

e OVERVIEW AND SCRUTINY STANDING ORDERS

1 WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES?

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

2 TERMS OF REFERENCE

The terms of reference of the Overview and Scrutiny Committee will be:

- a To review the policies of the Council and the Cabinet and to recommend to the Council or the Cabinet:
 - i whether any new policies are required
 - ii whether any existing policies are no longer required
 - iii whether any changes are required to any existing policies
 - iv whether any action is required to make the policies more effective

- b To review the discharge of Executive functions, and to recommend to the Council or the Cabinet:
 - i whether any action should be taken to improve the economy, efficiency and effectiveness of those functions
 - ii whether any action should be taken to improve the co-ordination of the various functions within the Authority, or with any other person or body
 - iii whether the function should continue to be discharged or be discharged in another way

- c To review any decisions or proposed decisions of the Council and of the Cabinet and to recommend to the Council or the Cabinet:
 - i whether the decision should be reconsidered, and if so what alternative decision should be taken;
 - ii whether the proposed decision should be taken or taken in a different form;
 - iii whether any further action should be taken in the light of that decision to ensure proper or better implementation of decisions
 - iv whether any further action should be taken in the light of that decision to improve the manner or quality of decision-making for the future.

- d To consider any matters which affect the Council or its administrative area or the inhabitants of that area and to make recommendations to the Council or the Cabinet arising from that consideration.
- e To consider any matter referred to it by the Council or the Cabinet and recommend any appropriate action to the Council or the Cabinet accordingly. The following matters shall be referred to the Overview and Scrutiny Committee automatically:
 - i reports of statutory inspections and Inquiries;
 - ii draft policies, plans and strategies which are recommended by the Cabinet to the Council for approval;
 - iii the draft Budget which is recommended to the Council by the Cabinet;
 - iv Ombudsman reports.
- f In undertaking such reviews and considerations, the Overview and Scrutiny Committee shall in particular consider:
 - i whether the relevant criteria were used;
 - ii whether the decision is in accordance with the Policy Framework of the Council;
 - iii whether the decision or action was within the powers of the Authority;
 - iv whether the decision was lawful;
 - v whether the decision contributes to the efficient, effective and economic discharge of the function.
- g To review and comment on the Best Value programme including
 - i reviewing performance against the previous year's plan;
 - ii commenting on outcomes and targets on the Best Value Local Performance Plan;
 - iii reviewing whether the Council's policies, resources and services are properly and effectively co-ordinated with the policies, resources and services of other agencies and bodies and to make appropriate reports to the Cabinet and Council.
- h To consider any matter identified by a member of the Committee for consideration.
- i To prepare an annual Work Plan and present it to full Council for approval, identifying particular topics for review during the year.

- j In order to facilitate more informal style of scrutiny, Overview and Scrutiny Committees may set up sub-groups including groups covering the whole Committee with added members to look into specific projects, or exceptionally for more general purposes and to operate such sub-groups on an informal basis.
- k Standing sub-groups will be the exception rather than the rule. Sub-groups will normally be set up as ad hoc groups by the Overview and Scrutiny Committee to do a specified task or project and will have defined terms of reference and be time limited. These may vary in formality and constitution and may be either open to the press and public or closed. All such sub-groups shall submit an open report to the Overview and Scrutiny Committee on the completion of their work.
- l Any member who has formed part of a sub-group shall be entitled to see all papers considered by the sub-group. A member will only be able to vote if they are appointed as a voting member of the relevant Overview and Scrutiny Committee. A member will not be able to be a member of a sub-group of a committee if he or she has already participated in the consideration of the issue as a member of a Policy Advisory Group commissioned by the Cabinet.
- m The meetings will generally be held in an informal manner but the Chairman of the sub-group may, if he or she thinks it appropriate, structure a discussion and limit the time allowed for questioning by members of the sub-groups. The provisions of these rules on papers, records and confidentiality apply to sub-groups as they do to Overview and Scrutiny Committees.

3 **WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?**

All members except members of the Cabinet may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved.

4 **CO-OPTÉES**

Overview and Scrutiny Committees may have such co-optees as shall be decided by the Overview and Scrutiny Committees in question but with the exception of co-opted members on the Children's Services Overview and Scrutiny Committees and the co-opted members of District Councils on the Public Health Overview and Scrutiny Committee, co-optees will not be able to vote.

Members of any policy advisory group commissioned by the Cabinet may sit on Overview and Scrutiny Committees unless a conflict of interest arises.

5 **EDUCATION REPRESENTATIVES**

The Children's Services Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- a 1 Church of England diocese representative;

- b 1 Roman Catholic diocese representative; and
- c 3 parent governor representatives.

If the Overview and Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

6 **MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES**

Each Overview and Scrutiny Committee should normally meet no more than once every two months. In addition, 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 the relevant Overview and Scrutiny Committee, by any 3 members of the committee or by the Proper Officer if he/she considers it necessary or appropriate.

7 **QUORUM**

The quorum for an Overview and Scrutiny Committee is one quarter of the total number of voting members of the committee.

8 **WORK PROGRAMME**

The Overview and Scrutiny Committees will formulate an annual programme for their own work. This work programme shall be submitted to the Council for agreement.

Where the Overview and Scrutiny Committee believes that a particular matter should be included in the four month Forward Plan, it may recommend to the Cabinet to that effect and may require the Cabinet to report to it on the matter, but the final decision as to whether to include a matter in the Forward Plan remains with the Cabinet.

9 **AGENDA ITEMS**

Any member of an Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that they wish an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request he/she will discuss the request with the Chairman and may include the item on the next available agenda. The Chairman and the appropriate Cabinet member and any relevant officer may reply to any item added to the agenda in accordance with this provision. In the event of a disagreement the Chairman shall raise the matter at the next available Committee and the Committee will decide.

The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if the committee 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.

10 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 Standing Orders.
- b In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- c Overview and Scrutiny Committees may hold reviews and investigate the available options for future direction in policy development. 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.

11 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEE

- a All reports from Overview and Scrutiny Committees will be referred to the Cabinet for consideration and resource assessment before being considered by the Council. The Cabinet then has the opportunity to discuss the report and its recommendations with the Overview and Scrutiny Committee before reporting its views to the Council. Every effort will be made to avoid undue delay.
- b If an Overview and Scrutiny Committee cannot agree on one single final report to the Cabinet, then up to one minority report may be prepared and submitted for consideration by the Cabinet with the majority report.
- c The Cabinet shall consider the report of the Overview and Scrutiny Committee at the earliest opportunity and if necessary discuss the report and its recommendations with the committee before reporting its views to the Council.
- d All representations, whether made in the form of a report, a letter, other written format or verbally, made by an Overview and Scrutiny Committee to a Cabinet Member in relation to the Cabinet Member's responsibilities, must be reported formally at Cabinet either orally or in writing when the relevant item is being discussed. All Overview and Scrutiny Committees should clearly identify that it is a formal representation to avoid confusion.

12 **MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET (See 4.4 3 B)**

- a Once an Overview and Scrutiny report on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda of the next available meeting of the Cabinet unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of two weeks from the date the report was adopted by the Overview and Scrutiny Committee. In such cases, the report of the Overview and Scrutiny Committee shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the Overview and Scrutiny report within four weeks then the matter will be referred to Council for review, and the Head of Legal and Democratic Services will call a Council meeting to consider the report and make a recommendation to the Cabinet
- b 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.

13 **RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

- a In addition to their rights as members, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Standing Orders in Part 4 of this Constitution.
- b Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

The following is a summary of the access to information available to Overview and Scrutiny Committees:

An Overview and Scrutiny Committee:

- a May within the limits of its budget (if any), commission research or advice (including from external organisations) to assist in any deliberations and may request that a budget for such work is provided.
- b Shall have access to all relevant papers of the Council.

Overview and Scrutiny Committee members who have access to confidential material shall at all times respect the confidentiality of that material and shall not use it in a context other than the committee examination without the permission of the committee.

Overview and Scrutiny Committees will also have access to background information from a range of sources including but not limited to:

- a The Corporate Plan
- b The 4 month Forward Programme of work for the Cabinet
- c The Policy Framework and corporate strategies
- d Service plans
- e External Audit Management Letters
- f Internal and external audit plan and reports
- g Legislation and Government guidance
- h Government reports and national studies
- i National performance and comparative information eg: CIPFA statistics
- j Complaints
- k Community plans and processes
- l Cabinet or Cabinet member papers
- m Representations from the community (individuals, community groups, local members, area committees, residents, surveys etc)
- n Research published by other organisations or commissioned by Overview and Scrutiny Committees
- o Evidence from expert witnesses at the Overview and Scrutiny Committees request.

The right of access to documents rests with the committee, and not with any individual member. Accordingly where a member of an Overview and Scrutiny Committee wishes to have access to particular documents for the purpose of the functions of the committee, he may request (not require) access directly of the officer who holds the documents. In the alternative, he may:

- a Request the relevant Head of Service to make arrangements to enable him or her to inspect the documents, or
- b Request the Chairman of the Overview and Scrutiny Committee, who may request the relevant Head of Service accordingly, or
- c Refer the matter for consideration by the committee and recommend the committee to instruct the officer concerned to report thereon including copies of relevant documents.

14 **MEMBERS AND OFFICERS GIVING ACCOUNT**

a Any Overview and Scrutiny 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 Lead Officer for Scrutiny. They shall inform the member or officer in writing giving at least 5 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 to take place within a maximum of 14 days from the date of the original request or

d He/she may nominate another officer or member, who is able to speak on the topic to attend.

15 **ATTENDANCE BY OTHERS**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 14 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.

16 **CALL-IN**

Call-in should only be used in exceptional circumstances. These are where members of the appropriate Overview and Scrutiny Committee believe that (a) the decision taken is wrong or (b) the decision taken was not taken in accordance with the principles set out in Article 13 (Decision Making). Where a decision is taken in accordance with a recommendation contained in the relevant report the Overview and Scrutiny Committee will not call in the decision

unless they are satisfied that there are substantial issues which could not reasonably have been raised before the decision was taken.

- a When a decision is a Key decision made by the Cabinet or an individual member of the Cabinet, or a non key decision made by an officer with delegated authority, or an local 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 2 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.
- 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, on the expiry of three working days after the publication of the decision, unless an Overview and Scrutiny Committee Chairman on behalf of the Committee objects to it and calls it in.
- c During that period, a member of the relevant Overview and Scrutiny Committee member may give notice of the intention to request the call in of any proposal by the Cabinet or the Cabinet member other than one taken under the urgent action procedure.
- d Once the fact that the Cabinet or a Cabinet member is to consider an item is published, any member of the relevant Overview and Scrutiny Committee may ask to see the papers to be considered (unless they contain confidential or exempt information) and take preliminary advice from officers supporting the Overview and Scrutiny Committee about the implications of the decision.
- e A member of an Overview and Scrutiny Committee must notify the Head of Legal and Democratic Services within three working days of the publication of the proposal of an intention to request the committee to examine the proposal and of any requirement for the attendance by a Cabinet member or any officer.
- f An Overview and Scrutiny Committee shall consider the request for a call-in at its next meeting.
 - i If, following discussion the Overview and Scrutiny Committee agrees that the matter should be called in it may proceed to determine its response at that meeting. If the committee agrees that further investigation or information is required, the Cabinet or Cabinet member may agree to extend the time in which a final view may be expressed.
 - ii 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 refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.

- iii 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 five working day period, whichever is the earlier.
- iv 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. However, if the Council does object, it has no locus to make decisions in respect of a Cabinet 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, a meeting will be convened to reconsider within five working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- v 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.

17 REVIEW OF DECISIONS

The Lead Officer for Scrutiny shall arrange for a decision to be reviewed by an Overview and Scrutiny Committee if so requested by the committee, and shall then notify the decision-taker of the review. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the Chairman of the committee, and in any case within 5 days of the decision to call-in.

18 EXCEPTIONS

Call-In and Urgency

- a The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's 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. Where the Lead Officer for Scrutiny receives a request for the call-in of an urgent decision he/she shall check the reasons why the decision is stated to be urgent and shall not call it in if he/she is satisfied that the decision is genuinely urgent. Key

decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- b 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.

19 **PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

- a Any power or duty assigned to the Chairman of the committee relating to the conduct of a meeting may in the Chairman's absence be exercised by the person presiding at the meeting.
- b Overview and Scrutiny Committees shall consider the following business:
 - i minutes of the last meeting;
 - ii declarations of interest;
 - iii consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
 - iv responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
 - v the business otherwise set out on the agenda for the meeting.
- c Where the Overview and Scrutiny Committee conducts investigations (eg 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.
- d Following any investigation or review, the committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

20 **DISORDERLY CONDUCT**

- a If, in the opinion of the Chairman of a committee, any member of the committee misbehaves at a meeting by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the committee, the Chairman or a member may move not to hear the member further. If the motion is seconded it shall be put to the vote without discussion.
- b If, in the opinion of the Chairman, the member persistently misbehaves after such a motion has been carried, the Chairman may require the removal of the member for such period as the Chairman shall determine. The Chairman may if necessary adjourn or suspend the sitting of the committee.
- c If a member is required to leave a meeting under this standing order, the member is not entitled to vote during the period of exclusion.
- d If a member of the public interrupts the proceedings at any meeting, the Chairman may issue a warning. If the interruption continues the Chairman may order the person's removal from the committee meeting.
- e In case of general disturbance in any part of the committee meeting venue the Chairman may order that part cleared. If the Chairman considers it necessary, he may adjourn or suspend the sitting of the committee.

21 **VOTING**

- a Voting is generally by a show of hands.
- b A committee member may not change his/her vote once he/she has cast it and another member has been called upon to vote.
- c If a committee member arrives before the casting of votes has been commenced he/she is entitled to vote.
- d Immediately after a vote is taken any committee member may ask for it to be recorded in the minutes that he/she voted for or against the question, or that he/she abstained.
- e The Chairman of the committee, or other person presiding, will have a second and/or casting vote where votes for and against a proposal are equal. There shall be no restriction on the manner in which the casting vote is exercised.
- f Where there are more than two persons nominated for any position to be filled by the committee, and no person receives more than one half of the votes given, the name of the person having the least number of votes will be struck off the list and a fresh vote taken, and so on until a clear majority of votes is given in favour of one person.

- g The Chairman of an Overview and Scrutiny Committee shall be deemed to have retired from that position immediately before the start of a meeting at which a Chairman is to be elected.
- h Members of the committee shall appoint one of their number to preside over the election of Chairman.
- i The Chairman of a Committee, once elected shall appoint the Vice Chairman of the Committee.
- j Officers shall not call for nominations for the election of the Chairman.

22 **RULES OF DEBATE**

- a Subject to these standing orders and the Protocol on Overview and Scrutiny contained in Part 5 of the Constitution, the Chairman or any other person presiding at a committee meeting shall have all the powers necessary to ensure the orderly transaction of the meeting's business, including power to:
 - i apply any part of Council Standing Order 9
 - ii invite any person present to speak.

23 **RIGHTS OF ACCESS**

- a Meetings of committees shall be open to the public except when dealing with exempt or confidential information. The committee will give at least five clear days notice of any meeting by posting details of the meeting at County Hall Aylesbury Buckinghamshire and on the Internet. A detailed description of the rights of the public to information is contained in the Access to Information Standing Orders in part 4.2 of this Constitution.
- b The public may be excluded from the whole or part of a meeting of any committees on the ground that exempt information would be disclosed. Exempt information is defined in paragraph 10.2 of the Access to Information Standing Orders.
- c The public must be excluded from any meeting of any committee when any information would be disclosed to them which
 - i has been provided by a government department on terms which forbid disclosure, or
 - ii would be prohibited by law or by an order of the court.
- d The Head of Legal and Democratic Services shall determine which committee reports or parts of reports are unlikely to be taken in public and shall withhold such papers from public circulation.

- e A member who is not a member of a committee may attend a meeting of the committee and speak. The member must obtain either the consent of the Chairman of the meeting, which will not be unreasonably withheld, or the agreement of the meeting which the member wishes to attend.
- f Where a committee has resolved to exclude the public from a meeting or part of a meeting on the grounds that exempt or confidential information is being considered, members who are not members of that committee will generally also be excluded from that meeting or part of the meeting. However, a member is entitled to attend the meeting and/or inspect any exempt or confidential documents relating to the business of the committee if he can demonstrate a "need to know".
- g A member's "need to know" arises when he/she requires the information in order to carry out properly his/her duties as a member. It may apply to information about matters affecting his/her electoral division or matters which relate to a Council body or informal working group to which he/she belongs. It does not arise where a member would simply like to know what is in a document or what may be said at a meeting. It also does not enable a member to "rove through" a large number of files in search of information (sometimes known as "fishing for information"). Whether a need to know arises in a particular case will be a matter of fact and degree, to be decided in the light of all the circumstances of the request.
- h In the event of a dispute, the Head of Legal and Democratic Services will determine whether a member has demonstrated a "need to know". The test that will be applied is whether it is reasonable to refuse access given all the circumstances. For example, if a member is motivated by improper or ulterior reasons, it would be appropriate to refuse access.

24 **SUMMONS AND AGENDA PROCEDURE**

- a At least five clear working days before a meeting of a committee a summons to attend the meeting in the name of the Head of Legal and Democratic Services together with an agenda specifying the business to be transacted shall be delivered to the usual place of residence (or such other address as the member may specify) of every member of the committee, provided that want of service of the summons shall not affect the validity of the meeting.
- b Any additions or amendments to an agenda that has been served on members and/or any supplemental agenda must be approved by the Head of Legal and Democratic Services or the chairman of the committee. Approval will only be given where there is a good reason for the addition or amendment and where the need for it could not reasonably have been foreseen at the time when the agenda was compiled.
- c No business may be transacted at a meeting which is not specified in the agenda or supplementary agenda for the meeting unless the Chairman of the committee agrees that the item should be considered

as a matter of urgency. The reason for the urgency shall be specified in the minutes.

25 **MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE**

- a Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, then the committee conducting the review shall invite the Chairman of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.
- b Where any matter to be considered relates to any aspect of children's education it will be considered only by the Children's Services Overview and Scrutiny Committee.

26 **CODES AND PROTOCOLS (Supporting Guidance to Standing Orders)**

A PROTOCOL ON OVERVIEW AND SCRUTINY COMMITTEES

ATTENDANCE

1 An Overview and Scrutiny Committee may require any of the following to attend an Overview and Scrutiny Committee meeting to advise and answer questions

- a A member of the Council
- b An officer

Provided that where a Overview and Scrutiny Committee asks for an officer to attend who is not a Head of Service or a Strategic Director, the Head of Service or Strategic Director shall also be entitled to be heard or to nominate a senior officer on their behalf to be heard by the Overview and Scrutiny Committee. A Cabinet member may ask an officer to attend with him or her to assist in providing technical advice.

2 In the scrutiny of any decision, officers shall be accountable to the Overview and Scrutiny Committee in respect of decisions which they have taken and advice which they have given. Decisions which have been taken by the Cabinet/Cabinet members or by the Council or a committee of the Council, shall be the responsibility of the relevant decision taking body.

3 An Overview and Scrutiny Committee may request any of the following to attend an Overview and Scrutiny Committee meeting:

- a Any elected or nominated co-opted member to attend and advise and particularly, where appropriate, the local member
- b A representative of any outside body whose powers or interests are relevant to the matter in hand to give their view
- c Any external expert to give evidence provided arrangements can be made within the budget to pay any expenses or fees so incurred
- d Any resident of Buckinghamshire or any person with a legitimate interest in the topic under consideration to attend to give their views

4 The above are subject to the following provisions:

- a Any requirements to attend shall be subject to not less than five working days' notice, except in a case of urgency.
- b Where someone requested to attend is unable to attend for reasons given to the committee then he or she may nominate another member or officer who is able to speak on the topic to attend.
- c Anyone asked to speak shall be entitled to see the terms of reference of the particular matter under consideration by the Overview and Scrutiny Committee before attending to speak.

- d Anyone asked to speak shall be entitled to see the public papers which have been made available to the Overview and Scrutiny Committee and wherever possible on the same timescale for a member of the Overview and Scrutiny Committee.
- e Anyone asked to speak shall wherever possible be given access to statements submitted by people from whom the Overview and Scrutiny Committee has already heard but not those who have not yet given evidence. The chairman of the Overview and Scrutiny Committee shall have a discretion to disclose other papers, including statements submitted by following speakers and confidential (exempt) material, if he or she considers that will help the speakers to address a particular point or will otherwise assist the Overview and Scrutiny Committee's examination of the issue.
- f All speakers shall respect the confidentiality of any confidential or exempt information they receive and shall not disclose it without the authorisation of the Overview and Scrutiny Committee.
- g Speakers may submit papers in advance to the Overview and Scrutiny Committee but such papers shall be clear and succinct.
- h Speakers shall be able to bring such notes and diaries as are helpful to them in assisting the Overview and Scrutiny Committee, but shall expect to make available any such notes (subject to privilege and confidentiality rule) to the committee on the request of the chairman.
- i Providing that no exempt information is contained in them, papers submitted by speakers shall become public documents once they have presented their evidence and shall be cited as background papers to the Overview and Scrutiny Committee's published report.
- j Officers and policy advisory group members shall not be required to give a personal opinion on any Cabinet decision which is different from the recommendation made.
- k Overview and Scrutiny Committee members may be expected to ask searching questions but will always behave in a polite and respectful way to anyone contributing to the Overview and Scrutiny Committee's proceedings.
- l The speaker shall have at least five minutes to contribute evidence or such longer period as the chairman of a Overview and Scrutiny Committee may specify. If someone making such a contribution exceeds the time limit given the chairman may stop him or her. The chairman may also structure a discussion and limit the time allowed for 'questioning by members of the Overview and Scrutiny Committee.
- m Overview and Scrutiny Committee members should limit their questions to the matter under consideration. Persons attending at the request of a Overview and Scrutiny Committee are entitled to respect for their personal and private lives except where these impinge directly upon the performance of their duties to the Council. Where any person objects to a question as unreasonable, they should advise the Chairman of the

Overview and Scrutiny Committee of the grounds on which they so object. The Chairman should then either:

- i Rule that the question be pursued or be no longer pursued
 - ii If so requested by the speaker, adjourn the meeting to hear in private the speaker's reasons for objection and the questioner's reasons for pursuing the question, and the advice of the Head of Legal and Democratic Services before ruling whether the question should or should not be pursued; or
 - iii Adjourn the question, requesting the speaker to submit a statement of their reasons for objection and the questioner to submit a statement of their reasons for pursuing the question, and seeking advice of the Head of Legal and Democratic Services before deciding whether the matter should be put before a subsequent meeting of the Overview and Scrutiny Committee, and the question pursued.
- n Speakers shall be entitled to request a copy of any draft minute or other record taken of their contribution for comment. Should they feel that such record is not accurate then they shall be given the opportunity to make a written representation asking for the correction to be submitted to the next meeting of the Overview and Scrutiny Committee.

Overview and Scrutiny Committee meetings shall be open to the press and public except where they are considering matters which exempt as defined under the Local Government Act 1972 .

Guidance on Call-in

- 5 The Overview and Scrutiny Committee shall consider such and the following points as may be appropriate in deciding whether to proceed with a call-in at the request of a Member.
- a If it is a Cabinet or other decision which may affect more than one Overview and Scrutiny Committees remit, the Chairman shall consult any other Overview and Scrutiny Committee Chairmen affected.
 - b If it affects an electoral division the Chairman shall consult the local member(s).
 - c Consider any representations made, whether by members of the Overview and Scrutiny Committee, or other members of the Council or members of the public.
 - d Take such practical, technical, financial, legal and propriety advice as the Committee considers necessary to clarify any matters of doubt affecting the decision to call-in, including consultation with the relevant Cabinet member or officers as appropriate.
 - e The Chairman shall take political soundings from all political parties on the Overview and Scrutiny Committee.

- f Ascertain whether any other all-party or Overview and Scrutiny Committee examination has already been given to the issue.
- 6 The Committee will then consider the following “protocol questions”:
- a Is the decision likely to cause significant concern or distress to the local community or prejudice to individuals within it?
 - b Has more than one third of the Overview and Scrutiny Committee expressed the view that the call-in should proceed.
 - c Is the issue one that has not been considered in open forum or at all, or otherwise the subject of consultation before the decision was made?
 - d Is it a case where delay will not significantly damage the interests of the Council?
 - e Is it a case where other significant representations have been made but not considered before the decision was taken?
 - f Are there significant representations against the decision from outside bodies?
- 7 The more protocol questions elicit the answer “yes” the more likely it will be that it will be appropriate to proceed with the call-in.
- 8 A proposal should only be called in once. If, however, the Cabinet substantially amends the original proposal in a way which the Overview and Scrutiny Committee has not considered, nor could reasonably have foreseen, to the extent that in reality it is a different proposal, the Overview and Scrutiny Committee has the right to call it in again.
- 9 These provisions should be read in conjunction with Article 13 of this Constitution on Decision Making

B PROTOCOL ON ATTENDANCE AND QUESTIONING AT OVERVIEW AND SCRUTINY COMMITTEES

Overview and Scrutiny Committees have the power (under section 21(13) of the LGA 2000) to require the attendance of officers and members of the authority before the Committee, and may invite other persons to attend. The process for the exercise of this power is for councils to set locally. This protocol outlines the procedure by which attendance should be requested.

- 1 The decision to require the attendance of a particular individual may be made either:
 - a by resolution of the Overview and Scrutiny Committee; or
 - b by the Monitoring Officer in consultation with the Chairman of the Overview and Scrutiny Committee.

- Method (b) applies where a member of the Overview and Scrutiny Committee has informed the Monitoring Officer in writing of reasons for seeking a person's attendance.
- 2 Any person required to attend shall be given 15 working days' notice of the meeting and the relevant issue being considered, whenever possible.
 - 3 A person required to attend may attend on an alternative date if good reason is provided, and the reason is agreed by the Chairman of the Overview and Scrutiny Committee.
 - 4 Any disagreements in connection with 3 above shall be referred to the Monitoring Officer, whose decision shall be final.
 - 5 Where an officer attends the Overview and Scrutiny Committee meeting, the relevant Head of Service may choose to attend also and address the Overview and Scrutiny Committee on the issues raised.
 - 6 The consent of the Head of Service is required to secure the attendance of any other officer.
 - 7 A member, summoned to attend, may require the relevant Head of Service to attend and produce relevant documents.
 - 8 The Chairman shall set the procedure for Overview and Scrutiny Committee sessions. The proceedings shall be managed so as to ensure fairness and respect between all those participating.
 - 9 If it appears that the proceedings will raise confidential or exempt information (within Schedule 12A of the LGA 1972) the proceedings shall, on the Chairman's direction, be continued in private.
 - 10 No person giving evidence to an Overview and Scrutiny Committee shall be obliged to disclose personal information about an employee, child in care or at school or any recipient of council services.
 - 11 If it appears that a member or officer may, in answering a question, incriminate himself or herself or admit to a breach of the relevant code of conduct, he or she shall not be obliged to answer the question. Instead, the issue shall be reported to the Standards Committee/Chief Executive of the Council.
 - 12 Best Value Reviews and Overview and Scrutiny Committee enquiries into the same issue shall be co-ordinated to avoid duplication.
 - 13 In all its dealings the Overview and Scrutiny Committee shall act fairly towards and between participants, and with due respect for individuals' private and family lives. Questions relating to these issues or liable to have an effect on anyone's family or private life should only be asked when they are necessary for an approved purpose and the public interest outweighs the private interest of the individual. Where these issues arise, the Overview and Scrutiny Committee shall take the prior advice of the Monitoring Officer. Approved purposes include:
 - a National Security;

- b Economic Well-being;
- c Public safety;
- d Prevention of Crime;
- e Protection of health and morals;
- f Protection of the rights and freedoms of others.

- 14 This protocol should be issued to those outside the County Council who are required to attend any of Buckinghamshire County Council's Overview and Scrutiny Committee meetings, for guidance.

Contact: Lead Officer for Scrutiny (01296) 382486