

## Appendix

### OVERVIEW AND SCRUTINY PROCEDURE RULES

#### 1. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

The Council will have three Overview and Scrutiny Committees as set out in Article 6 of this Constitution.

- 1.1 The Council will appoint three Overview and Scrutiny Committees to be involved in policy review and development, and the scrutiny of decision making.
- 1.2 The general and specific roles (terms of reference) of the Overview and Scrutiny Committees are set out in Article 6 of this Constitution.
- 1.3 The Overview and Scrutiny Committees will operate in accordance with the Procedures for the operation of the Overview and Scrutiny which are set out in Part 4 of this Constitution.

#### 2. MEMBERSHIP OF THE OVERVIEW AND SCRUTINY COMMITTEES

- 2.1 All Councillors except Members of the Cabinet may be Members of the Overview and Scrutiny Committees. However, no Member may be involved in scrutinising or reviewing a decision in which he/she has been directly involved.
- 2.2 Cabinet Members may attend meetings of Overview and Scrutiny Committees, except when these Committees are dealing with “called in” items detailed in paragraph 14 of these rules or deciding whether items should be scrutinised.

#### 3. CO-OPTTEES

- 3.1 Each Overview and Scrutiny Committee shall be entitled to appoint up to five non-voting co-opted [Members \(co-optees\)](#), at any time to assist the relevant Committee in the performance of its policy review and development functions.
- 3.2 The Social Overview and Scrutiny Committee is the Council's designated crime and disorder scrutiny Committee with power to review or scrutinise the discharge by the responsible authorities of their crime and disorder functions. Members of the public and representatives of community groups are able to sit on this Committee as co-opted Members with a view to holding Community Safety Partnerships to account. This is subject to the discretion of the Committee where it believes that co-opting members of the public would be of benefit.

#### 4. MEETINGS

- 4.1 There shall be five meetings scheduled for each Overview and Scrutiny Committee in each municipal year. In addition, meetings may be called as part of the process for developing the budget and policy framework as set out in paragraph 2 of the Budget and Policy Framework Procedure Rules or as required for policy review or development. Meetings may also be called to consider called-in items in accordance with the procedure set out in paragraph 14 of these rules.
- 4.2 A meeting of an Overview and Scrutiny Committee may be called by the Chairman of the relevant Committee or by the Governance Services Manager if he/she considers it necessary or appropriate.

#### 5. QUORUM

The quorum for the Overview and Scrutiny Committees shall be as set out for Committees in the Council's Procedure Rules in Part 4 of this Constitution.

#### 6. CHAIRMAN OF OVERVIEW AND SCRUTINY COMMITTEES

The Chairmen of Overview and Scrutiny Committees will be determined in accordance with the rules set out in the Council's Procedure Rules in Part 4 of this Constitution.

#### 7. WORK PROGRAMME

Overview and Scrutiny Committees will conduct those policy reviews set annually by full Council, be involved in the process for developing the budget and policy framework as set out in paragraph 2 of the Budget and Policy Framework Procedures Rules, be involved in detailed working on policy development, conduct best value reviews and assist in the Community Planning process. In addition they will be involved in pre and post implementation scrutiny of decision making through task and finish Scrutiny Sub-Committees.

#### 8. AGENDA ITEMS

Any Member of an Overview and Scrutiny Committee shall be entitled to give notice to the Governance Services Manager that he/she wishes an item relevant to the functions of that Committee to be included on an agenda of a meeting of that Committee. Such a request shall be dealt with in accordance with the process specified in the Procedures for the operation of the Overview and Scrutiny function which are set out in Part 4 of this Constitution.

#### 9. CONSIDERATION OF OVERVIEW AND SCRUTINY COMMITTEE REPORTS

The agenda for Cabinet meetings shall include an item entitled "Issues arising from Overview and Scrutiny". The reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda.

## 10. POLICY REVIEW AND DEVELOPMENT

- 10.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in paragraph 2 of the Budget and Policy Framework Procedure Rules.
- 10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budgetary framework, Overview and Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 10.3 Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint consultants 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 consultants and witnesses a reasonable fee and expenses for doing so.
- 10.4 Overview and Scrutiny Committees can set up from within their respective Membership sub groups of Members to carry out specific tasks and report back with the outcomes and any recommendations.
- 10.5 Where a Committee decides an issue should be reviewed, a Review Group (ratio 3:2 with an Administration Chairman) should be appointed to review the specific item. Review Groups are in place of Task and Finish Working Groups and carry out "lighter-touch" exercises.
- 10.6 Once it has formed recommendations on proposals for development, the appropriate Overview and Scrutiny Committee will prepare a formal report and submit it to the Governance Services Manager for consideration by the Cabinet.
- 10.7 The Cabinet shall consider the reports of the Overview and Scrutiny Committees within one month of them being submitted to the Governance Services Manager.

## 11. SCRUTINY

- 11.1 Overview and Scrutiny Committees will set up task and finish Scrutiny Sub-Committees which may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function except those decisions made in respect of development management, licensing, registration, consents and other permissions or in the determination of any matter which concerns individual rights or responsibilities. As well as reviewing documentation, in fulfilling this scrutiny role, Scrutiny Sub-Committees may require any Member of the Cabinet and/or the Chief Executive or any Director or Head of Service to attend before them to explain in relation to matters within their remit:-
  - (a) any particular decision or series of decisions; and/or
  - (b) the extent to which the actions taken implement Council policy;

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

- 11.2 Scrutiny Sub-Committees will comprise four Members in the ratio 2:2 and be chaired by an Opposition Member. Scrutiny Sub-Committees will make recommendations direct to the Cabinet. The agreement of a majority of the Members of a Sub-Committee is required in order for recommendations to be made to the Cabinet. The Chairman has no casting vote.
- 11.3 Where any Member or Officer is required to attend a Scrutiny Sub-Committee under this paragraph, the Chairman of the relevant Sub-Committee will inform the Governance Services Manager. The Governance Services Manager shall inform the Member or Officer in writing giving at least seven working days' notice of the meeting at which he/she is required to attend. 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 Sub-Committee. Where the account to be given to the Sub-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.
- 11.4 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Governance Services Manager shall in consultation with the Member or Officer arrange an alternative date for attendance to take place within a maximum of fourteen working days from the date of the original request, or if there are reasons why this is not possible for a deputy to attend in his/her place.
- 11.5 For the avoidance of doubt these powers do not apply to pre-implementation call-in detailed in paragraph 14.2.
- 11.6 The Administration and Opposition Groups each have the right within the Municipal Year to have one scrutiny topic referred to a Scrutiny Sub-Committee by each of the three Overview and Scrutiny Committees, with other topics by agreement.

## 12. ATTENDANCE BY OTHERS

A Scrutiny Sub-Committee may invite other persons to address it and/or answer questions relevant to the discharge of the Sub-Committee's powers detailed in paragraph 11.

## 13. CONDUCT OF INVESTIGATIONS

- 13.1 Where a Scrutiny Sub-Committee conducts investigations, pursuant to its powers referred to in paragraph 11, it may also ask people to attend to give evidence at a Sub-Committee meeting which are to be conducted in accordance with the following principles:-
  - (a) that the investigation be conducted fairly and all Members of the Sub-Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (b) that those assisting the Sub-Committee by giving evidence be treated with respect and courtesy; and

- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 13.2 Following any investigation or review, the Scrutiny Sub-Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.
14. CALL-IN
- 14.1 Post-Implementation - An Overview and Scrutiny Committee has the power to scrutinise all Cabinet decisions post-implementation. It will appoint a Scrutiny Sub-Committee to do this.
- 14.2 Pre-Implementation - Cabinet decisions will be subject to pre-implementation review through the following call-in procedure:-
- (a) the Cabinet publishes decisions it has made either at a Cabinet meeting or which have been taken by an individual Cabinet Member within three working days; publication will be effected by appropriate notice on the notice board and by posting notice to each Member of Overview and Scrutiny Committees;
  - (b) it gives notice that decisions will come into force within ten working days of the decision being published unless the appropriate Overview and Scrutiny Committee calls it in;
  - (c) decisions that are clearly within the budget or policy framework and involve expenditure of less than £100,000 cannot be called in, they would be subject to post-implementation scrutiny only;
  - (d) decisions that involve expenditure over £100,000 can be called in. "Call-in" requires at least a quarter of the Members of the appropriate Overview and Scrutiny Committee to request the "call-in", in writing to the Governance Services Manager, within four working days of the publication of the decision by the Cabinet, to be effective. The Governance Services Manager will inform the Cabinet of the call-in and the decision will not be implemented until the conclusion of the call-in procedure. The Chairman of the appropriate Overview and Scrutiny Committee, in consultation with the Opposition Group Leaders, has delegated authority, to set up the Scrutiny Sub-Committee to deal with the item. The Governance Services Manager will convene a special meeting of the appropriate Overview and Scrutiny Sub-Committee must meet to consider the "called-in" item(s) within threewenty working days of the request to "call-in" the item(s) or place the "called-in" item on the agenda of the next available meeting of that committee, depending on which can be achieved earliest. publication of the decision by the Cabinet.
  - (e) if the appropriate Overview and Scrutiny Sub-Committee may, after consideration of the matter, decide s it is unhappy with the decision, it can to refer it back to the Cabinet for reconsideration, specifying the reasons for doing so;

- (f) if the matter is referred back to the Cabinet, the Cabinet must reconsider the decision as quickly as possible and may or may not amend it before adopting a final decision;
- (g) if the appropriate Overview and Scrutiny Committee wants to challenge any decision yet to be made or made but not yet implemented and reasonably believes it is not in accordance with the budget or policy framework then it must follow the procedure set out in paragraph 7 of the Budget and Policy Framework Procedure Rules;
- (h) decisions which are required to be made as a matter of urgency cannot be called in and can only be subject to post-implementation scrutiny.

#### 14.3 Limitations to call-in

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are placed on pre-implementation call-in. These are:-

- (a) only decisions involving expenditure over a value of £100,000 may be called in;
- (b) a quarter of the Members of the appropriate Overview and Scrutiny Committee are needed for a decision to be called-in; and
- (c) to avoid a conflict of interest an Overview and Scrutiny Committee should not call-in a decision in which they have been involved in developing as part of its policy review and development function. In such instances another Overview and Scrutiny Committee will be permitted to exercise the right of call-in.

#### 14.4 Call-in and Urgency

- (a) 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 seriously prejudice the Council's or the public's interests. The record of the decision shall state that in the opinion of the decision making person or body, the decision is an urgent one. The Mayor must agree to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor'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 meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually by the Monitoring Officer and a report submitted to Council with proposals for review if necessary.

#### 14.5 Councillor Call for Action

Overview and Scrutiny Committees will receive any request from a Councillor for a discussion on behalf of residents on an issue affecting a single Council Ward where local problems have arisen and other methods of resolution have been exhausted. The request must be made to Governance Services by

2.00pm at least three clear working days before the date of the relevant Overview and Scrutiny Committee meeting.

15. THE PARTY WHIP

- 15.1 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, the Cabinet or any Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner is referred to as “the party whip”.
- 15.2 There will be no whipping of Overview and Scrutiny Committee or Scrutiny Sub-Committee Members when exercising scrutiny functions. Any evidence of whipping must be referred to the Monitoring Officer as soon as possible.

16. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- 16.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committees have the additional right to documents, as set out in paragraph 17 of the Access to Information Procedure Rules in part 4 of this Constitution.
- 16.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

17. OFFICER SUPPORT

Appropriate senior Officers will prepare reports and attend Overview and Scrutiny Committees to assist the Committees with policy review or development. Officer support in respect of the scrutiny function is detailed in paragraph 11 of these rules.

18. ATTENDANCE BY OTHERS

- 18.1 The Overview and Scrutiny Committees may in connection with policy development and review work, invite other persons to address them, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.
- 18.2 Each Overview and Scrutiny Committee must specifically consider whether and how to involve the public before commencing a policy development or review matter.

19. PROCEDURE AT MEETINGS

The Overview and Scrutiny Committees shall consider the following business:-

Part 1

Section A

- (a) Minutes of last meeting;

- (b) Declarations of interest;
- (c) Public question time and petitions;
- (d) Scheduled items;
- (e) Overview and scrutiny work programme.

### Section B

- (a) Consideration of items for scrutiny and appointment of Scrutiny Sub-Committee(s).
- (b) Call in of any Cabinet decisions or potential Cabinet decisions.

### Part 2

- (a) Any confidential items.