

Procedure Rule 5 – Overview and Scrutiny

5.1 Arrangements for Overview and Scrutiny

5.1.1 The Council will appoint the Overview and Scrutiny Committee(s) set out in Article 8 and will appoint them as it considers appropriate from time to time

5.1.2 Such Committees may appoint ad hoc Panels for specific tasks on completion of which they cease to exist.

5.2 Overview and Scrutiny Committee Membership

5.2.1 All Councillors except Members of the Executive may be Members of the of Overview and Scrutiny Committee and Panels appointed by it.

5.2.2 However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

5.3 Co-optees

5.3.1 The Overview and Scrutiny Committee or its Panels shall be entitled to appoint a number of people as non-voting co-optees.

5.4 Meetings of the Overview and Scrutiny Committee

5.4.1 Scheduled meetings of the Overview and Scrutiny Committee will be agreed each year.

5.4.2 In addition, extraordinary meetings may be called from time to time as and when appropriate.

5.4.3 An Overview and Scrutiny Committee meeting may be called by the Chairman, by any 5 Members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

5.5 Quorum

5.5.1 The Quorum for the Overview and Scrutiny Committee shall be 5 Members.

5.6 Committee and Sub-Committee Procedure Rules

5.6.1 Procedure Rule 4 – Committee and Sub-Committee applied to the Overview and Scrutiny Committee

5.7 Work Programme

5.7.1 Following consultation with the Leader, the Overview and Scrutiny Committee will set its 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.

5.7.2 The annual work programme shall be agreed by Council.

5.8 Agenda Items

5.8.1 Any Member of the Council may ask for an item to be included on the Agenda of the Overview and Scrutiny Committee.

5.8.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Leader to review particular areas of Council activity.

5.8.3 Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Leader and/or Council for consideration within one month of receiving it or during the next cycle of meetings.

5.9 Policy Review and Development

5.9.1 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 Procedure Rule 6 – Policy Framework and Budget.

5.9.2 The Overview and Scrutiny Committee may make proposals to the Leader for policy review and developments insofar as they relate to matters within its Terms of Reference.

5.9.3 The Committee, or Panels appointed by it, 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.

5.9.4 It may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations.

5.9.5 It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so (subject to approval of the Overview and Scrutiny Committee in the case of Panels.)

5.10 Reports from Overview and Scrutiny Committee

5.10.1 Once it has formed recommendations on proposals (upon the advice of a Panel, as appropriate) for consideration, the Overview and Scrutiny Committee will forward the recommendations to the Proper Officer for referral to the Leader (or relevant Executive decision maker) or in the case of non-Executive functions to the Council.

5.10.2 If the Overview and Scrutiny Committee (or a Panel appointed by it) cannot agree on one single final report to the Council or Leader as appropriate, then up to one majority report may be prepared and submitted for consideration with the majority report.

5.10.3 Following referral of a report under Procedure Rule 5.10.1, the Council or Leader shall consider the report within the next cycle of meetings unless the Chairman of the Overview and Scrutiny Committee agrees otherwise with the Leader (Executive functions) or the Mayor (non-Executive Functions).

5.10.4 In the case of Executive functions, after consideration of the report the Leader (or relevant Executive decision maker) shall:

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a. Make recommendations to Council where there are policy and budget framework implications; or

b. report on the outcome to the Overview and Scrutiny Committee

5.10.5 If for any reason the Executive decision maker does not consider the Overview and Scrutiny report in line with Procedure Rule 5.10.3 above then the matter will be referred to Council for review or determination, and the Proper Officer will call a Council meeting to make a determination or to make a recommendation to the Leader.

5.11 Rights of Overview and Scrutiny Committee Members to Documents

5.11.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have the additional rights to documents, and to notice of meetings as set out in Procedure Rule 1 – Access to Information in Part 4 of this Constitution.

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

5.11.3 Upon request from a member of the Overview and Scrutiny Committee, the Executive must make available any material relating to business associated with past decisions. This must be provided as soon as reasonably practicable and no later than 10 clear days after the request is made.

5.11.4 Exempt information can be excluded in relation to the provision at Procedure Rule 5.11. 3 above unless it relates to an action or decision that the Member is scrutinising, or to any review in the Overview and Scrutiny Committee's work programme. Overview and Scrutiny Members are not entitled to any exempt material which contains advice provided by a political advisor or assistant.

5.11.5 In the event that the Executive determines that material will not be provided, it must set out in writing the reasons for its decision.

5.12 Members and Officers Giving Account

5.12.1 The Overview and Scrutiny Committee or a Panel appointed by it may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions.

5.12.2 As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Executive, the Head of Paid Service and/or any Senior Officer and above 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 (outside the Council's disciplinary process)

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

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5.12.4 Where any Member or Officer is required to attend an Overview and Scrutiny Committee (or Panel) under this provision, the Chairman of that Committee or Panel will inform the Proper Officer.

5.12.5 The Proper Officer shall inform the Member or Officer in writing giving at least 10 working day notice of the meeting at which he/she is required to attend.

5.12.6 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 or Panel.

5.12.7 Where the account to be given to the Committee or Panel 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.

5.12.8 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Panel shall in Consultation with the Member or Officer arrange an alternative date for attendance to take place within a maximum of 10 working days from the originally required date.

5.13 Attendance by Others

5.13.1 The Overview and Scrutiny Committee or a Panel appointed by it may invite people other than those people referred to in Procedure Rule 5.12 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 may invite such people to attend.

5.14 Call-In

5.14.1 Call-in should only be used in exceptional circumstances. These are where Members of the Council have evidence which suggests that an Executive decision was not taken in accordance with the principles set out in Article 14 (Decision Making.)

5.14.2 When a decision is made by the Leader, the Executive, an individual Member of the Executive, or a Key Decision is made by an Officer with delegated authority from the Leader 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 3 working days of being made. The schedule of decisions will be published on Mod Gov, within the same timescale.

5.14.3 The 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, on the expiry of 5 working days after the publication of the decision unless it is subject to 'call-in'.

5.14.4 During that period, the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by written notice signed by any five Members of the Council stating the reasons for the call-in and requesting the attendance of any Member or Officer under Procedure Rule 5.12.

5.14.5 The Proper Officer shall then notify the decision-maker of the call-in.

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- 5.14.6 He shall call a meeting of the Committee to be held on such date as he may determine, where possible after consultation with the Chairman of the Committee, and in any case within 15 working days of the decision to call-in.
- 5.14.7 If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or, if the item is major or has significant public interest, refer the matter to full Council.
- 5.14.8 If referred to the decision-maker they shall then reconsider the decision, amending the decision or not, before adopting a final decision.
- 5.14.9 If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out 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 Overview and Scrutiny meeting, or the expiry of that further 15 working day period, whichever is the earlier.
- 5.14.10 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.
- 5.14.11 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.
- 5.14.12 That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 5.14.13 Where the decision was taken by the Executive as a whole a meeting will be held to reconsider within 15 working days of the Council request.
- 5.14.14 Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council request.
- 5.14.15 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 will 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.

5.15 Call-in and urgency

- 5.15.1 The Call-in procedure set out above shall not apply where the decision being taken is urgent.
- 5.15.2 A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or the public's interests.

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- 5.15.3 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.
- 5.15.4 The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 5.15.5 In the absence of the Mayor the Deputy Mayor's consent shall be required.
- 5.15.6 In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.
- 5.15.7 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 5.15.8 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.

5.16 The Party Whip

- 5.16.1 When considering any matter in respect of which a Member of an Overview and Scrutiny Committee or Panel 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.
- 5.16.2 The declaration, and the whipping arrangements, shall be recorded in the Minutes of the meeting.

5.17 Procedure at Overview and Scrutiny Committee Meetings

- 5.17.1 The Overview and Scrutiny Committee shall consider the following business:
- i. Minutes of the last meeting
 - ii. Apologies for absence and substitutions
 - iii. Declarations of interest (including whipping declarations)
 - iv. Consideration of any matter referred to the Committee for a decision in relation to call in of a decision
 - v. Responses of an Executive decision maker to reports of the Overview and Scrutiny Committee; and
 - vi. The business otherwise set out on the Agenda for the meeting
- 5.17.2 Where the Overview and Scrutiny Committee or Panels appointed by it conduct 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 or Panel be given the opportunity to ask questions of attendees, and to contribute and speak

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- ii. That those assisting the Committee or Panel by giving evidence be treated with respect and courtesy; and
- iii. That the investigations be conducted so as to maximise the efficiency of the investigation or analysis

5.18 Councillor Call for Action

5.18.1 The Overview and Scrutiny Committee will consider a Councillor Call for Action (CCFA) that:

- i. Has been submitted in relation to a matter that affects a single Ward;
- ii. Has been submitted by a Councillor from the Ward affected;
- iii. Is in relation to a Local Government matter (including the ‘wellbeing’ powers under the Local Government Act 2000)
- iv. Demonstrates that all existing avenues have been exhausted and that this is a matter of a ‘last resort’
- v. Has been submitted on the prescribed request form
- vi. Adheres to the process set out in the flowchart diagram at Annex 1 attached; and
- vii. States:
 - a. The nature of the issue
 - b. What action has been taken to resolve the issue
 - c. An outline of the resolution to the problem being sought; and
 - d. An indication of any other organisations involved in the CCFA

5.18.2 The Overview and Scrutiny Committee will not consider a Councillor Call for Action (CCCFA) that:

- i. Is vexatious, persistent, unreasonable, or a discriminatory request; and
- ii. Is in relation to a Planning, Licensing, or Regulatory application

5.19 Crime and Disorder – Detailed Operational Arrangements

5.19.1 For the purposes of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 that the following detailed operational arrangements be put in place for the “Crime and Disorder Committee”, i.e. the Overview and Scrutiny Committee.

Co-opting Members onto the ‘Crime and Disorder Committee’

5.19.2 The Committee may co-opt additional Members to serve on the Crime and Disorder Committee.

Such Members:

5.19.3 Cannot vote on any particular matter unless the Committee so determines.

5.19.4 May have membership limited to the exercise of the Committee’s powers in relation to a particular matter or type of matter;

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5.19.5 Must be either an employee, officer or member of a responsible authority or of a co-operating person or body;

5.19.6 Must not be a Member of the Executive of the Committee's local authority (or authorities);

5.19.7 May have their membership withdrawn at any time by the Committee.

Frequency of Meetings

5.19.8 The Committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.

Information Provision

5.19.9 Where the Committee makes a request in writing for information from the responsible authorities or the co-operating persons or bodies the information must be provided no later than the date indicated in the request.

5.19.10 If some or all of the information cannot reasonably be provided on such date, then that information must be provided as soon as is reasonably possible.

5.19.11 The information provided should be depersonalised unless the identification of an individual is necessary or appropriate in order to enable the Committee to properly exercise its powers.

5.19.12 This information should not include anything that is likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether action together or individually, or of the co-operating persons or bodies.

Attendance at Committee Meetings

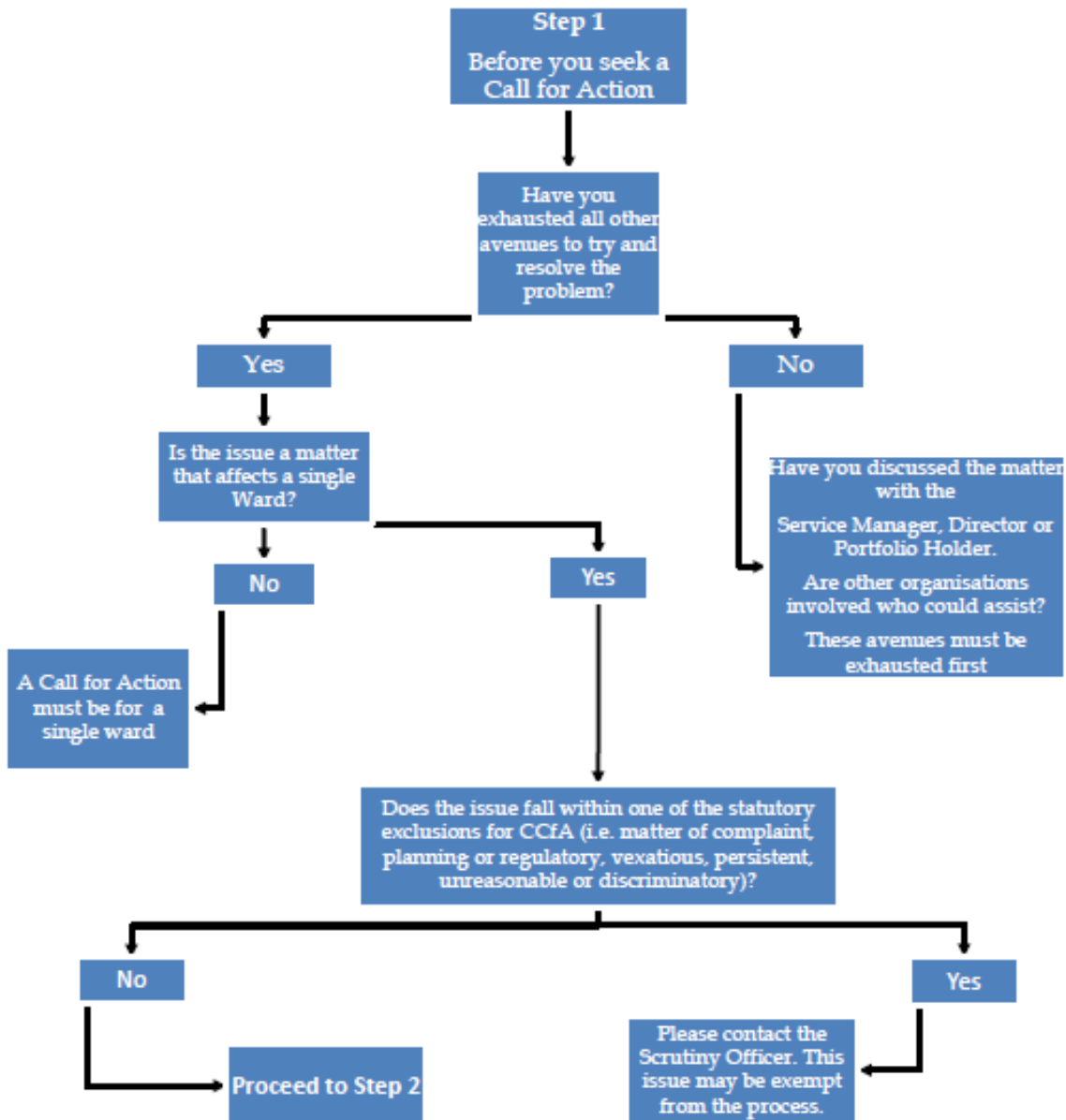
5.19.13 The Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.

5.19.14 Reasonable notice must be given of the intended date of attendance.

Reports and Recommendations

5.19.15 A report or recommendations from the Committee to a responsible authority or to a co-operating person or body require a written response from that body within a period of 28 days from the date of the report or recommendations or, if that is not reasonably possible, as soon as practicable thereafter.

Annex 1 – Councillors Call for Action Process



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