

OVERVIEW & SCRUTINY COMMITTEE PROCEDURE RULES

1 Membership

All councillors (except members of the Cabinet) may be members of the Overview and Scrutiny Board or one or more Overview & Scrutiny Sub-Committees. However, no member may be involved in scrutinising a decision in which he or she has been directly involved.

2 General role of OSCs

Within their individual terms of reference, Overview and Scrutiny Sub-Committees may:

(a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions or those of a partner authority (as defined for the purposes of the Local Government and Public Involvement in Health Act 2007) where relevant to the terms of reference of that Overview and Scrutiny Sub-Committee.

(b) make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy or joint committee and/or to any partner authority in connection with the discharge of any functions

In doing so the Overview and Scrutiny Sub-Committees may record the views of members on that committee who are not members of the largest political group on the Council

(c) consider any matter affecting the area or its inhabitants

(d) exercise the right to call-in for consideration, key decisions made but not yet implemented (irrespective of the decision maker)

(e) from time to time review previous decisions of Cabinet or of the committee in relation to strategic policy issues as part of the Continuous Improvement process.

(f) Consider matters referred to them by individual Members using the Councillor Call for Action process (see paragraph 9 following).

3 Specific functions of OSCs

(a) Policy development and review

The Overview and Scrutiny Board or Sub-Committees may:

(i) assist in the development of the budget and policy framework by in-depth analysis of policy issues

- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options
- (iii) encourage and enhance community participation in the development of policy options
- (iv) inquire of:
 - members of the Cabinet, the Chief Executive, SLT Directors, Director of Legal and Governance and Heads of Service (who may involve other staff as appropriate)
 - appropriate members and/or staff of partner authorities about their views on issues and proposals affecting the area
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny**

Overview and Scrutiny Board or Sub-Committees may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or council staff both in relation to individual decisions and over time. In reviewing decisions made by and the performance of council staff, it is expected that members will direct initial inquiries to the Chief Executive, SLT Directors, Director of Legal and Governance and appropriate Second Tier Managers
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (iii) inquire of members of the Cabinet and/or the Chief Executive, SLT Directors, Director of Legal and Governance and Second Tier Managers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- (iv) inquire of relevant partner authorities (as defined in the Local Government & Public Involvement in Health Act 2007) about their decisions and performance in relation to matters:
 - falling within the scope of the National Health Service Act 2006 and any re-enactment thereof
 - relating to the Local Area Agreement

- (v) make recommendations to the Cabinet, Council and/or partner authorities arising from the outcome of the scrutiny process
- (vi) review and scrutinise the performance of partner authorities and other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Board or relevant Sub-Committee and local people about their activities and performance
- (vii) question and gather evidence from any other person (with their consent)
- (viii) Establish Topic Groups

The topic group must report back to the Overview and Scrutiny Board or relevant Sub-Committee which established it immediately after their first meeting with the group's suggested, detailed terms of reference for confirmation. The Committee is entitled to alter the terms of reference if it sees fit and to ask non-Members of the Committee to join the topic group. There is no requirement for topic groups to accord to the political balance rules or routinely be open to the public or non-Members of the topic group.

- (ix) Establish Groups, to be known as "CCA Groups", in response to Councillor Calls for Action pursuant to the Local Government & Public Involvement in Health Act 2007

(c) **Work programme**

The Overview and Scrutiny Board and sub-committees will be responsible for setting their own work programme.

(d) **Annual report**

Overview and Scrutiny Sub-Committees must report annually to the Board and the Board must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

4 **Co-opted members**

Subject to paragraphs 5 and 6 following, each Overview and Scrutiny Sub-Committee shall be entitled to recommend to Council the appointment of people as non-voting members (as defined in section 13 of the Local Government and Housing Act 1989).

5 **Co-opted members and teacher representatives on Children and Learning Overview and Scrutiny Sub-Committee**

- (a) The Children and Learning Overview and Scrutiny Sub-Committee (**Informative: this is the statutory “Education” OSC**) must include in its membership the following co-opted members:
- (i) one Church of England diocese representative
 - (ii) one Roman Catholic diocese representative
 - (iii) three parent governor representatives (elected by all governors in each of the three sectors of education)

Each of these appointees has statutory rights to attend and vote at meetings of the Overview and Scrutiny Sub-Committee at which education matters are discussed.

- (b) The Children and Learning Overview and Scrutiny Sub-Committee may also invite local teacher unions and professional association representatives to nominate, in each municipal year, two non-voting teacher representatives (one primary sector representative and one secondary sector representative).

6 **Co-opted members on the Crime & Disorder Sub-Committee**

The Crime & Disorder Sub-Committee may co-opt members in accordance with the provisions of Regulation 3 of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 and decide whether they should have voting rights.

7 **Meetings of the committees**

There shall be at least four ordinary meetings of the Overview and Scrutiny Board and each of the Overview and Scrutiny Sub-Committees in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Sub-Committee meeting may be called by the Chairman of the relevant Overview and Scrutiny Sub-Committee by half the whole number of members of the committee or by the proper officer if he or she considers it necessary or appropriate.

8 **Quorum**

The quorum for an Overview and Scrutiny Sub-Committee shall be as set out for committees in rule 4 of the Committee Procedure Rules in Part 4 of this constitution.

Co-opted Members – whether or not having voting rights – shall be taken into account when calculating the quorum of a Committee.

9 **Councillor Calls for Action**

- (a) Any member –
 - (i) of the Overview and Scrutiny Board or relevant sub-committee may refer to that Committee any matter which is relevant to the functions of that Committee; and
 - (ii) of the Council may refer to the Overview and Scrutiny Board or relevant sub-committee any local government matter which is relevant to the functions of that Committee.
- (b) Any member of the Council who is not a member of the Crime & Disorder Sub-Committee may refer any local crime and disorder matter to that Sub-Committee.

The proper officer shall include any matter referred in accordance with either (a) or (b) above in the agenda for a meeting of the Board or relevant Sub-Committee and the Chairman shall ensure that it is discussed at that meeting.

10 **Policy review and development**

- (a) The role of the Overview and Scrutiny Board or Sub-Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Policy Framework Procedure Rules set out in Part 4 of this constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy framework or budget framework, Overview and Scrutiny Sub-Committees may make proposals to the Overview and Scrutiny Board and the Board may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Board and Sub-Committees may hold inquiries 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, 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.

11 **Reports to Council and Cabinet**

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Sub-Committees will prepare a formal report and submit it to the Overview and Scrutiny Board who will then submit to the proper officer for consideration by the Council or by the Cabinet as appropriate.

- (b) If the Overview and Scrutiny Board cannot agree on one single final report to the Council or 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) As soon as possible after the Overview and Scrutiny Board has prepared the report, the proper officer shall serve a copy of it upon the relevant Cabinet Member.
- (d) The Council or Cabinet must consider the report of the Overview and Scrutiny Board within two months of it being submitted to the proper officer.
- (e) Reports of Overview and Scrutiny Board referred to the Cabinet shall be considered by the Cabinet within two months of the meeting of the Overview and Scrutiny Board at which its report and recommendations are agreed.

12 **Reports to partner authorities**

Where an Overview and Scrutiny Sub-Committee report relates to a local improvement target which—

- (a) relates to a relevant partner authority, and
- (b) is specified in a local area agreement of the authority

that Committee shall comply with the relevant statutory requirements.

13 **Rights of Overview and Scrutiny Board and Sub-Committee members to documents**

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Board and Sub-Committees 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 rule prevents more detailed liaison between the Cabinet and Overview and Scrutiny Board as appropriate depending on the particular matter under consideration.

14 **Members and staff giving account**

- (a) The Overview and Scrutiny Board or relevant sub-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, it may require any individual Cabinet member, the Chief Executive, an SLT Director, Director of Legal and Governance and Second Tier Manager (who may involve other staff as appropriate) 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 member of staff is required to attend the Overview and Scrutiny Board or relevant sub-committee under this provision, the Chairman of the Board or relevant sub-committee will inform the proper officer. The proper officer shall inform the member or member of staff in writing giving at least seven working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Board or relevant sub-committee. Where the account to be given to the Board or sub-committee will require the production of a report, then the member or member of staff concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or member of staff is unable to attend on the required date, then the Overview and Scrutiny Board or Sub-Committee shall in consultation with the member or member of staff 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 Cabinet Members**

- (a) A member of the Cabinet may attend any meeting of the Overview and Scrutiny Board or Sub-Committee. Subject to (b) below, where a matter before the committee relates to an issue within the portfolio of that Cabinet member, he or she may address the Board or Sub-Committee about it unless to do so would breach any provision of the Members' Code of Conduct or any rule of law.
- (b) Where a decision of the Cabinet or of a Cabinet Member has been called in pursuant to rule 18 following, the relevant Cabinet Member or Members may attend the meeting at which the requisition is considered in order to explain the reasons for the decision and to respond to the decision, notwithstanding that the Cabinet Member has a prejudicial interest (which must be declared at the outset of the meeting). The Cabinet Member must, however, leave the meeting before the Board deliberates upon the matter and reaches a decision.

16 **Attendance by others**

The Overview and Scrutiny Board or Sub-Committee may invite people other than those people referred to in paragraphs 14 and 15 above to address it, discuss issues of local concern and/or answer questions, such as residents, stakeholders and members and staff in other parts of the public sector.

17 Call-in (“requisition”) procedure

- (a) All key decisions (irrespective of the decision maker) will be notified weekly to all members, who shall be entitled to requisition that decision. Notification will be by the weekly Calendar Brief (or, where necessary, by supplementary Calendar Brief) to all members, indicating the latest date for submission of a requisition.
- (b) If the Head of Democratic Services is notified of a requisition of a key decision shown on that notification within three working days of the publication in Calendar Brief (or any supplementary Calendar Brief) of a decision, then that decision shall not be acted upon but shall be submitted to the next Overview and Scrutiny Board meeting as soon as possible, either at the next ordinary meeting if due within 15 working days of receipt of the requisition or at a special meeting convened for the purpose (to be held, so far as practicable, within 10 working days of the receipt of the requisition), for determination.
- (c) At a meeting due to consider a requisition submitted under (b) above, the Overview and Scrutiny Board may resolve to initiate either of the specific call-in procedures set out in rule 7 of the Policy Framework Procedure Rules or in rule 5 of the Budget Framework Procedure Rules.
- (d) Any requisition submitted under (b) above must:
 - (i) be in writing and must be signed by at least six members representing between them more than one group,
 - (ii) specify the key decision to which it relates,
 - (iii) relate to a key decision which has not previously been called-in or been the subject of pre-decision scrutiny,
 - (iv) state the grounds or reasons for the requisition,
 - (v) where appropriate, suggest alternative proposals, actions or resolution of the matter, and
 - (vii) not be vexatious, frivolous or repetitive.
- (e) The Monitoring Officer shall decide whether a requisition is valid as assessed against the criteria set out in paragraph (d) above or whether it is otherwise an appropriate use of the call-in process.
- (f) The members submitting a call-in requisition or a group representative must attend the meeting of the Overview & Scrutiny Board where the called-in decision is to be reviewed. The Board may uphold a requisition in its entirety or in part, or may decline to uphold a

requisition (in which case the original decision shall stand and be able to be implemented forthwith).

- (g) Following the consideration of the matter by the Board, if the requisition submitted under (b) above is upheld, the matter shall be referred to either
 - (i) The Council where the Board considers the matter is contrary or not wholly in accordance with the policy or budgetary framework, or otherwise
 - (ii) The Cabinet
- (h) The report of the Board submitted to the Council or Cabinet shall incorporate the Board's views on the requisition and any recommendations it wishes to put forward as to how the requisitioned decision should be reviewed or altered in order to address the points in the requisition that have been upheld.
- (i) The Board's views may be articulated by an officer's report, by a minute of the Board or by a summary of the minute.
- (j) A requisition under (b) above shall be determined at the board meeting by simple majority.
- (k) Any requisition may be withdrawn by the requisitioners at any time prior to it being disposed of.
- (l) For the avoidance of doubt, "notice given in writing" for the purpose of this Rule includes notice given by a requisitioner by fax or by email from an address or number recognised as associated with the member sending it, and shall be regarded as validly signed by any of the other members if either an identical fax or email is received from them or a member clearly associates him or herself with a submission by another member, and different members may use different methods of giving such notices.

18 **Exception to the call-in ("requisition") procedure**

- (a) The call-in procedure set out above shall not apply where a key decision being taken (irrespective of the decision maker) 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 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.
- (b) The decision making person or body can only take an urgent decision under (a) above and avoid the call-in procedures after obtaining

agreement from the Chairman of the Board that the decision be treated as urgent.

- (c) In the absence of the Chairman, the Vice Chairman, or if neither is able to act, then the Mayor, or in his/her absence the Deputy Mayor, may give the agreement in (b) above.
- (d) Any agreement obtained under (b) or (c) above shall be evidenced in writing.
- (e) The Leader of the Council will submit quarterly reports to Council on decisions taken by himself, Cabinet or individual Cabinet members, or key decisions made by a member of staff, pursuant to this rule in the preceding three months. The report will include the number of decisions taken and a summary of the matters in respect of which those decisions were taken.
- (f) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council by the proper officer with proposals for review if necessary.

19 **The Party Whip**

There shall be no Party Whip at a meeting of the Overview and Scrutiny Board or Sub-Committees. "The Party Whip" is understood to mean "any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote before the Overview and Scrutiny Board or Sub-Committee, or the application or threat to apply any sanctions by the group in respect of that Councillor should they speak or vote in any particular manner".

20 **Procedure at Overview and Scrutiny Board or Sub-Committee meetings**

- (a) The Overview and Scrutiny Board and any sub-committees shall consider the following business:
 - (i) minutes of the last meeting
 - (ii) declarations of interest
 - (iii) consideration of any matter referred to the Board only for a decision in relation to call in of a key decision in accordance with the validity criteria stated in paragraph (d) of Rule 17 above
 - (iv) responses of the Leader or Executive to reports of the Overview and Scrutiny Board or Sub-Committees
 - (v) the business otherwise set out on the agenda for the meeting.

- (b) Where the Overview and Scrutiny Board considers a call-in requisition, the member responsible for that requisition or a group representative must attend the meeting.

- (c) Where the Overview and Scrutiny Board or Sub-Committee conducts investigations (for example, with a view to policy development), the committee shall observe the following principles:
 - (i) that the investigation be conducted fairly and all members of the committee 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
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

- (d) Following any investigation or review, the committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.