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OVERVIEW AND SCRUTINY
PROCEDURE RULES – POLICY
REVIEW PANELS

OVERVIEW AND SCRUTINY PROCEDURE RULES – SCRUTINY COMMITTEE

1. Arrangements for the Scrutiny Committee

The Council will appoint a Committee, set out in Article 6.

The terms of reference of the Committee in respect of matters will be:

- i) the performance of all overview and scrutiny functions on behalf of the Council;
- ii) the appointment of such sub-committees as it considers appropriate to fulfil those overview and scrutiny functions;
- iii) to prepare an annual overview and scrutiny work programme, including the programme of any sub-committee it appoints, so as to ensure that the Committee's time is effectively and efficiently utilised;
- iv) to put in place a system to ensure that referrals from the Committee to the Cabinet either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution;
- v) in the event of reports to the Cabinet jeopardising the efficient running of Council business, at the request of the Cabinet to make decisions about the priority of referrals made.

2. Who may sit on the Committee?

All councillors except members of the Cabinet may be members of the Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

The Committee will be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. Meetings of the Committee

There shall be up to 12 scheduled meetings of the Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. The chairman may call a Committee meeting; a meeting may also be called by any three members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

5. Quorum

The quorum for the Committee will be as set out for committees in the Council and Committee Procedure Rules (Standing Orders) in Part 4 of this Constitution.

6. Work programme

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

7. Agenda items

Any member of the Committee will be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the panel 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 next available agenda.

The Committee(s) will also respond, as soon as their work programme(s) permit, to requests from the Council and (if it considers it appropriate) the Cabinet to review particular areas of Council activity. Where the Council or Cabinet does so, the Committee(s) will report its findings and any recommendations to the Cabinet and/or Council, who will consider the report of the Committee(s) within one month of receiving it.

8. Policy review and development

- (a) The role of the 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 Committee may make proposals to the Cabinet.
- (c) The Committee 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 address them on any matter under consideration and may pay advisers, assessors and witnesses a reasonable fee and expenses for doing so.

9. Reports from Committee

- (a) Once it has formed recommendations on proposals for development, the Committee will prepare a formal report and submit it to either the proper officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or the Council (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the Committee cannot agree on one single final report to the Council or the Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

- (c) The Council or Cabinet shall consider the report of the Committee within one month of it being submitted to the proper officer.

10. Making sure that overview and scrutiny reports are considered by the Cabinet

- (a) The agenda for the Cabinet meetings will include an item entitled 'Issues arising from the Scrutiny Committee'. The reports of the Committee referred to the Cabinet will be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Committee completing its report/recommendations.
- (b) The Committee will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Committee following a consideration of possible policy/service developments, the panel will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

11. Rights of Committee members to documents

- (a) In addition to their rights as councillors, members of the policy review panels 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 Cabinet and the Committee, depending on the particular matter under consideration.

12. Members and officers giving account

- (a) The 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 they may require any member of the Cabinet, the head of paid service and/or any senior officer to attend to explain:
 - i) any particular decision or series of decisions;
 - ii) the extent to which the actions taken implement Council policy;
 - iii) their performance.

and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend the Committee under this provision, the Chairman of the panel will inform the proper officer. The proper officer will inform the Member or officer in writing, giving at least five clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item

for which he/she is required to attend 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, 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, the Committee shall in consultation with the Member or officer arrange an alternative date for attendance.

13. Attendance by others

The Committee may invite people, other than those people referred to in paragraph 13 above, to address it in order to 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 will invite such people to attend.

14. Call-in

- (a) Call-in should be used only in exceptional circumstances. The circumstances in which it can be used are as follows:

Any five or more non-executive Members will have the right within five working days of the publication of the decision (subject to giving reasons) to call in any Cabinet decision to the Committee on the grounds that it is:

- (i) contrary to policy;
- (ii) contrary to budget; or
- (iii) based on incorrect, inadequate or inaccurate information.

The Chief Executive may reject a request for call-in if he is of the view that none of the grounds in (i) to (iii) above has been satisfied.

Any five or more members will have the right within five working days of the publication of the decision (subject to giving reasons) to call in to the Committee any executive decision which is made under joint arrangements or which is a key decision made by an officer with delegated powers from the Cabinet on any of the grounds (i)-(iii) set out in the preceding paragraph.

Any fifteen members will have the right within five working days of the publication of the decision to call in any executive decision direct to full Council if they consider it to be a matter of such importance that it needs to be considered by the full Council

- (b) When an executive decision is made by the Cabinet or under joint arrangements, or a key decision is made by an officer with delegated authority from the Cabinet, a record of that decision will be published, including where possible by electronic means, and will be available at the main offices of the Council normally within two days of being made. The proper officer will send all Councillors copies of the records of all

such decisions within the same timescale. The record will bear the date on which it is published.

- (c) Subject to the urgency provisions in paragraph (j) below, any executive decision of the type referred to in paragraph (b) above will come into force and may be implemented following the expiry of five working days from the date of publication of the record of the decision UNLESS before the expiry of that period the decision is called in to the relevant policy review panel or full Council in accordance with these rules, PROVIDED THAT no decision of the Cabinet will come into force until there has been a meeting of the relevant policy review panel at which the Committee has had the opportunity to decide whether it should call in the decision for consideration.
- (d) Members will notify the proper officer of any executive decision that they wish to call in within five days of the date of its publication. The proper officer shall refer any decision that is called in accordance with these Rules to either the relevant policy review panel or full Council as appropriate. The proper officer shall notify the decision-taker of the call-in.
- (e) The Committee will, as soon as practicable, consider any decision that has been called in to the panel (whether pursuant to paragraph (a) above or by the panel itself).
- (f) If, having considered a called-in decision, the Committee is still concerned about it, then it may either refer it back to the decision-taker for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred to the decision-taker, that person or body will then reconsider the decision within a further 10 working days, or at its next scheduled meeting (whichever is the later) amending the decision or not, before adopting a final decision.
- (g) If, having considered a called-in decision, the Committee does not refer the matter back to the decision-taker or onwards to full Council, the decision will take effect on the next working day after the Committee meeting.
- (h) If, in the view of the proper officer, the Committee fails to consider as soon as practicable any decision that has been called in to the Committee, the proper officer will refer the matter to the next available meeting of full Council.
- (i) If the matter was referred to full Council and the Council does not object to a decision that has been made, no further action is necessary, and the decision will take effect on the next working day after the Council meeting. 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-taker, together with the Council's views on the decision. The decision taker will consider whether to amend the decision before reaching a final decision and implementing it.

Call-in and urgency

- (j) The call-in procedure set out above will not apply where the decision being taken by the Cabinet 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 interests. The record of the decision will 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 Chairman of the Council and the Chairman of the Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of either chairman, the relevant vice-chairman's consent will be required. In the absence of the required Members, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

15. The party whip

No party whip shall be applied to the proceedings of the Committee.

16. Procedure at committee meetings

- (a) The Committee and sub-committees will consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest;
 - iii) consideration of any decisions "called in" to the committee;
 - iv) whether any Cabinet decisions published since the committee last met should be "called-in" for consideration or referred to Council;
 - v) responses of the Cabinet to reports of the Committee; and
 - vi) the business otherwise set out on the agenda for the meeting.
- (b) Where the Committee conducts investigations, it may also ask people to attend to give evidence at meetings that are to be conducted in accordance with the following principles:
 - i) that the investigation be conducted fairly and all members of the panel 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 will prepare a report, for submission to the Cabinet and/or Council as appropriate, and shall make its report and findings public