

Part 4.5 Overview and Scrutiny Procedure Rules

1. General Arrangements

Overview and Scrutiny is the responsibility of the Public Scrutiny Commission as described in Article 6 and the Council will appoint to it as it considers appropriate from time to time. The Commission shall appoint such overview and scrutiny panels as it determines, including those specified in Article 6.

2. Who may sit on the overview and scrutiny bodies?

All councillors except members of the Executive may be members of the Public Scrutiny Commission and/or one or more overview and scrutiny panels. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

The Commission and panels shall be entitled to appoint non-voting co-optees for the purpose of assisting with specific time limited reviews.

4. Education Representatives

The Public Scrutiny Commission and the Lifelong Learning Scrutiny Panel shall include in their membership the following voting representatives:

- a) one Church of England diocese representative,
- b) one Roman Catholic diocese representative, and
- c) two parent governor representatives.

These representatives shall not vote on other matters which do not relate wholly or in part to any education function which is the responsibility of the executive, though they may stay in the meeting and speak.

5. Meetings

- (a) There shall be at least nine ordinary meetings of the Public Scrutiny Commission in each year, linked to the meeting programme for the Executive. In addition, extraordinary meetings may be called from time to time as and when appropriate. Meetings may be called by the chairman, or by the proper officer if he/she considers it necessary or appropriate.

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- (b) Overview and scrutiny panels shall determine the frequency and time of their own meetings, according to the work programme set by the Public Scrutiny Commission. Meetings may be called by the chairman, or by the proper officer if he/she considers it necessary or appropriate.

6. Quorum

The quorum for the Commission or for an overview and scrutiny panel shall be one quarter of the whole number of its members, provided that for a panel the quorum shall be at least three.

7. Who chairs Meetings?

The chairmen of the Commission and panels will be drawn from among the councillors sitting on those bodies, and subject to this requirement the Commission/panel may appoint such a person as it considers appropriate.

8. Work Programme

- (a) The work programme for overview and scrutiny panels shall be set annually by the Public Scrutiny Commission following a consultation conference with the Executive and Senior Officers. In setting the work programme the Commission shall take into account the wishes of members who are not members of the largest political group on the Council.
- (b) The work programme shall identify topics for detailed consideration by overview and scrutiny panels, including in each case the outline project plan and desired outcomes from the review project. Overview and scrutiny panels may recommend to the Public Scrutiny Commission at any time a proposed addition to the work programme. The Commission shall only consider proposed additions to the work programme that clearly identify the issue to be investigated and include an outline project plan and desired outcomes.
- (c) The Commission shall allocate investigation projects from the work programme to the three service themed overview and scrutiny panels having regard to their service theme and shall allocate projects of a cross-cutting nature to any one of these scrutiny panels, or to another panel, at its discretion.
- (d) The Commission shall keep the work programme under review throughout the year, making additions and adjustments as necessary and shall be responsible for ensuring effective consultation with the Executive on developments.

9. Agenda items

Any member of the Commission or of an overview and scrutiny panel shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to its functions to be included on the agenda for the next available meeting of the Commission, provided that if the item proposes an addition to the work programme it shall fulfil the conditions set out in 8 (b), above. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

The Public Scrutiny Commission shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Executive to review particular areas of Council activity. Where it does so, the Commission shall report its findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of the Commission by no later than the end of the following cycle of meetings.

10. Policy Review and Development

- a) The role of the Commission 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 Commission may make proposals to the Executive for developments, including considering and passing on to the Executive reports and recommendations from overview and scrutiny panels.
- c) Within the work programme determined by the Public Scrutiny Commission, overview and scrutiny panels 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 advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. Reports from Overview and Scrutiny Panels

- a) Once it has formed recommendations on proposals for development, an overview and scrutiny panel will submit a report to the Public Scrutiny Commission which, if it is satisfied with the report, will adopt it for submission to the proper officer for consideration by the Executive (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).
- b) If an overview and scrutiny panel, or the Commission, cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- c) The Council or Executive shall consider the report by no later than the end of the following cycle of meetings.

12. Consideration of Overview and Scrutiny Reports by the Executive

- a) Once an overview and scrutiny report on any matter which is the responsibility of the Executive has been completed, it shall be included on the agenda of the next available meeting of the Executive, unless the matter which is the subject of the report is scheduled to be considered by the Executive within a period of 6 weeks from the date the report was adopted by the Public Scrutiny Commission. In such cases, the report shall be considered by the Executive when it considers that matter. If for any reason the Executive does not consider the report within 6 weeks then the matter will be referred to Council for review, and the proper officer will call a Council meeting to consider the report and make a recommendation to the Executive.
- b) Where the Public Scrutiny Commission adopts a report for consideration by the Executive in relation to a matter where the leader or Council has delegated decision making power to another individual member of the executive, then the Commission will submit a copy of the report to that individual for consideration. At the time of doing so, the Commission shall serve a copy on the proper officer and the leader. If the member with delegated decision making power does not accept the recommendations of the report then he/she must then refer the matter to the next available meeting of the Executive for debate before exercising his/her decision making power and responding to the report in writing to the Public Scrutiny Commission. The executive member to whom the decision making power has been delegated will respond to the Public Scrutiny Commission within 3 weeks of receiving the report. A copy of his/her written response to it shall be sent to the proper officer and he/she will attend a future meeting to respond.
- c) The Public Scrutiny Commission will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an overview and scrutiny panel following a consideration of possible policy/service developments, the Commission will, at its discretion, be able to respond in the course of the Executive's consultation process in relation to any key decision.

13. Rights of Overview and Scrutiny Members to Documents

- a) In addition to their rights as councillors, members of the Public Scrutiny Commission and overview and 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.
- b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Public Scrutiny Commission as appropriate depending on the particular matter under consideration.

14. Members and Officers Giving Account

- a) The Public Scrutiny Commission and overview and scrutiny panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function, where in the case of a panel this falls within its remit. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, 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;
- II. the extent to which the actions taken implement Council policy; and/or
- 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 a meeting under this provision, the chairman of that body will inform the proper officer. The proper officer shall inform the member 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 for the meeting. Where the account to be given to the Commission or panel 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.
- c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Commission or panel shall in consultation with the member or officer arrange an alternative date for attendance (to take place within a maximum of ten days from the date of the original request).

15. Attendance by Others

The Commission or panel may invite people other than those people referred to in paragraph 14 above to address it, 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 shall invite such people to attend.

16. Call-in

- a) When a decision is made by the executive, an individual member of the executive or a committee of 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 two working days of being made. The Chairmen of the Public Scrutiny Commission and overview and scrutiny panels will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

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- b) The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the date the decision is published, unless the decision is called in as described below.
- c) During the period, the proper officer may call-in a decision for scrutiny by the Public Scrutiny Commission if so requested by the Chairman and any 2 members of the Public Scrutiny Commission, or any 5 members of the Council and shall then notify the decision-maker and all other executive members of the call-in. He/she shall call a meeting of the Commission on such date as he/she may determine, where possible after consultation with the Commission chairman, and in any case within 7 working days of the decision to call-in.
- d) For the purposes of this section, where the decision relates to the exercise of an education function, the duly appointed diocesan representatives and parent governor representatives shall have the same rights to seek or support the calling-in of a decision as any other member of the Public Scrutiny Commission.
- e) If, having considered the decision, the Commission 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 full Council. If referred back the decision maker shall then reconsider within a further 7 working days, amending the decision or not, before adopting a final decision.
- f) If following an objection to the decision, the Public Scrutiny Commission does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body or to the Council, the decision shall take effect on the date of the meeting, or the expiry of the period in which the meeting should have been held, whichever is the earlier.
- g) 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 made by the executive, as a whole or a committee of it, a meeting will be convened to reconsider within 7 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.
- h) If the Council does not meet, or if it does but 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 or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

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- i) The call-in procedure set out above shall not apply where the decision being made by the executive 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, and notice by which it is made public, shall 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 Mayor 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 the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions made as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- j) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

17. The Party Whip

When considering any matter in respect of which a member of the Public Scrutiny Commission or an overview and scrutiny panel 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 Commission's/panel's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. Procedure at overview and scrutiny meetings

- (a) The Public Scrutiny Commission and overview and scrutiny panels shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest (including whipping declarations);
 - iii) (Commission only) consideration of any matter referred to the Commission for a decision in relation to call in of a decision;
 - iv) responses of the Executive to reports of the Public Scrutiny Commission; and
 - v) the business otherwise set out on the agenda for the meeting.
- (b) Where an overview and scrutiny panel conducts investigations (e.g. with a view to policy development), it may also ask people to attend to give evidence at its meetings which 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 panel by giving evidence be treated with respect and courtesy; and

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- iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the panel shall prepare a report, for submission to the Public Scrutiny Commission, and shall make its report and findings public.

19. Matters within the Remit of More than One Panel

In the event of an issue for review by an overview and scrutiny panel falling within the remit of more than one panel, the Public Scrutiny Commission shall determine which overview and scrutiny panel shall consider the matter.

20. Terms of Reference

The terms of reference of the Public Scrutiny Commission and overview and scrutiny panels shall be as set out in Article 6 of the Constitution.