

## **SECTION C - OVERVIEW & SCRUTINY PROCEDURE RULES**

### **1 APPLICATION OF RULES**

These Rules apply to the Overview Committees of the Council and any ad hoc Sub-Committees of an Overview Committee

### **2 COMPOSITION AND TERMS OF REFERENCE**

The composition and terms of reference of the Overview Committees of the Council are more particularly described in Article 7 and Part 3 of this Constitution.

### **3 MEETINGS**

3.1 There shall be at least six Ordinary Meetings of each Overview Committee in the Council year. In addition, the Chairman of an Overview Committee and/or three or more members of an Overview Committee may request the Proper Officer to convene an Extraordinary Meeting to consider any matter falling within the Committee's terms of reference. The Proper Officer will comply with that request unless he considers that the matter can be dealt with at the next Ordinary Meeting.

3.2 The quorum for meetings of an Overview Committee shall be five.

3.3 The Chairman and Vice-Chairman of each Overview Committee will be appointed in accordance with the Council Procedure Rules.

3.4 Meetings will be conducted in accordance with the Council Procedure Rules to the extent provided by Rule 30.2 of those Rules.

3.5 All meetings will be in public in accordance with the Council's Access to Information Rules in Part 4 of the Constitution 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**

Each Overview Committee will be responsible for setting its own work programme and in so doing so they shall have particular regard to the views of those members of the Committee who are not members of the largest party group on the Council.

### **5 AGENDA ITEMS**

5.1 Any member of an Overview Committee shall be entitled to give notice to the Proper Officer that he wishes an item relevant to the functions of that Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the agenda for the next available meeting.

- 5.2 Any five or more members of the Council who are not members of a particular Overview Committee may give written notice to the Proper Officer that they wish an item relevant to the functions of that Overview Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the agenda for the next available meeting.
- 5.3 An Overview Committee shall also consider any request from full Council or the Cabinet to review any area of Council activity falling within its Terms of Reference and shall adjust their work programme to the extent necessary to carry out such a review. If the review was requested by the Cabinet, the reporting back of the findings of the review will be in accordance with Rule 7 below. If the review was requested by full Council, the Chairman of the Overview Committee responsible for carrying it out will report the findings in writing to full Council by providing a copy of the report to the proper officer who shall include the report on the agenda for the next available meeting of the Council in accordance with the Council Procedure Rules. Full Council will resolve itself into a committee to consider any such report.
- 5.4 With the prior consent of the Cabinet Leader or relevant Cabinet Portfolio Holder an Overview Committee may consider a report relating to the discharge of a Cabinet Function prior to the matter being considered by the Cabinet. In addition, with the consent of the Cabinet Leader or relevant Cabinet Portfolio Holder and the Chairman of the relevant Overview Committee an Officer may include a report relating to the discharge of a Cabinet Function on the agenda for a meeting of an Overview Committee prior to the matter being considered by the Cabinet.
- 5.5 Where a report is considered by an Overview Committee prior to the matter being considered by the Cabinet in accordance with Rule 5.4 above :-
- 1) Rule 11 below (Call-In) shall no longer apply to any decision subsequently made by the Cabinet on that report;
  - 2) if such report would normally be received by the Overview Committee after a decision on it has been taken by the Cabinet due to the application of Rule 3 of the Budget & Policy Framework Procedure Rules, the Overview Committee may resolve not to receive a report on that matter after a decision on it has been taken by the Cabinet or only to receive a report on the matter if the Cabinet depart from any of the recommendations of the Committee in a material particular; and
  - 3) Rule 7 below shall not apply and the Cabinet will be notified of the recommendations of the Overview Committee by the Proper Officer appending a copy of the minutes of the Committee to the officer's report or tabling a copy of the minutes at the meeting of the Cabinet.
- 5.6 The Overview Committee relevant to the subject matter will receive and

consider Petitions received as set out in the adopted Petitions Scheme in Part 9 - in particular hearing evidence from senior officers.

## **6 POLICY DEVELOPMENT AND REVIEW**

- 6.1 The role of an Overview Committee in relation to the development of the Council's budget and policy framework is more particularly described in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.
- 6.2 The role of an Overview Committee in the development and review of policies falling outside the Budget and Policy Framework Procedure Rules is more particularly described in Article 7.3.3) and the Terms of Reference of each Overview Committee is in Part 3 of this Constitution. In summary an Overview Committee may assist full Council or the Cabinet in the development and formulation of policy, including conducting research and consultation, if requested to do so.

## **7 REPORTS FROM OVERVIEW COMMITTEES TO THE CABINET**

- 7.1 Once an Overview Committee 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 Cabinet Function, the Chairman will prepare a formal report (called a "Chairman's Report") and submit it to the Proper Officer for consideration by the Cabinet. The Proper Officer will, subject to Rule 7.3 below, place it on the agenda for the next available meeting of the Cabinet in accordance with the Cabinet Procedure Rules.
- 7.2 If three or more members of an Overview Committee do not agree with the recommendations in a Chairman's Report then up to one minority report may be prepared (called a "Minority Report") and submitted to the Proper Officer for consideration by the Cabinet. The Proper Officer will, subject to Rule 7.3 below, place it on the Agenda for the next available meeting of the Cabinet in accordance with the Cabinet Procedure Rules.
- 7.3 The Cabinet will consider the Chairman's Report and any Minority Report at the next scheduled meeting of the Cabinet, unless the matter is urgent when the Proper officer shall exercise his/her powers under the Cabinet Procedure Rules to convene a meeting of the Cabinet in order that a report on the urgent matter can be considered.
- 7.4 If for any reason the Cabinet fails to consider a Chairman's Report or any Minority Report at the meeting of the Cabinet, the agenda for which includes those reports, they will stand referred for discussion at the next Ordinary Meeting of full Council. Full Council will resolve itself into a committee to consider the reports.
- 7.5 Once a Chairman's Report and any Minority Report has been considered by the Cabinet, the Cabinet Leader or Cabinet Member with lead responsibility for the Cabinet Function the subject of such report, will respond in writing (called a "Cabinet

Response") to the Chairman of the Overview Committee that submitted the Chairman's Report and provide a copy to the Proper Officer, giving the concluded views of the Cabinet thereon. The Proper Officer will place the Cabinet Response on the agenda for the next available meeting of that Overview Committee.

- 7.6 An Overview Committee that meets to consider a Cabinet Response may require the Cabinet Member who prepared the Cabinet Response to appear before it to answer questions. If the Overview Committee is dissatisfied with the Cabinet Response for any reason they may resolve that the matter be referred to the next Ordinary Meeting of full Council for final determination. Full Council will resolve itself into a committee when considering such a referral.

## **8 RIGHTS OF OVERVIEW COMMITTEE MEMBERS TO DOCUMENTS**

- 8.1 In addition to their rights as Members of the Council, Members of an Overview Committee will have the additional rights to documents and to notice of meetings of the Cabinet described in the Access to Information Rules set out in Part 4 of the Constitution.

## **9 MEMBERS AND OFFICERS GIVING ACCOUNT**

- 9.1 An Overview Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions falling within its Terms of Reference. In addition to reviewing documentation, it may require the Cabinet Leader and any Member of the Cabinet, the Head of the 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.

- 9.2 Where any Member or officer is required to attend an Overview Committee under this provision, the Chairman of that Committee will notify the Proper Officer in writing. The Proper Officer will then notify the Member or officer concerned giving at least 7 days notice of the meeting at which he is required to attend. The notice will state the nature of the item on which he 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.

- 9.3 Where, in exceptional circumstances, a Member or officer is unable to attend on the

required date, then the Overview Committee or Sub-Committee 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.

## **10 ATTENDANCE BY OTHERS**

10.1 An Overview Committee may invite persons other than those referred to in Rule 9 above to address it and/or answer questions. This shall not extend to officers below Head of Service level without the agreement of the Head of Paid Service or relevant Director.

## **11 CALL-IN**

11.1 When a Cabinet Decision is made by the Cabinet, a Cabinet Member or a Committee of the Cabinet, or a Key Decision is made by an officer with delegated authority from the Cabinet, such decision will be published by electronic means in a notice specifying when the decision will come into force and be implemented unless it is called-in.

11.2 Such notice will include a the record of the decision, the date on which it was published and will, unless the decision is an urgent decision falling within Rule 12 below, specify that the decision will come into force and may then be implemented on the expiry of 5 working days after the date of publication, unless the Chairman or Vice-Chairman of the relevant Overview Committee objects to it by written notice (including e-mail) to the Proper Officer received before 4.00 p.m. on the fifth working day after the publication of the decision (a "Notice of Call-In"). In the case of Notice of Call-In sent to the Proper Officer by e-mail, the Proper Officer shall record the date and time of receipt on the Notice and that record shall stand as conclusive proof of the date and time of receipt thereof.

11.3 A Notice of Call- In shall not be valid unless:-

- 1) the decision the subject of the Notice of Call In is a Key Decision;
- 2) on its face, the Notice of Call-In identifies a failure by the decision maker to comply with Article 12.2 of this Constitution (Principles of decision making), or a breach of some other provision of this Constitution; and
- 3) the Notice of Call-In identifies the manner in which the decision maker is alleged to have failed to comply with Article 12.2 or breach of some other provision of this Constitution.

11.4 The validity of a Notice of Call-In shall be determined by the relevant Overview Committee as a preliminary issue.

11.5 If the Proper Officer receives a Notice of Call-In he/she shall convene an Extraordinary Meeting of the relevant Overview Committee within fifteen working days of receipt of

a call-in notice to consider as the sole item of business, the decision the subject of the Notice of Call-In, unless an ordinary meeting of the Committee or Sub-Committee is scheduled to take place within that period, in which case the matter the subject of the Notice of Call-In will be added to the Agenda for the Ordinary Meeting and taken as an urgent item if necessary. At the same time the Proper Officer will notify the Cabinet, Committee of the Cabinet or Officer (as the case may be) enclosing a copy of the Notice of Call-In. Until the matter has been considered by the relevant Overview Committee and, unless the Overview Committee resolve that it is content with the decision, the decision the subject of the Notice of Call-In may not be implemented before the decision making body or person has reconsidered the decision having regard to the views of the Committee.

- 11.6 Notification to the Cabinet by the Proper Officer under Rule 11.4 shall be to the Cabinet Leader or relevant Cabinet Portfolio Holder and shall stand as an invitation (but not a requirement) to the recipient to attend.

## **12 CALL-IN AND URGENCY**

- 12.1 The call-in procedure set out in Rule 11 above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be regarded as urgent if a delay in implementation would lead to a loss of income, or result in unnecessary expenditure, or otherwise prejudice the Council's interests.
- 12.2 The record of a decision made by the Cabinet or a Committee of the Cabinet, or a Key Decision made by an Officer with delegated powers shall state whether, in the reasonable opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to the call in procedure set out in Rule 11 above. The decision maker shall not be permitted to mark a record of the decision as urgent unless he has first obtained the consent of the Chairman of the relevant Overview Committee or if he is absent or otherwise unavailable his Vice-Chairman or if he/she is unable to act, the Chairman of the Council.
- 12.3 Where a decision is regarded as urgent for the reason that a delay in implementation would lead to a loss of income or result in unnecessary expenditure, the request to the Chairman of the relevant Overview Committee shall make it clear the level of the predicted loss of income or unnecessary expenditure likely to be incurred.
- 12.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

## **13 THE PARTY WHIP**

Political party whips will not be applied to the functions of Overview Committees.

## **14 PROCEDURE AT OVERVIEW COMMITTEE MEETINGS**

- 14.1 An Overview Committee shall consider the following business in the following order:-

- 1) minutes of the last meeting;
- 2) declarations of interest (including pecuniary and non-pecuniary interests) );
- 3) consideration of a Cabinet Response to a Chairman's or Minority Report; and
- 4) the business otherwise set out on the agenda for the meeting.

14.2 Where an Overview Committee is conducting a review or investigation and has required a member of the Cabinet or an Officer to appear before it, or has requested a member of the public or other third party to attend to give evidence, the following principles will be observed :-

- 1) the review or investigation will be conducted fairly and all members of the Committee will be given the opportunity to speak and question attendees;
- 2) that those assisting the Committee by giving evidence will be treated with respect and courtesy; and
- 3) that the review or investigation will be conducted so as to maximise the efficiency of the review or investigation.

14.3 In consultation with the other Overview Committees an Overview Committee shall be able to adopt such other codes and protocols for the proper conduct of Call-Ins and other scrutiny investigations as it sees fit provided they are not inconsistent with any of the Rules comprised in Part 4 of this Constitution. Having adopted such codes or protocol as aforesaid an Overview Committee shall comply with them as if they were part of these Rules and printed out herein unless the Committee otherwise resolves.

14.4 A member who has raised a matter referred to an Overview Committee 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.

14.5 Where the Overview Committee completes its consideration of a matter it will decide whether to make any recommendations to Cabinet/Council/publish its report.