

OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES

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

The Council has a Committee, to undertake the Scrutiny functions, whose terms of reference, general roles and specific functions are set out in Article 6 and will appoint to them as it considers appropriate, normally on an annual basis, (at the Annual Council meeting). The Committee will have a maximum of 15 members.

2. **WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?**

All Councillors except Members of the Cabinet may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved. (Council Procedure Rule 20)

3. **CO-OPTES**

Overview and Scrutiny Committees will have discretion to appoint non-Councillors to sit on their Committees, but those persons will have no power to vote. (Council Procedure Rule 20)

4. **MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES**

All Overview and Scrutiny Committees shall meet in accordance with the approved timetable of meetings.

Special meetings of the Overview and Scrutiny Committees may be called in accordance with Council procedure rule 27.

5. **QUORUM**

The quorum for Overview and Scrutiny Committees shall be a quarter of the membership subject to a minimum of 4. (Council Procedure Rule 3)

6. **WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEES?**

The Chair of Overview and Scrutiny Committees will be drawn from among the Councillors sitting on the Committee and subject to this requirement, the Committee may appoint such a person as it considers appropriate as Chair.

7. **WORK PROGRAMME**

The Overview and Scrutiny Committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest group on the Council.

8. **AGENDA ITEMS**

Any member of the Council may place an item on the agenda in accordance with Council Procedure Rule 7.

9. **POLICY REVIEW AND DEVELOPMENT**

- (i) 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 Procedure Rules.
- (ii) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (iii) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. 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 advisors, assessors and witnesses a reasonable fee and expenses for doing so.

10. **REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES**

- (i) Once they have formed recommendations on proposals for policy development, the Overview and Scrutiny Committees will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet, (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)
- (ii) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet, with a majority report.
- (iii) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Chief Executive.

11. **IN ORDER TO ENSURE THAT OVERVIEW AND SCRUTINY COMMITTEES' REPORTS ARE CONSIDERED BY THE CABINET THE AGENDA FOR THE CABINET WILL CONTAIN:-**

- (i) A record of the Overview and Scrutiny Committee(s) recommendations and comments on agenda items.
- (ii) Where individual reports are made by an Overview and Scrutiny Committee to the Cabinet, the Chair of the relevant Scrutiny Committee will normally be expected to attend the Cabinet in order to address the Cabinet and answer questions.

To assist this process Portfolio Holders each have in their remit areas of the Council services which directly relate to the remit of the Overview and Scrutiny Committees.

12. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- (i) In addition to their rights as Councillors, members of Scrutiny Committees 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.
- (ii) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Scrutiny Committees as appropriate depending on the particular matter under consideration, for example through the Chair of Scrutiny Committees and the Cabinet Portfolio holders

13. MEMBERS AND OFFICERS GIVING ACCOUNT

- (i) 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 the member of the Cabinet, the Head of Paid Service and/or any Officer, as defined within Article 12, to attend before it to explain in relation to matters within their remit:-
 - (a) any particular decision or series of decisions;
 - (b) the extent to which the actions taken implement Council policy; and/or
 - (c) their performance.

and it is the duty of those persons to attend if so required.
- (ii) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Chief Executive. The Chief Executive will inform the member or Officer in writing giving at least 10 working days notice of the meeting at which they are required to attend. 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.
- (iii) 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.

14. ATTENDANCE BY PORTFOLIO HOLDER

- (i) Where the Cabinet refers an item to any Overview and Scrutiny Committee, the relevant Portfolio Holder shall attend the meeting and may be called upon to address the Committee and answer questions on the item; and
- (ii) Portfolio Holders will be expected, where practicable, to attend meetings of the Overview & Scrutiny Committees when (a) significant issues within their portfolio are being considered, and (b) performance reports are being presented where targets for which the Portfolio Holders are responsible are out of tolerance.

15. **ATTENDANCE BY OTHERS**

Overview and Scrutiny Committees may invite people other than those people referred to in paragraphs 13 & 14 above to address them, discuss issues of local concern and/or answer questions. They 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. Attendance is of course entirely optional.

A maximum period of 3 minutes is allowed for each speaker. If several people wish to speak on the same subject, they will be restricted to an overall total of 5 minutes. The time allowed for all speakers at any one meeting is limited to 30 minutes. The Chair will have discretion to increase the time available for speakers where they consider the matter has a significant public interest.

Speakers will be encouraged and helped to contact each other so that repetition can be avoided. This means that you may be given the names, addresses and telephone numbers of other speakers on the same issue and they may be given your details, but only with your permission. It may be helpful for a spokesperson to speak on behalf of all speakers. Where a number of speakers cannot agree on a spokesperson, they will be heard in the order in which they registered their intention to speak

16. **CALL-IN**

The mechanism for call-in is set out in the Council Procedure Rules "Call-in Explanation and Criteria".

17. **THE PARTY WHIP**

When considering any matter in respect of which a member of any Overview and Scrutiny Committee, is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberation on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. **ORDERS OF BUSINESS AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

*Items will always appear on the agenda. Other items will appear as necessary

(a) Overview and Scrutiny Committees shall consider the following business:-

- *(i) Substitute Members (if relevant)
- *(ii) Minutes of the last meeting
- (iii) Presentations
- (iv) Questions from Members
- (v) Policy framework/consultation investigation - reports from Officers covering
 - * consultation papers
 - * Cabinet consultation on Policy and budget
 - * investigations requested by the Overview and Scrutiny Committee
- (vii) Scrutiny of Performance Decisions - reports from Officers covering
 - * service performance

- * investigations requested by the Overview and Scrutiny Committee on the effect of decisions taken
 - *(viii) review of Cabinet agenda items requested to be considered by Scrutiny is 9.00am on the morning of the first Scrutiny, when there are two meeting in the same week.
- (b) Where an Overview and Scrutiny Committee conducts investigations, (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 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 shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

19. **CRITERIA FOR CALL IN OF CABINET REPORTS TO SCRUTINY COMMITTEES**

This process is about the pre-scrutiny of reports to be considered by the Cabinet and not the Call in procedure if members are dissatisfied with the Cabinet Decision (under Council Procedure Rule 21).

1. We encourage all members to ask questions about issues that either affect residents or in which they have an interest. Scrutiny is not the only way to do this and members should feel free to raise questions with portfolio holders at any time.
2. Scrutiny committees will consider issues that have due significance with reference to the following criteria:
 - a) The number of residents impacted and the significance of that impact.
 - b) The amount of spend involved.
 - c) It concerns a strategic priority of the Council or key project.
3. Scrutiny committees should only consider items where there is a tangible reason to do so. This should broadly fit into one of the following criteria:
 - a) Where there are concerns about the basis for a recommendation e.g. the data that had led to the recommendation is deficient, or new data or information deemed material to forming a view on the item has been provided too late for a written question and answer to be circulated before the meeting, or members are aware of contradictory evidence.
 - b) There is an alternative policy, development or direction which needs to be explored.
4. Reasons for any request for scrutiny to consider an item should be clearly stated based on the approach outlined above.

5. Where the Chair of the Scrutiny Committee considers the criteria is not met, they can either ask for clarification from the Councillor and, if they remain unsatisfied, decline the request for the item to be considered

20. MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE

Where a matter for consideration falls within the remit of one or more Overview and Scrutiny Committee the decision as to which Overview and Scrutiny Committee will consider it will be resolved by agreement of the Committee Chair.

21. MALADMINISTRATION AND FINANCIAL MALPRACTICE

Following any findings by the Monitoring Officer or Chief Financial Officer respectively, of unlawfulness/maladministration or financial malpractice the relevant Overview and Scrutiny Committee may hold a short enquiry, into the officer's report and its findings. If such an enquiry is held its findings must be available for consideration by the Cabinet at the same time as it meets to consider the Monitoring Officer's or Chief Financial Officer's report.

22. EXCLUDED MATTERS

The Committees will not be permitted to consider some matters and these will be set out within Article 6 Overview & Scrutiny Committees.