

PART 4E OVERVIEW AND SCRUTINY PROCEDURE RULES

1. What will be the number and arrangements for overview and scrutiny committees?

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. The Overview and Scrutiny Committees will carry out the overview and scrutiny functions conferred on the Council by Section 21 of the Local Government Act 2000. The terms of reference of the Overview and Scrutiny Committees are as set out in the Scheme of Delegation in this constitution.

2. Who may sit on Overview and Scrutiny Committees?

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

3. Meetings of the Overview and Scrutiny Committees

There shall be ordinary meetings of the Overview and Scrutiny Committees in each year in accordance with a programme of meetings to be agreed by the Council. In addition, extraordinary meetings may be called from time to time by the chair or by the proper officer if he/she considers it necessary or appropriate.

4. Quorum

The quorum for an Overview and Scrutiny Committee shall be one quarter of voting members, as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

5. Who chairs overview and scrutiny committee meetings?

Chairs of the Overview and Scrutiny Committees will be drawn from among the Councillors sitting on the committee, *and will be appointed by the Council or in the event of the Council not making appointments, by the members of each committee at its first meeting after the Annual Meeting.-*

6. Work programme

The Overview and Scrutiny Committees will be responsible for setting their own work programme.

7. Agenda items

The leader of any political group on the Council may require the proper officer to include an item on the agenda of a relevant Overview and Scrutiny Committee for consideration. The proper officer shall inform the chair of the relevant 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 the Committee.

The Overview and Scrutiny Committees shall respond, as soon as their work programme permits, to requests from the Council and/or the Executive to review particular areas of Council activity. Where they do so, the Committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Overview and Scrutiny Committee within 2 months of receiving it.

A member of the public or a Councillor may suggest an item for inclusion on the agenda, in which case the Chair and in his/her absence, the Vice Chair will determine its inclusion or not.

8. Policy review and development

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 detail in the Budget and Policy Framework Procedure Rules.

In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committees may make proposals *and recommendations* to the Executive in so far as they relate to matters within their terms of reference.

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.

9. Reports from Overview and Scrutiny Committees

Once it has formed recommendations on proposals, ~~for development,~~ *the* Overview and Scrutiny Committee will prepare a formal report and submit it to the proper officer 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).

If the Overview and 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..

The Council or Executive shall consider the report of the Overview and Scrutiny Committee within two months of it being submitted to the proper officer.

10 Making sure that overview and scrutiny reports are considered by the eExecutive.~~or policy committees~~

The agenda for Executive meetings shall include an item entitled 'Issues arising from overview and scrutiny'. The reports of the Overview and Scrutiny Committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within 3 weeks of the Overview and Scrutiny Committee completing its report/recommendations.

The Overview and Scrutiny Committees will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committees 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.

11. Rights of Overview and Scrutiny Committee members to documents

In addition to their rights as eCouncillors, 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 4 of this Constitution.

12. Members and officers giving account

Any 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, it may require any member of the eExecutive, the

~~H~~Head of ~~p~~Paid ~~s~~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.

Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the chair of that Committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 3 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.

Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

13. Attendance by others

An Overview and 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.

14. Call-In

The following provisions will comprise the Call-In Procedure under Sections 21(2) and (3) of the Local Government Act 2000:

- (a) Decisions of the Executive will be circulated to all Members not more than 3 clear working days after the date of the meeting.
- (b) Decisions of the Executive will not be implemented before the expiry of 7 clear working days after the date of the meeting, pending a decision from Overview and Scrutiny, or any three

Members, on call-in..If a decision to call in is taken, the decision of the Executive will not be implemented until the following due process is completed.

- (c) Within ~~that~~ 7 clear working days after the meeting, the Chairman and Deputy Chairman of ~~the relevant~~ Overview and Scrutiny Committee, or any 3 Members of the Council, can requisition in writing (the requisition to be signed by all the Members making the requisition) to the Proper Officer for a meeting of the Overview and Scrutiny Committee to be held to scrutinise a specific decision of the Executive.
- (d) The grounds on which the decision is being called in will be specified in the requisition, such as the decision may be outside the Executive's terms of reference or the Council's policy framework, or conflicts with other approved Council policy, or that it may be a high profile issue attracting a good deal of public attention.
- ~~(d)~~(e) Any meeting of the Committee convened as a result of the call-in shall be held within 5 working days of the requisition.
- ~~(e)~~(f) The specified Executive decision can be referred back by the Overview and Scrutiny Committee to the Executive for further consideration, together with such recommendation on the decision as the Committee consider appropriate, and can at the discretion of the Executive, be then implemented without further delay.
- ~~(f)~~(g) For the purposes of scrutinising specific decisions, the Overview and Scrutiny Committee shall have powers to require Members of the Executive and/or Council officers to attend meetings of the Committee and answer questions relating to the specified decision..
- (h) *This procedure is not applicable to decisions taken under the Urgent Action provisions in the Executive Procedure Rules.*

Scope of Operation:

~~*Matters properly referred to an Overview and Scrutiny Committees will be issues relating to a decision or set of decisions made under delegated authority by a group of members or by an officer.~~

~~*The purpose of scrutiny investigations will be to assess the reasonableness or otherwise of the decision made, given the information available at the time.~~

~~*Where a decision has been, or is alleged to have been, taken outside delegated powers, it will not be referred to an Overview and Scrutiny Committee but will be dealt with under the Disciplinary Procedure in the case of employees or the Standards Committee in the case of Members.~~

15. The party whip

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..

16. Procedure at overview and scrutiny committee meetings

(a) Overview and 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 overview and scrutiny committee; and
- v) the business otherwise set out on the agenda for the meeting.

(b) Where an 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:

- i) 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;
- ii) that those assisting the Committee 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) Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.