

Part 4C

SCRUTINY AND OVERVIEW PROCEDURE RULES

1. ARRANGEMENTS FOR SCRUTINY AND OVERVIEW COMMITTEES

- 1.1 These Scrutiny and Overview Procedure Rules are made under the Local Government Act 1972 schedule 12 paragraph 42 and the Local Government Act 2000 section 21 and all other enabling powers and shall come into force on 15th September 2004.
- 1.2 Nothing in these Scrutiny and Overview Procedure Rules shall prejudice any action taken before 15th September 2004 under any previous Scrutiny and Overview Procedure Rules.
- 1.3 The Council shall have the Scrutiny and Overview Committees set out in Article 7 and shall appoint to them as it considers appropriate from time to time.
- 1.4 Such Scrutiny and Overview Committees may appoint sub-committees and working groups.
- 1.5 The following is an outline of the activities of the Scrutiny and Overview Committees.
 - (a) To approve an annual scrutiny and overview work programme, including the programme of any sub-committees it appoints, to ensure that there is efficient use of the Scrutiny and Overview Committee's and sub-committees' time, to ensure that non-Executive members can play a full part in the work of the Council, and that the potential for duplication of effort is minimised.
 - (b) Where matters fall within the remit of more than one Scrutiny and Overview Committee or sub-committee, the Chairman of the Council shall determine which of them shall assume responsibility for any particular issue, and to resolve any issues of dispute between Scrutiny and Overview Committees.
 - (c) To receive requests from the Executive and/or the full Council for reports from Scrutiny and Overview Committees.
 - (d) To put in place and maintain a system to ensure that referrals from Scrutiny and Overview Committees 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.



- (e) At the request of the Executive to make decisions about the priority of referrals made 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.
- (f) To have the powers of a Scrutiny and Overview Committee in relation to Executive decisions made but not implemented as set out in the Local Government Act 2000 section 21(3).
- (g) To commission best value reviews under the Local Government Act 1999 section 5.

2. MEMBERSHIP OF SCRUTINY AND OVERVIEW COMMITTEES

- 2.1 All councillors except members of the Executive may be members of a Scrutiny and Overview Committee. However, no member may be involved in scrutinising a decision in which he or she has been directly involved.

3. MEETINGS OF THE SCRUTINY AND OVERVIEW COMMITTEES

- 3.1 There shall be at least six ordinary meetings of each Scrutiny and Overview Committee in each year.
- 3.2 In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny and Overview Committee meeting may be called by the chairman of the relevant Scrutiny and Overview Committee, by half the members of the Scrutiny and Overview Committee or by the Chief Executive if he or she considers it necessary or appropriate.

4. QUORUM

- 4.1 The quorum for a Scrutiny and Overview Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

5. CHAIRMANSHIP AND VICE-CHAIRMANSHIP OF SCRUTINY AND OVERVIEW COMMITTEES/SUB-COMMITTEES

- 5.1 Chairmen of Scrutiny and Overview Committees/sub-committees shall be elected by the Scrutiny and Overview Committee/sub-committee from
 - (a) among the councillors sitting on the Scrutiny and Overview Committee/sub-committee and
 - (b) in the case of the Scrutiny and Overview Committees a party or group other than the majority or controlling party or group.



- 5.2 A vice-chairman shall also be appointed. The vice-chairman shall be appointed from a party or group different from that of the chairman of the Scrutiny and Overview Committee/sub-committee.
- 5.3 The Chairman of the Council or in his or her absence the Vice Chairman or in their absence a member of the Scrutiny and Overview Committee elected for the purpose by the Scrutiny and Overview Committee shall preside for the election of chairman of the Scrutiny and Overview Committee. The person presiding for this item shall not have a vote in the election of the chairman unless he or she is a member of the Scrutiny and Overview Committee appointed by the Council but shall have a casting vote.

6. WORK PROGRAMME

- 6.1 The Scrutiny and Overview Committees shall be responsible for setting their own work programme and that of any sub-committee or working group and in doing so they shall take into account
- (a) the effective, efficient and economic discharge of the Council's scrutiny and overview function;
 - (b) the wishes of members on that Scrutiny and Overview Committee who are not members of the largest political group on the Council;
 - (c) the source of the request for including items within the work programme in particular the Council, the Executive, members of the relevant Scrutiny and Overview Committee, other non-Executive members of the Council, officers, members of partnership organisations and of the Local Strategic Partnership and members of the public;
 - (d) the Council's corporate priorities;
 - (e) the Leader's forward plan of key decisions;
 - (f) effective member involvement;
 - (g) effective public involvement;
 - (h) the requirement for any reviews to be conducted in accordance with transparent criteria;
 - (i) an appropriate balance of priorities and the availability of staff and other resources.



7. AGENDA ITEMS

- 7.1 Any member of a Scrutiny and Overview Committee or sub-committee shall be entitled to give notice (of not less than ten days) to the Chief Executive that he or she wishes an item relevant to the functions of the Scrutiny and Overview Committee or sub-committee to be included on the agenda for the next available meeting of the Scrutiny and Overview Committee or sub-committee. On receipt of such a request the Chief Executive shall ensure that it is included on the next available agenda.
- 7.2 Any member of the Council who is not a member of the Scrutiny and Overview Committee or of the Executive may give written notice to the Chief Executive that he or she wishes an item to be included on the agenda of the relevant Scrutiny and Overview Committee. If the Chief Executive receives such a notification, then he or she shall include the item on the first available agenda of the relevant Scrutiny and Overview Committee for consideration by the Scrutiny and Overview Committee.
- 7.3 The Scrutiny and Overview Committees shall also respond, as soon as their work programmes permits, to requests from the Council and, if it considers it appropriate, the Executive to review particular areas of Council activity. Where it does so, the Scrutiny and Overview Committee shall report its findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Scrutiny and Overview Committee within one month of receiving it.

8. POLICY REVIEW AND DEVELOPMENT

- 8.1 The role of the Scrutiny and Overview 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.
- 8.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Scrutiny and Overview Committees or sub-committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- 8.3 Scrutiny and Overview Committees may hold inquiries 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 SCRUTINY AND OVERVIEW COMMITTEE

- 9.1 Once it has formed recommendations on proposals for development, the Scrutiny and Overview Committee shall prepare a formal report and submit it to the Chief Executive for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate in other cases.
- 9.2 The Council or Executive shall consider the report of the Scrutiny and Overview Committee within one month of it being submitted to the Chief Executive.

10. MAKING SURE THAT SCRUTINY AND OVERVIEW REPORTS ARE CONSIDERED BY THE EXECUTIVE

- 10.1 Once an scrutiny and overview report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Executive unless the matter which is the subject of the report is scheduled to be considered by the Executive within a period of one month from the date the report was adopted by the Scrutiny and Overview Committee. In such cases, the report of the Scrutiny and Overview Committee shall be considered by the Executive when it considers that matter. If for any reason the Executive does not consider the scrutiny and overview report within two months then the matter shall be referred to Council for review, and the Chief Executive shall call a Council meeting to consider the report and make a recommendation to the Executive.
- 10.2 Where a Scrutiny and Overview Committee or sub-committee prepares a report for consideration by the Executive in relation to a matter where the Leader or Council has delegated decision-making power to another individual member of the Executive, then the Scrutiny and Overview Committee shall submit a copy of its report to him or her for consideration. At the time of doing so, the Scrutiny and Overview Committee shall serve a copy on the Chief Executive. The member with delegated decision-making power must consider the report and respond in writing to the Scrutiny and Overview Committee within one month of receiving it. A copy of his or her written response to it shall be sent to the Chief Executive and the Leader. The member shall also attend a future meeting of the Scrutiny and Overview Committee to present his or her response.

11. RIGHTS OF SCRUTINY AND OVERVIEW COMMITTEE MEMBERS TO DOCUMENTS

- 11.1 In addition to their rights as councillors, members of Scrutiny and Overview 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.



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

12. MEMBERS AND OFFICERS GIVING ACCOUNT

12.1 A Scrutiny and Overview Committee or sub-committee may within its area of responsibility scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documents, in fulfilling the scrutiny and overview role it may require the Leader and any (other) member of the Executive and Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remits:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance.

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

12.2 Where any member or officer is required to attend a Scrutiny and Overview Committee under this provision, the chairman of that Scrutiny and Overview Committee shall inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least 10 working days' notice of the meeting at which he or she is required to attend. The notice shall state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Scrutiny and Overview Committee. Where the account to be given to the Scrutiny and Overview Committee shall require the production of a report, then the member or officer concerned shall be given sufficient notice to allow for preparation of that document.

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

13. ATTENDANCE BY OTHERS

13.1 A Scrutiny and Overview Committee may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions, including residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.



14. CALL-IN

- 14.1 Call-in should only be used in exceptional circumstances. These are where members of the appropriate Scrutiny and Overview Committee have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 14 (Decision Making).
- 14.2 The procedure for call-in shall be as follows:
- (a) When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Council or the Executive, or a statutory 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 three days of being made. Chairmen of all Scrutiny and Overview Committees shall be sent copies of the records of all such decisions within the same timescale by the person responsible for publishing the decision.
 - (b) That notice shall bear the date on which it is published and shall specify that the decision shall come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless a Scrutiny and Overview Committee objects to it and calls it in.
 - (c) During that period, the Chief Executive shall at the request of the chairman or vice-chairman of the relevant Scrutiny and Overview Committee or of five non-Executive members, convene a meeting of the chairmen and vice-chairmen of the Scrutiny and Overview Committees to decide whether or not to call-in a decision. If the decision reached is to call-in a decision for scrutiny by the Scrutiny and Overview Committee the Chief Executive shall then notify the decision-maker of the call-in. He or she shall call a meeting of the Scrutiny and Overview Committee on such date as he or she may determine, where possible after consultation with the chairman of the Scrutiny and Overview Committee, and in any case within five days of the decision to call-in.
 - (d) If, having considered the decision, the Scrutiny and Overview 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. If referred to the decision maker he, she or they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.



- (e) If following an objection to the decision, the Scrutiny and Overview Committee does not meet in the period of five days set out in 14.2 (c) above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Scrutiny and Overview Committee meeting, or the expiry of that period referred to in 14.2 (c) above, whichever is the earlier.
- (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 shall be effective in accordance with the provision below. However, if the Council does object, and the decision is in the Council's opinion, contrary to the policy framework, or contrary to or not wholly consistent with the budget, the Council shall 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 Executive as a whole or a committee of it a meeting shall be convened to reconsider within five working days of the Council's request. Where the decision was made by an individual, the individual shall reconsider within five working days of the Council's request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision shall become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (h) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision shall be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interests. The record of the decision, and 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. The Chief Executive after having consulted Chairman of the Council or in his or her absence the Vice-Chairman must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (i) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.



15. ANNUAL REPORT

- 15.1 The Scrutiny and Overview Committee shall review its own progress at least annually and the Chairman shall report to the Council annually on the Scrutiny and Overview Committee's performance and the resource implications of its work.

16. PROCEDURE AT SCRUTINY AND OVERVIEW COMMITTEE MEETINGS

- 16.1 Scrutiny and Overview Committees and sub-committees shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) consideration of any matter referred to the Scrutiny and Overview Committee for a decision in relation to call-in of a decision;
- (d) responses of the Executive to reports of the Scrutiny and Overview Committee; and
- (e) the business otherwise set out on the agenda for the meeting.

- 16.2 Rules 8 (conflicts of interest), 9.11 (public speaking), 16 (Voting), 17 (Minutes), 18 (record of attendance), 19 (exclusion of public), 20 (Members' conduct), 21 (disturbance by public) and 22 (recording of meetings) of the Council Procedure Rules shall apply to meetings of Scrutiny and Overview Committees mutatis mutandis.

- 16.3 Where the Scrutiny and Overview Committee conducts investigations the Scrutiny and Overview Committee may also ask people to attend to give evidence at Scrutiny and Overview Committee meetings which are to be conducted in accordance with the following principles:

- (a) that the investigation be conducted fairly and all members of the Scrutiny and Overview Committee be given the opportunity to ask questions of those attending, and to contribute and speak;
- (b) that those assisting the Scrutiny and Overview Committee by giving evidence be treated with respect and courtesy;
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis;
- (d) that the human rights as embodied in the Human Rights Act 1998 are properly observed.



16.4 Following any investigation or review, the Scrutiny and Overview Committee/sub-committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

17. MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY AND OVERVIEW COMMITTEE

Where exceptionally a Scrutiny and Overview Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny and Overview Committee, then the Scrutiny and Overview Committee conducting the review shall invite the chairman of the other Scrutiny and Overview Committee (or his or her nominee) to attend its meetings when the matter is being reviewed and invite the comments of that other Scrutiny and Overview Committee.

