

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. **Number and Structure of Scrutiny Committees**

- (a) The Council will have at least one Scrutiny Committee, which will perform the overview and scrutiny functions on behalf of the Council. They will consist of Members of the Council. Church and parent governor representatives will sit on the Committee with responsibility for education matters.
- (b) The terms of reference of the Scrutiny Committees are set out in Article 6.

2. **Who may sit on the Scrutiny Committees?**

All Councillors except Members of the Executive may be Members of the Scrutiny Committees. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

3. **Co-optees**

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

4. **Education Representatives**

The Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) At least one Church of England diocese representative;
- (b) At least one Roman Catholic diocese representative;
- (c) Between 2 and 5 parent governor representatives; and
- (d) Representatives of other faiths or denominations if the Council so determines.

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

5. **Meetings of the Scrutiny Committees**

There shall be at least 5 ordinary meetings of each Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting of a Scrutiny Committee may be called by the chair of the relevant Committee, or by the Head of Paid Service if he/she considers it necessary or appropriate.

6. **Quorum**

The quorum for the Scrutiny Committees shall be as set out for Committees in the [Council's Rules of Procedure](#) in Part 4 of this Constitution.

7. **Who Chairs Scrutiny Committee Meetings?**

Chairs of the Scrutiny Committees will be drawn from among the Councillors sitting on the Scrutiny Committee, and subject to this requirement the Council may appoint such a person as it considers appropriate as Chair.

8. **Work Programme and Annual Report**

- (a) The Scrutiny Committees will determine their work programmes in consultation with the Lead Executive Member for their Committee.
- (b) The Scrutiny Committees must report annually to the Executive and Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

9. **Agenda Items**

Any member of a Scrutiny Committee shall be entitled to give notice to the Head of Paid Service that he/she wishes an item relevant to the functions of that Scrutiny Committee to be included on the agenda for the next available meeting of the Scrutiny Committee. On receipt of such a request the Head of Paid Service will ensure that it is included on the next available agenda.

10. **Policy Review and Development**

- (a) The role of the Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, the Scrutiny Committees may make proposals to the Executive for developments insofar as they relate to matters within their terms of reference.
- (c) The 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 appoint task and finish groups to undertake a review on any matter and report back to the appointing Committee. A Committee and/or task and finish group 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 provided that the budget of the Committee is not exceeded.

11. **Reports from the Scrutiny Committees**

- (a) Once they have formed recommendations on proposals for development, the Scrutiny Committees will prepare formal

reports and submit them to the Head of Paid Service for consideration by the Executive 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).

- (b) If a Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Scrutiny Committee within 2 months of it being submitted to the Head of Paid Service.

12. **Making sure that Overview and Scrutiny Reports are considered by the Executive**

Once a Scrutiny Committee has completed its deliberations on any matter, it will forward a copy of its final report to the Head of Paid Service who will allocate it to either or both the Executive 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 Head of Paid Service refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive will have 6 weeks in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from a Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Executive to the overview and scrutiny proposals.

13. **Rights of Scrutiny Committee Members to Documents**

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

14. **Members and Officers Giving Account**

- (a) Any Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require the Leader, any Member of the Executive, the Head of Paid Service and/or any Senior Officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;

- (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance.
- and it is the duty of those persons to attend if so required.
- (b) Where any Member or Officer is required to attend a Scrutiny Committee under this provision, the Chair of that Committee will inform the Head of Paid Service. The Head of Paid Service shall inform the Member or Officer in writing, giving at least 5 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
 - (c) Where information is received that the Member or Officer is unable to attend on the required date, then the Chairman of the relevant Scrutiny Committee shall, in consultation with the Vice Chairman, either;
 - insist on the Member/Officer's attendance on the required date; or
 - amend the original request to attend by deciding to arrange an alternative date for attendance; or
 - amend the original request to attend by deciding to accept a substitute Member or Officer to attend on the original required date; or
 - revoke the original request to attend and decide that the Scrutiny Committee shall proceed with the review of the decision in the absence of the Member or Officer or a substitute.

15. Attendance by Others

- (a) The Scrutiny Committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. The Scrutiny Committee has no power to compel such people to attend, but some may have a duty to co-operate under legislation.
- (b) Where information is received that any such person is unable or unwilling to attend on the required date, then the Chairman of the relevant Scrutiny Committee shall, in consultation with the Vice-Chairmen either:
 - if the person is willing to attend on an alternative date, arrange an alternative date for attendance; or
 - amend the original request to attend by deciding to accept a substitute person to attend on the original required date; or

- revoke the original request to attend by deciding that the Scrutiny Committee shall proceed with the review of the decision in the absence of the person or a substitute.

16. **Call-In**

- (a) When a decision is made by the Executive, or a Key Decision is made by an individual Member of the Executive or a Committee of the Executive, or an Officer with delegated authority from the Executive, 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 working days of being made. The Chairs of the Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, usually by electronic means, by the person responsible for publishing the decision.
- (b) 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 a Scrutiny Committee objects to it and calls it in.
- (c) During that period, the Head of Paid Service shall call-in a decision for scrutiny by the Committee if so requested by the Chair and Vice-Chair of the relevant Scrutiny Committee (whichever the Head of Paid Service considers applicable in relation to any particular decision) or any six of the total members who sit on the Scrutiny Committees, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the relevant Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, and in any case within 15 working days of the decision to call-in. Where an ordinary meeting of the relevant Scrutiny Committee is scheduled to be held within 20 working days, the call-in may instead be considered at that meeting.
- (d) If, having considered the decision, the 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 the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget. If the decision is referred back to the decision maker then the decision maker shall review the decision taking account of the comments or recommendations of the Scrutiny Committee and shall either confirm or amend the decision.
- (e) If following an objection to the decision, the 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 Scrutiny Committee meeting, or the expiry of that further 15 working day period, whichever is the earlier.

- (f) 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. However, if the Council does object, it has no locus to make decisions in respect of an Executive 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. If the decision is referred back to the decision maker then the decision maker shall review the decision taking account of the comments or recommendations of the Council and shall either confirm or amend the decision.
- (g) 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.

PREVENTION OF ABUSE OF CALL-IN

- (h) In order to ensure that call-in is not abused, nor causes unreasonable delay, limitations are placed on its use. These are that:
1. either the Chair and Vice-Chair of the relevant Scrutiny Committee, or 6 members of the total members who sit on the Scrutiny Committees, are needed for a decision to be called in, and
 - 2 a decision may not be called-in if the relevant Scrutiny Committee has already made recommendations to the decision taker and those recommendations have been accepted by the decision taker either in whole or without significant addition or modification.

CALL-IN AND URGENCY

- (i) The call-in procedure set out above shall not apply where there is a need for the decision being taken by the Executive, a Key Decision by an individual member of the Executive or a Committee of the Executive, or by an Officer with delegated authority from the Executive, or under joint arrangements to be implemented as a matter of urgency. A decision will require to be implemented urgently if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's or an individual'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 requires urgent implementation, and is therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to its implementation 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 exempted from call-in in this manner must be reported to Council, together with the reasons for the exemption.

- (j) 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.

17. The Party Whip

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

18. Procedure at Overview and Scrutiny Committee Meetings

- (a) The Scrutiny Committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
 - (iv) responses of the Executive to reports of the Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting.

The order of business on the agenda for meetings of the Executive shall be determined by the Head of Paid Service in the interests of the effective conduct of business.

- (b) Where a Scrutiny Committee or task and finish group conducts investigations (e.g. with a view to policy development), the Committee or group may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the Committee/group be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee/group by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) The provisions of 14(c) and 15(b) of these Rules shall also apply in relation to any persons requested to attend to give evidence under Rule 18(b) above.
- (d) Following any investigation or review, the Committee/group shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

19. Matters within the remit of more than one Scrutiny Committee

Where a matter for consideration by a Scrutiny Committee also falls within the remit of one or more other Scrutiny Committee, the decision as to which Committee(s) will consider it will be resolved by the Chief Executive.