

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Scope

1.1 These procedure rules will apply to the Council's Overview and Scrutiny Committees.

1.2 The role of Overview and Scrutiny Committees is to:

- (a) Review and scrutinise the decisions made by, and the performance of, Cabinet, individual Cabinet Members and Council Officers in relation to individual decisions
- (b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas
- (c) Question Members of Cabinet, its Committees and appropriate Officers about their decisions and performance targets, over a period of time, or in relation to particular decisions, initiatives or projects
- (d) Question and gather evidence from any person, with their consent
- (e) Make recommendations to Cabinet or any other appropriate body of the Council, including Full Council, arising from the outcome of the overview and scrutiny process
- (f) Review and scrutinise the performance of other appropriate public service bodies in the area and invite reports from them by requesting them to address the relevant Overview and Scrutiny Committee and local people about their activities and performance
- (g) Consider any matter affecting the area or its residents and exercise the right of Call-In for reconsideration of decisions made by Cabinet, its Committees, individual Cabinet Members or Officers that have not been implemented
- (h) Consider Councillor Calls for Action
- (i) Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the Committee considers appropriate but not less than once in every twelve month period
- (j) Assist the Council and Cabinet in the development of its Budget and Policy Framework through in-depth analysis of policy issues
- (k) Conduct research, community and other consultation in the analysis of policy issues and possible options

- (l) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- (m) Question Cabinet Members about their views on policy proposals and receive advice and information from Officers
- (n) Liaise with other external organisations operating in the area whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working

2. Membership of Overview and Scrutiny Committees

- 2.1 All Councillors, except members of Cabinet, may be members of an Overview and Scrutiny Committee.
- 2.2 The membership of the Overview and Scrutiny Committees will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.
- 2.3 Co-opted Members onto Overview and Scrutiny Committees can only be approved by Full Council, for such limited period or for such specific purposes as it sees fit. Co-opted Members must be an employee, officer or member of a responsible authority or of a co-operating person or body and cannot be a member of Cabinet.
- 2.4 Co-opted Members will have no voting rights, unless they are co-opted to an Overview and Scrutiny Committee to support the scrutiny of crime and disorder.

3. Meetings of Overview and Scrutiny Committees

- 3.1 Ordinary meetings of Overview and Scrutiny Committees will be held on such dates as Full Council at its Annual Meeting decides. Any variation to the published dates and times for meetings will be undertaken in accordance with the process set out in Council Rules of Procedure in Part 4 of this Constitution.
- 3.2 Overview and Scrutiny Committees may hold extraordinary meetings as they consider necessary. Extraordinary meetings of any Overview and Scrutiny Committee may be called as and when deemed appropriate by the relevant Chairman or Vice-Chairman, any three members of the Committee or by the Chief Executive.
- 3.3 No business will be transacted at an extraordinary meeting of an Overview and Scrutiny Committee unless notice of that business is included on the summons for the meeting.

3.4 Overview and Scrutiny Committees can appoint Working Groups as required to deal with a specific task or remit within a defined time period. Such meetings may be called by the relevant Chairman of an Overview and Scrutiny Committee or the lead member of the Working Group as appointed by the relevant Overview and Scrutiny Committee.

4. Agenda Items for Meetings

4.1 Each Overview and Scrutiny Committee will consider the following business:

- (a) Statements or Questions from members of the public
- (b) The minutes of the previous meeting
- (c) Any declarations of Councillors' interests, including political group whipping declarations
- (d) Questions on notice to relevant Cabinet Members and feedback from Cabinet or individual Cabinet Members
- (e) Consideration of any matter referred to that Committee in relation to the Call-In of a decision
- (f) Consideration of any Councillor Call for Action
- (g) Responses of Cabinet or individual Cabinet Members to reports of the Committee
- (h) Updates from individual Cabinet Members on their portfolios
- (i) Any item otherwise set out on the agenda for the meeting
- (j) The work programme for the Committee

4.3 Any member of an Overview and Scrutiny Committee, or any five members of the Council, will be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of that Overview and Scrutiny Committee to be included on the agenda for the next available meeting of the Overview and Scrutiny Committee.

4.4 Dependant upon the items already scheduled for inclusion on the agenda for the next meeting, as set out in the Committee's work programme, the Chairman of the relevant Overview and Scrutiny Committee may use their discretion to defer such a request to the subsequent meeting.

4.5 The work programme for the Overview and Scrutiny Committees will be determined by the Chairman of each Overview and Scrutiny Committee.

5. Public Speaking

- 5.1 Members of the public may make a statement or ask any question, subject to paragraph 5.6, during a period of up to 30 minutes set aside at the start of the meeting.
- 5.2 In respect of extraordinary meetings, members of the public may make a statement or ask any question, subject to paragraph 5.6, at the commencement of the item being considered for a period of up to 30 minutes.
- 5.3 Notice of any statement to be made or question to be asked must be given by delivering it in writing or by electronic mail to Democratic Services at least three working days before the day of the meeting. Each notice must give the name and contact details of the speaker or questioner.
- 5.4 Questions will be asked and speeches made in the order in which notice of them was received, except that the Chairman may group together similar questions or items to be spoken on. Each question or speech will be subject to a total time limit of five minutes.
- 5.5 At any one meeting no person or organisation may submit more than two questions or statements on more than two items on the agenda of the relevant meeting and no more than six such questions or speeches will be tabled or delivered at any one meeting. If more than six notices of intention to speak are received, the first six received will be invited to attend to speak. Any questions tabled for that same meeting will be dealt with by way of written response or held over until the next meeting at the request of the questioner or speaker.
- 5.6 The Chief Executive may reject a question or prevent the right to speak if it
- (a) Is not about a matter for which the Overview and Scrutiny Committee has a responsibility
 - (b) Is defamatory, frivolous, objectionable, improper or offensive
 - (c) It is substantially the same as a question which has been put by a member of the public at a meeting of the Overview and Scrutiny Committee in the past six months
 - (d) Requires disclosure of confidential or exempt information
- 5.7 A record of statements and questions made and any responses to them will be recorded in the minutes of the meeting.

6. Attendance

- 6.1 Each Overview and Scrutiny Committee or constituted Working Group may invite people, other than those referred to in rules relating to Councillors and Officers giving account to address it, to discuss issues of local concern and answer questions. It may, for example, wish to hear from residents,

stakeholders and Councillors and Officers in other parts of the public sector and can invite such people to attend. Subject to any subsequent statutory provision, attendance is entirely optional.

- 6.2 All Cabinet Members have the right to attend and speak at any Overview and Scrutiny Committee or Working Group meeting relevant to their area of responsibility.
- 6.3 All Political Group Leaders, or their duly appointed deputies, have the right to attend and speak at any Overview and Scrutiny Committee meeting.
- 6.4 Councillors who are not Cabinet Members or Political Group Leaders have the right to attend any Overview and Scrutiny Committee. They will be permitted to speak at the discretion of the Chairman, or person presiding the meeting, but the same provision must be made available to all Councillors in attendance for the respective item. In such circumstances, no speech will exceed 5 minutes in length, unless the Chairman or person presiding, uses their discretion to allow a Councillor to exceed this time limit.
- 6.5 Any Councillor attending a meeting of an Overview and Scrutiny Committee may remain at the meeting even though the public has been excluded, unless the Overview and Scrutiny Committee, by resolution and specifying the reasons for doing so, requests them to leave.
- 6.6 No member of the Council will be entitled to attend a meeting of an Overview and Scrutiny Committee during the consideration of any item on the agenda should they have a Disclosable Pecuniary Interest, or any other interest, as set out in the Councillor Code of Conduct, in that item.
- 6.7 In fulfilling the Council's duties in relation to crime and disorder, an Overview and Scrutiny Committee may require the attendance before it of an Officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.
- 6.8 No Overview and Scrutiny Committee may require a person to attend a meeting unless reasonable notice of the intended date of attendance has been given to that person.

7. Councillors and Officers giving account

- 7.1 An Overview and Scrutiny Committee, or any constituted Working Group, as well as reviewing documentation in fulfilling the overview and scrutiny role, may reasonably require any Cabinet Member, the Chief Executive or any Officer to attend its meetings. It is their duty to attend if required and explain the following 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
- (c) Their performance

7.2 Where any Councillor or Officer is required to attend an Overview and Scrutiny Committee or Working Group meeting under this provision, the Chairman of the Committee will inform the Proper Officer. The Proper Officer will then inform the Councillor or Officer in writing, giving at least five clear working days' notice of the meeting at which they are required to attend.

7.3 The notice will state the nature of the item on which they are required to attend and whether a report or supporting information is required to be produced for the meeting. Where a report or supporting information is required, the Councillor or Officer concerned will be given sufficient notice to allow for preparation of that document.

7.4 Where, in exceptional or unforeseen circumstances, the Cabinet Member, other Councillor or Officer is unable to attend a meeting on the required date, the Committee or Working Group will, in consultation with the Councillor or Officer, arrange an alternative date for attendance.

8. Rights of Overview and Scrutiny Committee Members to Documents

8.1 In addition to their rights as Councillors, members of the Overview and Scrutiny Committees 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.

8.2 Nothing in this paragraph prevents more detailed liaison between Cabinet and the Overview and Scrutiny Committees, depending on the particular matter under consideration.

9. Reports by Overview and Scrutiny Committees

9.1 Once an Overview and Scrutiny Committee has completed its deliberations on any matter it may forward a copy of its final report to the Proper Officer who will allocate it to either or both Cabinet and Full Council for consideration, according to whether the contents of the report have implications for the Council's Budget and Policy Framework or executive functions.

9.2 If the Proper Officer refers the matter to Full Council, they will also serve a copy on the Leader of the Council with notice that the matter is to be referred to Full Council. Cabinet will have up to six weeks in which to respond to the report and Full Council will not consider it within that period. When Full Council does meet to consider any referral from an Overview and Scrutiny

Committee on a matter which impacts the Budget and Policy Framework, it will also consider the response of Cabinet to the proposals.

- 9.3 Where an Overview and Scrutiny Committee prepares a report for consideration by Cabinet in relation to a matter where the Leader of the Council has delegated decision-making power to another member of Cabinet, the Overview and Scrutiny Committee will submit a copy of its report to that individual for consideration. At the time of doing so, the Committee will serve a copy on the Proper Officer and the Leader of the Council.
- 9.4 If the Cabinet Member with individual decision-making power does not accept the recommendations of the Overview and Scrutiny Committee, they must refer the matter to the next available meeting of Cabinet for consideration before exercising their individual decision-making power and responding to the report in writing to the Overview and Scrutiny Committee. The Cabinet Member will respond to the Overview and Scrutiny Committee within six weeks of receiving the report. A copy of their written response will be sent to the Proper Officer and they will attend a future meeting to respond directly to the Committee.

10. Call-In

- 10.1 Call-In should only be used in exceptional circumstances where there is evidence that suggests that a decision was not taken in accordance with the principles set out in Article 15 (Decision Making). Evidence may, for example, refer to inadequate consultation with stakeholders prior to a decision being made or an absence of good reasons for making the decision.
- 10.2 When a decision is made by Cabinet, an individual Cabinet Member or a Cabinet Committee, or a Key Decision is made by an Officer with delegated authority from Cabinet, or an Area Committee or under joint arrangements, the decision will be published **as soon as is practically possible after the decision has been made.** The Chairman of the relevant Overview and Scrutiny Committee and Political Group Leaders will be sent copies of the records of all such decisions within the same timescale by the person responsible for publishing the decision.
- 10.3 The **decision** notice will bear the date on which it is published and will specify when that decision will come into force and may then be implemented (on the expiration of five working days after the publication of the decision) unless it is called-in.
- 10.4 During that period, the Proper Officer will Call-In a decision for consideration by the relevant Overview and Scrutiny Committee if so requested by the Chairman of that Committee or any five members of the Council. Only six decisions can be called-in during a municipal year and no individual Councillor can request more than three call-ins in any one municipal year. The Proper Officer will notify the decision-maker of any Call-In received.

- 10.5 The Proper Officer will call a meeting of the relevant Overview and Scrutiny Committee on such a date as they may determine, following consultation with the Chairman of the Committee, **or Vice-Chairman in their absence**, and in any case as soon as possible after the Call-In request has been received.
- 10.6 If, having considered the decision, the relevant Overview and Scrutiny Committee is still concerned about it, then 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.
- 10.7 **If referred back to the decision-making person or body, the decision-maker will be required to reconsider the decision as soon as is practically possible, amending the decision or not, before adopting a final decision.**
- 10.8 If the matter is referred to Full Council and the Council does not object to a decision that has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.
- 10.9 If Full Council does object, it has no **power** to make a decision in respect of any Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the budget. Unless that is the case, Full Council will refer any decision to which it objects back to the decision-making person or body, together with its views on the decision. That decision-making body or person will then consider whether to amend the decision or not before reaching a final decision and implementing it.
- 10.10 **The decision-making person or body, following the meeting of Full Council, will be required to reconsider the decision as soon as is practically possible, amending the decision or not, before adopting a final decision.**
- 10.11 If Full Council decides that the decision is not within the existing Budget and Policy Framework, it may:
- (a) Amend the Financial Regulations or policy concerned to encompass that decision (in which case it can be implemented)
- Or
- (b) Agree that the decision is contrary to the Budget and Policy Framework and require the decision-maker to reconsider the matter in accordance with its findings
- 10.12 If, at any time, Area Committees with delegated powers are appointed, a procedure for Call-In of their decisions will be included as part of these Overview and Scrutiny Procedure Rules.

11. Call-in and Urgency

- 11.1 The Call-In procedure set out above shall not apply where the decision being taken by Cabinet, **individual Cabinet Members of Officers** is urgent.

11.2 A decision will be urgent if any delay likely to be caused by the Call-In process would prejudice the Council's or the public interest. The record of the decision notice by which it is made public will 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 Council 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 will be required. In the absence of both, the Head of Paid Service and his or her nominee's consent will be required.

12. Councillor Call for Action

12.1 Any Councillor can refer any local government matter relating to the functions of the authority that affect the Councillor's area, or any individual who lives or works in that area which is not an excluded matter, for consideration by the Overview and Scrutiny Committee responsible for those functions.

12.2 If a Councillor wishes to refer a Councillor Call for Action to the relevant Overview and Scrutiny Committee, they must complete the approved Councillor Call for Action pro-forma and submit this to the Chief Executive.

12.3 The Chief Executive, in conjunction with the Chairman of the Council, **or Vice-Chairman in their absence**, will assess whether the Councillor has completed the necessary checklist and if so, will determine to which Overview and Scrutiny Committee the matter stands referred. The issue will be placed on the agenda for the next meeting of that Committee.

12.4 Where approval for inclusion on the agenda is unlikely because the criteria has not been met, the Chairman of the Council, **or Vice-Chairman in their absence**, will liaise with the Councillor raising the Call for Action. If there is disagreement, the Call for Action will not be submitted to the Overview and Scrutiny Committee for determination.

12.5 Prior to considering the request, members of the relevant Overview and Scrutiny Committee will first confirm that the Call for Action is valid and meets the criteria in the checklist.

12.6 The Councillor raising the Call for Action will be asked to present the issue to the relevant Overview and Scrutiny Committee in person. If the Councillor raising the Call for Action is unable to attend, he or she may request another Councillor from their Ward to present it on their behalf. If no Ward Councillor is available to present the Call for Action, the item will be deferred to a future meeting. The presentation should include an indication of what the Councillor raising the Call for Action would see as a satisfactory solution.

12.7 **The Committee** will then consider the Call for Action and agree what **should be done** to resolve the issue.

12.8 It may be necessary to call witnesses to the meeting of the Overview and Scrutiny Committee, including Cabinet Members, Officers or external representatives. In making any recommendations for a solution on the matter

before them, regard should be given to the resource implications for the Council.

12.9 Having considered and resolved the Call for Action as agreed, the relevant Overview and Scrutiny Committee will report the outcome to the Councillor raising the Call for Action.

12.10 The matter should not be considered separately by another Local Authority.

13. The Party Whip

13.1 When considering any matter in respect of which a member of an Overview and Scrutiny Committee is subject to a party whip, the Councillor must declare the existence of the party whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration of the party whipping arrangements will be recorded in the minutes of the meeting.