

Performance, Review and Scrutiny Committee – Membership, Terms of Reference and Appointment of Chair

Report by John Blair, Director, Corporate Resources

1 Purpose of Report

This report brings the Committee's attention to its Membership and Terms of Reference.

2 Membership

On 23 May 2017, the Council agreed that membership of the Performance, Review and Scrutiny Committee shall consist of the 13 Elected Members who are not members of the Cabinet viz Councillors Alexander, Baird, Cassidy, Hardie, Johnstone, Lay-Douglas, McCall, Montgomery, Munro, Parry, Russell, Smaill and Winchester.

The Council further agreed that the Performance Review and Scrutiny Committee shall have a Chair from its composition, determined by the membership of the Committee.

4 Terms of Reference

The Performance Review and Scrutiny Committee will be responsible for the following:

Performance Review

- (a) Reviewing performance when viewed against policy objectives arising from:
 - (i) The Planning and Performance Management Framework and the quarterly performance reports to committee.
 - (ii) External inspection reports.
 - (iii) The Community Planning Partnership and other major partnership projects.
 - (iv) Specific Performance reports requested by the committee.
 - (v) Ad hoc performance reports presented to the Committee by Chief Officials.
 - (vi) Any other reports of a performance-related nature.
- (b) Making recommendations by formal report to the Cabinet on unsatisfactory performance highlighted in (a) above.

Scrutiny

- (a) Monitoring the delivery of corporate improvement programmes and ensuring that they are progressing in line with corporate aims and objectives. Reporting findings and recommendations to Cabinet.
- (b) Commenting on decisions and policies agreed by Cabinet and other committees and the impact they have on Midlothian as an area, and making recommendations as appropriate to Cabinet.
- (c) Inviting Cabinet and Other Committee members to attend and elaborate on Cabinet or Committee decisions or proposals.
- (d) Where appropriate eliciting views of partners, service users and/or interested parties on Cabinet decisions.
- (e) Inviting stakeholders to attend and elaborate on any matter relating to the Council e.g. Police.

Meetings

The Committee will normally meet on a six weekly cycle (subject to breaks for the summer recess, Christmas/New Year and school holidays). Special meetings will also be held for performance reporting. Although the special meetings will be specifically held to discuss performance reports, normal agenda items may also be submitted should the need arise.

The Council will decide on the schedule of meetings for the Performance, Review and Scrutiny Committee, usually on a rolling annual basis which will be published.

Quorum

The quorum for meetings of the Performance, Review and Scrutiny Committee will be 3 Elected Members.

Minutes

The Minutes of the Performance, Review and Scrutiny Committee will be recorded by the Officer clerking the meeting and submitted to the next ordinary meeting of the Performance, Review and Scrutiny Committee for approval. They will also be submitted to the Council both for information and to allow the Council to consider any recommendations contained in them. Meetings of the Performance, Review and Scrutiny Committee will also be audio cast subject to the exemptions contained within the Local Government (Scotland) Act 1973

'Call-in' Procedure

The following "call-in" procedure shall apply in respect of Cabinet decisions:

- (a) a "call-in" need not await publication of the Cabinet minutes;

- (b) a "call-in" may only take place where it is supported by a majority of the members of the Performance Review and Scrutiny Committee;
- (c) each "call-in" must be in writing; specify the particular decision being called-in and whether this is in whole or in part; state the reason(s) for the "call-in"; be signed by a majority of the members of the Performance Review and Scrutiny Committee; and be delivered to the Director, Resources, before the deadline specified at paragraph (f) below;
- (d) the Cabinet decision in relation to any item of "called-in" business will be frozen pending resolution through the process described at paragraph (h) below;
- (e) the Performance Review and Scrutiny Committee may not "call-in" a decision where a financial or contractual commitment has already been entered into on behalf of the Council;
- (f) a deadline of 9.00am, five working days after each Cabinet meeting will be set for the submission of any "call-ins" arising from the meeting (e.g. for a Tuesday Cabinet meeting the deadline will be 9.00am the following Tuesday, assuming no intervening public holidays);
- (g) a Special Meeting of the Performance Review and Scrutiny Committee may be called to consider "called-in" business where, in the opinion of the Director, Resources, unnecessary delay or difficulty would otherwise arise;
- (h) after having considered any "called-in" business, the Performance Review and Scrutiny Committee shall decide only in accordance with one of the following two options:-
 - (i) Option 1 - To note the Cabinet's decision. (This will have the effect of immediately unfreezing the "called-in" decision); or
 - (ii) Option 2 - To make specific recommendation(s) back to the Cabinet on the "called-in" item. Such recommendation(s) shall be reported to the next available Cabinet meeting without the need for prior publication or approval of the Performance Review and Scrutiny Committee minutes.
Where the Cabinet declines to accept any or all of these, the matter shall continue to be frozen and referred *simpliciter* by the Director, Resources to the full Midlothian Council for determination. Should s/he deem it appropriate, the Director may call Special Council and/or Cabinet meetings to facilitate the determination of the matter.
- (i) a "call-in" may be withdrawn only where all of the signatories so agree and the Director, Resources receives written intimation signed by them to that effect.

4 Recommendations

The Committee is invited to:-

- (a) Note its membership and terms of reference; and
- (b) Appoint a Chair from within its membership.

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