

**PART 4**  
**SECTION C (1): Joint Overview and Scrutiny Procedure**  
**Rules**

## **1. Application of Rules**

These Rules apply to the Joint Overview and Scrutiny Committee ("JOSC") and any ad hoc Sub-Committees of the JOSC.

## **2. Terms of Reference and Membership**

- 2.1 The Councils' will have a JOSC to discharge the overview and scrutiny functions of both Councils in relation to the functions delegated to the Chiltern and South Bucks Joint Committee ("JC") and appoint members to the JOSC on an annual basis.
- 2.2 The JOSC may appoint such Sub-Committees or Working Groups as it sees fit.
- 2.3 The JOSC will comprise five members from Chiltern District Council and five members from South Bucks District Council and shall not include members of either Council's Cabinet.
- 2.4 Any members (except members of the Cabinet) may be members of the JOSC. However, no members may be involved in scrutinising a decision in which they have been directly involved, for example as a decision-maker or advisor.

## **3. Meetings**

- 3.1 There shall be at least four Ordinary Meetings of the JOSC in each Council year.
- 3.2 In addition, Extraordinary Meetings of the JOSC may be called from time to time as and when appropriate. An Extraordinary Meeting of JOSC may be called by:
  - a) the Joint Chairman, in agreement, requesting in writing that the Director of Resources call a meeting; or
  - b) any four Committee Members, being at least one from each Council, signing a requisition and presenting it to the Joint Chairmen.

If the Joint Chairman fail to call a meeting within 7 calendar days of receiving a requisition under b) above the Committee Members may provide notice in writing to the Director of Resources, who will comply with that request unless he/she considers that the matter can be dealt with at the next Ordinary Meeting.

- 3.3 The quorum for meetings of the JOSC shall be four and include at least two members from each Council.
- 3.4 The JOSC shall elect co-Chairman at their first meeting in each Council year. The Chairmanship of the Committee shall alternate between the Councils each meeting.
- 3.5 The venue for meetings of the JOSC shall normally alternate between the Councils' offices

3.6 Meetings will be conducted in accordance with the following Council Procedure Rules:

Rules 5, 6, 12, 13, 16 (save for Rule 16(2) the Chairman shall not have a casting vote), 17, 18, 19, 20 and 21 of the South Bucks District Council Procedure Rules shall apply to the meetings of the JOSC, and which for the avoidance of doubt are the same as Rules 5, 6, 11, 12, 14 (save for Rule 14(2), the Chairman shall not have a casting vote), 15, 16, 17, 18 and 19 of the Chiltern District Council or in so far as they include additional provisions or more generous provisions i.e. time limits on speeches, the additional and more generous rules shall so apply.

3.7 All meetings will be in public in accordance with the Access to Information Rules except when confidential or exempt items of business (as defined in Section 100C of the Local Government Act 1972), are under consideration.

## **4. Work Programme**

4.1 The JOSC will be responsible for proposing its own work programme and in so doing shall take into account the views of all members of the Committee regardless of political group.

4.2 Approval of the JOSC work programme is the responsibility of the Councils and will be considered and determined by each Council at their May meetings each year, for the following Council year.

4.3 Items may be added to the work programme during the year where appropriate. Requests for the inclusion of additional matters will initially be considered by the Joint Chairmen having regard to the Councils' joint strategic objectives and the ability of the JOSC to have influence or add value on the subject. A recommendation on a request will be made to the next JOSC meeting for consideration and determination. Consideration should also be given to the capacity of the Committee and resources available. Any changes to the work programme should be reported to the Councils' mid-year for noting.

## **5. Agenda Items**

5.1 A member of the JOSC shall be entitled to request that an item be added to the work programme in accordance with paragraph 4.3 above. Should the Joint Chairmen fail to include the item on the agenda at the next available meeting the member may give written notice to the Director of Resources that they wish an item relevant to the functions of the JOSC to be considered by the Committee. On receipt of such a request the Director of Resources will ensure that it is included on the agenda for the next available meeting.

5.2 Any member of the Council who is not a member of the JOSC may, on a maximum of four occasions in any Council year, give written notice to the Director of Resources that they wish an item relevant to the functions of the JOSC to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Director of Resources shall consult the Joint Chairmen who will follow the procedure in paragraph 4.3 above. Should the Joint Chairmen fail to include the item on the agenda at the next available meeting of the Committee the member may give written notice to the Director of

Resources that they wish an item relevant to the functions of the JOSC to be considered by the Committee. On receipt of such a request the Director of Resources will ensure that it is included on the agenda for the next available meeting. The Committee will then consider whether or not to include the item on the work programme. If the Committee decides not to include the item the member will be notified of the reasons.

- 5.3 The JOSC shall also consider any request from the Councils or the JC to undertake scrutiny review or policy development work on their behalf and shall adjust its work programme to the extent necessary to carry out such a review or development. If the work was requested by the JC, the reporting back of the findings and recommendations will be in accordance with Rule 7 below. If the review was requested by the Councils, the JOSC's report with its findings and recommendations will be provided to the Director of Resources who shall include the report on the agenda for the next available meetings of the respective Councils.
- 5.4 With the prior consent of the Cabinet Leaders the JOSC may consider a report relating to the discharge of a JC function prior to the matter being considered by the JC.
- 5.5 Where a report is considered by the JOSC prior to the matter being considered by the JC in accordance with Rule 5.4 above:
- 1) Rule 10 (Call-In) shall no longer apply to any decision subsequently made by the JC on that report; and
  - 2) Rule 6 below shall not apply and the JC will be notified of the recommendations of the JOSC by the Director of Resources appending a copy of the minutes of the JOSC to the officer's report or tabling a copy of the minutes at the meeting of the JC.

## **6. Reports from JOSC to the JC**

- 6.1 Once the JOSC in exercise of its overview and scrutiny role has formed a recommendation in relation to any matter falling within its terms of reference and which relates to a JC function, the Joint Chairmen will prepare a formal report (called a "Joint Chairmen's Report") and submit it to the Director of Resources for consideration by the JC. The Director of Resources will, subject to Rule 6.3 below, place it on the agenda for the next available meeting of the JC.
- 6.2 The JC will consider the Joint Chairmen's Report at its next scheduled meeting, unless the matter is urgent when the Director of Resources shall convene a meeting of the JC in order that a report on the urgent matter can be considered.
- 6.3 If for any reason the JC fails to consider a Joint Chairmen's Report at the scheduled JC meeting the report will stand referred for discussion at the next Ordinary Meetings of the Councils.
- 6.4 Once a Joint Chairman's Report been considered by the JC, the Cabinet Leaders will respond in writing (called a "JC Response") and provide a copy to the Director of Resources,

giving the concluded views of the JC thereon. The Director of Resources will place the JC Response on the agenda for the next available meeting of the JOSOC.

## **7. Rights of Overview Committee Members to Documents**

7.1 In addition to their rights as Members of the Council, Members of the JOSOC will have the additional rights to documents and to notice of meetings of the JC as accorded to members of overview and scrutiny committees described in the Access to Information Rules of the Councils' respective Constitutions.

## **8. Members and Officers Giving Account**

8.1 The JOSOC may scrutinise and review decisions made or actions taken in connection with the discharge of any JC functions falling within its Terms of Reference. In addition to reviewing documentation, it may require the Cabinet Leaders and any member of the JC, the Head of Paid Service and any Director or Head of Service to attend before it to explain, in relation to matters within their remit:

- 1) Any particular decision or series of decisions;
- 2) The extent to which the actions taken implement Council policy and/or their performance;
- 3) And it is the duty of those persons to attend if so required.

8.2 Where any Member or officer is required to attend a meeting of the JOSOC under this provision, the Joint Chairmen of JOSOC will notify the Director of Resources in writing. The Director of Resources will then notify the Member or officer concerned giving at least 7 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 would require the preparation of a report, then the Member or officer concerned will be given sufficient notice to allow for this to be done.

8.3 Where, in exceptional circumstances, a Member or officer is unable to attend on the required date, then the JOSOC shall in consultation with the Member or officer concerned, arrange an alternative date for attendance to take place within a maximum of six weeks from the date of the original request.

## **9. Attendance by Others**

9.1 The JOSOC may invite persons other than those referred to in Rule 8 above to address it 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. In respect of Council officers this

shall not extend to officers below Head of Service level without the agreement of the Head of Paid Service or relevant Director.

## **10. Call-In of a JC Decision**

- 10.1 When a decision is made by the JC and the decision has been published on the Council's website and made available in accordance with the Access to Information Procedure Rules, subject to the provisions of this paragraph, it is subject to call-in.
- 10.2 The record of decision will include the date on which it is published and subject to general exceptions, will specify the date on which the decision will come into force, and may be implemented unless called in.
- 10.3 A decision may be called in:
- 1) If it conflicts with the Councils' joint policies;
  - 2) If it conflicts with the Councils' budget strategy; and
  - 3) There is evidence to suggest the principles of decision-making as set in the Councils' constitutions have not been complied with (for example the absence of consultation).
- 10.4 During the period between a decision being made and coming into force:
- 1) The Democratic and Electoral Services Manager shall call-in a decision for scrutiny if any three Members in total from either Council, submit to the Democratic and Electoral Services Manager by email to [democraticservices@southbucks.gov.uk](mailto:democraticservices@southbucks.gov.uk), a request for a matter to be called in. Such a request is to be made by 5.00pm on the fifth clear working day from the day on when the record of decision is published. The request must include the reasons for the call-in.
  - 2) Upon receipt of the request the Democratic and Electoral Services Manager shall consult with the co-Chairman and shall determine whether or not the call-in is in accordance with the requirements of these rules. The Democratic and Electoral Services Manager shall notify the Members who made the request of the determination within 2 clear working days of the request being received.
  - 3) If the call-in is accepted the JC decision will be put on hold pending referral to the JOSC.
  - 4) The Director of Resources shall within 10 clear working days of the call-in being accepted, after consultation with the co-Chairman, call a meeting of the JOSC. Such meeting is to be held on such date as the Director of Resources shall determine, but to be held as soon as is reasonably practicable.

## **11. Call-In and Urgency**

- 11.1 The call-in procedure set out in Rule 10 above shall not apply where the decision being taken by the JC is urgent. A decision will be regarded as urgent if a delay in implementation would be highly likely to result in significant loss of income, additional expenditure or reputational damage or prevent the Councils from meeting their legal obligations.
- 11.2 The record of a decision made by the JC shall state why it is reasonable in all the circumstances to treat the decision as an urgent one, and therefore not subject to call in.
- 11.3 Decisions in accordance with this procedural rule must be reported to the next available meetings of each Full Council.

## **12. Procedure at Overview Committee Meetings**

- 12.1 A JOSC meeting shall consider the following business in the following order:
- 1) Minutes of the last meeting;
  - 2) Declarations of interest (including disclosable pecuniary and personal interests);
  - 3) Consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
  - 4) A Cabinet Response to a co- Chairman's Report; and
  - 5) The business otherwise set out on the agenda for the meeting.
- 12.2 JOSC meetings are to be conducted in accordance with the following principles:
- 1) The scrutiny will be conducted fairly and all members of the Committee will be given the opportunity to ask questions of attendees and to contribute and speak;
  - 2) That those assisting the Committee by giving evidence will be treated with respect and courtesy;
  - 3) That the meeting will be conducted so as to maximise the efficiency;
  - 4) To be constructive and positive, adopting non-confrontational and inquisitorial techniques.
- 13.3 A member who has raised a matter referred to the JOSC may attend the meeting of the Committee where the matter is discussed unless the matter to be discussed includes confidential or exempt information. The Committee will in any event notify the relevant member of its decision and the reasons for it – subject the exclusion of confidential or exempt information.

- 13.4 Where the JOSC completes its consideration of a matter it will decide whether to make any recommendations to Cabinet/Council/publish its report.