

OVERVIEW AND SCRUTINY PROCEDURE RULES

1.	Arrangements for Overview and Scrutiny Committee
<p>The Council will have an Overview and Scrutiny Committee and three Scrutiny Select Committees (which are not sub-committees of the Overview and Scrutiny Committee) as follows:</p> <ul style="list-style-type: none"> - Housing & Planning Scrutiny Select Committee - Finance, Regeneration and Property Scrutiny Select Committee - Communities and Environment Scrutiny Select Committee <p>as set out in Part 3: Responsibility for Council Functions and will appoint to them as it considers appropriate from time to time.</p> <p>The Council has appointed a Scrutiny Officer whose functions are:</p> <ul style="list-style-type: none"> - To promote the role of the Council's scrutiny committees; - To provide support and training to the Council's scrutiny committees and the members of those committees; and - To provide support and any guidance to members of the Council, members of the Executive and Council officers in relation to the functions of the Overview and Scrutiny and Scrutiny Select Committees <p>The Overview and Scrutiny Committee may appoint sub committees which will also be subject to these Procedure Rules. Additional Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.</p> <p>Overview and Scrutiny Committee and the Select Committees will have the power to investigate any matters they consider relevant to their work area, and to make recommendations to the Council, the executive or any committee or sub- committee of the Council as they see fit.</p> <p>The terms of reference of the Overview and Scrutiny Committee will be:</p>	
(a)	the performance of all overview and scrutiny functions on behalf of the Council in relation to the areas of work allocated to that committee;
(b)	the appointment of such further Select Committees as is considered appropriate to fulfil those overview and scrutiny functions;
(c)	to approve an annual work programme, including the programme of the Scrutiny Select Committees and any further sub-committees appointed so as to ensure that time is effectively and efficiently utilised;
(d)	to receive requests from the executive and/or full Council for overview and scrutiny reports and to respond accordingly;

(e)	to put in place a system to ensure that referrals from overview and scrutiny to the executive, either by way of report or for re-consideration are managed efficiently; and
(f)	in the event of the volume of referrals creating difficulty for the management of executive business or jeopardising the efficient running of Council business, at the request of the Executive, to make decisions about the priority of referrals made
<p>On adoption of this Constitution, Overview and Scrutiny Committee may appoint (and discontinue) sub-committees and amend their terms of reference, as appropriate, provided that consultation has been carried out with interested parties. Any changes will be reported to the Chief Executive and then to the next meeting of the Council by the Chair of the Overview and Scrutiny Committee, so that the Constitution may be amended accordingly.</p>	
2.	Who may sit on Overview and Scrutiny Committee and the Scrutiny Select Committees?
<p>All councillors except members of the Executive may be members of the Overview and Scrutiny Committee or Scrutiny Select Committees, the political composition of which will reflect as nearly as possible the political composition of the Council as a whole. No councillor may be involved in scrutinising a decision in which they have been directly involved.</p>	
3.	Co-optees
<p>The Overview and Scrutiny Committee and Scrutiny Select Committees and any sub-committees shall be entitled to recommend to Council the appointment to it of people as non-voting co-optees.</p>	
3.1	Scheme of Co-option
(a)	<p>At the initial ‘scoping stage of each Scrutiny Review being undertaken Members of the Committee will agree if:</p> <ul style="list-style-type: none"> - any co-option of external participants is necessary for that review; and - any co-option is needed, who might be most appropriate individual or organisation to invite to assist with that review.
(b)	There should be a maximum of 3 external co-optees for any one review taking place.
(c)	Any co-optees assisting the review are able to give their views on the matter under consideration but have no formal voting rights.
(d)	Any co-optees assisting the review would, where appropriate, be invited to review a final draft prior to its formal consideration by the Overview and Scrutiny Committee.

4.	Meetings of Overview and Scrutiny Committee and Scrutiny Select Committees
<p>There shall be 5 scheduled meetings of the Overview and Scrutiny Committee and each of the Scrutiny Select Committees in each municipal year at times to be agreed by the Council. In addition, extraordinary meetings may be called as and when appropriate. The Overview and Scrutiny Committee or Scrutiny Select Committee meeting may be called by:</p>	
(a)	the Chair of the relevant committee;
(b)	any three members of the relevant committee;
(c)	the Full Council; or
(d)	the Chief Executive if they consider it necessary.
5.	Quorum
<p>The quorum for the Overview and Scrutiny Committee and the Scrutiny Select Committees shall be as set out for committees in paragraph 14.10 of the Committee Procedure Rules in Part 4 of this Constitution.</p>	
6.	Chairing Overview and Scrutiny Committee meetings
<p>The Chair of Overview and Scrutiny Committee shall be the Leader of the largest minority (opposition) party. In the event of there being two (or more) minority parties of equal size, the position of Chair shall be rotated on an annual basis between the Leaders of each minority party.</p> <p>The Overview and Scrutiny Committee will appoint 2 Vice-Chairs. One Vice-Chair will be a member of a party which is not the political party of the Chair. At least one of the Vice-Chairs will be a member of the party forming the executive.</p>	
7.	Work Programme
<p>The Overview and Scrutiny Committee will be responsible for setting their own work programme and the work programme of the Scrutiny Select Committees and in doing so they will take into account the views of members on the committee who are not members of the controlling political group(s) on the Council.</p>	
8.	Agenda items
<p>Any member of the Overview and Scrutiny Committee, Scrutiny Select Committee or sub-committee shall be entitled to give notice to the Chief Executive and Scrutiny Officer that they wish an item relevant to the functions of the relevant committee or sub-committee of which they are a member to be</p>	

included on the agenda for the next available meeting of that committee or sub-committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

Any member of the Council may make a request to the Chief Executive or Scrutiny Officer that they wish an item relevant to the functions of the Overview and Scrutiny Committee or the Scrutiny Select Committees to be included on the agenda of the relevant committee. The request will be considered by the next available meeting of the Overview and Scrutiny Committee to determine whether it will accept the item.

In exercising its discretion, the Overview and Scrutiny Committee may have regard to any representations made by the member as to why it would be appropriate for the committee to accept the item.

If the Overview and Scrutiny Committee decides not to accept the item it must notify the member of its decision and the reasons for it.

The Overview and Scrutiny Committee may not accept items which relate to:

- Any matter relating to a planning decision;
- Any matter relating to a licensing decision;
- Any matter relating to a person in respect of which that person has recourse to a route of appeal; or
- Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda

The Overview and Scrutiny Committee and Scrutiny Select Committees shall also respond, as soon as their work programmes permit, to requests from the Council and, if considered appropriate, the Executive to review particular areas of the executive's functions. Where they do so, the relevant Committee shall report its findings and any recommendations back to the Executive and/or Council.

9.	Policy Review and Development
(a)	The role of the Overview (a) and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b)	In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee or Scrutiny Select Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
(c)	<p>The Overview and Scrutiny Committee and Scrutiny Select Committees may:</p> <ul style="list-style-type: none"> - 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; - go on site visits, conduct public surveys, hold public meetings, carry out or commission research and do all other things that they reasonably consider necessary to inform their deliberations; - Consider and implement mechanisms to encourage and enhance community participation in the development of policy options; - 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. - Question members of the Executive and/or members of committees or Management Team about their views on issues and proposals affecting the area
A9	Other Powers and Duties
	<p>Overview and Scrutiny and the Select Committees may:</p> <ul style="list-style-type: none"> - Review and scrutinise the decisions made by and the performance of the Executive; - Undertake more general reviews of executive decisions made by committees and officers; - Review and scrutinise the performance of the Council generally in relation to its policy objectives, performance targets and/or particular service areas; - Make recommendations to the Executive, appropriate committees and/or the Council arising from the outcome of the scrutiny process;
10.	Reports from Overview and Scrutiny Committees and Scrutiny Select Committees (“Scrutiny Reports”)
(a)	Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee or Scrutiny Select Committee will prepare a formal report and submit it to the Chief Executive and the Scrutiny Officer for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a

	departure from or a change to the agreed Budget and Policy framework).
(b)	If the relevant Committee cannot agree on one single final report to the Council or Executive as appropriate, then one minority report may also be prepared and submitted for consideration by the Council or Executive alongside the majority report.
(c)	The Scrutiny Report shall be considered by the Council or by the Executive at its next appropriate meeting following submission to the Chief Executive and Scrutiny Officer, or such longer time scale as the Chair of the Overview and Scrutiny Committee may agree.
11.	Making sure that Overview and Scrutiny reports are considered by the Executive
Scrutiny Reports of Committees which have not already been considered by the Executive shall be included in the next programmed executive agenda.	
If the Chief Executive refers a Scrutiny Report to Council, they shall also serve a copy on the Leader with notice that the matter is to be referred to Council. When the Council meets to consider any referral from the Overview and Scrutiny Committee or Scrutiny Select Committee on a matter which would have an impact on the Budget and Policy framework, it shall also consider the response of the Executive to the Committee's proposals.	
Overview and Scrutiny Committee and the Scrutiny Select Committees will have access to the Executive's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny/ Scrutiny Select Committee following a consideration of possible policy/service developments, the relevant committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.	
12.	Rights of Overview and Scrutiny Committee Members to documents
(a)	In addition to their rights as councillors, members of Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
(b)	Nothing in this paragraph prevents more detailed liaison between the executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13.	Members and Officers giving Account						
(a)	<p>The Overview and Scrutiny Committee, sub-committee or Scrutiny Select 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 executive, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:</p> <table border="1"> <tr> <td>(i)</td> <td>any particular decision or series of decisions;</td> </tr> <tr> <td>(ii)</td> <td>the extent to which the actions taken implement Council policy; and/or</td> </tr> <tr> <td>(iii)</td> <td>about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects</td> </tr> </table> <p>and it is the duty of those persons to attend if so required.</p>	(i)	any particular decision or series of decisions;	(ii)	the extent to which the actions taken implement Council policy; and/or	(iii)	about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
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(iii)	about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects						
	The appropriate “senior officer” shall be identified following consultation with the Chief Executive.						
(b)	Where any member or officer is required to attend a committee under this provision, the Chair of that committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least 10 working days’ notice of the meeting at which they are required to attend. (A shorter period of notice may be given with the agreement of the member or officer in question.) The notice will state the nature of the item on which they are 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 relevant committee shall in consultation with the member or officer arrange an alternative date for attendance.						

14.	Attendance by Others
<p>The Overview and Scrutiny Committee and Scrutiny Select Committees may invite people other than those people referred to in paragraph 13 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 notify the Chief Executive who will issue an invitation to such people to attend. Their attendance is entirely optional.</p>	
15.	Call-In
(a)	<p>When a decision is taken by the Executive, an individual member of the Executive, a committee of the executive, or a 'key decision' is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, that decision shall be notified to all members of the Council as soon as possible after it is taken (normally within two working days) and shall be made available at the main offices of the Council.</p>
(b)	<p>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 five working days after publication of the decision unless it is called in.</p>
(c)	<p>During that period the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by any five members of the Overview and Scrutiny Committee.</p> <p>Such a request must be made in writing and must state the reason the members believe call-in to be necessary. On receipt of such a request within five working days of publication of the decision, the Chief Executive shall notify the decision taker of the call in and shall within five working days of the decision to call in, call a meeting of the Overview and Scrutiny Committee <u>shall be called to take place where practicable within 10 working days of receipt of a valid request for call-in</u>. Pending that meeting, the decision shall stand deferred and shall not be implemented.</p>
(d)	<p>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 it, amending the decision or not, before adopting a final decision.</p>
(e)	<p>If following a call-in of the decision, the Overview and Scrutiny Committee does not refer the matter either to Council or back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting.</p>

(f)	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. 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. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
(g)	If the Council does not decide to refer the decision back to the decision-making body or person, the decision shall take effect on the date of the Council meeting.
(h)	A decision-making person or body can be required to reconsider any particular decision only once.
Call-In and Urgency	
(i)	The call-in procedure set out above shall not apply where the decision being taken by the Executive 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 interest. 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. The decision proposed shall be regarded as reasonable in all the circumstances and be treated as a matter of urgency unless the Chair of Overview and Scrutiny and the political group Leaders by simple majority, disagree. Decisions taken as a matter of urgency must be reported to the next appropriate meeting of the Council by the Chief Executive, together with the reasons for urgency.
(j)	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.
16.	Procedure at Overview and Scrutiny Committee and Scrutiny Select Committee meetings
(a)	Overview and Scrutiny Committee and the Scrutiny Select Committees and any sub-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 decision (Overview and Scrutiny Committee only);
	(iv)	determination of whether any executive decisions published since the Committee last met (and not 'out of time') should be 'called in' for consideration or referred to Council; (Overview and Scrutiny Committee only);
	(v)	responses of the Council or Executive to reports of the Overview and Scrutiny Committee/ relevant Scrutiny Select Committee; and
	(vi)	the business otherwise set out on the agenda for the meeting.
(b)		Where the Committee conducts an investigation (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 not having a conflict of interest 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.
(c)		Following any investigation or review, the committee/sub-committee shall commission a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.