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## 5C Overview and Scrutiny Rules

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### Terms of reference

1. Scrutiny Committees will have the power to investigate any matters they consider relevant to their work area, and to make recommendations to the Council, the Executive or any other Committee or Sub-Committee of the Council as they see fit.
2. Their terms of reference will be:-
  - (i) the performance of the Overview and Scrutiny functions on behalf of the Council in relation to the work allocated to that Committee. It is intended that the work should be wide ranging and cut across the organisational structure of the Council.
  - (ii) the appointment of such Sub-Committees as it considers appropriate to fulfil those Overview and Scrutiny functions. This includes the power to form joint Sub-Committees with the Overview and Scrutiny Committee.
  - (iii) to receive reports from the leader at its first meeting after each annual Council meeting on the Executive's priorities for the coming year and its performance in the previous year;
  - (iv) to approve a work programme for the Committee, including the programme of any Sub-Committees it appoints so as to ensure that time is effectively and efficiently utilised;
  - (v) to receive requests from the Executive and/or the full Council for Overview and Scrutiny reports and to respond accordingly;
  - (vi) to put in place a system to ensure that referrals from the Committee to the Executive, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution;
  - (vii) in the event of reports to the Executive exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business, at the request of the Executive, to make decisions about the priority of referrals made
3. Scrutiny Committees should not be regarded primarily as an "appeals mechanism" to overturn or amend specific decisions (although they may, if they see fit, ask the Executive, the Council or another Committee to reconsider a decision); rather their function is to raise issues for consideration, to examine the intent and effectiveness of policy, to hold the Executive to account, and to represent the interests and views of the public within the Council.

### Who may sit on Overview and Scrutiny Committee?

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4. The Overview and Scrutiny Committee will reflect as nearly as possible the political composition of the Council as a whole.
5. Any Councillor except a member of the Executive may be a member of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved. Members of the Executive shall not be eligible to sit on the Overview and Scrutiny Committee, either in their own right or as substitutes.
6. The Overview and Scrutiny Committee or Sub-Committee shall be entitled to recommend to Council the appointment of people as non-voting co-optees.

### Meetings

7. There shall be at least six ordinary meetings of the Overview and Scrutiny Committee in each civic year. A programme of dates will be agreed by the Council early in each calendar year, as shall the time for the first meeting of the Overview and Scrutiny Committee after the annual meeting of the Council. However, the Committee may agree the times for its subsequent meetings at its first meeting in each civic year.
8. Normally, the Committee will meet at intervals ranging from six to eight weeks, although this may be varied when the programme is agreed, and additional meetings may take place as specified in the following paragraph.
9. Special meetings of the Overview and Scrutiny Committee may be called at any time by the relevant Committee Chair (or in their absence, by the Vice-Chair), by the full Council, by any five members of the Committee, or by the Chief Executive, providing at least five clear working days' notice is given.
10. In exceptional circumstances meetings may be called by the Chair with fewer days notice, providing the issue(s) to be discussed require an urgent decision, and providing as much notice as possible is given.

### Quorum

11. The quorum shall be such number as may be fixed by the Committee or Sub-Committee, provided that the number shall be:
  - (i) not less than one quarter of the total membership of the Committee or Sub-Committee; and
  - (ii) subject to a minimum of three.
12. If a Committee or Sub-Committee does not fix a quorum, then the figure shall be one-quarter of its membership, or three, whichever is the greater.

### Chairing Overview and Scrutiny Committee meetings

13. The Overview and Scrutiny Committee shall at its first meeting after the annual meeting of the Council elect a Chair and Vice-Chair from amongst the members of the Committee. If either position becomes vacant during the course of the year it will be filled by the Committee at its next meeting.

### **Work programme and annual report**

14. The Overview and Scrutiny Committee will be responsible for setting their own work 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.
15. The Overview and Scrutiny Committee must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

### **Agenda items**

16. Any member of the Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Chief Executive that they wish 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 Chief Executive will ensure that it is included on the next available agenda.
17. The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council, the Executive, or any other Committee of the Council, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Council, the Executive or the relevant Committee, as it deems appropriate.
18. Under the Councillor Call for Action, Members may also bring matters of ward concern to the attention of the Council via the Scrutiny process. The Call for Action is deemed to be an option of “last resort” and details of its operation are set out in the Councillor Call for Action Protocol in Part 4-10 of this Constitution.

### **Policy review and development**

19. The role of the Overview and Scrutiny Committee 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](#).
20. In addition, the Overview and Scrutiny Committee may make whatever recommendations or observations they see fit to the Council, the Executive or any other Committee of the Council, who must then consider them within six weeks of receipt.
21. The Overview and Scrutiny Committee 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.

22. Where the cost of any single item of work exceeds £1,000, the Overview and Scrutiny Committee will need the prior consent of the Council or the Executive to incur the expenditure. The Council will make budget provision available as necessary for that purpose and the Overview and Scrutiny Committee will be responsible for and manage that budget in accordance with the [Financial Procedure Rules](#) and [Part 2, Article 9](#) of the Constitution.

### **Reports from Overview and Scrutiny Committee**

23. Once it has formed recommendations or observations, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Chief Executive for consideration by whichever body in the Council the Committee deems appropriate.
24. If an Overview and Scrutiny Committee cannot agree on one single final report, then up to two minority reports may be prepared and submitted for consideration with the majority report.
25. The body receiving the report shall consider it within six weeks of it being submitted to the Chief Executive, or such longer timescale as the Chair of the Overview and Scrutiny Committee may agree.

### **Consideration of Overview and Scrutiny Committee reports**

26. The agenda for Council, Executive and Committee meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. Reports referred by the Overview and Scrutiny Committee shall be included at this point in the agenda (unless they have been considered in the context of deliberations on a substantive item on the agenda) within six weeks of the Overview and Scrutiny Committee submitting its report, or such longer timescale as the Chair of the Overview and Scrutiny Committee may agree.

### **Rights of Overview and Scrutiny Committee members to documents**

27. 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 5F](#) of this Constitution.
28. The Overview and Scrutiny Committee will have access to the Executive work 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, the Committee will be entitled to respond in the course of the Executive's consultation process in relation to any key decision.

29. Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **Members and officers giving account**

30. Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Chief Executive 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.
31. In this context “senior officer” means the Chief Executive, any Director or Assistant Director, the Monitoring Officer, or any of the Council’s Heads of Service.
32. Where any member or officer is required to attend the Overview and Scrutiny Committee under this provision, the Chair will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least five clear working days’ notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are 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.
33. 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.

### **Attendance by others**

34. An Overview and Scrutiny Committee may invite people other than those people referred to in paragraphs or 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.
35. Attendance is of course entirely optional.

### **Call-in**

36. Where a decision is:
- (i) a key decision; or
  - (ii) is taken by the Executive itself; or
  - (iii) is taken under powers delegated by the Executive to individual Executive member(s); or
  - (iv) is taken under powers delegated by the Executive to a Committee or Sub-Committee; or
  - (v) is taken under powers delegated by the Executive to an officer, other than those set out in the [Officer Delegation Rules](#) under Part 4 of this Constitution;
- that decision shall be notified to all members of the Council as soon as possible after it is taken and shall be made available at the main offices of the Council.
37. The decision shall not be implemented for at least five clear working days after the notification is issued, unless the Leader (or, in their absence, the Deputy Leader or the Executive itself) with the support of the Chair of a Scrutiny Committee relevant to the issue decides that the matter is urgent, in which case the decision may be implemented immediately. In such a case all members of the Council shall be notified of the reasons for urgency.
38. The notice communicating the decision will bear the date on which it is published and will specify the date by which any objection to it must be lodged for it to be called in.
39. During that period, any four members of the Council will have the right to ask for the decision to be called-in for scrutiny by the Overview and Scrutiny Committee. Such a request must be made in writing and must state the reason the members believe call-in to be necessary. On receipt of such a request, submitted within the time limit allowed, the Chief Executive shall determine whether the reasons given for call-in are sufficient and if so they will call-in the decision, and notify the decision-taker of the call-in. The Chief Executive shall then either refer the call-in to the next available meeting of the Overview and Scrutiny Committee or call a meeting of the Committee on such date as the Chair of the Committee may determine. If when considering a request for call-in the Chief Executive does not consider the reasons given to be sufficient, they will notify the relevant members in writing setting out why the call-in request has not be accepted.
40. Pending that meeting, the decision shall stand deferred and shall not be implemented unless:
- (i) the Leader (or, in their absence, the Deputy Leader or the Executive itself) with the support of the Chair of an Overview and Scrutiny Committee relevant to the issue decides that the matter is urgent. In such a case all members of the Council shall be notified of the reasons for urgency; or
  - (ii) the member who requested the call-in agrees to withdraw that request.
41. In either of these circumstances the decision may be implemented as soon as the initial period for objections has lapsed.
42. If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, 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 (see also paragraph 45 below). If referred to the decision maker they shall then reconsider it, amending the decision or not, before adopting a final decision. That final decision shall not be subject to any further call-in procedure.

43. If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter either to Council or back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting.
44. 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.
45. However, if the Council does object, it has no locus to make decisions in respect of a 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. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
46. If the Council does not decide to refer the decision back to the decision making body or person, the decision shall take effect on the date of the Council meeting.
47. A recommendation from the Executive to the Council shall not be subject to the call-in provisions set out in these rules.
48. A decision-making person or body can only be required to reconsider any particular decision once.

#### **Procedure at Overview and Scrutiny Committee meetings**

49. The Overview and Scrutiny Committee and Sub-Committees shall consider the following business:
  - (i) minutes of the last meeting;
  - (ii) declarations of interest;
  - (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
  - (iv) responses of the Council, Executive or other Committees to reports of the Overview and Scrutiny Committee; and
  - (v) the business otherwise set out on the agenda for the meeting.
50. 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:
  - (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.
51. Following any investigation or review, the Committee/Sub-Committee shall prepare a report, for submission to the Council, Executive or other Committee as it deems appropriate and shall make its report and findings public.

### **Councillor Call for Action Protocol**

1. The Councillor Call for Action is a mechanism for enabling elected members to bring matters of ward concern to the attention of the Council, via the Scrutiny process.
2. The Constitution provides that any councillor may request that an item is placed on the Overview and Scrutiny Committee agenda, for consideration. The member making that request does not have to be a member of the Overview and Scrutiny Committee. Inclusion of the matter on the agenda is at the discretion of the Chair.
3. The Constitution also provides for the consideration of petitions submitted by members of the public. Ward councillors may encourage citizens to submit petitions as means of bringing issues of concern to the Council's attention.
4. The Call for Action is deemed to be an option of "last resort". A Call for Action will only be included on the Overview and Scrutiny Committee agenda if the Chair, in consultation with the Chief Executive, Finance Director or Monitoring Officer, is satisfied that:
  - the councillor has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners; and
  - the issue of concern is a matter in respect of which the council has a statutory power or duty to deal with and is not precluded by adopted council policy or legislation; and
  - the issue of concern has a demonstrable impact on a part or the whole of the councillor's ward; and
  - the Call for Action does not, in any event, relate to:
    - (a) any matter relating to a planning decision;
    - (b) any matter relating to a licensing decision;
    - (c) any Council Tax/Housing Benefit complaints and queries;
    - (d) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
    - (e) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or at a meeting of a sub-committee thereof.
5. A valid Call for Action will be considered at the next ordinary meeting of the Overview and Scrutiny Committee.



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6. The subject matter of the Call for Action will be the subject of a report from the relevant Head of Service, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Overview and Scrutiny Committee meeting to provide that information, make representations and answer questions.
7. The Call for Action will be considered by the Overview and Scrutiny Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.
8. A ward councillor may address the Overview and Scrutiny Committee in respect of the Call for Action for up to 10 minutes.
9. The Overview and Scrutiny Committee may also consider representations from any citizens of the ward affected by the Call for Action, subject to the discretion of the Chair.
10. The ward councillor's role in the consideration of the Call for Action, as with any other formal Council business, is subject to compliance with the Members' Code of Conduct.