

PART 8

OVERVIEW AND SCRUTINY PROCEDURE RULES

Numbers of and arrangements for Overview and Scrutiny committees

1. The Council will appoint such Overview and Scrutiny committees as are set out in Article 6 of this Constitution.
2. The terms of reference of the Overview and Scrutiny committees are as set out in Article 6 of this Constitution. These will be scoped further by the individual committees.

Limit on membership of Overview and Scrutiny committees

3. No member may scrutinise a decision which he/she has been directly involved.

Co-optees

4. The Overview and Scrutiny committees or sub-committees shall be entitled to appoint people as non-voting co-optees.

Education representatives

5. The Overview and Scrutiny committee dealing with education matters shall include in its membership the following voting representatives:
 - 1 Church of England diocese representative
 - 1 Roman Catholic diocese representative
 - 3 parent governor representatives

The Overview and Scrutiny committee in this paragraph is an Overview and Scrutiny committee of a local education authority, where the committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Cabinet. If the Overview and Scrutiny committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

Meetings of the Overview and Scrutiny committees

6. There shall be at least 8 ordinary meetings of the Overview and Scrutiny Management Committee, and at least 4 meetings of the other main Overview & Scrutiny committees in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny committee meeting may be called by the chair of the relevant Overview and

Scrutiny committee, by any 2 members of that committee or by the Director of Resources if he/she considers it necessary or appropriate.

Quorum

7. The quorum for an Overview and Scrutiny committee shall be one quarter of the whole number of members of the committee.

Chair of Overview and Scrutiny committees

8. Chairs of Overview and Scrutiny committees/sub-committees will be drawn from among the Councillors sitting on the committee/sub-committee, and subject to this requirement the committee/sub-committee may appoint such a person as it considers appropriate as chair.

Work programme

9. The Overview and Scrutiny committees will be responsible for setting the programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

Agenda items

10. Any member of an Overview and Scrutiny committee or sub-committee shall be entitled to give notice to the Director of Resources that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Director of Resources will ensure that it is included on the next available agenda.
11. The Leader of the opposition may on up to 4 occasions per year require the Director of Resources to include an item on the agenda of the Overview and Scrutiny committee for consideration. The Director of Resources shall inform the chair of the Overview and Scrutiny Committee of the request at the earliest opportunity, and make arrangements for the matter to be included on the agenda at the next available meeting of that Overview and Scrutiny committee.
12. Any 5 members of the Council may give written notice to the Director of Resources that they wish an item to be included on the agenda of the Overview and Scrutiny committee. If the Director of Resources receives such a notification, then he/she will include the item on the first available agenda of the Overview and Scrutiny committee for consideration by the committee.
13. The Overview and Scrutiny committee shall also respond, as soon as its work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where it does so, the Overview and Scrutiny committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny committee within one month of receiving it.

Policy review and development

14. The Overview and Scrutiny committees may assist the Council and the Cabinet in the development of the Council's budget and policy framework by in-depth analysis of policy issues, as set out in Article 6 of this Constitution.
15. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny committee or sub-committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference as set out in Article 6 of this Constitution.
16. The Overview and Scrutiny committees 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. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

Reports from Overview and Scrutiny committees

17. Once they have formed recommendations on proposals for development, the Overview and Scrutiny committee will prepare a formal report and submit it to the Director of Resources for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
18. If an Overview and Scrutiny committee cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
19. The Council or Cabinet shall consider the report of the Overview and Scrutiny committee within one month (or next available meeting in the case of Council) of it being submitted to the Director of Resources.

Making sure that Overview and Scrutiny reports are considered by the Cabinet

20. The agenda for Cabinet shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports of Overview and Scrutiny committees referred to 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.
21. Where the Overview and Scrutiny committee or sub-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 individual member of the Cabinet, the Overview and Scrutiny committee will submit a copy of their

report to him/her for consideration. The member with delegated decision making power must consider the report and respond in writing to the Overview and Scrutiny committee within 2 weeks of receiving it. A copy of his/her written response to it shall be sent to the Director of Resources and the Leader. The Cabinet member will also attend a future meeting of the Overview and Scrutiny committee to present their response.

22. Overview and Scrutiny committees will have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.

Rights of Overview and Scrutiny committee members to documents

23. 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 5 of this Constitution.
24. Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny committees as appropriate depending on the particular matter under consideration.

Members and officers giving account

25. (1) The Overview and Scrutiny committees may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation they may require any Cabinet member, the Head of the Paid Service or any corporate and/or service director to attend a meeting to explain in relation to matters in their remit:

- Any particular decision (including those intended to be taken either by the Cabinet or under delegated authority);
- The extent to which the actions implement Council policy and support the aim of the Corporate Plan;
- Their performance in discharging their responsibilities.

(2) A standing invitation exists for Cabinet members to attend Overview and Scrutiny committees however where a specific invitation has been made then it is the duty of those persons to attend if so required. This requirement extends to any sub-committees, task groups or rapid scrutiny exercises established by an Overview and Scrutiny committee.

(3) Where any member or officer is required to attend an Overview and Scrutiny committee under this provision, the Head of Democratic Services shall inform the member or officer in writing giving at least 10 working days notice. The notice will state the nature of the topic on which he/she is required to give an account and

whether any written evidence needs to be produced for the meeting. The sufficient notice should be given to allow reasonable time to produce the written evidence.

(4) The Chairman of the Overview and Scrutiny committee shall determine the reasonableness of the notice if disputed.

Attendance by others

26. An Overview and Scrutiny committee may invite any person 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 shall invite such people to attend.

Call-in

27. Call-in should only be used in exceptional circumstances. These are where members of the appropriate Overview and Scrutiny committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles of decision making in the Constitution.
28. When a decision is made by the Cabinet, an individual member of the Cabinet or a Committee of the Cabinet, 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 where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. The chair of the Overview and Scrutiny committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
29. That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless an Overview and Scrutiny committee objects to it and calls it in.
30. During that period, the Director of Resources shall call-in a decision for scrutiny by the committee if so requested by the chair or any three members of the committee, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chair of the committee, and in any case within 5 days of the decision to call-in.
31. If, having considered the decision, the Overview and Scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.
32. If following an objection to the decision, the 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 meeting, or the expiry of that further 5 working day period, whichever is the earlier.

33. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. 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 to reconsider within 5 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request. The Council cannot make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget.
34. 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.
35. Where a Cabinet decision has been taken by an Area committee then the right of call-in shall extend to any other Area committee which resolves to refer a decision which has been made but not implemented to a relevant Overview and Scrutiny committee for consideration in accordance with these provisions. An Area Committee may only request the Director of Resources to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant Overview and Scrutiny committee.

Exceptions

36. In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use:
- that an Overview and Scrutiny committee may only call-in 2 decisions per six month period;
 - only decisions involving expenditure or reductions in service over a value of £100,000 may be called in;
 - three members of an Overview and Scrutiny committee are needed for a decision to be called in.

Call-in and urgency

37. The call-in procedure set out above shall not apply where the decision being taken by 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, 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 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-chair'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 the Council, together with the reasons for urgency.

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

The Party Whip

39. 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, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

Procedure at Overview and Scrutiny Committee meetings

40. Overview and Scrutiny committees and sub-committees shall consider the following business:
- minutes of the last meeting;
 - declarations of interest (including whipping declarations);
 - consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
 - responses of the Cabinet to reports of the Overview and Scrutiny committee and;
 - the business otherwise set out on the agenda for the meeting.
41. 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:
- 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;
 - that those assisting the committee by giving evidence be treated with respect and courtesy and;

- that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

42. Following any investigation or review, the committee/sub-committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

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