

## **PART 9**

### **SECTION B: Procedures To Be Adopted At Investigative Meetings Of An Overview Committee (Excluding Call-In)**

## 1. General

- 1.1 Council Procedure Rules apply with some modifications.
- 1.2 The Overview Committee will not investigate or examine individual decisions relating to development control, licensing or regulatory matters or complaints about members' conduct within the purview of the Audit and Standards Committee.

This protocol also applies to any Sub-Committee appointed by Overview Committee.

## 2. Interests

- 2.1 In addition to the usual rules on interests, members should take special note of the circumstances in which it will be necessary to declare a **prejudicial interest** under paragraph 8 of the Code of Conduct and withdraw from the meeting during consideration of the item that gave rise to the interest, unless a dispensation has been granted under section 33 of the Localism Act 2011. If so, the terms of the dispensation, for example the right to attend and speak but not vote, must be strictly complied with.

## 3. Speakers

- 3.1 The Overview Committee may require any of the following to attend a meeting to give advice and/or answer questions:-

- 1) A member of the Cabinet;
- 2) An officer (other than a political advisor)

provided that the consent of the Chief Executive or relevant Director will be sought before an officer below Head of Service level is required to attend. In such circumstances, the Chief Executive, relevant Director or Head of Service will also have the right to attend and be heard, or nominate another senior officer on their behalf to be heard. Officers shall be accountable to the Overview Committee for advice they have given or decisions they have taken.

- 3.2 The Overview Committee may request any of the following to attend a meeting to give advice or answer questions:

- 1) Any elected or nominated or co-opted member;
- 2) A representative of any outside body whose powers or interests are relevant to the matter under consideration ;
- 3) Any external expert provided any fees and expenses can be met from within the Committee budget;
- 4) Any resident of the District or any person with a legitimate interest in the topic under consideration.

- 3.3 There will be a presumption that when the Committee is considering any matter which relates to or affects part only of the District, local members will be requested to attend.

#### **4. Calling and Attendance of Witnesses**

- 4.1 Not less than seven days notice will be given to a witness, except in the case of an emergency when as much notice as possible in the circumstances will be given. However, where a witness is required to prepare a report, adequate time will always be given to allow for this to be done.
- 4.2 The notice will state the nature of the matter that the witness is required or requested to give evidence on and indicate any documents or papers he is required or requested to produce.
- 4.3 The witness will be entitled to examine the terms of reference of the matter under consideration before giving evidence.
- 4.4 The witness will also be entitled to examine the public papers which have been made available to the Overview Committee, wherever possible on the same time-scale as that applicable to a member of the Committee.
- 4.5 Any person who has been requested to attend but is unable to do so may nominate another person to attend who is able to speak on the matter under consideration. Alternatively they may provide a written statement.
- 4.6 Any person who has been required to attend but is unable to do so for reasons that have been notified to and accepted by the Chairman may nominate another person to attend who is able to speak on the matter under consideration. In exceptional circumstances, following consultation with the witness, an alternative date may be fixed for attendance within the next six weeks.
- 4.7 At the Chairman's discretion, a witness may be shown the notes of evidence of any other witness who has already given evidence on the matter. The Chairman shall also have a discretion to disclose other papers if he considers that this would assist the witness in giving evidence or assist the Committee in its deliberations. Subject to obtaining appropriate legal advice, such disclosure may include confidential or exempt material, provided that the witness gives an undertaking to respect the confidentiality of such material and not disclose it to any person without the prior authorisation in writing of the Council's Monitoring Officer.
- 4.8 A witness may submit documents and other papers in advance. Such documents and papers should be clear and succinct.
- 4.9 A witness shall be entitled to bring and refer to such notes and diaries as shall be of assistance to them in giving evidence but shall be expected to disclose the same to the Committee. The Committee will maintain the confidentiality of any confidential material thus disclosed.

- 4.10 Provided that a document submitted by a witness does not contain confidential or exempt information, it will become a public document and be added to the list of background papers.
- 4.11 A witness who is an officer or member of Policy Advisory Group shall not be required to give a personal opinion on any Cabinet decision which is different from the recommendation made by the officer or Policy Advisory Group (as the case may be).
- 4.12 A witness may be asked searching questions but will at all times be treated with courtesy and respect. In particular, a witness will:
- 1) be entitled to seek clarification from the questioner of any question posed;
  - 2) be given adequate time to answer a question;
  - 3) be entitled to answer questions in his own words and without interruption (except from the Chairman in order to pursue a line of questioning or if he considers that a witness is digressing);
  - 4) be permitted to provide a written reply if he is unable to answer a question due to a lack of knowledge or information;
  - 5) be entitled to respect for his personal or private life (except, in the case of a member or officer, where this impinges directly upon the performance of a duty owed to the Council).
- 4.13 Questions will be limited to the matters under consideration and the Chairman may rule out of order any question, which offends this principle or is repetitious. Subject to this, the Chairman will ensure that each members of the Committee who wishes to ask a question is afforded the opportunity to do so. The questioner will also be entitled to ask one supplemental question and with the consent of the Chairman, may be permitted to ask further questions in order to pursue a line of questioning likely to elicit evidence which will assist the Committee in its deliberations.
- 4.14 Where a witness objects to a question as being unreasonable, or an invasion of privacy the Chairman shall either:
- 1) rule that the question be pursued or be not pursued;
  - 2) at the request of the witness, adjourn the meeting so that he can hear private representations from the witness as to why the question should not be pursued, following which the Chairman shall, if necessary, seek appropriate legal advice. Thereon the meeting shall be re-convened and the Chairman shall rule that the question be pursued or be not pursued.
- 4.15 A witness shall be entitled to a copy of any draft minute or other record taken of his evidence. Should he feel that such a record is not accurate in any material respect he shall be permitted to make written representations asking for a correction to be submitted to the next meeting of the Scrutiny Committee for consideration.

- 4.16 Overview Committee meetings are open to the press and public except where confidential or exempt matters (as defined under the Local Government Act 1972) are under consideration.

## **5. Documentation**

- 5.1 The Overview Committee may, within the limit of its budget commission research or advice internally or externally to assist in its deliberations.
- 5.2 Members of the Overview Committee shall have the rights of access to documents and information prescribed by the Access to Information Rules (Part 4 Section D of the Constitution)

## **6. Information for Witnesses**

- 6.1 Any witness required or requested to attend a meeting of the Overview Committee shall be supplied with a copy of this Protocol.