

**(4) OVERVIEW AND SCRUTINY PROCEDURE RULES**

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**DELETED: Information contained in Article 6**

**DELETED: Information contained in PART 3 - TERMS OF REFERENCE**

**DELETED AND REPLACED WITH THE FOLLOWING WORDING (as agreed previously):**

**1. Who may sit on Overview and Scrutiny Committees?**

1.1 All Councillors may be Members of an Overview and Scrutiny Committee. However, subject to clause 1.2 below, no Member may sit on the Policy and Resources Committee, or the Community Services and Licensing Committee while also being a Member of an Overview and Scrutiny Committee. Also, no Member shall scrutinise a decision in which he/she has been directly involved.

1.2 Rule 1.1 above shall not prevent one named Member from each political group who is also a Member of the Overview and Scrutiny Committee from being a substitute for a Member of the same political group who has been appointed to the membership of the Policy and Resources Committee and/or, the Community Services and Licensing Committee.

**2. Co-optees**

2.1 The Overview and Scrutiny Committee or Sub-Committee shall be entitled to recommend to Council the appointment of two people as non-voting co-optees.

**3. Meetings of the Overview and Scrutiny Committees**

3.1 There shall be at least six Ordinary Meetings of the Overview and Scrutiny Committee in each year. In addition, Special Meetings may be called from time to time as and when appropriate. A Special Committee meeting may be called by the Chair of Overview and Scrutiny Committee or by any three Members of the Committee. This shall be by request in writing to the Proper Officer. A Special Meeting may also be called by the Proper Officer if he/she considers it necessary or appropriate.

#### **4. Quorum**

4.1 The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

#### **5. Chairmanship of Overview and Scrutiny Committees**

5.1 The Chairmen of Overview and Scrutiny Committees/Sub-Committees will be drawn from among the Councillors sitting on the Committee/Sub-Committee, and subject to this requirement the Committee/Sub-Committee may appoint such a person as it considers appropriate.

#### **6. Work Programme**

6.1 The Overview and Scrutiny Committee/Sub-Committees will be responsible for setting their own work programmes and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

#### **7. Agenda Items**

7.1 Any Member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

7.2 Any Members of the Council who are not Members of the Overview and Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of the Overview and Scrutiny Committee. If the Proper Officer receives such a notification, then

he/she will include the item on the first available agenda of the Overview and Scrutiny Committee for consideration by that Committee.

- 7.3 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, and if it considers it appropriate the Policy and Resources and Community Services Committees, to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Policy and Resources or Community Services Committees and/or the Council. The Council and/or the Policy and Resources or Community Services Committees shall consider the report of the Overview and Scrutiny Committee within two months of receiving it.

## **8. Policy Development and Overview**

- 8.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 8.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committees or Sub-Committees may make proposals to the Policy and Resources and Community Services Committees for developments in so far as they relate to matters within their terms of reference.
- 8.3 The Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## **9. Reports from Overview and Scrutiny Committees**

- 9.1 Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will prepare a formal report and submit it to the Proper Officer who will allocate it for consideration by the Policy and Resources Committee or where relevant the Community Services or Planning

Committee (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

- 9.2 If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or the relevant Policy and Resources, Community Services or Planning Committee, as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Policy and Resources or relevant Community Services Committee with the majority report.
- 9.3 If the Proper Officer refers the matter to Council, he/she will also serve copies on the Leader of Council and Chairman of the Policy and Resources Committee and where relevant the Community Services or Planning Committee with notice that the matter is to be referred to Council. The Policy and Resources Committee or relevant Community Services or Planning Committee will have three weeks in which to respond to the Overview and Scrutiny report and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Policy and Resources Committee or where relevant the Community Services Planning Committee to the Overview and Scrutiny proposals.
- 9.4 The Council or the Policy and Resources Committee or where relevant the Community Services or Planning Committee shall consider the report of the Overview and Scrutiny Committee at its next scheduled ordinary meeting.
- 9.5 The agenda for each Council, Policy and Resources, Community Service and Planning Committee meeting shall include an item entitled "Issues arising from Overview and Scrutiny". The reports of Overview and Scrutiny Committees referred to Council or a Committee shall be included at this point in the agenda (unless they have been considered in the context of Council's or the Committee's deliberations on a substantive item on the agenda).
- 9.6 Only two reports in every three months may be submitted by the Overview and Scrutiny Committee to each of the Policy and Resources, Community Services and Planning Committees.

9.7 Nothing in this paragraph prevents more detailed liaison between the Policy and Resources or where relevant the Community Services or Planning Committee and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

## **10. Rights of Overview and Scrutiny Committee Members to documents**

10.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

## **11. Members and Officers giving account**

11.1 The Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions (other than quasi judicial decisions) made or actions taken in connection with the discharge of any of the Council's functions. As well as reviewing documentation, in fulfilling the scrutiny role, they may require any Member of the Policy and Resources or Community Services Committees, Head of Paid Service and/or any senior officer to attend before them to explain in relation to matters within their remit:

- (i) any particular decisions or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance

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

(Note: Save in exceptional circumstances, and in agreement with the Head of Paid Service no officer below Chief Officer, Head of Service or other senior officer reporting directly to a Chief Officer shall be required to appear before an Overview or Scrutiny Committee).

11.2 Where any Member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Proper Officer in writing. The Proper Officer shall inform the Member or officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee

will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

11.3 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance to take place within a maximum of ten working days from the date of the original request.

## **12. Attendance by others**

12.1 An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 11 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend. Attendance is entirely optional.

## **13. Call-in**

THIS HAS BEEN AMENDED IN LINE WITH COMPARABLE OTHERS.

13.1 Call-in should only be used in exceptional circumstances. These are where Members of the Overview and Scrutiny Committee have evidence which suggests that the Policy and Resources or the Community Services Committees did not take its delegated decisions in accordance with the principles set out in Article 12 (Decision Making).

13.2 In any event, call-in will not apply to quasi judicial decisions eg. development control and licensing.

13.3 The call-in procedure is as follows:-

- (a) When a decision is made by the Policy and Resources Committee, the Community Services Committee, or under joint arrangements, the decision shall be published within two working days of being made. Members of the Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the proper officer. The publication notice will identify any decisions deemed to be exempt from call-in due to urgency.

- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of ten working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in.
  
- (c) If, during this period, the Chairman of Overview and Scrutiny or three Members of the Committee (from at least two political groups or one group plus non-aligned Members) notify the Proper Officer of the requirement to call in a decision, including written justification – using the Call In Form - as to why the decision should be called in, that Officer will determine whether the item is eligible for call in and ensure that it is placed on the agenda of the next meeting of the Committee or within ten working days of the approval by the Proper Officer of the call in, whichever is the earlier.

The Chairman of the relevant Committee will be informed by the Proper Officer of the decision to call in one of its decisions.

- (d) In considering the call in the Committee has two options:
  - (i) the Committee considers that the decision is appropriate, the decision will then become effective immediately;
  - (ii) the Committee may refer the decision back to the decision making Committee for reconsideration, setting out in writing the nature of its concerns.
  
- (e) If referred back to the decision making Committee, a meeting will be convened to reconsider the decision within a further ten working days.
  
- (f) If following an objection to the decision:
  - (i) the Overview and Scrutiny Committee does not meet in the period set out above or the expiry of the ten working day period, the decision shall take effect on the expiry of that further ten working day period.

#### 13.4 Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are that:

- (i) save in exceptional circumstances, the Overview and Scrutiny Committee may only call-in five decisions per cycle of meetings;
- (ii) where decisions involve expenditure or reductions in service only those over a value of £50,000 per annum may be called-in.

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#### 13.5 Call In and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the Policy and Resources Committee or the Community Services Committee is urgent. A decision will be urgent if the Proper Officer is of the opinion that any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the Proper Officer or his/her nominee, the decision is an urgent one, and therefore not subject to call-in.

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### **14. Procedure at Overview and Scrutiny Committee Meetings**

14.1 The Overview and Scrutiny Committee and Sub-Committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the Committee for a decision in relation to the calling in of a decision;
- (iv) responses of Full Council, the Policy and Resources Committee and the Community Service and Planning Committees to reports of the Overview and Scrutiny Committee; and



(v) the business otherwise set out on the agenda for the meeting.

14.2 Where the Overview and Scrutiny Committee conducts investigations (eg. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

14.3 Following any investigation or review, the Committee/Sub-Committee shall prepare a report, for submission to the relevant Committee and/or Council as appropriate and shall make its report and findings public.