

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

For the purposes of Article 7.06 of this Constitution these Overview and Scrutiny Procedure Rules apply to any Overview and Scrutiny Committees and sub-committees that the Council has appointed in accordance with Article 6. Procedure rules 7, 10, 12 to 15 (inclusive) do not apply to the Health Overview and Scrutiny Committee.

### **1. MEETINGS OF OVERVIEW COMMITTEES AND SCRUTINY COMMITTEES**

#### **1.1. Dates of Meetings**

Unless Full Council has determined the number of meetings every Overview Committee and every Scrutiny Committee may determine their own cycle of meetings.

#### **1.2. Business**

Without prejudice to Council Procedure Rule 28 Overview Committee and Scrutiny Committee meetings shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest (including whipping declarations);
- (c) consideration of any matter referred to the committee for a decision in relation to the call-in of a decision;
- (d) responses of the Executive to reports of the committee; and
- (e) the business otherwise set out on the agenda for the meeting.

### **2. QUORUM**

- 2.1. Subject to Overview and Scrutiny Rule 2.2, the quorum for any Overview Committee and any Scrutiny Committee or sub-committees shall be as set out in Council Procedure Rule 32.

### **3. CHAIRING MEETINGS**

- 3.1. The Chairman and Vice Chairman of any Overview Committee and any Scrutiny Committee shall be appointed in accordance with Article 7.03.
- 3.2. In the absence of the Chairman or Vice-Chairman Council Procedure Rule 30(c) shall apply.

### **4. CO-OPTEEES, CHURCH AND PARENT REPRESENTATIVES**

- 4.1. Overview Committees and Scrutiny Committees and their sub-committees can include people who are not Members. The law identifies various situations when such people can both speak and vote at such committees including in accordance with a scheme produced by the Council.
- 4.2. The Church and Parent Representatives may not however remain in the meeting (other than as a member of the public) when the overview and scrutiny committee or

sub-committee is considering matters other than those relating to the Council's education functions.

- 4.3. Church and Parent Representatives have the same rights of access to information relating to the Council's education functions as Members.

## 5. **WORK PROGRAMME**

- 5.1. The Overview Committee and Scrutiny Committees will be responsible for setting their overall work programme.

## 6. **AGENDA ITEMS**

### 6.1. **Rights of Overview Committee and Scrutiny Committee members to have matters put on the agenda of the committee**

- (a) Any member of an overview committee or scrutiny committee shall be entitled to give written notice to the designated scrutiny officer that s/he wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.
- (b) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the relevant Committee, an item and copy of the request shall be included on the agenda for that meeting.
- (c) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the Committee, an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

### 6.2. **Rights of Members to have matters put on the agenda of an overview and scrutiny committee (including councillor call for action)**

- (a) Any Member has the right to refer to an overview committee or a scrutiny committee of which s/he is not a member any matter which is relevant to the functions of the committee and is not a local crime and disorder matter or a matter of any description prescribed by the Secretary of State.
- (b) A Member wishing to refer a matter must give written notice to the designated scrutiny officer that s/he wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.
- (c) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the relevant Committee, an item and copy of the request shall be included on the agenda for that meeting.
- (d) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the relevant Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

### 6.3. **Requests from Council and the Leader/Executive**

Full Council (by resolution) and the Leader/the Executive, may request that any matter is included on the agenda of an overview committee or a scrutiny committee and the relevant Overview and Scrutiny Committee shall include the request in its work programme permits.

## **7. REPORTS AND RECOMMENDATIONS**

- 7.1. Except where the People and Health Scrutiny Committee is exercising its statutory external scrutiny functions, once a Scrutiny Committee has formed proposals, it will submit a formal report, including recommendations for consideration by the Leader/Executive (if the proposals relate to an executive function and are consistent with the existing budget and policy framework), or to the Council as appropriate (for example, if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 7.2. The Council or Leader/Executive shall consider and respond to the report and/or recommendations of the committee, indicating what (if any) action is proposed within two months of the report being submitted.
- 7.3. Where a scrutiny committee submit a report for consideration by the Executive in relation to a matter where the Leader has delegated decision-making power to a Portfolio Holder, the report will be submitted to him/her for consideration. The Portfolio Holder must consider the report and respond in writing to the relevant Scrutiny Committee within two months of receiving it. The Portfolio Holder will also attend a future meeting of the relevant Scrutiny Committee to present their response if requested to do so.

## **8. FAILURE TO CONSIDER REPORT**

In the event that Leader/Executive fails to consider and to respond to the relevant Committee within two months of the report being submitted, the Chairman of the relevant Committee shall be entitled to refer the matter to the next meeting of the full Council.

## **9. RIGHTS OF OVERVIEW AND SCRUTINY MEMBERS TO DOCUMENTS**

In addition to their rights as Members, members of an overview and scrutiny committee or sub-committee have the right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 5 of this Constitution.

## 10. MEMBERS AND OFFICERS GIVING ACCOUNT

- 10.1. Scrutiny committees may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation they may require any officer or Executive Member to attend a meeting to answer questions. This will normally be confined to the Leader, any Portfolio Holder, the Head of Paid Service, and any statutory or chief officer. Attendance by officers below these will require the prior agreement of the Head of Paid Service.
- 10.2. Where a specific request has been made it is the duty of those persons to attend if so required. This requirement extends to sub-committees and task and finish groups established by an overview and scrutiny committee. In addition a standing invitation exists for the Leader/Executive to attend overview committee and scrutiny committee meetings.
- 10.3. Where the Leader, Portfolio Holder or officer is required to attend a scrutiny body under this Rule, the designated scrutiny officer shall inform the member or officer in writing giving sufficient notice of not less than 10 working days' notice. The notice will state the nature of the matter on which s/he is required to give an account and whether any written evidence needs to be produced for the meeting. Sufficient notice should be given to allow reasonable time to produce the written evidence.
- 10.4. The Chairman of the relevant Overview and Scrutiny Committee shall determine the reasonableness of the notice if disputed.

## 11. ATTENDANCE BY OTHERS AND EVIDENCE GATHERING

Overview committees and scrutiny committees may appoint advisors and invite people to attend at their meetings to provide information. Attendees at a meeting should be treated with respect and courtesy.

## 12. CALL-IN

- 12.1. Call-in should only be used in exceptional circumstances.
- 12.2. When a decision is made by the Leader/Executive, Portfolio Holder, or an Executive Committee, or is made by an officer with delegated authority or under executive 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 days of being made. The Chairman of the relevant Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 12.3. The decision 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, subject to the provisions of this Rule on the expiry of five clear working days after the publication of the decision.
- 12.4. If any six members of the same relevant Scrutiny Committee consider that a Key Decision has breached or will breach the principles for good decision-making in Article 13.02 or a decision has been made that was not treated as being a Key Decision, they may give a written call-in notice to the Monitoring Officer or his/her

absence to the Head of Paid Service. The call-in notice shall identify the decision to be called-in and the grounds for the call-in.

- 12.5. The Monitoring Officer or in his/her absence to the Head of Paid Service, will if satisfied that there are reasonable grounds for the proposed call-in, notify the decision-maker of the call-in within five clear working days and arrange for a meeting of the relevant Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, as soon as reasonably practicable after receipt of the call-in notice.
- 12.6. If, having considered the decision, the relevant Scrutiny Committee is concerned about it, then:
  - 12.6.1. in the case of a decision that was not treated as being a Key Decision, the Committee may require the decision-maker to submit a report to the full Council within such reasonable period as it may specify setting out the particulars of the decision, the reasons for the decision and if the decision-maker considers that the decision was not a key decision, the reasons for that opinion; or
  - 12.6.2. in the case of a Key Decision the Committee may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Full Council. If referred to the decision-maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.
- 12.7. If, having considered the decision, the relevant Scrutiny Committee is not concerned about it, then the decision will come into force, and may then be implemented immediately
- 12.8. If the latter was 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 Overview and Scrutiny Procedure Rule 12.12.
- 12.9. The Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 12.10. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider the Council's view as soon as reasonably practicable.
- 12.11. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- 12.12. If the Council meets but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting.

### 13. **EXCEPTIONS TO CALL-IN**

Call-in will not apply to the following decisions:

- (a) non-executive decisions, e.g. individual planning decisions;
- (b) executive decisions made by Area Committees (if any);
- (c) decisions made on any appeal;
- (d) decisions already called-in once;
- (e) non-key decisions made by officers; and
- (f) urgent decisions (subject to compliance with Overview and Scrutiny Procedure Rule 14).

#### **14. URGENT DECISIONS EXCLUDED FROM CALL-IN**

- 14.1. The call-in procedure set out in Overview and Scrutiny Procedure Rule 12 shall not apply where the decision being taken by the Council, Leader/Executive or officer is urgent. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.
- 14.2. The Chairman of the relevant Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Chairman of another Scrutiny Committee; if there is no such Chairman able to act, the Chairman of the Council; or in his absence, the Vice-Chairman of Council must agree.
- 14.3. Decisions taken as a matter of urgency must be reported to the next available meeting of the council, together with the reasons for urgency.
- 14.4. For the purposes of this Rule a decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

#### **15. MONITORING AND REVIEW OF CALL-IN RULES**

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council by the Proper Officer with proposals for review if necessary.

16. **THE PARTY WHIP**

If a member of an overview and scrutiny committee is subject to a party whip in respect of a matter to be considered by the committee, the Member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

17. **MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE**

Where a matter for scrutiny consideration falls within the remit of more than one overview and scrutiny committees, the decision as to which committee will consider it will be resolved by agreement between the respective chairmen, and in default of agreement, by the Proper Officer.

