

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. NUMBER AND SIZE OF COMMITTEES**

- 1.1 The Council will have an Overview and Scrutiny Committee as set out in Article 8 and will appoint members to it. The Committee may appoint such sub-committees and working groups, as it considers appropriate.

### **2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES**

- 2.1 All councillors except members of the Cabinet and the Mayor may be members of the Overview and Scrutiny Committee. However, no councillor may be involved in scrutinising a decision which he has been directly involved with.

### **3. CO-OPTEEES**

- 3.1 The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees such as representatives from other organisations, local residents, outside experts etc.

### **4. MEETINGS**

- 4.1 There shall be at least 4 ordinary meetings of the Overview and Scrutiny Committee in every year in accordance with the calendar of meetings agreed by the Council. These shall be at times and venues to be decided by the Committee.
- 4.2 In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary Overview and Scrutiny Committee meeting may be called by:
- (a) the Chairman of the Overview and Scrutiny Committee,
  - (b) any 3 members of the Committee; or
  - (c) The lead staff member to the Committee if he considers it necessary or appropriate after consultation with the Chairman.
- 4.3 When calling an extraordinary meeting the justification for doing so shall be given.
- 4.4 Any councillor may attend meetings of the Overview and Scrutiny Committee of which he is not a member but shall sit separately from the members of the Committee so that it is clear to members of the public, who are the members of the Committee. A councillor shall not be entitled to attend meetings of working groups or sub-committees unless appointed as a member or invited to attend by the working group or sub-committee.
- 4.5 A councillor in attendance at meetings may, when invited to do so by the Chairman, speak at the meeting in relation to an issue being discussed, provided he has notified the Chairman before the start of the meeting of his wish to speak on the item.
- 4.6 A councillor appointed as the Council's representative on an outside body may attend meetings and speak in relation to an issue being discussed which affects that body, provided that he has notified the Chairman before the start of the meeting of his wish to speak on the item.

## **5. APPOINTMENT OF CHAIRMAN**

- 5.1 At the first meeting in the municipal year the Committee will elect the Chairman for the year from amongst the councillors appointed to the Committee. In the event of an equality of votes, the appointment shall automatically be deferred to the next meeting and the Committee shall elect a Chairman for the meeting to enable the business on the agenda to be transacted. The Chairman will then conduct the appointment of a Vice-Chairman.
- 5.2 The Chairman shall preside at every meeting of the Committee at which he is present but may invite the Vice-Chairman of the Committee to preside over all, or any part of the meeting.
- 5.3 In the absence of the Chairman, the Vice-Chairman shall preside and, in the absence of the Chairman and the Vice-Chairman, the Committee shall elect a person from among their number to preside at the meeting, which will be conducted by the lead staff member.

## **6. QUORUM**

- 6.1 The quorum for the Overview and Scrutiny Committee (or any sub-committee) shall be one quarter of the members of the Committee.

## **7. WORK PROGRAMME**

- 7.1 The Overview and Scrutiny Committee shall be responsible for setting its own work programme and in doing so shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council. Any work programme agreed may be amended from time to time.

## **8. AGENDA ITEMS**

- 8.1 Any councillor shall be entitled to notify the Chairman that they wish a relevant item to be included on the agenda for the next available meeting of the Committee; such notice to include the reason for wanting the matter to receive Committee consideration. The Chairman shall consider such a request and if he agrees that it is an appropriate matter for the Committee to discuss, the lead staff member to the Committee will ensure that it is included on the next available agenda. If the Chairman does not consider it appropriate for the Committee to consider the item requested, then he shall give his reasons to the councillor making the request. (Note: this relates to any matter relevant to the functions of the Committee other than a 'call-in' of a key decision, which is dealt with separately in paragraph 16 below)

## **9. ORDER OF BUSINESS**

- 9.1 The normal order of business at overview and scrutiny committees shall be:
- (a) Apologies for absence;
  - (b) Minutes of the last meeting;
  - (c) Disclosures of interests;
  - (d) Call in of a Leader, Cabinet or Cabinet Member decision;
  - (e) Any matter referred under the "Councillor call for action" procedures

- (f) Outcomes of any reports or recommendations to the Leader, Cabinet or Cabinet Member
- (g) Matters set out in the work programme for the meeting
- (h) Cabinet Forward Plan
- (i) Members of the Committee to suggest items for future Committee consideration
- (j) Work Programme; and
- (k) Any business identified by the Lead staff member to the Scrutiny Committee and agreed by the Chairman

9.2 Duration of meetings (Please see Standing Orders for Council contained in part 4 section (a) of the Council's Constitution for the rules on the length of time allowed for a single meeting).

## **10. POLICY REVIEW AND DEVELOPMENT**

10.1 The role of the Overview and Scrutiny Committee 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.

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Leader, Cabinet or Cabinet Member (as the case may be) for developments in so far as they relate to matters within their terms of reference.

10.3 The Overview and Scrutiny Committee 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.

## **11. CONDUCT OF REVIEWS**

11.1 Before starting any review or enquiry, the Overview and Scrutiny Committee will:

- (a) Define the issue it wishes to look at and the Committee's purpose in undertaking the review;
- (b) Indicate the type of background information and any performance or other data the Committee requires;
- (c) Indicate the individuals the Committee would like to interview as part of their review (e.g. Members of the Cabinet, staff, representatives from other organisations, local residents and outside experts. etc);
- (d) Set a realistic timescale including meeting dates if there are to be additional meetings to those in the calendar; and

- (e) Decide whether the review is to be undertaken by the Committee itself or by a working group of members of the Committee reporting to the main Committee.
- 11.2 The terms of reference for any review to be undertaken by the Overview and Scrutiny Committee will be agreed by the Chairman of the Committee with the assistance of the lead staff member and sent to all members of the Committee. The Chairman of the Committee will then manage the review with the lead staff member and support of the committee manager.
- 11.3 Where the Overview and Scrutiny Committee conducts reviews or investigations and asks people to attend to give evidence, it will proceed in accordance with the following principles:
- (a) that the review or investigation will be conducted fairly and all members of the Committee will be given the opportunity to ask questions, to contribute and speak;
  - (b) that those assisting the Committee by attending be treated with respect and courtesy; and
  - (c) that the review or investigation be conducted so as to maximise the efficiency of the investigation or analysis.

## **12. REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

- 12.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report or recommendation and submit it to the lead staff member for consideration by the Leader or Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council (if the recommendation would require a departure from or a change to the agreed budget and policy framework) as appropriate.
- 12.2 If the Overview and Scrutiny Committee cannot agree on one single final report or recommendation to the Council, Leader or Cabinet as appropriate, then up to one minority report or recommendation may be prepared and submitted for consideration by the Council, Leader or Cabinet with the majority report or recommendation.
- 12.3 The Council, Leader or Cabinet shall consider the report or recommendation of the Overview and Scrutiny Committee within eight weeks of it being submitted to the lead staff member.
- 12.4 The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports and recommendations of the Overview and Scrutiny Committee referred to the Leader, Cabinet or Cabinet Member shall be included at this point in the agenda (unless they have already been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within eight weeks of the Overview and Scrutiny Committee completing its report or recommendations.
- 12.5 All references and recommendations from the Overview and Scrutiny Committee will be considered by the Cabinet notwithstanding that the original decision may have been taken by an individual member of the Cabinet.

- 12.6 When the Council does meet to consider any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Leader or Cabinet to the Overview and Scrutiny proposals.
- 12.7 Where the Overview and Scrutiny Committee prepares a report or recommendation for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to an individual member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report or recommendation to that individual for consideration and all members of the committee, for information. At the time of doing so, the Overview and Scrutiny Committee shall also serve a copy on the lead staff member and the Leader. If the councillor with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee, then they must then refer the matter to the next available meeting of the Cabinet for debate before exercising their decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Cabinet Member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within eight weeks of receiving its report. A copy of their written response to it shall be sent to the lead staff member and the councillor will attend a future meeting to respond.
- 12.8 The Overview and Scrutiny Committee will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following its consideration of possible policy/service developments, the Committee will at least be able to make its views known to the Cabinet in relation to any key decision.

### **13. RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS**

- 13.1 In addition to their rights as councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notices of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 13.2 The above provision does not prevent detailed discussion between the Cabinet and the Overview and Scrutiny Committee taking place on the particular matter under consideration.

### **14. MEMBERS AND OFFICERS GIVING ACCOUNT**

- 14.1 The Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive, Deputy Chief Executives, or Heads of Service to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance.

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

- 14.2 Where any councillor or staff member is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of that committee will inform the lead staff member. The lead staff member shall inform the councillor(s) or staff members in writing giving at least 5 working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are 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 councillor or staff member concerned will be given sufficient notice to allow for the preparation of that documentation.
- 14.3 Where in exceptional circumstances, the councillor or staff member is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the councillor or staff member arrange an alternative date for attendance.

## **15. ATTENDANCE BY OTHERS**

- 15.1 The Overview and Scrutiny Committee may invite people other than those people referred to in 14 above to address the meeting, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and councillors and staff members in other parts of the public sector and shall invite whosoever it considers appropriate to attend.

## **16. CALL IN PROCEDURE**

- 16.1 The Overview and Scrutiny Committee shall be entitled to call in for consideration any decisions taken by the Leader, Cabinet or a Cabinet Member in accordance with the following procedure:
- 16.2 The "call in" procedure shall not apply to recommendations the Cabinet makes to the Council.
- 16.3 The call in procedure does not apply to urgent decisions (i.e. a decision which has been taken without the normal period of notice being given after consultation with and the agreement of the Chairman of the Overview and Scrutiny Committee that the decision was urgent).
- 16.4 Within five working days of the date on which a decision of the Leader, Cabinet or a Cabinet Member is published, not less than three councillors [one of whom must be the Chairman] of the Overview and Scrutiny Committee, may give notice in writing to the lead staff member of their wish that the decision should be considered by the Overview and Scrutiny Committee before it is implemented.
- 16.5 On receipt of such a notice the lead staff member will advise the Chairman of the Committee, of the call in and liaise with the Chairman to arrange for the committee to meet to consider the matter as soon as reasonably practicable.
- 16.6 To avoid delay in considering an item "called in", an extraordinary meeting of the Committee shall be convened within seven working days of a "call in" being received if an ordinary meeting is not scheduled in that period.
- 16.7 When calling in a Leader, Cabinet or Cabinet Member decision for review, the councillors doing so shall in their notice of "call in"
- outline their reasons for requiring a review;

- Indicate any further information they consider the Committee needs to have before it in order to conduct a review in addition to the written report made by staff ;
  - Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and
  - Indicate whether the staff member making the report to the Cabinet or to the Cabinet Member taking the decision or his representative should attend the meeting.
- 16.8 When a decision is called in for review, the Chairman of the Overview and Scrutiny Committee may arrange for any additional information they consider necessary to be made available to the Committee when it meets.
- 16.9 Where requested to do so, staff will arrange for the additional information to be supplied to the meeting and the staff member making the report to the Leader or Cabinet etc will attend.
- 16.10 When requested to do so, the Leader or his nominee, where the Cabinet has made the decision or the Cabinet Member who has made the decision will attend the meeting.
- 16.11 Having reviewed the decision, the Overview and Scrutiny Committee may either:
- (a) Request the Leader, Cabinet or Cabinet Member to reconsider the matter for reasons to be put forward by the Committee in their request to reconsider; or
  - (b) decide that no further action be taken, in which case the decision of the Leader or Cabinet etc may be actioned without further consideration or delay.
- 16.12 Where a decision is taken by the Leader, Cabinet or a Cabinet Member following consideration of a recommendation on the matter from the Overview and Scrutiny Committee and the decision is called in under the above procedure (ie a second call in on the same matter), the Overview and Scrutiny Committee must either:
- (a) refer the matter to the Council for decision with a recommendation from the Committee as to what it considers appropriate; or
  - (b) decide that no further action be taken, in which case the decision of the Cabinet or Cabinet Member may be actioned without further consideration or delay.

## **17. THE PARTY WHIP**

- 17.1 The party political groups represented on the Council have recognised and agreed in principle that political group whipping as described in the Secretary of States' Guidance to New Council Constitutions is not appropriate and will not be applied in relation to the function of overview and scrutiny.

- 17.2 When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip, the councillor must declare the existence of the whip and the nature of it before commencement of the Committee's deliberations on the matter. This shall then be recorded in the minutes of the meeting.