

## **5. OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY**

The Council will appoint one Overview and Scrutiny Committee to undertake the overview and scrutiny function. The Committee may appoint sub-committees, which will also be subject to these Procedure Rules. Informal Task and Finish Groups may also be appointed for a fixed period on the expiry of which they shall cease to exist.

- (a) The Council will have one Overview and Scrutiny Committee, with a maximum of eleven Members of the Council, which will perform all overview and scrutiny functions on behalf of the Council.
- (b) The full terms of reference for the Overview and Scrutiny Committee are set out in Part 3 of the Constitution. The general functions of the Overview and Scrutiny Committee are to:
  - (i) prepare and approve a work programme for the Committee and to ensure its time is effectively and efficiently utilised;
  - (ii) undertake investigations into such matters that may be referred by the Cabinet, Committees and/or the full Council;
  - (iii) have the powers to call-in executive decisions made but not implemented as set out in Section 21(3) of the Local Government Act, 2000;
  - (iv) review existing policies of the Council to secure continuous improvement in the way in which the Council's functions are exercised and to make recommendations to the Cabinet and/or the full Council for future options;
  - (v) monitor the Council's performance on key actions in the Council Business Plan and monitor and review performance indicators;
  - (vi) review and/or scrutinise any matter affecting the area or its inhabitants;
  - (vii) appoint such task and finish groups and working groups as considered appropriate to fulfil its overview and scrutiny functions;
  - (viii) report annually to the full Council on its work;
  - (iv) put in place a system to ensure that referrals from the Committee to the Cabinet either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution; and

- (x) make decisions about the order in which reports should be referred to the Cabinet when it appears that the numbers of reports will interfere with the efficient running of Council business.
- (xi) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the Council with respect to the discharge of those functions (Section 19 of the Police and Justice Act 2006)

## **2. AGENDA ITEMS AND COUNCILLOR CALLS FOR ACTION**

- (a) Any Member of the Overview and Scrutiny Committee shall be entitled to give notice to the Corporate Manager – Democracy that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request, the Chair will be advised to ensure that it is included for discussion at the next meeting of the Programme Management Group, with a view to it being included on the next available agenda.
- (b) Any Member of the Council who is not a Member of the Overview and Scrutiny Committee shall be entitled to refer to the Committee for discussion any 'local government matter' which is relevant to the terms of reference of the Committee. The Member shall give written notice to the Corporate Manager – Democracy that they wish an item to be included, and on receipt of such a request, it will be included for discussion at the next meeting of the Programme Management Group, with a view to it being included on the first available agenda.
- (c) A 'local government matter' is defined as one which relates to the discharge of any function of the authority, affects all or part of the ward for which the member is elected, or any person who lives or works in that area, and which is not an 'excluded' matter. An excluded matter is one relating to a planning or licensing decision, one which relates to an individual or entity where there is already a right to review or appeal, or one which in the judgement of the Monitoring Officer in consultation with the Mayor is vexatious, discriminatory or not reasonable.

The Committee may have regard to any representations by the Member on why it would be appropriate for the Committee to exercise any of its powers in relation to the matter. If the Committee decides not to do anything, it must notify the Member setting out the reasons. If it does decide to act, any report and subsequent response should be sent to the member who has

placed the matter on the agenda. There is an expectation that the member who has placed the matter on the Committee agenda will normally attend the meeting to present their case.

- (d) The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where it does so, the Committee shall report its findings and any recommendations back to the Cabinet and/or Council, who shall consider the report of the Overview and Scrutiny Committee within one month of receiving it or the next available meeting, whichever is the longer.

### **3. POLICY REVIEW**

In relation to the review of existing policy and strategy, the Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy and may appoint advisers and assessors to assist 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 address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

### **4. REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

- (a) Once it has formed recommendations, the Overview and Scrutiny Committee will prepare a formal report and submit it 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).
- (b) If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or the Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Cabinet (and the Council) with the majority report.
- (c) The Cabinet or the Council shall consider the report of an Overview and Scrutiny Committee within one month or at the next available meeting (whichever is the later) of the report being submitted.
- (d) When a report is made dealing with Crime and Disorder matters in connection with the Committee's statutory role in paragraph 1 above, a copy shall be provided to each of the responsible authorities.

**5. MAKING SURE THAT REPORTS BY THE OVERVIEW AND SCRUTINY COMMITTEE ARE CONSIDERED BY THE CABINET**

- (a) Once the Overview and Scrutiny Committee has prepared a report, the Corporate Manager – Democracy will allocate it to the Cabinet for consideration and the Council if the contents of the report would have implications for the Council's budget and policy framework. If the Corporate Manager – Democracy refers the matter to the Council, they will serve a copy on the Cabinet with notice that the matter is to be referred to the Council. The Cabinet will have four weeks in which to respond to the Committee's report and the Council shall not consider it within that period. When the Council does meet to consider any referral from the 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.
- (b) The Overview and Scrutiny Committee will in any event have access to the Cabinet work programme and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following consideration of possible policy/service developments, the Overview and Scrutiny Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

**6. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

- (a) In addition to their rights as councillors, Members of the Overview and Scrutiny Committee 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 Cabinet and the Overview and Scrutiny Committee as appropriate depending on the matter under consideration.

**7. MEMBERS AND OFFICERS GIVING ACCOUNT**

- (a) The Overview and 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, they may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before them to explain:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) performance monitoring information.

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

- (b) Where any Member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of the Committee will inform the Corporate Manager – Democracy who shall inform the Member or officer giving at least three working days' notice of the meeting at which he or she is required to attend, although, in normal circumstances, he or she will be expected to attend the next scheduled meeting of the Committee. The notice will state the nature of the item on which he or she is required 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 the documentation.
- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance or for a substitute to attend in his or her place.

## **8. ATTENDANCE BY OTHERS**

The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 15 above to attend a meeting in order to 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.

When dealing with crime and disorder matters, the Committee may require the attendance of a representative of a responsible authority in order to provide information or answer questions, provided at least two weeks notice is given.

## **9. PETITIONS**

Where a petition is submitted to the Council in accordance with the Council's Petitions Scheme, and has at least 500 eligible signatures, the petition organiser shall be entitled to require a senior officer to attend a meeting of the Overview and Scrutiny Committee to answer questions and address the subject matter of the petition. (Petitions with

1000 eligible signatures or more shall be considered by the full Council in the first instance. However, if such a petition specifies that it wishes a senior officer to give evidence at a public meeting, then this shall usually take place at the Overview and Scrutiny Committee).

The final decision on which senior officer should attend shall rest with the Committee and shall be dealt with in accordance with the provisions in Para. 15 'Members and Officers giving Account'. Committee members shall ask the questions at the meeting, but the petition organiser shall be able to suggest questions by contacting the meeting administrator, no later than two working days before the meeting.

#### 10. **CALL-IN**

- (a) Call-in should be used only in exceptional circumstances. These circumstances are as follows:
  - (i) Any four or more non-executive Members will have the right within five working days of the publication of the decision to call in any decision of the Cabinet, a Cabinet Member or a key decision taken by an officer under delegated powers to the Overview and Scrutiny Committee subject to giving reasons, such as it is:
    - contrary to policy; or
    - contrary to budget; or
    - based on incorrect or inadequate or inaccurate information
  - (ii) 25% of the Members of the Council will have the right within five working days of the publication of the decision to call in any Cabinet decision direct to full Council if they consider it to be
    - contrary to the policy framework
    - contrary to the agreed budget
- (b) When an executive decision is made by the Cabinet, a Cabinet committee, a Cabinet Member or under joint arrangements or a key decision is made by an officer with delegated authority from the Cabinet, a record of that decision shall be published on the Council's website and shall be available at the main offices of the Council normally within three days of it being made. All Members will be notified of the records of all such decisions within the same timescale by the Corporate Manager – Democracy. The record will bear the date on which it is published.

- (c) Subject to the urgency provisions in paragraph 11 below, any executive decision of the type referred to in paragraph (b) above will come into force and may be implemented following the expiry of five working days from the date of publication of the record of the decision UNLESS before the expiry of that period the decision is called in to the Overview and Scrutiny Committee in accordance with these rules. A decision which has been called-in will not come into force until the Overview and Scrutiny Committee has had the opportunity to decide whether the matter should be reconsidered.
- (d) Members will notify the Corporate Manager – Democracy of any executive decision that they wish to call-in in writing, who shall refer any decision which is called-in to the Overview and Scrutiny Committee in accordance with these Rules and shall notify the decision-taker of the request for call-in.
- (e) The Overview and Scrutiny Committee will normally consider any decision that has been called in to the Committee within ten working days of the Corporate Manager – Democracy being notified of the request (whether pursuant to paragraph (a) above or by the Committee itself).
- (f) If, having considered a decision that has been called in, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision taker for reconsideration, setting out in writing the nature of its concerns. If referred to the decision taker, that person or body shall then reconsider the decision within a further 15 working days, or at its next scheduled meeting (whichever is the later) amending the decision or not, before adopting a final decision.
- (g) If, having considered a decision that has been called in, the Overview and Scrutiny Committee does not refer the matter back to the decision taker nor onwards to full Council the decision shall take effect on the next working day after the Committee meeting.
- (h) If the matter is 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 shall take effect on the next working day after the Council meeting. However, if the Council does object, it has no authority 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 taker, together with the Council's views on the decision. That decision taker shall choose whether to amend the decision or not before reaching a final decision and implementing it.

**11. CALL-IN AND URGENCY**

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, a Cabinet committee, a Cabinet Member, or a key decision made by an officer 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 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 Mayor and the Chair of the Overview and Scrutiny Committee in consultation with the appropriate officers 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 either postholder, the Deputy Mayor and relevant Vice-Chair's consent shall be required. In the absence of the required combination of individual Members, the Head of Paid Service or his or her nominee's consent shall be required.

**12. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

- (a) The Overview and Scrutiny Committee shall consider the following business:
  - (i) minutes of the last meeting;
  - (ii) consideration of any decisions "called in" to the Committee;
  - (iii) responses of the Cabinet to reports of the Committee;
  - (iv) the business otherwise set out on the agenda for the meeting.
  - (v) Review of the Committee's work programme.
- (b) Where the Overview and Scrutiny Committee conducts investigations, the Committee may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:
  - (i) the investigation will be conducted fairly and all Members of the Committee given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) those assisting the Committee by giving evidence are treated with respect and courtesy; and

- (iii) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and the Council (if appropriate) and shall make its report and findings public.

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