

## Overview and Scrutiny Procedure Rules

### 1. The arrangements for Overview and Scrutiny Committee

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations under Section 32 of the Act. The size and composition of the Committee will be determined by Council.

The terms of reference of the Overview and Scrutiny Committee will be:

- (a) the performance of the Overview and Scrutiny functions on behalf of the Council;
- (b) the appointment of such Sub-Committees as it considers appropriate to fulfil those Overview and Scrutiny functions; (these Procedure Rules apply to any such appointed Sub-Committees);
- (c) to approve an annual Overview and Scrutiny work programme, including the programme of any Sub-Committees it appoints, so as to ensure that the Committee's and Sub-Committees' time is effectively and efficiently utilised; and
- (d) to consider any items called in by Members and to make recommendations to the Cabinet on these.

### 2. Members of the Overview and Scrutiny Committee

All Members, except members of the Cabinet, may be members of the Overview and Scrutiny Committee and Sub-Committees. However, no Member may be involved in scrutinising a decision which he/she has been directly involved in.

### 3. Co-optees

The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

### 4. Meetings of the Overview and Scrutiny Committee

At least 6 ordinary meetings of the Overview and Scrutiny Committee shall be programmed for each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. The Overview and Scrutiny Committee meeting may be called by the Chairman of the Committee, by any 6 members of the Committee in writing to the Democratic Services Manager, or by the Democratic Services Manager if he/she considers it necessary or appropriate.

### 5. Quorum

The quorum for the Overview and Scrutiny Committee shall be as set out for Committees in Rule 27 of the Council Procedure Rules in Part 4.

### 6. Who chairs meetings of the Overview and Scrutiny Committee

- (a) Meetings of the Overview and Scrutiny Committee will be chaired by the

Chairman or in his/her absence the Vice-Chairman.

- (b) The Chairman will be appointed by Council at its Annual Meeting.
- (cb) The Vice-Chairman will be appointed at its first meeting following Annual Council.

## 7. **Work programme**

The Overview and Scrutiny Committee will be responsible for setting its own work programme.

## 8. **Agenda items**

- (a) Any member of the Overview and Scrutiny Committee shall be entitled to give notice that he/she wishes an item relevant to the functions of the Committee to be included on the agenda by returning the request form to the Democratic Services Manager. On receipt of the request, the Democratic Services Manager will ensure that the item is discussed at the next Overview and Scrutiny pre-meeting and put forward for agreement at the next Committee meeting.
- (b) Any Members of the Council who are not members of the Overview and Scrutiny Committee may give written notice to the Democratic Services Manager that they wish an item to be included on the agenda of a relevant Overview and Scrutiny Committee. If the Democratic Services Manager receives such a notification, then he/she will include the item on the next available agenda of the Overview and Scrutiny Committee for consideration by the Committee.
- (c) The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council.
- (d) The Overview and Scrutiny Committee will have access to the Cabinet's work programme and timetable for decisions and intentions for consultation.
- (e) Suggestion from members of the public will be handled in accordance with the procedure set out in Section 19.

## 9. **Policy review and development**

- (a) 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 in Part 4.
- (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 Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

- (c) 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.

#### 10. **Reports from the Overview and Scrutiny Committee**

Recommendations from the Overview and Scrutiny Committee will be reported to the next available meeting of the Cabinet, or to the Council in the case of a matter referred to it directly by Council.

#### 11. **Rights of Overview and Scrutiny Committee members to documents**

- (a) In addition to their rights as Members, members of 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.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee as appropriate, depending on the particular matter under consideration.

#### 12. **Procedure at Meetings of the Overview and Scrutiny Committee**

- (a) Meetings of the Overview and Scrutiny Committee shall consider the following business:
  - (i) minutes of the last meeting;
  - (ii) declarations of interest (including whipping declarations);
  - (iii) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision; and
  - (iv) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. 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.

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

- (a) The Overview and Scrutiny 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, other Member, the Head of Paid Service and/or a Head of Service to attend before it to explain in relation to matters within their remit:
- (i) any particular decision 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.

- (b) Where any Member or officer is required to attend Overview and Scrutiny Committee under this provision, the Chairman will inform the Democratic Services Manager, who shall then inform the Member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend and may incur reasonable expenditure in so doing.

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, the Democratic Services Manager shall arrange an alternative date for attendance in consultation with the Chairman of the Overview and Scrutiny Committee and the Member or officer .
- (d) Where someone requested to attend is genuinely unable to attend, he/she may nominate another Member or officer who is able to speak on the topic to attend.
- (e) Speakers shall be entitled to a copy of any draft minute or other record taken of their contribution for comment. Should they feel that such record is not accurate, they shall be given the opportunity to make a written representation asking for the correction to be submitted to the next meeting of the Overview and Scrutiny Committee.
- (f) Overview and Scrutiny Committee meetings shall be open to the press and public, except where they are considering matters which would give rise to the disclosure of confidential or exempt information as defined in Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

#### 14. **Attendance by others**

The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 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 may invite such people to attend and may incur reasonable expenditure in so doing.

#### 15. **Call-in**

##### (a) **'Call-in' by whom**

At least 3 Members acting together may call-in a decision not specifically ward-related or an individual Member may call-in a decision if it directly concerns his/her ward, provided the call-in request meets the criteria under (c) below.

##### (b) **'Call-in' to whom**

A request for a Cabinet decision to be "called-in" will be made in the first instance to the Democratic Services Manager who will notify the Monitoring Officer who will decide whether a request falls within the criteria. No judgement on the merits, or otherwise, of the request will be made.

Where a call-in request is to be rejected, the Chairman of Overview and Scrutiny Committee shall be consulted before a final decision is reached.

##### (c) **'Call-in' Criteria**

A Cabinet decision will be called-in if the Monitoring Officer is satisfied that one or more of the following conditions apply:

- (i) the decision has been made without compliance to Standing Orders;
- (ii) the decision is outside the terms of reference of the Cabinet or the delegated authority of the decision maker;
- (iii) the decision is in conflict with existing policy or the Corporate Plan;
- (iv) there is no budget, or insufficient budget provision, to implement the decision;
- (v) that information contained within the report leading to the decision was incomplete or inaccurate or that the process leading to the decision did not comply with the relevant legal requirements.

In all cases the Member(s) must provide reasons to support the belief which has given rise to the call-in request, or, if the belief is that the information was inaccurate or incomplete, must provide details of the alleged inaccuracies or missing information.

It will not be possible normally to call-in a decision simply because a Member

or Members do not agree with it. However, a decision may be called-in for this reason, or any other reason, if the request for call-in is made by one half of all Members of the Council collectively. Decisions called in on this basis will be referred to full Council and not to the Overview and Scrutiny Committee.

(d) **'Call-in' Procedure**

All Members will have access to the reports to be considered by the Cabinet at least 5 clear days before the appropriate meeting.

A list of the Cabinet decisions will then be distributed to all Members by the second working day after each meeting.

Members who wish to 'call-in' a decision must do so, in writing, to the Democratic Services Manager by noon on the 6<sup>th</sup> working day after the meeting of the Cabinet. A standard form is available for this purpose.

The Democratic Services Manager will receive the request and notify the Monitoring Officer who will either:

- (i) accept the request as being in accordance with the criteria; or
- (ii) following consultation with the Chairman of the Overview and Scrutiny Committee, reject the request on the grounds that it is not in accordance with the criteria.

**Notes:**

- (i) In both cases the Member(s) who made the request, the Chairman of the Cabinet, the Chairman of the Overview and Scrutiny Committee, Management Team, the author of the report and the appropriate Committee Officer will be advised accordingly.
- (ii) To assist Members, the list of decisions will contain the date for call-in.

(e) **Effect of Call-in**

Cabinet decisions will not become effective until the call-in period, set out in sub paragraph (d) above, has expired (unless the urgency procedure applies). Further, in the event that a matter is properly called-in, the decision will not become effective until considered by the Overview and Scrutiny Committee or dealt with under the call-back arrangements.

(f) **'Call-Back'**

At the discretion of the Chairman of the Cabinet it will be possible for the Cabinet to "call-back" a decision without it first going to the Overview and Scrutiny Committee. This may occur:

- (i) at the request of the Cabinet because further information has come to light; or
- (ii) when the Chairman of the Cabinet, having heard the reason for the

call-in request, considers that it would be appropriate to look again at its decision.

(g) **Other Procedural Matters**

- (i) In the event of a "called-in" matter remaining unresolved between the Cabinet and the Overview and Scrutiny Committee, the matter shall be the subject of a report to full Council, and Council will determine the issue.
- (ii) Members who have "called-in" a matter shall have the right to attend and address the Overview and Scrutiny Committee but not to vote.

16. **Call-In and Urgency**

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or the public's interests. 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.

The Chairman of the Overview and 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 Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of full Council, together with the reasons for urgency.

- 16.1 The operation of the provisions relating to call-in and urgency shall be monitored by the General Purposes Employment Appeals and Ethics Sub-Committee, and a report submitted to Council with proposals for review if necessary.

17. **The Party Whip**

When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a Party Whip, the member must declare the existence of the Whip, and the nature of it, before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the Whipping arrangements, shall be recorded in the minutes of the meeting.

18. **Matters within the remit of the Overview and Scrutiny Committee and its Sub-Committees**

Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls in part within the remit of an Overview and Scrutiny Sub-Committee, the Chairman of the Sub-Committee (or his/her nominee) will be invited to attend its meetings when the matter is being reviewed.

- 19. Procedure for Handling Overview and Scrutiny Suggestions from the Public**
- (a) Suggestion is submitted by either e-mail or by completion of the leaflet from a member of the public.
  - (b) Democratic Services will acknowledge the suggestion and advise that it will be considered and a further notification regarding whether or not it will be taken up by the Committee will be sent. There is no guarantee that the suggestion will be taken forward, it is up to the Members.
  - (c) The suggestion is logged on a spreadsheet by Democratic Services. In this way the number of suggestions taken up can be monitored and reported to Committee on an annual basis.
  - (d) The suggestion is then sent to the Chairman and Vice-Chairman of the Overview and Scrutiny Committee for information.
  - (e) A meeting to discuss all suggestions received will be held monthly, if required. The panel will consist of the Chairman, Vice-Chairman and Democratic Services.
  - (f) The panel will decide which of the suggestions is referred to the Committee and how it will be taken forward under the work programme report.
  - (g) If the suggestion is not taken forward by the Committee, there may still be an expectation by the originator that the Council will take action. The suggestion could be referred to the ward Member under the Councillor Call for Action procedure or to a Head of Service, if appropriate.
  - (h) If the suggestion is successful, the originator will be invited by Democratic Services to address the panel or Committee to which it has been referred.
  - (i) A letter or e-mail to advise them of the outcome or report to Committee will be sent to the originator.