

4: OVERVIEW AND SCRUTINY PROCEDURE RULES

1. What will be the number of and arrangements for Overview and Scrutiny Committees?

The Council will have the one Overview and Scrutiny Committee set out in Article 6 and will appoint to it as it considers appropriate from time to time. The Committee may appoint sub-Committees. Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist:

- (a) The Council will have one Overview and Scrutiny Committee, which will perform all overview and scrutiny functions on behalf of the Council. The Committee will consist of nine Members of the Council and up to two non-voting co-optees.
- (b) The Overview and Scrutiny Committee will be responsible for:-
 - (i) the performance of review and scrutiny functions on behalf of the Council;
 - (ii) the appointment of such sub-Committees as it considers appropriate to fulfil those review and scrutiny functions;
 - (iii) where matters fall within the remit of more than one Overview and Scrutiny Sub-Committee, which it has appointed, the determination of which of those sub-Committees will assume responsibility for any particular issue.
- (c) The Overview and Scrutiny Committee will also be responsible for ensuring that the Council complies with its duty concerning Best Value, in accordance with the Local Government Act 1999.
- (d) To consider Best Value Reviews in accordance with the programme of Best Value Reviews determined by the Policy and Resources Committee and to make recommendations on Best Value Review to the Policy and Resources Committee.

- (e) The Overview and Scrutiny Committee may consider policy development and overview. In this context the Committee shall be responsible for:-
- (i) at their first meeting after each annual Council meeting, the receipt of reports from the Policy and Resources Committee on:-
 - (a) “the State of the District”;
 - (b) the Policy and Resources Committee’s priorities for the coming year; and
 - (c) the Council’s performance in the previous year;
 - (ii) the approval of an annual Overview and Scrutiny Work Programme, including the programme of any sub-Committees they appoint so as to ensure that the Committees’ and sub-Committees’ time is effectively and efficiently utilised;
 - (iii) the putting in place of a system to ensure that referrals from Overview and Scrutiny Committees to Full Council and to the Policy and Resources, Licensing and Planning Committees, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits set out in this Constitution;
 - (iv) in the event of reports to Full Council and the Policy and Resources, Licensing and Planning Committees, exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the efficient running of Council or Committee business, at the request of the Council or Committee the making of decisions about the priority of referrals made.
- (f) On or after adoption of this Constitution, the Overview and Scrutiny Committee may, after consulting appropriate interested parties, appoint and discontinue Sub-Committees subject to there being a maximum of two Sub-Committees for Committee. The Committee may also determine and amend the terms of reference of the Sub-Committees as appropriate. Any change will be reported to the proper officer and then to the next meeting of the Council by the Chair of the relevant Overview and Scrutiny Committee.

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

2.1 Any Councillor may be a Member of an Overview and Scrutiny Committee. However, subject to clause 2.2 below, no Member may sit on the Policy and Resources Committee, **Planning Committee** or the 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.

2.2 Rule 2.1 above shall not prevent one named Member for 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 **Planning Committee** PROVIDED THAT if a Member of the Overview and Scrutiny Committee is acting as a substitute on a Policy Committee, that Member may not also act in the capacity as an observer of the Policy Committee at the same meeting under the Overview and Scrutiny Committees rota for shadowing Policy Committees.

3. **Co-optees**

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.

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

There shall be at least five 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 an Overview and Scrutiny Committee, by any three Members of a Committee or by the Proper Officer if he/she considers it necessary or appropriate.

5. **Quorum**

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.

6. **Chairmanship of Overview and Scrutiny Committees**

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.

7. **Work Programme**

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.

8. **Agenda Items**

- (a) 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.
- (b) Any Members of the Council who are not Members of the relevant Overview and Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of that relevant 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 relevant Overview and Scrutiny Committee for consideration by that Committee.
- (c) The relevant 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 Committee 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 Committee and/or the Council. The Council and/or the Policy and Resources Committee shall consider the report of the Overview and Scrutiny Committee within two months of receiving it.

9. **Policy Development and Overview**

- (a) 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.
- (b) 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 Committee and for developments in so far as they relate to matters within their terms of reference.
- (c) 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.

10. **Reports from Overview and Scrutiny Committees**

- (a) 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** Licensing or Planning Committee (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or the relevant Policy and Resources Committee, 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 Committee with the majority report.

- (c) 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 Licensing or Planning Committee with notice that the matter is to be referred to Council. The Policy and Resources Committee or relevant Licensing 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 Licensing or Planning Committee to the Overview and Scrutiny proposals.
- (d) The Council or the Policy and Resources Committee or where relevant the Licensing or Planning Committee shall consider the report of the Overview and Scrutiny Committee within six weeks of it being submitted to the proper officer.
- (e) The agenda for each Council, Policy and Resources Committee 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).
- (f) Only two reports in every three months may be submitted by the Overview and Scrutiny Committee to each of the Policy and Resources and Planning Committees.
- (g) Nothing in this paragraph prevents more detailed liaison between the Policy and Resources or where relevant the Planning Committee and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

11. Rights of Overview and Scrutiny Committee Members to documents

In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have rights of access to documents as Members of the Committee.

12. Members and Officers giving account

- (a) 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 Committee, Head of Paid Service and/or any Senior Manager 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 or Service Lead or other senior officer reporting directly to a Chief Officer shall be required to appear before an Overview or Scrutiny Committee).

- (b) 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. 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.
- (c) 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.

13. **Attendance by others**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 12 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.

14. **Call-in**

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 Planning Committee did not take decisions in accordance with the principles set out in Article 12 (Decision Making).

In any event call-in will not apply to development control and quasi-judicial decisions such as licensing.

The call-in procedure is as follows:-

- (a) When a decision is made by the Policy and Resources Committee or the **Planning Committee** or under joint arrangements the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally 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.
- (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) During that period, the Proper Officer shall call-in a decision for scrutiny by the Committee if so requested in writing signed by the Chairman or any three Members of the Committee, and shall then notify Members of the decision-making Committee of the call-in. He/she shall call a meeting of the Committee

on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within ten working days of the decision to call-in.

- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making Committee for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred back to the decision making Committee, a meeting will be convened to reconsider the decision within a further ten working days.
- (e) 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; or
 - (ii) the Overview and Scrutiny Committee does meet but does not refer the matter back to the decision making Committee, the decision shall take effect on the date of the meeting
- (f) If the matter is referred to Full Council, and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision making Committee, together with the Council's views on the decision. A meeting of the decision making Committee will be convened to reconsider within ten working days of the Council's request.
- (g) If, following referral to it:-
 - (i) The Council does not meet the decision will take effect on the expiry of the period in which the Council meeting should have been held; or
 - (ii) The Council does not refer the decision back to the decision making Committee the decision shall take effect on the date of the Council meeting.

EXCEPTIONS

- (h) 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 £25,000 per annum may be called-in;
 - (iii) Three Members of the relevant Overview and Scrutiny Committee (from at least two political groups or one group plus non-aligned Members) are needed for a decision to be called-in.

CALL-IN AND URGENCY

- (i) The call-in procedure set out above shall not apply where the decision being taken by the Policy and Resources Committee or the **Planning Committee** is urgent. A decision will be urgent if the Head of Paid Service 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 Head of Paid Service or his/her nominee, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (j) The operation of the provisions relating to call-in and urgency shall be monitored annually by the Head of Paid Service or his/her nominee, and a report submitted to Council with proposals for review if necessary.

15. Procedure at Overview and Scrutiny Committee Meetings

- (a) 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 Planning Committees to reports of the Overview and Scrutiny Committee; and
 - (v) The business otherwise set out on the agenda for the meeting
- (b) 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.
- (c) 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.