

4 (4)

Overview and Scrutiny Procedure Rules

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Overview and Scrutiny Procedure Rules

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

1. Overview and Scrutiny Committee

- 1.1 The Council will appoint an Overview & 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 & 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 and Composition

- 3.1 **Number:** The Committee shall consist of **fifteen** Members of the Council appointed in accordance with Council Procedure Rule 7.
- 3.2 **Eligibility:** All Members of the Council, with the **exception** of Members of the Hub Committee and the Audit Committee shall be eligible to be Members of the Overview & Scrutiny Committee.
- 3.3 **Chairman:** The Chairman and Vice Chairman of the Committee 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 (including members of the public).

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, determine membership and discontinue Task and Finish Groups.

4.2.1 The Task and Finish Groups shall be appointed to undertake such work and within such timescales 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 has the ability to establish the membership of the Task and Finish Groups.~~

4.2.34 A Task and Finish Group shall provide regular updates to the Overview & Scrutiny Committee.

4.3 **Work Programmes:** The Overview & Scrutiny Committee shall be responsible for setting its own Work Programme.

4.4 **Agenda Items:** Any Member of the Overview & Scrutiny 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 Head of Paid Service will ensure that reports of the Overview & Scrutiny Committee are placed on the agenda for the appropriate meeting or Council Summons if appropriate for consideration, and in the case of a joint committee referred to that committee.

4.6 Members, ~~the general public and/or community groups or Officers~~ may propose that Overview & Scrutiny consider a particular matter by completing a Scrutiny Proposal Form (which can be obtained from Darryl.White@swdevon.gov.uk). See below for rules on Public Forum

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 & Scrutiny Committee may make proposals for consideration by the relevant committee(s), joint committee(s) or Council if felt appropriate.~~

~~5.3 The Overview & Scrutiny Committee may receive requests from the Council and other committee(s) 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 Overview & Scrutiny 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. 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.~~

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 & Scrutiny Committee shall be sent copies of the Council Summons and a website link to the agenda of all other published Committee meeting agendas.

6.3 **Call-in of decisions:** Call-in should only be used in exceptional circumstances, e.g. where Members of the Overview & Scrutiny Committee have evidence which suggests that the Hub Committee did not take the decision in accordance with the principles set out in Article 6 (Decision Making). Call-in may be exercised only by the Overview and Scrutiny Committee.

6.3.1 Call-in will **not apply** to decisions of individual applications under Development Management, Licensing, Standards, Registration, consents or other permissions where there is a statutory right of appeal.

6.3.2 Within **two working days** (where reasonably practicable) of a meeting of the Hub Committee:

- the minutes of that meeting shall be published (where possible by electronic means);
- a website link to copies of the published draft minutes will be sent electronically to all Members.

6.3.3 The minutes (as referred to in 6.3.2) will specify that any decision will come into force (and may then be implemented) on the **expiry of three working days** after the publication of the minutes, **unless** the Overview & Scrutiny Committee calls it in.

6.3.4 Before the **expiry of the three working days**, the Head of Paid Service shall call-in a decision for scrutiny by the Overview & Scrutiny Committee if so requested by the Chairman or any three members of the Overview & Scrutiny

Committee. The Head of Paid Service will notify all Members of the call-in of the decision.

6.3.5 The Head of Paid Service shall refer the matter to the next available meeting of Scrutiny.

6.3.6 If, having considered the decision, the Overview & Scrutiny Committee remains concerned about it then the Committee may set out in writing the nature of its concerns and:

- refer the decision back to the Hub Committee for re-consideration, or
- refer the matter to Council for determination.

If the matter is referred back to the Hub Committee or Council, that body shall determine at the earliest practicable opportunity whether or not to amend the decision.

6.3.7 If, following a call-in of a decision, the Overview & Scrutiny Committee:

- does not meet in the period set out above, or
- does meet but does not refer the matter back to the relevant Committee or to Council)

the decision shall take effect on the date of the Overview & Scrutiny Committee 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 deemed 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 Head of Paid Service the decision is an urgent one, it will not be subject to the call-in process.

7. Meetings

7.1 **Frequency:** There shall be at least **eight 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.

7.2 **Quorum:** The quorum for the Committee shall be **sevenix** Members.

7.3 **Substitution** is not permitted on the Overview & Scrutiny Committee (see Procedure Rule 10).

7.4 **Attendance by Others:** The Overview & Scrutiny Committee may:

- (i) require Hub Committee Members, Audit Committee 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 to provide expert advice to the Committee a reasonable fee and expenses for doing so.

~~7.5 **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.~~

7.56 Procedure: Each Overview & Scrutiny Committee meeting agenda shall consider the following business as standing items:

- (i) Minutes of the last meeting;
- (ii) Declarations of Interest (including (any) whipping declaration);
- (iii) the Hub Committee Forward Plan;
- (iv) consideration of any matter referred to the Committee for a decision in relation to the calling in of a decision;
- (v) responses of the Committees to reports of the Overview & Scrutiny Committee; and
- (vi) the business otherwise set out on the agenda for the meeting.

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

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

7.6 Hub Committee Forward Plan

The Forward Plan (which is a standing agenda item for the Committee) outlines upcoming agenda items to be considered by the Hub Committee and provides the opportunity for the Overview and Scrutiny Committee to have an input into those items that Committee Member(s) have identified in advance as being potentially contentious before they are then presented to the Hub Committee.

8. Public Forum Procedures

(a) General

Members of the public may raise issues and ask questions at meetings of the Overview and Scrutiny Committee. This session will last for up to fifteen minutes at the beginning of each meeting.

(b) Notice of Questions

An issue or question may only be raised by a member of the public provided that they have given written notice (which may be by electronic mail) to Darryl White (darryl.white@swdevon.gov.uk) by 5.00pm on the Thursday, prior to the relevant meeting.

(c) Scope of Questions

An issue may be rejected by the Monitoring Officer if:

- it relates to a matter within the functions of the Development Management & Licensing Committee;
- it is not about a matter for which the local authority has a responsibility or which affects the district
- it is offensive, frivolous or defamatory;
- it is substantially the same as a question which has previously been put in the past six months; or
- it requires the disclosure of confidential or exempt information.