises the Cabinet

Member that the proposed decision is contrary to Council policy, the Cabinet Member will arrange for the matter to be placed on the agenda for the next meeting of the full Cabinet.

- (k) The scrutiny committee will be invited to be represented at the meeting in order to address the Cabinet in that connection.
- (l) Having then considered the matter, the Cabinet can make a final decision.

6.10 **Key Decisions Originally Made by the Full Cabinet**

The relevant scrutiny committee will have had access to the agenda for the Cabinet meeting. Also the relevant scrutiny committee members will have had the opportunity, subject to the Leader's approval, to take part in the discussion at the Cabinet meeting. Therefore, any formal request to call-in the decision must be lodged no later than by the end of the following working day. If the request is made in writing (including e-mail) by at least one third of the voting members of the scrutiny committee, the procedure as set out in Article 6.09 (e) to (l) above will then follow.

6.11 **Review of Call-in Arrangements**

The statutory guidance relating to the call-in of decisions states that "there is an appropriate balance between effectively holding the Cabinet to account, being able to question decisions before they are implemented and allowing effective and efficient decision-making by the Cabinet within the policy framework and budget agreed by the full Council". The Council therefore intends to keep the above-mentioned call-in arrangements under review. Should it be considered necessary, arrangements may be made to:

- (a) increase the proportion of the scrutiny committee full membership that needs to make a call-in request;
- (b) limit the number of call-ins per month, per quarter or annually; and/or
- (c) reduce the periods between proposed decision and implementation.

6.12 **Procedures**

The Council's scrutiny committees are able to:

- (a) establish their own methods of working;
- (b) determine the frequency and structure of their meetings;
- (c) determine which future key decisions (as indicated in the Forward Plan), proposed key decisions (as notified by the Cabinet) and implemented key decisions they wish to scrutinise;
- (d) determine (within the context of the annual scrutiny programme and also within the resources available to them) which wider reviews they wish to initiate;

- (e) determine how they propose to undertake reviews requested by the Executive.

6.13 **Members and Chairmen of Scrutiny Committees**

- (a) Members of scrutiny committees hold office until their successors are appointed.
- (b) Each scrutiny committee will elect from amongst its members a chairman and a vice-chairman, who will hold office until their successors have been appointed or until they cease to be members of the Council. In the event of there being a vacancy in the position of chairman, or if he or she is absent or unable to act, the vice-chairman may act as chairman.
- (c) In addition to the usual chairman's roles, the prior approval of the chairman of the relevant scrutiny committee will be required if the Executive wishes to:
 - make and implement an urgent key decision without any possibility of that decision being called in; or
 - make a decision where the decision needs to be made and implemented with less than the statutory five clear working days notice.
- (d) If the chairman of the relevant scrutiny committee does **not** agree, the facility for call-in or for five days notice for publication respectively applies.

6.14 **Support Arrangements**

Appropriate officer support facilities and training, together with an appropriate budget, is provided to enable the Council's scrutiny committees to discharge their statutory responsibilities. The Council has appointed a Scrutiny Officer whose functions are -

- (a) to promote the role of the authority's scrutiny committees;
- (b) to provide support to the authority's scrutiny committees and the members of those committees;
- (c) to provide support and guidance to
 - (i) members of the authority,
 - (ii) members of the executive of the authority, and
 - (iii) officers of the authority,

in relation to the functions of the authority's scrutiny committees.