

## **Overview and Scrutiny Committee Procedure Rules**

### **1. What will be the number and arrangements for Overview and Scrutiny Committees?**

- (a) The Council will have the Overview and Scrutiny Committees set out in Article 6 (Section 3.6) and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees.
- (b) The terms of reference of each Overview and Scrutiny Committee will be:
  - i) to perform the review function on behalf of the Council for those matters set out in Article 6 of the Constitution as allocated to that Overview and Scrutiny Committee. In the event of a subject matter falling within the remit of more than one Overview and Scrutiny Committee, or where there is doubt as to which Overview and Scrutiny Committee is the most appropriate, the Chairmen of the Overview and Scrutiny Committees will determine, by a majority, by which Overview and Scrutiny Committee the subject matter will be considered. If they cannot reach a decision, then the Senior Overview and Scrutiny Committee Chairman will make a ruling.
  - ii) to appoint such sub-committees as it considers appropriate to fulfil those review functions;
  - iii) to receive reports from the Leader from time to time on the Cabinet's priorities and its performance;
  - iv) to approve a work programme, including the programme of any sub-committees it appoints so as to ensure that the committee's and sub-committees' time is effectively and efficiently utilised;
  - v) to put in place a system to ensure that referrals from the Overview and Scrutiny 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;
  - vi) in the event of the volume of reports to Cabinet creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made.

### **2. Who may sit on Overview and Scrutiny Committees?**

All councillors except members of the Cabinet 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. **Co-optees**

Each Overview and Scrutiny Committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

### 4. **Meetings of the Overview and Scrutiny Committees**

In addition to ordinary meetings of the Overview and Scrutiny Committees, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman of that Overview and Scrutiny Committee, by any five members of the committee or by the Chief Executive if they consider it necessary or appropriate and the Chief Executive shall make the arrangements for the meeting to be held at an appropriate date and time. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council.

### 5. **Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 (Section 5) of this Constitution.

### 6. **Who chairs Overview and Scrutiny Committee meetings?**

- (a) Chairmen and Vice-Chairmen of Overview and Scrutiny Committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, the Council or the committee/sub-committee may appoint such persons as it considers appropriate as Chairman and Vice-Chairman.
- (b) In the absence from a meeting of an Overview and Scrutiny Committee/sub-committee, of the Chairman of that Overview and Scrutiny Committee/sub-committee, the Vice-Chairman shall take the Chair.
- (c) In the absence from a meeting of an Overview and Scrutiny Committee/sub-committee, of the Chairman or Vice-Chairman of that Committee/sub-committee, a person to chair that meeting shall be chosen from those members present at the meeting.
- (d) If a vacancy shall occur in the office of Chairman or Vice-Chairman of the Overview and Scrutiny Committee/sub-committee, it will be filled at the next ordinary meeting of the Council unless the Council has determined alternative arrangements.

### 7. **Work programme**

The Overview and Scrutiny Committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account the wishes of members on that committee who are not members of the largest political group on the Council.

## 8. **Agenda items**

- (a) Any member of the Council may give notice to the Chief Executive, by completing the relevant Member Items/Councillor Call for Action (CcfA) pro-forma, by 12 noon on the Friday (one week following circulation of the Members' Update) of an Overview and Scrutiny Committee, that he/she wishes an item relevant to the functions of that committee or sub-committee to be included on the agenda for its next available meeting. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda in the terms expressed by the member or co-opted member. A copy of the Protocol is included in the Constitution at 18.3.
- (b) Any member of the Council shall be entitled to give notice to the Chief Executive.
- (i) **Executive Overview and Scrutiny Committee** by 12 noon on the Tuesday of the week preceding the meeting
- (ii) **Corporate Overview and Scrutiny Committee** by 12 noon on the Friday (one week following circulation of the Members Update)

that he/she wishes an item relevant to a report on the Members' Update which relates to the functions of the committee or sub-committee concerned to be included on the agenda for the next meeting of that committee or sub-committee. The procedure for dealing with Members' Updates appears in the Members' Updates Procedure Rules (Section 9.2).

- (c) The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet 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 Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

*See Rule 14 for rights to speak*

## 9. **Policy review and development**

- (a) 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 (Section 7).
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, an Overview and Scrutiny Committee or sub-committee may make proposals to the Cabinet for developments in so far as they relate to matters within its terms of reference.
- (c) 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.

#### **10. Reports from Overview and Scrutiny Committees**

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Chief Executive 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) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within six weeks of it being submitted to the Chief Executive.
- (c) The Committees have power to make reports and recommendations to the County Council, or its Cabinet and can refer them to relevant Partners and Associate Authorities for information and request comments.

#### **11. Making sure that Overview and Scrutiny Committee reports are considered by the Cabinet**

- (a) The agenda for Cabinet meetings shall include an item entitled 'Issues referred from Overview and Scrutiny Committees'. The reports of Overview and Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within one month of the Overview and Scrutiny Committee completing its report/recommendations.
- (b) Where an Overview and Scrutiny Committee or sub-committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to an individual member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Chief Executive and the Leader. If the member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Cabinet member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within eight weeks of receiving it. A copy of his/her written response to it shall be sent to the Chief Executive and the Cabinet member will attend a future meeting to respond.

- (c) A number of reports every year may be submitted by each Overview and Scrutiny Committee to the Cabinet.
- (d) Overview and Scrutiny Committees will in any event have access to the Cabinet's forward 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 following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

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

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Committees (including co-opted members) 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 (Section 6).
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

## 13. **Members and officers giving account**

- (a) 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 functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, 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 an Overview and Scrutiny Committee under this provision, the Chairman of that committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least ten 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, 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

#### **14. Attendance by others**

- (a) The leaders of the two main political groups on the Council shall be allowed to attend each Overview and Scrutiny Committee and to speak but not vote on any issue under consideration.
- (b) The members of the Cabinet with responsibility for an area of Council activity (i.e. the relevant Portfolio Holders) shall be allowed to attend the relevant Overview and Scrutiny Committee and with the consent of the Chairman to answer questions only but not vote on any issue under consideration affecting that member's area of responsibility save that with the express consent of the Chairman the relevant Portfolio Holder may be invited to address the Committee.
- (c) Members who are not members of an Overview and Scrutiny Committee shall be entitled to attend meetings of that Overview and Scrutiny Committee but shall not be eligible to speak or vote except in relation to an item affecting that member's ward when the member will be allowed to speak but not vote, subject to (e) below.
- (d) Subject to (e) below, where a member or co-opted member has given notice for an item to be included on an Overview and Scrutiny Committee agenda, that member or co-opted member may attend and with the consent of the Chairman, speak but not vote on that item provided that a co-opted member will only be able to speak on an item insofar as his/her area of expertise is concerned.
- (e) Any member wishing to exercise the right to speak under Rule 14(c) or 14(d) must have submitted a written or telephoned request to the Chief Executive or his/her representative by 12 noon on the day of the meeting of the committee, indicating the agenda item or items on which they would like to speak.
- (f) Otherwise than as set out in paragraphs (a) to (d) above, any member of the Council may attend, but not speak or vote at, any meeting of an Overview and Scrutiny Committee save that with the express consent of the Chairman a member may be invited to address the Committee.
- (g) An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 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.

#### **15. Call-in**

- (a) When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Leader or an Area Committee 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 five working days of being made. Chairmen of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. Copies will also be sent to all members of the relevant Overview and Scrutiny Committee.
- (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, unless members of the relevant Overview and Scrutiny Committee call it in, in the manner set out in (c) below.
- (c) The Chief Executive shall include an item on an agenda for scrutiny by the relevant Overview and Scrutiny Committee, at its next meeting, if so requested by notice in writing by any five members of that Overview and Scrutiny Committee no later than 5 p.m. on the Tuesday of the week following publication of the decision. The notice shall specify the reasons for the call in and specify the decision the five members would put in place if the call-in were successful. For the avoidance of doubt, that decision cannot be a deferral for more information. The Chief Executive shall then (a) validate the "call-in" and notify the decision-taker of it (in the case of Cabinet by putting it on the next Agenda) or (b) in consultation with the Chairman of the relevant Overview and Scrutiny Committee, determine that the "call-in" is not valid and notify the 5 members accordingly. Further for the avoidance of doubt, the next meeting of the Overview and Scrutiny Committee must take place within 15 working days of the request for call in.
- (d) If, having considered the decision, the Overview and Scrutiny Committee wishes to ask a different decision, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the different decision asked for or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting.
- (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.

That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, the matter will be included on the agenda for the next ordinary meeting of the Cabinet or the committee following the Council request. Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council request.

- (g) If the Council 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.
- (h) Where a Cabinet decision has been taken by an Area Committee, then the right of call-in shall extend to any five members of another Area Committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those five members may request the Chief Executive to call-in the decision. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant Overview and Scrutiny Committee.
- (i) The call-in procedure set out above shall not apply where the special urgency provisions in Rule 16 of the Access to Information Procedure Rules or Rule 4 of the Budget and Policy Framework Procedure Rules apply, or where the decision taken by the Cabinet must be implemented urgently, because any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- (j) The record of the decision, and notice by which it is made public shall state why in the opinion of the decision-making person or body, the matter falls within (i) above and is therefore not subject to call-in.
- (k) The operation of the provisions relating to call-in and urgency shall be monitored from time to time by the Leader and the Chairmen of the Overview and Scrutiny Committees, and a report submitted to Council with proposals for review, if necessary.
- (l) Where there is any dispute or uncertainty as to the relevant Overview and Scrutiny Committee under this or any other Procedure Rule, the dispute or uncertainty shall be determined by the person nominated by the Council as being the senior Overview and Scrutiny Committee Chairman whose decision shall be final. The current senior Chairman is indicated in Part 3 of this Constitution.



**16. The party whip**

(a) When considering any matter in the following categories:

the review of any decision of the Cabinet

*or*

the performance of any member of the Cabinet

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.

**17. Procedure at Overview and Scrutiny Committee and sub-committee meetings**

(a) Overview and Scrutiny Committees and sub-committees shall consider the following business:

- i) minutes of the last meeting;
- ii) declarations of interest (including whipping declarations);
- iii) public speaking requests in accordance with the Public Speaking Protocol detailed in Constitution 14.1
- iv) consideration of any matter referred to the committee or sub-committee for a decision in relation to call in of a decision;
- v) responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
- vi) the business otherwise set out on the agenda for the meeting.

(b) Where the Overview and Scrutiny Committee or a sub-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.
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- (c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.