

Overview and Scrutiny Procedure Rules

The Council Procedure Rules as set out in Part 4(1) of this Constitution shall apply to the Overview and Scrutiny Committee and its sub-committees unless otherwise specified by these Rules.

1. Overview and Scrutiny Committee

1.1 The Council will appoint one Overview and Scrutiny Committee as set out in the terms of reference in Part 3.

2. Terms of Reference

2.1 The terms of reference of the Overview and Scrutiny Committee shall be:

2.2 The performance of all overview and scrutiny functions on behalf of the Council including those functions specified in the terms of reference set in the Part 3 .

3. Membership

3.1 **Number:** The Committee shall consist of ten Members of the Council appointed under its normal procedures.

3.2 **Eligibility:** With the exception of the Mayor, all Members of the Council shall be eligible to be members of the Committee. However, no Member shall be involved in scrutinising a decision taken by a committee of which, at the time of the decision, he/she is a voting member.

3.3 **Chairman:** The Chairman and Vice Chairman shall be appointed by Council in accordance with the Council Procedure Rules in Part 4 of the Constitution.

3.4 **Co-optees:** The Committee shall be entitled to recommend to the Council the appointment of co-opted members.

4. Powers and Duties

4.1 **Sub-Committees:** The Overview and Scrutiny Committee shall have the power to appoint such sub-committees as it considers appropriate to discharge its functions. These Procedure Rules, including those on eligibility for membership, shall apply to any such sub-committee.

- 4.2 **Task and Finish Groups:** The Committee shall have the power to appoint and discontinue Task and Finish Groups.
- 4.2.1 The Task and Finish Groups shall be appointed to undertake such work and within such time-scales as may be specified by the Committee.
- 4.2.2 All Members of the Council are eligible for membership of the Task and Finish Groups.
- 4.2.3 The Committee in consultation with leaders of the political groups shall establish the membership of the Task and Finish Groups.
- 4.2.4 Task and Finish Groups shall report to the Overview and Scrutiny Committee.
- 4.3 **Work programmes:** The Committee shall be responsible for setting its own work programme.
- 4.4 **Agenda Items:** Any member of the Committee shall be entitled to give notice to the Chairman that s/he wishes an item to be included on the next appropriate agenda and the Chairman shall arrange for this to be done.
- 4.5 **Consideration of Overview and Scrutiny Reports:** The Chief Executive will ensure that reports of the Overview and Scrutiny Committee are placed on the agenda for the appropriate committee or Council Summons if appropriate for consideration, and in the case of a joint committee referred to that committee.
5. **Overview**
- 5.1 The terms of reference in relation to overview functions are set out in the terms of reference in Part 3.
- 5.2 **Policy Review/Development:** In relation to the review or development of Council policies, the Overview and Scrutiny Committee may make proposals for consideration by the relevant committees, joint committees or Council if appropriate.
- 5.3 The Committee may receive requests from the Council and committees to review particular areas of Council activity. The Committee, having regard to its work programme, shall consider and respond to such requests.
- 5.4 The Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist it in this process. It may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations.

6. Scrutiny

- 6.1 The terms of reference in relation to scrutiny functions are set out in the terms of reference in Part 3.
- 6.2 **Proposed decisions:** To assist with the function of scrutiny, members of the Overview and Scrutiny Committee shall be sent copies of the Council Summons and agenda of all committees.
- 6.3 **Call-in of decisions:** Call-in should only be used in exceptional circumstances, e.g. where members of the Overview and Scrutiny Committee have evidence which suggests that a committee did not take the decision in accordance with the principles set out in Article 6 (Decision Making).
- 6.3.1 Call-in will not apply to decisions of individual applications under development control, licensing, registration, consents or other permissions where there is a statutory right of appeal.
- 6.3.2 When a decision is made by the Resources Committee or the Community Services Committee, the minutes of that meeting a notice of the decision shall be published (where possible by electronic means) and shall be available at the main offices of the Council normally within two working days of the meeting date being made. All members of the Council Overview and Scrutiny Committee will be sent copies of the minutes notice, within the same timescale.
- 6.3.3 These minutes notice will bear the date on which it is published and will specify that any the decisions will come into force, and may then be implemented, on the expiry of three working days after the publication of the minutes decision, unless Members of the Overview and Scrutiny Committee objects to it and call it in.
- 6.3.4 During that period, the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by the Chairman or any three members of the Committee, and shall then notify the all Members relevant committee of the call-in.
- 6.3.5 The Chief Executive shall call a meeting of the Overview and Scrutiny Committee on such date as s/he may determine, where possible after agreement with the Chairman of the Committee, and in any case within five working days of the decision to call-in.
- 6.3.6 If having considered the decision, the Overview and Scrutiny Committee remain concerned about it then the Committee may set out in writing the nature of their concerns and refer the decision back to the committee for re-consideration or refer the matter to Council for determination. If the matter is referred back to a committee or Council, that body shall determine at the earliest practicable opportunity whether or not to amend the decision.

6.3.7 If, following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the committee or to Council, the decision shall take effect on the date of the Overview and Scrutiny meeting or the expiry of that further five working day period, whichever is the earlier.

6.4 **Urgency:** The call-in procedure set out above shall not apply where the decision being taken by a committee 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. Where the record of the decision, and notice by which it is made public, states that in the opinion of the Chief Executive the decision is an urgent one, it will not be subject to the call-in process.

7. Performance Management

7.1 The terms of reference in relation to Performance Management and continuous improvement functions are set out in the terms of reference in Part 3.

8. Meetings

8.1 **Frequency:** There shall be at least four meetings of the Committee in each year. In addition, other meetings may be called in accordance with the Council's Procedure Rules as set out in Part 4 of this Constitution.

8.2 **Quorum:** The quorum for the Committee shall be **four members**.

8.3 **Attendance by Others:** The Overview and Scrutiny Committee may:

- (i) require members and Senior Officers of the Council to attend a meeting to answer questions and it is the duty of those persons to attend if so requested;
- (ii) request, but not compel, officers from partnership organisations to attend if so required;
- (iii) invite any person to attend to address the Committee or to discuss issues of local concern and/or to answer questions;
- (iv) pay any person attending a reasonable fee and expenses for doing so.

8.4 **Party Whip:** When considering any matter in respect of which a member of the 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 deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

8.5 **Procedure:** The Overview and Scrutiny Committee shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest (including whipping declaration);
- (iii) consideration of any matter referred to the Committee for a decision in relation to the calling in of a decision;
- (iv) responses of the committees to reports of the Overview and Scrutiny Committee; and
- (v) the business otherwise set out on the agenda for the meeting.

8.5.1 The Committee may adopt its own procedures as it so chooses when carrying out a review or conducting an investigation.

8.5.2 Following any investigation or review, the Committee shall prepare a report, for submission to the relevant committee, joint committee and/or Council as appropriate.