

Overview and Scrutiny Procedure Rules

1. **General arrangements**

- 1.1 The Council will have three Scrutiny Panels as set out in Article 6 and will appoint to them as it considers appropriate from time to time.
- 1.2 These Panels may appoint working groups which shall be time limited. The membership of such groups will not be restricted to any one Panel to ensure that appointments can be made based upon skills, experience and/or interest in the subject area.
- 1.3 The number of Members of each Scrutiny Panel shall be determined at the annual council meeting.
- 1.4 Scrutiny Panels shall be convened in conformity with the Council's Procedure Rules and the Access to Information Rules. Working groups will meet informally, to help inform the Overview and Scrutiny process and may submit reports to either of the Scrutiny Panels.

2. **Programming Panel**

- 2.1 The Programming Panel, comprising the Chairmen of the Executive and Scrutiny Panels and the Vice Chairman of the Corporate Performance and Resources Scrutiny Panel will coordinate the forward programme of these four bodies. However, the Scrutiny Panels will have the primary responsibility for setting their own agenda.
- 2.2 The Programming Panel shall have the following terms of reference:
 - i) To oversee the workloads of the four bodies to ensure efficiency of the overview and scrutiny process;
 - ii) To coordinate requests for reviews referred to by the Executive or the Council which do not fall within the remit of any one group;
 - iii) To resolve any disputes between groups;
 - iv) To consider any potential future agenda items pro-forma which have been submitted by Members, town/parish councils and/or residents.

The Panel shall not have the power of call in.

- 2.3 The Panel will normally meet between two to four times per year when necessary, at the request of the Chairman of one of the Scrutiny Panels, the Leader of the Council or Head of Paid Service. The Chairman will be elected by the meeting from within its membership.

3. **Scrutiny Panels**

The terms of reference of the Scrutiny Panels will be:

- i) the performance of all Scrutiny functions as defined in Article 6 on behalf of the Council;
- ii) the appointment of such time limited working groups as it considers appropriate to fulfil those functions;
- iii) to approve a work programme;
- iv) to refer those matters which fall within the remit of more than one of the Scrutiny Panels, to the Programming Panel for allocation;
- v) to review the system of referrals from Scrutiny to the Executive to ensure that these are managed efficiently and do not exceed reasonable limits as set out in this Constitution;
- vi) to respond to reasonable requests from the Executive to develop or review policy not within their remit;
- vii) in the event of reports to the Executive exceeding reasonable limits, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business, at the request of the Executive, to make decisions about the priority of referrals made;
- viii) To monitor and review effectiveness and progress made against the adopted Priority Delivery Plans within their respective remits;
- ix) to encourage and enhance community participation in the development of policy options and general decision making.

4. **Who may sit on the Scrutiny Panels?**

All councillors, except Members of the Executive, will be Members of one of the Scrutiny Panels.

5. **Co-optees**

Scrutiny Panels shall each be entitled to co-opt up to two people at any time (including members of the public). The appointment of co-optees shall be time limited and at the discretion of the respective Panel. Co-optees will not be able to vote.

6. Scrutiny Panels Meetings

~~6.1 There shall be at least six meetings of the Corporate Performance and Resources Scrutiny Panel in each year. In addition, provision for up to a further six extraordinary meetings shall be made which may be called when appropriate and specifically where there is a need to call in an Executive decision.~~

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~~6.2 There shall be at least four ordinary meetings of each Scrutiny Panelthe Economy and Environment Scrutiny Panel and Community Life and Housing Scrutiny Panel in each year. This will not prevent the ability to convene additional meetings and other informal sessions as necessary to deliver the pre-agreed work programme. However, the frequency and number of meetings and informal sessions shall not overstretch the resource of the CouncilThere shall normally be a further two meetings and other informal sessions shall be held as necessary to deliver the pre-agreed work programme. Meetings shall be called by the Head of Paid Service.~~

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~~6.3 An extraordinary meeting of a the Corporate Performance and Resources Scrutiny Panel may also be called by the Chairman of the Panel, by any four members of the Panel or by the Monitoring Officer if he/she considers it necessary or appropriate.~~

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6.4 Cancellation of any meeting shall be with the agreement of the appropriate Chairman.

~~6.5 The frequency and number of meetings and informal sessions shall not overstretch the resource of the Council.~~

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6.6 In addition, there will also be a joint annual meeting of the Panels each January to consider the draft Budget proposals. The Chairman of this meeting will be elected by the meeting from within its membership.

7. Quorum

7.1 The quorum for Scrutiny Panels shall be one half of the total membership plus one, normally including the Chairman or Vice Chairman or any five (or seven for the Economy and Environment and Community Life and Housing Scrutiny Panel) councillors in circumstances considered to be exceptional by any two of the statutory officers.

7.2 During any meeting, if the Chairman counts the number of Members present and declares that there is not a quorum present, then the meeting will adjourn immediately. Any remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. Who chairs meetings?

The Chairmen and Vice-Chairmen of the Scrutiny Panels shall be appointed by the Council. Without limiting the discretion of the Council, consideration shall be given to the selection of a Chairman on ability and expertise without reference to party political affiliation.

9. **Production of work programmes**

The Overview and Scrutiny function will, early in each Municipal Year, coordinate the production of a work programme for the scrutiny bodies for that year. Each Panel will keep their respective programme under review during the course of the year. The work programme will be devised having regard to the resources available, time constraints of Members and officers and the interests of the local community.

The views of all non-Executive Members will be taken into account when agreeing the work programme, including the views of the Members who are not Members of the largest political group on the Council. Executive Members may also be consulted on issues included within the work programme.

In determining which matters to review, regard will be given to the Policy Development and Review Programme, the Executive Forward Plan, other reports and any other relevant persons or bodies (including the Joint Local Strategic Partnership).

The Work Programme must be flexible enough to take account of changing circumstances throughout the Municipal Year. This flexibility will also allow for those recently implemented decisions of the Executive to be monitored and scrutinised.

All Members of the Council will have access to the published Executive Forward Plan. Each scrutiny body will be entitled to give its views to the Executive as part of the consultation process in relation to any key decision even where an item has not been the subject of detailed consideration by a scrutiny body during a scrutiny review.

10. **Agenda items : Scrutiny**

10.1 Any member of a Scrutiny Panel shall be entitled to give notice to the Head of Corporate Services that he/she wishes an item relevant to its functions to be included on the agenda for the next available meeting. On receipt of such a request, the Head of Corporate Services will ensure that it is included on the next reasonably available agenda.

10.2 In addition, any four councillors of the Council who are not members of the Executive may give written notice to the Head of Corporate Services that they wish an item to be included on the agenda of a Scrutiny Panel. If the Head of Corporate Services receives such a notification, then he/she will include the item on the first reasonably available agenda.

10.3 Scrutiny Panels shall also respond, as soon as work programmes permit, to requests from the Council and, if it considers it appropriate, the Executive to review particular areas of Council activity. Where it

does so, Scrutiny Panels shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Scrutiny Panel within one month of it being submitted to the Head of Corporate Services or at the next available meeting thereafter.

11. Policy review and development

- 11.1 The role of the Scrutiny Panels, 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.
- 11.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Scrutiny Panels may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- 11.3 Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisors 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.

12. Reports on policy proposals

- 12.1 Once they have formed recommendations on proposals for policy development, Scrutiny Panels will prepare a formal report and submit it to the Head of Paid Service for consideration by the Executive, or to the Council as appropriate (eg, if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 12.2 If a Scrutiny Panel cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- 12.3 The Council or Executive shall consider such report(s) of the Scrutiny Panels within two months of being submitted to the Head of Paid Service.

13. Rights of Scrutiny Members to documents

- 13.1 In addition to their rights as Councillors, Members of Scrutiny 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.
- 13.2 Nothing in this paragraph prevents more detailed liaison between the Executive and Scrutiny as appropriate depending on the

particular matter under consideration.

14. Councillors and Officers giving account

14.1 Scrutiny Panels 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 overview and scrutiny role, it may require a Member of the Executive, assisted by the Head of Paid Service and/or any senior officer, to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions which have either been taken already or are to be taken in due course;
- ii) the extent to which the actions taken implement Council policy; or
- iii) their performance,

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

14.2 Where any councillor or officer is required to attend a Scrutiny Panel under this provision, the Chairman will inform the Head of Paid Service. The Head of Paid Service shall inform the councillor or officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced. Where the account to be given to the Scrutiny Panel will require the production of a report, then the councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

14.3 Where, in exceptional circumstances, the councillor or officer is unable to attend on the required date, then the Scrutiny Panel shall in consultation with the councillor or officer arrange an alternative date for attendance.

14.4 ~~A Non-Executive Members may attend. Indeed, any~~ Member of Council (who is not a Member of the Group or Panel) may attend and partake, subject to prior notice being given to the respective Chairman.

15. Attendance by others

15.1 Scrutiny Panels may also invite people, other than those people referred to in paragraph 16 above, to address them, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector and shall invite such people to attend.

15.2 Members of the public may make written submissions on agenda items under consideration by 5.00pm 10.00 am three working days before the meeting (i.e. the Monday before a Thursday meeting). The relevant chairman can subsequently choose to invite the person.

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16. **Call-in**

Call-in by a Scrutiny Panel should only be used in exceptional circumstances. These are where non-Executive Members have evidence which suggests that the Executive did not take a decision in accordance with the principles set out in Article 13 (Decision Making).

- (a) The operation of the provisions relating to call-in and urgency shall be monitored regularly, and a report submitted to Council with proposals for review if necessary.
- (b) The process begins with the distribution of the Executive agenda which will give all councillors the opportunity to examine items for discussion and clarify issues before meetings.
- (c) When a decision is made by the Executive, or a key decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means and shall be available at the main offices of the Council normally within three working days of being made. Decisions will be sent to all councillors within the same timescale.
- (d) The decisions will indicate the date on which decisions will come into effect unless:
 - i) called-in;
 - ii) they are adjudged to be not in accordance with the Council policy or budget framework (see Policy and Budget Framework Procedure Rules – paragraphs 3, 4 and 5) and the decision falls to be referred to Council or is urgent and otherwise satisfies paragraph 4 of the Policy and Budget Framework Procedure Rules or where paragraph 7 of those Rules has been triggered.
- (e) A decision will normally come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless a Scrutiny Panel objects to it and calls it in (except in cases of urgency and special urgency as defined in the Access to Information Procedure Rules).
- (f) During that period, the Head of Paid Service shall call-in a decision for the relevant Scrutiny Panel if so requested by its Chairman or any three Members of that Panel or four other Members of the Council, and shall then notify the decision-taker of the call-in. Members who wish to call-in a decision are required to seek guidance from the Monitoring Officer on the veracity of their stated grounds for the call-in and demonstrate that they have been mindful of the advice they have received when deciding whether or not to proceed. The Head of Paid Service shall refer the matter to the next available meeting of Scrutiny.
- (g) Those councillors calling-in will need to specify the reasons for the call-in.

- (h) When the relevant Executive minutes are put before the Scrutiny Panel, together with the advice from the Monitoring Officer on the grounds for the call-in, the councillors who called in the decision shall have the right to attend and speak. The Leader of the Council and/or relevant Executive Members shall be invited to attend to explain the basis for the decision but may then be asked to leave. They may choose also to make submissions in writing. Relevant officers shall also be invited to attend.
- (i) If, having considered the decision, the Scrutiny Panel 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 the next full Council meeting or, if urgent, to a Special Council meeting. If referred to the decision maker they shall then reconsider within a further ten working days, amending the decision or not, before adopting a final decision.
- (j) If following an objection to the decision, the Scrutiny Panel meets but does not refer the matter back to the decision making person or body or refer it to full Council, the decision shall take effect on the date of the Scrutiny Panel meeting whichever is the earlier.
- (k) 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. Where the decision was taken by the Executive, a meeting will be convened to reconsider within fifteen working days of the Council request.
- (l) If Council does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting.
- (m) The call-in procedure set out above shall not apply where the decision being taken is urgent as defined in the Access to Information Procedure Rules. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

17. The party whip

There is a presumption that a party whip shall not be applied to matters considered by non executive members when engaged in processes of the Overview and Scrutiny function.

18. Procedure at Scrutiny Panels

Scrutiny Panels shall consider the following business:

- i) minutes of the last meeting;
- ii) declarations of interest;
- iii) public forum;
- iv) the most recently published Executive Forward Plan;
- v) its future agenda items work programme;
- vi) consideration of any matter referred to Scrutiny for a decision in relation to call in of a decision;
- vii) updates on the progress made by working groups within its remit;
- viii) responses of the Executive or Council where relevant to reports of the Panel;
- ix) requests from the Executive for policy development work;
- x) the business otherwise set out on the agenda for the meeting.

19. Conduct towards invitees to Scrutiny Panel meetings

19.1 Where Scrutiny Panels conduct investigations and ask people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:

- i) that the investigation be conducted fairly and all councillors be given the opportunity to ask questions of attendees, and to contribute and speak;
- ii) that those assisting 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.

19.2 Following any investigation or review, Scrutiny Panels shall prepare a report for submission to the Executive and/or Council as appropriate, and shall make its report and findings public.