

## **Article 6 - Overview and Scrutiny Committees**

The Overview and Scrutiny function is central to this Constitution. Overview and Scrutiny Committees meet in public (except in the case of an exempt item) to make recommendations on the development of policies to the Cabinet and Council; to review and scrutinize the performance of the Authority and to hold the Cabinet to account for its actions. They have a key role in considering other matters of local concern.

The Council will constitute four Overview and Scrutiny Committees:

- **Culture and Visitor Economy**

The remit of the Culture and Visitor Economy Overview and Scrutiny Committee will be to work alongside Cabinet Members to assist with the development of policy and to scrutinise decisions in respect of, but not limited to:

- Arts
- Heritage
- Markets and Fairs
- Sports
- Visitor Economy

Membership 7

- **Environment.**

The remit of the Environment Overview and Scrutiny Committee will be to work alongside Cabinet Members to assist with the development of policy and to scrutinise decisions in respect of, but not limited to:

- Air Quality
- Alcohol, entertainment and leisure licensing (Policy)
- Allotments
- Animal Welfare licensing (Policy)
- Business Trade & Licensing (Policy)
- Commercial, Industrial and Clinical Waste Collection and Management
- Dog breeding & control orders
- Domestic Waste & Recycling Management
- Energy Efficiency
- Estate and Grounds Maintenance
- Flooding
- Food Hygiene and Safety
- Gambling & Lotteries licensing (Policy)

- Health & Safety
- Noise
- Public Conveniences
- Renewable Energy
- Scrap Metal Dealers
- Street Lighting
- Street Services and Green Open Space Management
- Tattoo, licensing and hygiene rating system (Policy)
- Taxi & private vehicle, driver and operator licensing (Policy)
- Wild animal licensing (Policy)

#### Membership 7

- **Finance, Economic Development and Corporate Services**

The remit of the Finance, Economic Development and Corporate Services Overview and Scrutiny Committee will be to work alongside Cabinet Members to assist with the development of policy and to scrutinise decisions in respect of, but not limited to:

- Business rate relief
- Business transformation
- Car parks, bus stations and town centre infrastructure
- Charitable rate relief
- Council-owned property, assets and maintenance (non-council house)
- Large-scale development projects
- Shop front designs and funding
- Street furniture
- Street parking permits
- Town centre developments and partnerships
- Budget monitoring
- Review of outturn
- Fees and charges
- Budget setting
- Medium term financial planning and national funding proposals
- Performance reporting
- Data protection policy
- Customer access strategy

#### Membership 9

- **Rural and Communities**

The remit of the Rural and Communities Overview and Scrutiny Committee will be to work alongside Cabinet Members to assist with the development of policy and to scrutinise decisions in respect of, but not limited to:

- Anti-social behaviour
- Assisted Garden Maintenance Scheme
- Benefit Claims
- Community Cohesion
- Community Funding & Volunteering
- Community Right to Bid
- Community Safety and Local Policing
- Customer Services
- DASH Landlord Accreditation Scheme
- Disabled Facilities Grant
- Empty Homes Assistance
- Empty Homes Discount
- Equalities and Diversity
- Essential Home Repair Assistance
- Gravitas Housing
- Health
- Homelessness
- Housing Management, Improvement and Repairs
- Housing Partnership
- HR and organisational development
- Landlords Forum
- Parish and Town Council Liaison
- Procurement
- Safeguarding
- Well-being

Membership 7

## **6.1 Role and Function**

The functions of the Overview and Scrutiny Committees are the:

- (i) discharge the functions conferred by Section 21 of the Local Government Act 2000 or Regulations under Section 32 of the Local Government Act 2000
- (ii) discharge the functions of Section 19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009 (additional members may be co-opted to support crime and disorder scrutiny in accordance with the legislation)

Members of any Overview and Scrutiny Committee should channel enquiries for information and support in undertaking the scrutiny function through the democratic support officers.

### **6.1.1 Policy Development and Review**

- (i) Assist the Council and the Cabinet in the development of its budget and policy framework through in-depth analysis of policy issues
- (ii) Conduct research, community and other consultation in the analysis of policy issues and possible options
- (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- (iv) Question members of the Cabinet and committees about their views on policy proposals and receive advice and information from officers
- (v) 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

### **6.1.2 Scrutiny**

- (i) Review and scrutinize the decisions made by, and the performance of, the Cabinet and council officers in relation to individual decisions
- (ii) Review and scrutinize the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (iii) Question members of the 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
- (iv) Question and gather evidence from any person (with their consent)
- (v) Make recommendations to the Cabinet and/or Council and/or any joint or area committee arising from the outcome of the overview and scrutiny process
- (vi) Review and scrutinize 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
- (vii) Consider any matter affecting the area or its inhabitants and exercise the right to call-in for reconsideration decisions made by the Cabinet and/or any area committee that have not been implemented

- (viii) Consider Councillor Calls for Action
- (ix) Meet to review or scrutinize decisions made, or other action taken, in connection with the discharge by the responsible authorities of their
- (x) crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period

## **6.2 Membership**

- 6.2.1 Each Overview and Scrutiny Committee will be composed of 7 members or such number of members as the Council considers appropriate from time to time
- 6.2.2 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
- 6.2.3 All Councillors, except members of the Cabinet, may be members of Overview and Scrutiny Committees
- 6.2.4 The Overview and Scrutiny Committees may appoint working groups of their membership for a fixed period, on expiry of which, they shall cease to exist

## **6.3 Substitution**

- 6.3.1 As the Overview and Scrutiny Committees are politically balanced, substitution is allowed.
- 6.3.2 Substitute members may attend meetings:
  - (i) to take the place of the ordinary member for whom they are designated as substitute
  - (ii) where the ordinary member will be absent for the whole meeting
  - (iii) after the Group Leader has notified the Assistant Director, Legal and Democratic or any other person so authorised by the Assistant Director, Legal and Democratic prior to the commencement of the meeting of an appropriate substitute
  - (iv) a substitute member must not be a member of the Cabinet

## **6.4 Quorum**

- 6.4.1 The quorum for an Overview and Scrutiny Committee is four members.

## **6.5 Chairmanship of Overview and Scrutiny Committees**

- 6.5.1 The Chairman and Vice-Chairman of each Overview and Scrutiny Committee will be appointed at the annual Council meeting according to their suitability and merit in the opinion of the Leader. No member will be appointed in breach of the constitution.
- 6.5.2 If present, the Chairman will preside over the meeting.
- 6.5.3 If the Chairman is absent, the Vice-Chairman shall preside.
- 6.5.4 If the Chairman and Vice-Chairman are absent, the Overview and Scrutiny Committee shall elect one of the members present as Chairman for that meeting only.
- 6.5.5 If the Chairman or Vice-Chairman resigns either from that position or from the Council by giving written notice of resignation to the Chief Executive, the Council shall, at its next meeting, elect a successor.

## **6.6 Co-option**

- 6.6.1 No Overview and Scrutiny Committee shall co-opt members under Section 102 of the Local Government Act 1972 or Section 21 of the Local Government Act 2000 without the approval of the Council.
- 6.6.2 The Council may approve the co-option of Members to any Overview and Scrutiny Committee for such limited periods or for such specific purposes as the Council sees fit.
- 6.6.3 Co-optees have no voting rights unless they are co-opted to an Overview and Scrutiny Committee to support crime and disorder scrutiny. Any person co-opted in relation to crime and disorder scrutiny shall only be entitled to vote on any particular matter if the Committee so determines.
- 6.6.4 Any Overview and Scrutiny Committee considering crime and disorder scrutiny shall only co-opt a person to serve on the Committee who:
- (i) Is an employee, officer or member of a responsible authority or of a co-operating person or body
  - (ii) Is not a member of the Cabinet of the Committee's local authority

## **6.7 Meetings of the Overview and Scrutiny Committees**

- 6.7.1 Ordinary meetings of the Overview and Scrutiny Committees shall be held on such dates as the Council shall, at its annual meeting, decide. The Chairman of each Overview and Scrutiny Committee may, after consultation with its members, cancel or rearrange a scheduled meeting of that Committee if there is insufficient business.

- 6.7.2 Overview and Scrutiny Committees may hold such special meetings as they consider necessary.
- 6.7.3 The Chairman or, in his or her absence, the Vice-Chairman of any Overview and Scrutiny Committee may call a special meeting of an Overview and Scrutiny Committee at any time.
- 6.7.4 No business shall be transacted at a special meeting of an Overview and Scrutiny Committee unless notice of that business has been given in writing to all members of the relevant Overview and Scrutiny Committee.
- 6.7.5 A constituted working group of an Overview and Scrutiny Committee can call meetings 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. Any recommendation put forward must be ratified at the next public meeting of the relevant Overview and Scrutiny Committee.
- 6.7.6 Overview and Scrutiny Committees may hold inquiries and investigate the available options for future direction in policy development or to scrutinize existing policy and services and may appoint advisors 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 advisors, assessors and witnesses a reasonable fee and expenses for doing so.

#### **6.7.7 Postponement of Meetings**

Where exceptional circumstances apply and the Chairman of the Committee, following consultation with the Vice-Chairman of the Committee and the Chief Executive, or any officer so nominated by them, considers that attendance at a convened meeting of the Committee would involve health and safety issues (e.g. pandemic, civil emergency, inclement weather, etc.) the Chairman of that Committee may postpone the meeting. Following postponement, notification must immediately be given to all members of the Council and to the press and notice of the postponement must be posted at the Council Offices and on the Council's website. Where a meeting is postponed, no less than five clear working days' notice (or such other period as required by law) shall be given of the new date for the meeting.

### **6.8 Scrutiny Committee Procedure Rules**

- 6.8.1 Each Overview and Scrutiny Committee shall consider the following business:
- (i) receive comments from members of the public present at the meeting
  - (ii) action notes of the last meeting (previously circulated)
  - (iii) disclosure of interests (including whipping declarations)

- (iv) questions on notice to relevant Cabinet members (feedback from the Cabinet or Cabinet members)
- (v) consideration of any matter referred to that Committee in relation to the call-in of a decision
- (vi) responses of the Cabinet to reports of the Committee
- (vii) receive updates from members of the Cabinet on their activity
- (viii) the business otherwise set out in the agenda for the meeting
- (ix) Consider the Work Programme document for the Committee.

6.8.2 Where an Overview and Scrutiny Committee conducts investigations (e.g. with a view to developing new or revising existing policies; scrutinising decisions or activity or as part of a call-in) the Committee may invite or require officers or other people to attend to give evidence at meetings or constituted working group meetings in accordance with the following principles:

- (i) that the investigation will be conducted fairly and all members of the Committee or a constituted working group will be given the opportunity to ask questions of attendees, and to contribute and speak
- (ii) that those assisting the Committee or working group by giving evidence will be treated with respect and courtesy
- (iii) that the investigation will be conducted to maximise the efficiency of the investigation or analysis

6.8.3 Following any investigation or review, the Committee or its working group shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

6.8.4 The Rules of Procedure for the Overview and Scrutiny Committees are the same as that for Council from Rule 4.5 excluding the following:

- 4.7 Public Open Forum
- 4.12 State of the District Debate
- 4.18.2 Standing to speak

### **6.9.1 Work Programme**

6.9.1 The work programme for the Overview and Scrutiny Committees will be determined by the Chairman of each Overview and Scrutiny Committee subject to the provisions of Article 7.

6.9.2 Any member of an Overview and Scrutiny Committee (or any five other members of the Council) shall be entitled to give notice to the Proper Officer that he or she wishes 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.

### **6.10 Finance**

6.10.1 Each Overview and Scrutiny Committee may exercise overall responsibility for the finances for the provision of the democratic services made available to them in order to perform their scrutiny function.



## **6.11 Meetings prior to meetings of Overview and Scrutiny Committees**

6.11.1 Guidance indicates that it is not conducive to the overview and scrutiny process for political group meetings to be held before meetings of Overview and Scrutiny Committees. It is however considered appropriate for Overview and Scrutiny Committees to meet before and after meetings to ensure that their time is used effectively, particularly when external speakers have been invited to attend. This would provide an opportunity to consider how the meeting will be conducted and evaluate the success or outcomes of the meeting.

## **6.12 The Party Whip**

6.12.1 Guidance views whipping as incompatible with the scrutiny role. The phrase ‘the party whip’ is taken to mean: *“Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he or she speak or vote in any particular manner.”*

6.12.2 When considering any matter in respect of which a member of an 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 of the whipping arrangements shall be recorded in the action notes of the meeting.

## **6.13 Rights of Overview and Scrutiny Committee members to documents**

6.13.1 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 Article 17 of this Constitution (Access to Information Procedure Rules in this Constitution).

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

6.13.3 A member of an Overview and Scrutiny Committee is entitled to a copy of any document which is in the possession or under the control of the Cabinet and/or contains material relating to:

- (i) any business that has been transacted at a meeting of a decision-making body of the Council
- (ii) any decision that has been made by an individual member of the Cabinet in accordance with the Council’s executive arrangements
- (iii) any decision that has been made by an officer of the authority in accordance with the Council’s executive arrangements

6.13.4 Where a member of an Overview and Scrutiny Committee requests a document that is in the possession of, or under the control of the Cabinet, the Cabinet must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the Cabinet received the request.

6.13.5 No member of an Overview and Scrutiny Committee is entitled to a copy of:

- (i) Any such document or part of a document which contains exempt or confidential information unless that information is relevant to:
  - a. an action or decision that the member is reviewing or scrutinising
  - b. any review contained in any programme of work of an Overview and Scrutiny Committee or a working group of an Overview and Scrutiny Committee
- (ii) A document or part of a document containing advice provided by a political advisor or assistant

6.13.6 Where the Cabinet determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out above, it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

#### **6.14 Additional Rights of Access for Members (Access to Information Procedure Rules)**

6.14.1 Any document which is in the possession or under the control of the Cabinet and/or contains material relating to any business to be transacted at a public meeting must be available for inspection by any member of the Council.

6.14.2 Any document which is required by paragraph 6.14.1 to be available for inspection by any member of the Council must be available for such inspection for at least five clear days before the meeting accept:

- (i) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened
- (ii) where an item is added to the agenda at shorter notice, a document that would be required to be available under paragraph 6.14.1, in relation to that item, must be available for inspection when the item is added to the agenda.

6.14.3 Any document which is in the possession or under the control of the Cabinet and/or contains material relating to:

- (i) Any business transacted at a private meeting

- (ii) Any decision made by an individual member in accordance with executive arrangements
- (iii) Any decision made by an officer in accordance with executive arrangements must be available for inspection by any member of the Council when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made

6.14.4 Any document which is required by paragraph 6.14.3 to be available for inspection by any member of the relevant local authority must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

6.14.5 Paragraphs 6.14.1 and 6.14.3 do not require a document to be available for inspection if it appears to the Proper Officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the Local Government 1972 Act (descriptions of exempt information).

6.14.6 Notwithstanding paragraph 6.14.5, paragraphs 6.14.1 and 6.14.3 do require the document to be available for inspection if the information is information of a description for the time being falling within:

- (i) paragraph 3 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract)
- (ii) paragraph 6 of Schedule 12A to the 1972 Act

6.14.7 Where it appears to the Proper Officer that compliance with paragraph 6.14.1 or 6.14.3 in relation to a document or part of a document would involve the disclosure of advice provided by a political advisor or assistant that paragraph will not apply to that document or part.

6.14.8 The rights conferred by paragraphs 6.14.1 and 6.14.3 are in addition to any other rights that a member of a local authority may have.

6.14.9 In addition to their rights as Councillors, members of 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 Article 17.

6.14.20 Nothing in this paragraph prevents more detailed liaison between the Cabinet and an Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

## **6.15 Members and officers giving account**

6.15.1 The Overview and Scrutiny Committees or constituted working groups of the Committees, as well as reviewing documentation in fulfilling the overview and scrutiny role, may reasonably require any member of the Cabinet, Head of Paid Service and/or any senior officer to attend its meetings. It is their duty to

attend if required and explain the following so long as they are within their remit:

- (i) Any particular decision or series of decisions
- (ii) The extent to which the actions taken implement Council policy
- (iii) Their performance

6.15.2 Where any member 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 shall inform the member or officer in writing giving at least 5 working days' notice of the meeting at which he or she is required to attend. The notice will state the nature of the item about which he or she is required to attend to give account and whether any papers are required to be produced for the Committee or working group. Where the account to be given to the Committee or working group will require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of that document.

6.15.3 Where a relevant Cabinet member is required to attend an Overview and Scrutiny Committee or constituted working group meeting, he or she will be expected to answer written questions from Committee members provided he or she has been given 5 working days' notice of those questions unless the Chief Executive agrees that the question is urgent. In such situations, the relevant Cabinet member would be expected to attend and answer such questions unless he or she was unable to do so due to unforeseen circumstances or prior commitment. Each Committee member or member of a constituted working group may ask a maximum of two such questions within a period of fifteen minutes at the start of a Committee or working group meeting.

6.15.4 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 shall, in consultation with the member or officer, arrange an alternative date for attendance.

## **6.16 Attendance**

### **6.16.1 General**

Each Overview and Scrutiny Committee or constituted working group may invite people, other than those referred to in rules relating to Members and officers giving account 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 can invite such people to attend. Subject to any subsequent statutory provision, attendance is entirely optional.

### **6.16.2 Cabinet Members**

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.

### **6.16.3 Group Leaders**

All political Group Leaders or their duly appointed deputy have the right to attend and speak at any Overview and Scrutiny Committee meeting.

### **6.16.4 Members of the Council**

- (i) Members of the Council who are not Cabinet members or political Group Leaders have the right to attend any Overview and Scrutiny Committee. They will only be permitted to speak by the Chairman and with the consent of members of the Overview and Scrutiny Committee and they have no right to vote on any matter that the Committee is considering.
- (ii) A member attending a meeting may remain at the meeting even though the public has been excluded unless the Overview and Scrutiny Committee, by resolution specifying the reason for doing so, requests him or her to leave.
- (iii) No member of the Council shall be entitled to attend at any item on the agenda of a meeting of an Overview or Scrutiny Committee of which he or she is not a member whilst any matter in which he or she has a disclosable pecuniary interest, as defined by the Localism Act 2011 or any other interest as defined in the Council's Code of Members' Conduct, is under discussion.

### **6.16.5 Crime and Disorder**

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. No Overview and Scrutiny Committee may require a person to attend unless reasonable notice of the intended date of attendance has been given to that person.

## **6.17 Making sure reports are considered by the Cabinet**

6.17.1 The agenda for Cabinet meetings shall include an item: 'Issues arising from the Overview and Scrutiny Committees'. The reports of the Overview and Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.

6.17.2 Once an Overview and Scrutiny Committee has completed its deliberations on any matter, it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Cabinet and the Council for consideration according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Proper Officer refers the matter to Council, he or she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet will have up to 6 weeks in which to respond to the 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 Cabinet to the proposals.

6.17.3 Where an Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader or Council has delegated decision-making power to another member of the 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 shall serve a copy on the Proper Officer and the Leader. If the member with delegated decision-making power does not accept the recommendations of the Overview and Scrutiny Committee then he or she must refer the matter to the next available meeting of the Cabinet for debate before exercising his or her 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 6 weeks of receiving it. A copy of his or her written response to it shall be sent to the Proper Officer and he or she will attend a future meeting to respond directly to the Committee.

## **6.18 Call-in**

6.18.1 Call-in should only be used in exceptional circumstance where there is evidence that suggests that a decision was not taken in accordance with the principles set out in Article 17 (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.

6.18.2 When a decision is made by the Cabinet, an individual Cabinet member or a Cabinet committee, or a key decision is made by an officer with delegated authority from the Cabinet, or an area committee or under joint arrangements, the decision shall be published (including by electronic means where possible) and shall be available at the main offices of the Council normally within 2 working days of being 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.

6.18.3 The 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 5 working days after the publication of the decision) unless it is called-in.

6.18.4 During that period, the Proper Officer shall 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 from any political group(s). No individual Councillor can request more than three call-ins in any one municipal year. The Proper Officer shall notify the decision-maker of the call-in.

6.18.5 The Proper Officer will call a meeting of the relevant Overview and Scrutiny Committee on such a date as he or she may determine (where possible after consultation with the Chairman of that Committee) and in any case as soon as possible after the call-in request has been received.

6.18.6 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. If referred to the decision-maker, he or she shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.

6.18.7 If, following an objection to the decision, the relevant Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further 5 working day period, whichever is the earlier.

6.18.8 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. However, if the Council does object it has no locus 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, 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. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened within 5 working days to reconsider the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.

6.18.9 If the Council decides that the decision is not within the existing policy framework and/or budget it may:

- (i) Amend the financial regulations or policy concerned to encompass that decision (in which case it can be implemented)

Or

- (ii) Agree that the decision is contrary to the policy framework or budget and require the decision-maker to reconsider the matter in accordance with its findings

6.18.10 If the Council does not meet, or if it does 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 or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

6.18.11 If, at any time, area committees with delegated powers are appointed, a procedure for call-in of their decisions will be inserted here.

6.18.12 In order to ensure that call-in is not abused or causes unreasonable delay, certain limitations are placed on its use:

- (i) Only six decisions may be called-in each municipal year
- (ii) No Councillor shall sign more than three requests for sanctioned call-ins in any one municipal year

## **6.19 Call-in and Urgency**

6.19.1 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 prejudice the Council's or the public interest. The record of the decision 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 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 shall be required. In the absence of both, the Head of Paid Service and his or her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

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

## **6.20 Councillor Call for Action**

6.20.1 Any member of the Council can refer any local government matter (any matter relating to the functions of the authority that affect the Member'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.



- 6.20.2 If a member 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 Assistant Director, Legal and Democratic.
- 6.20.3 The Assistant Director, Legal and Democratic, in conjunction with the Chairman referred to in Article 7 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. Where approval for inclusion on the agenda is unlikely because the criteria have not been met, the Chairman referred to in Article 7 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.
- 6.20.4 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.
- 6.20.5 The member 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.
- 6.20.6 Members will then consider the Call for Action and agree what they will do to resolve the issue. This may include calling witnesses (including relevant 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.
- 6.20.7 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.
- 6.20.8 The matter should not be being considered separately by another local authority.