

Overview and Scrutiny Procedure Rules

Form and Composition of Overview and Scrutiny

The Council will have an Overview and Scrutiny Committee and Resources and Performance Scrutiny Board each of 12 Members.

In addition, the Overview and Scrutiny Committee may appoint Task and Finish Groups (each of a maximum 12 members) for a fixed period, on the expiry of which they shall cease to exist. The number of Task and Finish Groups active at any one time will be kept under review by the parent Overview and Scrutiny Committee.

Overview and scrutiny meetings shall as a general principle meet in public, unless considering information classed as described as 'exempt' as described in the meeting procedure rules pages 59-60 of this constitution. This does not preclude but encourages flexible and innovative working such as the delegation of tasks to a member or a small informal working group of members meeting out of the public arena, consultations or any other form of working. Such working will be reported back to the relevant Overview and Scrutiny meeting.

In these procedure rules the terms 'overview and scrutiny' and 'overview and scrutiny meeting' shall be used to refer to the Overview and Scrutiny Committee, Resources and Performance Scrutiny Board and Task and Finish Groups collectively.

Task and Finish Groups

The Overview and Scrutiny Committee will decide whether a Task and Finish Group should be formal and report directly to Executive or Council (subject to proportionality and Access to Information rules) or, informal and report back to the Overview and Scrutiny Committee (not subject to proportionality and Access to Information rules).

Task and Finish Groups may be established to undertake specific project work, policy development, a specific task, consultation, review investigation or similar activity. Task and Finish Groups would normally only make one final report during their lifetime.

Formally constituted Task and Finish Groups will be subject to these Overview and Scrutiny Procedure rules and Access to Information rules. Substitutes (alternates) will not be permitted.

At the first meeting of each new Task and Finish Group, they will carry out a stakeholder analysis exercise to determine who should be involved with their work and who should give evidence and who should be consulted. The stakeholder analysis will also highlight potential co-optees.

Task and Finish Groups may appoint any number of people (excluding members of staff or other Councillors) as non-voting co-optees to assist in any item of business, as they deem appropriate. Members of staff and other Councillors cannot be co-opted.

Each Task and Finish Group will also be required to agree a detailed work plan to enable them to complete their task within the agreed timescale.

Who May Sit on Overview and Scrutiny?

All Councillors with the exception of members of the Executive may be appointed to one or more of the above overview and scrutiny meetings. However, no member may be involved in scrutinising a decision in which they have been directly involved.

At the first meeting of the Overview and Scrutiny Committee following the Annual Council meeting and on the establishment of a new Task and Finish Group the Overview and Scrutiny Committee shall in respect of each Task and Finish Group appoint one of its number to sit on each Task and Finish Group as the designated link member.

The designated link member to the Resources and Performance Scrutiny Board and Task and Finish Groups will:

- Provide expertise, assistance and guidance.
- Keep the Overview and Scrutiny Committee updated on progress.
- Help facilitate the smooth running of the overview and scrutiny function.
- Be a full member of the Resources and Performance Scrutiny Board or Task and Finish Group and eligible to be their Chairman or Vice-Chairman.

The political groups will allocate members to formal Task and Finish Groups according to proportionality, which shall be appointed under delegated authority by the Head of Legal and Democratic Services in consultation with the Chairman or in their absence the Vice-Chairman of the Overview and Scrutiny Committee.

Each Group may appoint up to a maximum of two named substitutes for each overview and scrutiny meeting (excluding Task and Finish Groups) for the municipal year. Casual substitutions (alternatives) will not be allowed.

Substitute (alternate) Members will have all the powers and duties of any ordinary member of the meeting. Substitutes (alternates) for the Overview and Scrutiny Committee will not be able to exercise any special powers or duties exercisable by the person they are substituting.

Involvement with Overview and scrutiny

Any person including members and staff may be invited to attend, present evidence or share their expertise with any overview and scrutiny meeting in accordance with the Overview and Scrutiny Procedure Rules. Requests for staff to attend should be made through the Head of Paid Service.

Meetings of Overview and Scrutiny Committee and Resources and Performance Scrutiny Board

The Overview and Scrutiny Committee and Resources and Performance Scrutiny Board will meet regularly on dates to be determined by Council on an annual basis.

They may agree to hold additional meetings as required.

Meetings of Task and Finish Groups

Each Task and Finish Group shall determine the frequency, times and venues of their own meetings, in accordance with the timetable for the completion of their task as set out in their terms of reference.

Quorum

The quorum for all Overview and Scrutiny meetings is three voting members.

Who Chairs Meetings?

- The Chairmen of the Overview and Scrutiny Committee and Resources and Performance Scrutiny Board will be appointed by Council, with only Non-Executive Councillors entitled to vote.
- The Chairmen of Task and Finish Groups will be appointed by the Task and Finish Groups, from amongst their number and may be from any political group.

Work Programme

The Overview and Scrutiny Committee and Resources and Performance Scrutiny Board will be responsible for setting their own annual work programme within the terms of reference set out in this Constitution.

The Overview and Scrutiny Committee shall write to all Councillors, Chief Executive, Strategic Directors, Heads of Service and ask the public for issues that should be considered for inclusion in the overview and scrutiny work programme. Issues will be assessed by the Committee using a template to determine the salience of the issue based on risk management, corporate priorities and other relevant factors.

Agenda Items

- Any member of the Overview and Scrutiny Committee and Resources and Performance Scrutiny Board shall be entitled to give notice to the Chief Executive that they wish an item relevant to the terms of reference of the meeting of which they are a member to be included on the agenda for the first available meeting. The meeting will determine whether the issue should be included in its work programme based on its relevance as compared to the priorities as set out in the overview and scrutiny work programme.
- Any member of the Council may give written notice to the Chief Executive that they wish a local matter relating to the work of the authority to be considered for inclusion in the overview and scrutiny work programme. If the Chief Executive receives such a notification, then he will refer the request to the first available meeting of the Overview and Scrutiny Committee who will determine if, when and how the item will be considered based on its relevance as compared to the priorities as set out in the overview and scrutiny work programme and inform Legal and Democratic Services accordingly so that it can be included in the overview and scrutiny work programme.
- The Overview and Scrutiny Committee is not obliged to pursue a matter referred by a member of the Council but it must let that member know the reasons for its decision. When deciding how to proceed, the Overview and Scrutiny Committee may consider representations from the member who referred the matter, and to take into account the extent to which that member has exercised their function as a ward member to resolve it. Where they do pursue a matter, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the member who raised the matter.
- The Overview and Scrutiny Committee shall respond, as soon as their work programme permits, to requests from the Council and Executive to undertake a piece of work on their behalf in line with the procedure above. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive or Council. Council or Executive shall consider the report of the Overview and Scrutiny Committee at its first available meeting.

Policy Review and Development

The role of overview and scrutiny in relation to the development of the Council's existing Budget and Policy Framework is set out in detail in the terms of reference in Part 1 of this constitution.

In relation to the development of the Council's approach to other matters not forming part of the Budget and Policy Framework, 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, subject to finance being available. They may invite witnesses to attend to address them on any matter under consideration.

- Once it has formed recommendations on proposals for policy development, the overview and scrutiny committees will prepare a formal report for consideration by the Executive or Council.
- Executive or Council shall consider the report of the overview and scrutiny committees at their first available meeting.
- The Overview and Scrutiny Committee will have access to the Leader of the Council's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from overview and scrutiny following a consideration of possible policy/service developments, the Overview and Scrutiny Committee will be able to respond in the course of the Executive's consultation process in relation to any key decision.

Process for Overview and Scrutiny Reports to be Considered by the Executive, Council, Partner Authority or External Body

- Once Overview and Scrutiny Committee or Resources and Performance Scrutiny Board has completed its deliberations on any matter, it will forward a copy of its final report to the Chief Executive who will allocate it either to the Executive, Council, relevant committee, relevant partner authority or external body according to the contents of the report.
- The overview and scrutiny committees must give the Executive, Council, relevant committee or external body notice in writing specifying the steps which must be taken within two months of receiving the report or recommendations or, if later, the notice. These steps include responding to the report or recommendations and, if these documents have been published by the overview and scrutiny committee, publishing the response.
- The Executive, Council, relevant committee or external body must comply with the notice.
- Where a relevant overview and scrutiny committee make a report or recommendations regarding a local improvement target which relates to a relevant partner authority and is specified in a Local Area Agreement of the authority it may give the relevant partner authority notice in writing requiring them to have regard to the report or recommendations in exercising their functions.

- The relevant partner authority has a duty to comply with the requirement specified in the notice.
- The overview and scrutiny committees must exclude confidential and may exclude exempt information when publishing a document or providing a copy of it to a relevant partner authority. The overview and scrutiny committee may, in publishing a document, or providing a copy of it, replace any part of the document which discloses confidential or exempt information with a summary that does not disclose that information.

Rights of Overview and Scrutiny Members to Documents

- Overview and scrutiny members will be entitled to copies of any document which is in the possession or control of the Executive (or its committees) or individual Portfolio Holders and which contains material relating to:
 - any business transacted at a meeting of the Executive (or its Committees); or
 - any decision taken by an individual member of the Executive.
- Overview and scrutiny members will not be entitled to:
 - any document that is in draft form;
 - any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
 - the advice of a political adviser.
- Nothing prevents more detailed liaison between the Executive and overview and scrutiny as appropriate depending on the particular matter under consideration.

When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- included in the forward plan; or
- the subject of the general exception procedure; or
- the subject of an agreement with the Overview and Scrutiny Committee Chairman, or the Chairman/Vice-Chairman of the Council under the special urgency rules;

the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Committee when so requested by the Chairman. Alternatively the requirement may be raised by resolution passed at a meeting.

Members and Officers Giving Account

Any overview and scrutiny meeting may scrutinise and review decisions made, or actions taken in connection with the discharge of any Council functions within its terms of reference. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member(s) of the Executive, Chairman of Council Committee, ward member and/or Chief Officers to attend before it to explain, answer questions, or give evidence in relation to matters within their remit regarding:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy; and/or
- the performance of any Council service within their remit;

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

Where any member of the Executive, Chairman of Council Committee, ward member and/or Chief Officer is required to attend an overview and scrutiny meeting under this provision, the Chairman of that meeting will inform the Head of Paid Service. This power may be exercised by the Chairman of an Overview and Scrutiny meeting in advance of a meeting. The Head of Paid Service shall inform the Executive Member, ward member and/or appropriate Officer in writing, giving reasonable 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. Where papers are required to be produced then the Executive Member, ward member or appropriate Officer concerned, will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Executive member, Chairman of Council Committee, ward member and/or Chief Officer is unable to attend on the required date, then the overview and scrutiny meeting shall in consultation with the Executive member, ward member or appropriate officer, arrange an alternative date for attendance or in the case of officers request a suitable replacement to be agreed by the Head of Paid Service.

Attendance by Others

An overview and scrutiny meeting may invite any person to address it, to discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and representatives from other

parts of the public sector and shall invite such people to attend. Attendance under this paragraph is entirely optional.

- Power to issue an invitation may be exercised by the Chairman of an overview and scrutiny meeting in advance of a meeting.
- As a general principle overview and scrutiny meetings, including the consideration of Call-in decisions, should be open to any interested Councillor or group of Councillors such as a relevant Task and Finish Group and their attendance encouraged and contributions welcomed at the discretion of the Chairman.

The Party Whip

For the purposes of this part of this Constitution, "the party whip" means any instruction given by or on behalf of a Political Group to any Councillor who is a member of that Group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should he speak or vote in any particular manner.

Overview and scrutiny Members should not normally be subject to a party whip. Where an overview and scrutiny Member is subject to a party whip they must declare this at the beginning of the meeting and it should be recorded in the minutes.

Referral of decisions outside the budget or policy framework

Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and/or Chief Finance Officer's report.

If the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure the Executive must prepare a report to Council.

If the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure the Executive must prepare a report to the Overview and Scrutiny Committee.

If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or Chief Finance Officer is that the decision is or would be contrary to the policy framework or

contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council.

In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet (within 10 days) of the request by the Overview and Scrutiny Committee.

Call-in of Executive and other decisions

Details of any decision made, decisions taken at meetings of the Executive, or a committee of the Executive, and any decisions taken by individual portfolio holders will normally be published by 5pm on the next working day after they have been made. This decision notice will be made publicly available and all Members of the Council will receive notification (normally by e-mail) of the decisions taken.

The notice will specify that the decision will come into force and take effect at noon on the third working day following publication of the decision, unless it is called-in.

The Chief Executive shall call in a decision for scrutiny if so requested in writing, by e-mail or by text from a known or recognised source by any 6 non-executive members of the Council within the specified timescale.

However if at any point during a municipal year the total number of opposition councillors is 6 or less the total number of non-executive members required to call in a decision shall be the total number of opposition Councillors less two. This reduced number will apply to any Call-in, regardless of the political affiliation of the members concerned.

In all cases the request for Call-in must set out the reasons for the request.

On receipt of a Call-in request, the Chief Executive shall call-in the decision and notify the decision taker and Chairman of the Overview and Scrutiny Committee of the Call-in.

The Overview and Scrutiny Committee must consider the decision within 10 days of the decision to Call-in, and if necessary, it may be dealt with as an item of urgent business at a scheduled meeting of the Overview and Scrutiny Committee within that period. If the Overview and Scrutiny Committee does not meet within 10 days and consider the matter the decision shall take effect on the expiry of that period.

The Overview and Scrutiny Committee upon hearing a Call-in may decide to let the decision stand, refer the decision back to the decision maker for reconsideration or exceptionally refer the decision to Council if it is of the view that the decision is contrary to the Council or policy framework, or not wholly consistent with the budget.

If the Overview and Scrutiny Committee refer a decision back to the decision maker for reconsideration they must set out in writing the reasons for their concerns and their preferred course of action.

Reconsideration by the decision maker shall take place at the next scheduled meeting of the Executive or a Committee of the Executive. In the case of decisions taken by individual portfolio holders the date of reconsideration will be set by the relevant portfolio holder in consultation with the Chief Executive and Leader of the Council. In the case of delegated decisions taken by officers, the decision shall be referred back to the portfolio holder in the first instance for reconsideration. Portfolio holders have the option of forwarding any decision referred to them to the full Executive for reconsideration.

If on reconsideration by the decision maker the original decision is upheld or the recommendations of the Overview and Scrutiny Committee are accepted then the decision shall take effect immediately and shall not be subject to a further Call-in period.

If for any reason either Overview and Scrutiny or the decision maker fails to meet and carry out their obligations under this process or in the event of any situation not foreseen in this procedure the issue will be referred to Council for the process to be resolved. Implementation of the decision will be postponed until Council has determined how it shall be resolved.

If the Overview and Scrutiny Committee decide not to refer a decision back to the decision maker or to Council, the decision shall take effect immediately at the conclusion of the meeting at which the Call-in has been considered.

If the Overview and Scrutiny Committee is considering a called-in matter where the decision taker is recommending to the Council it may formulate alternative proposals for the Council to consider.

A request to Call-in a decision may only be nullified by agreement of all the Call-in signatories.

In the case of a Called-in decision being referred to Council if the Council decide that the called-in decision was contrary to the policy framework or not wholly consistent with the budget it shall decide on the issue in question.

If the Council decide that the called-in decision was not contrary to the policy framework or consistent with the budget then no further action is necessary and the decision will take effect on the date of the Council meeting.

The call-in procedure is not intended to be used to challenge decisions as a matter of course, and should not be abused in order, for example, simply to cause delay in implementing decisions.

Call-in and Urgency

The call-in procedures set out above shall not apply where the decision being taken by the Executive, individual portfolio holder, Committee or Sub-Committee is urgent. A decision is urgent if any delay is likely seriously to prejudice the Council's or the public's interest. The record of the decision and the 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. In all cases, the Chief Executive must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and if agreed, shall circulate the decision electronically to members of Executive and Overview and Scrutiny.

The Chief Executive shall then ask the Chairman of the Overview and Scrutiny Committee to agree to Call-in being waived. In the absence of the Chairman, the Vice-Chairman's consent shall be required, and in the absence of the Vice-Chairman, the Chairman of Council.

Call-in Protocol at Overview and Scrutiny Committee

In considering a Call-in decision the Overview and Scrutiny Committee will follow this protocol:

Before Receipt of Call-in

Overview and scrutiny support officers will work with the Call-in signatories to complete the reasons for Call-in. Completed reasons for Call-in will be received by Chief Executive, who will then consider whether to Call-in the decision.

After Receipt of Call-in and before the meeting

The Chief Executive will confirm the validity of the Call-in and advise all Councillors and Corporate Management Team members of the Call-in request. The Chief Executive will determine which portfolio holder or decision taking officer should attend the Call-in, which officer should accompany them and which officer they appoint to advise the Overview and Scrutiny Committee on the Call-in.

Overview and scrutiny support officers will meet with the Call-in signatories, to clarify the procedure, consider how they will present the Call-in and prevent duplication. Overview and scrutiny support officers will brief the Chairman on the Call-in.

Documents

The agenda will contain:

- This Call In Protocol

- The Call-in request
- The Portfolio Holder decision statement or minutes*
- The original report(s) upon which the decision was made
- (In the case that either the minutes or report are exempt a public summary of information will be provided as far as is possible).

Any other document that the Chief Executive, Portfolio Holder or Call-in signatories feel would assist the Committee in considering the Call-in.

At the start of the meeting

The Chairman will outline the procedure for the meeting, setting the tone and approach that will be taken.

The meeting

The spokesperson(s) for the Councillors who have made the Call-in request (who shall be seated together) should outline the reasons for the Call-in. Each speaker will be time limited to 5 minutes.

The relevant Portfolio Holder or decision taking officer explains the rationale for the decision and may be supported by officers and the Leader of the Council as appropriate. They shall also be seated together. Each speaker will be time limited to 5 minutes.

Councillors who have made the Call-in request have the opportunity to question the Portfolio Holder or decision taking officer.

Other members of the Overview and Scrutiny Committee have the opportunity to question the Portfolio Holder or decision taking officer.

At the discretion of the Chairman, other members present may have the opportunity to question the Portfolio Holder or decision taking officer or make a brief statement.

At the discretion of the Chairman, anyone else present may have the opportunity to make a statement (limited to 5 minutes) on the issue.

The Portfolio Holder or decision taking officer will have a right of reply to any brief statement made on the issue.

Before forming a decision, the Chairman may decide to adjourn the meeting in order to allow the Call-in signatories to reflect on the evidence received and to consider any proposals they wish the Committee to consider.

The Overview and Scrutiny Committee will debate on the issue, only members of the Committee and the officer appointed by the Chief Executive to advise the Overview and Scrutiny Committee on the Call-in may speak.

If there is no proposal the Chairman or another member may propose a motion which can be voted on in the normal way.

Options available to the Overview and Scrutiny Committee

There are only three options available to the Overview and Scrutiny Committee when they are considering a call in:

- Let the decision stand
- Refer the decision back to the decision taker, stating their concerns and the decision that the Committee wish the decision taker to make.
- Refer the decision to full Council if the decision is contrary to the policy framework or contrary to or not wholly consistent with the budget.

Additionally the Overview and Scrutiny Committee may make other recommendations as a result of the Call-in to relevant bodies, which shall be considered after a decision has been reached on the Call-in.