

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such Committees may appoint Sub-Committees and Task Groups, whose membership may include non-Executive Members from other than the 'parent' Committee. The number of Sub-Committees and Task Groups active at any one time will be kept under review by the Overview & Scrutiny Co-ordinating Group.

Although they will normally be expected to meet in public, any Task Groups that may be established will not be bound by the Access to Information Procedure Rules.

The Council will have an Overview and Scrutiny Co-ordinating Group and 5 Overview and Scrutiny Committees. The terms of reference of the Co-ordinating Group are:

(a) To approve an annual Overview and Scrutiny work programme, including the programme of any Sub-Committees appointed, to ensure that there is efficient use of the Committees' and Sub-Committees' time, and that the potential for duplication of effort is minimised.

(b) Where matters fall within the remit of more than one Overview and Scrutiny Committee or Sub-Committee, to determine which of them will assume responsibility for any particular issue, to convene joint meetings if appropriate and to resolve any issues of dispute between Overview and Scrutiny Committees.

(c) To receive requests from the Executive and/or the full Council for reports from Overview and Scrutiny Committees and to allocate them if appropriate to one or more Overview and Scrutiny Committees.

(d) To put in place and maintain a system to ensure that referrals from Overview and Scrutiny to the Executive, either by way of report or for reconsideration, are managed efficiently and do not exceed any limits set out in this Constitution.

(e) At the request of the Executive, to make decisions about the priority of referrals made in the event of reports to the Executive exceeding any limits in this Constitution, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business.

2. Who may sit on Overview and Scrutiny Committees?

All Councillors except Members of the Executive may be Members of an Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision with which he/she has been directly involved.

The Leader of the Opposition may attend any Committee or Sub-Committee meeting and take part in the deliberations, but may not vote unless he/she is a member of the Committee/Sub-Committee concerned.

3. Co-optees

Each Overview and Scrutiny Committee shall be entitled to appoint non-voting co-optees as set out in the Table at the end of this procedure rule. Sub-Committees and Task Groups shall be entitled to appoint as many non-voting co-optees as they see fit, for periods of office to be determined by each Sub-Committee/Task Group.

4. Education representatives

Each relevant Overview and Scrutiny Committee/Sub-Committee dealing with education matters shall include in its Membership the following voting representatives:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) Up to 3 parent governor representatives.

A relevant Overview and Scrutiny Committee/Sub-Committee in this paragraph is an Overview and Scrutiny Committee or Sub-Committee of a local education authority, where the Committee or Sub-Committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If the Overview and Scrutiny Committee/Sub-Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

5. Meetings of the Overview and Scrutiny Committees

There shall normally be at least six ordinary meetings of each Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chair of the relevant Overview and Scrutiny Committee, by any 3 Members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

6. Quorum

The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

7. Who chairs Overview and Scrutiny Committee meetings?

The posts of Chairs and Vice-Chairs of the 5 Overview and Scrutiny Committees will be allocated proportionately. At least one Committee will be chaired by an Opposition Member.

8. Work programme

The Overview and Scrutiny Committees will, subject to the Co-ordinating Group, be responsible for setting their own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

9. Agenda items

Any Member of an Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

Any Member of the Council who is not a Member of an Overview and Scrutiny Committee may give written notice to the proper officer that they wish an item to be included on the agenda of that Overview and Scrutiny Committee. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the relevant Overview and Scrutiny Committee for consideration by the Committee, with the consent of the Chair. Also with the consent of the Chair, the Member who requested the inclusion of the item shall be allowed to address the Committee and may also be allowed to participate in any ensuing debate.

The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and, if it considers it appropriate, the Executive, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive

shall normally consider the report of the Overview and Scrutiny Committee within one month of receiving it.

Except as provided above, a Member of the Council who is not a Member of an Overview & Scrutiny Committee may address the Committee only if permission is granted by the Chair and if the Chair has been informed accordingly before the meeting begins. Having addressed the Committee, such non-Committee Members shall take no further part in the discussion. This shall not however apply to Cabinet Members in attendance either at the Committee's request or to seek the Committee's views on proposed policy developments, nor to the Leader of the Opposition (whose right to participate in meetings is set out in Procedure Rule 2 above).

10. Policy review and development

(a) The role of the Overview and Scrutiny Committees 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, Overview and Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.

(c) Overview and Scrutiny Committees 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 Committee

(a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it 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 Committee cannot agree on one single final report to the Council or Executive as appropriate, then up to two minority reports may be prepared and submitted for consideration by the Council or Executive with the majority report.

(c) The Council or Executive shall normally consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the proper officer.

12. Making sure that Overview and Scrutiny reports are considered by the Executive

(a) The agenda for Executive meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports of Overview and Scrutiny Committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within one month of the Overview and Scrutiny Committee completing its report/recommendations.

(b) Overview and Scrutiny Committees 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 Committee following a consideration of possible policy/service developments, the Committee will at least 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 Committee Members to documents

(a) In addition to their rights as Councillors, Members of Overview and Scrutiny 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 paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

14. Members and officers giving account

(a) Any Overview and Scrutiny 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 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 an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the proper officer. The proper officer shall inform the Member or officer in writing or by email giving at least 5 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 Committee. Where the account to be given to the Committee 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 Overview and Scrutiny Committee shall in consultation with the Member or officer arrange an alternative date for attendance [to take place within a maximum of 14 days from the date of the original request].

15. Attendance by others

An Overview and Scrutiny Committee 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 staff 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 2 days of being made. All Members will be able to access copies of the records of all such decisions via the Intranet/Internet within the same timescale.

(b) That 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 publication of the decision, unless the relevant Overview and Scrutiny Committee (which will be identified) objects to it and calls it in.

(c) During that period, the proper officer shall call-in a decision for scrutiny by the Committee if so requested by any two Members of the Committee (who shall give their reasons for requesting that

the decision be called in at the time of making the request), and shall then notify the decision-taker of the call-in. The Proper Officer shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chair of the Committee, or place the matter on the agenda for the next scheduled meeting of the Committee if, in his/her judgement, any resulting delay would not be prejudicial. The Members who requested the Proper Officer to call in the decision must normally be present at the meeting when the decision is reviewed/scrutinised. The relevant Cabinet Member will be expected to attend the meeting in accordance with Rule 14. If he/she is unable to do so, the Leader may either attend or nominate another Cabinet Member to attend in his/her place.

- (d) If, having considered the decision, the Overview and Scrutiny Committee 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. As a general rule, a decision will not be referred to full Council unless either the Committee believes it to be contrary to the Policy Framework or Budget, or considers that it was a Key Decision that was not dealt with as such by the Executive. If it is referred back to an individual Cabinet Member, he/she shall then reconsider within a further 5 working days. If it is referred back to the Cabinet, the Proper Officer shall either call a meeting of the Cabinet on such date as he/she may determine or place the matter on the agenda for the next scheduled meeting if, in his/her judgement, any resulting delay would not be prejudicial. The decision maker may amend the decision or not, before adopting a final decision which will take effect immediately and may not be called in.
- (e) If following an objection to the decision, the Overview and Scrutiny Committee does not meet by the date determined by the proper officer, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the date determined by the proper officer, whichever is the earlier.
- (f) 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 as a whole or a Committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (g) 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.

EXCEPTIONS

- (h) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. Namely two Members of an Overview and Scrutiny Committee are needed for a decision to be called in.

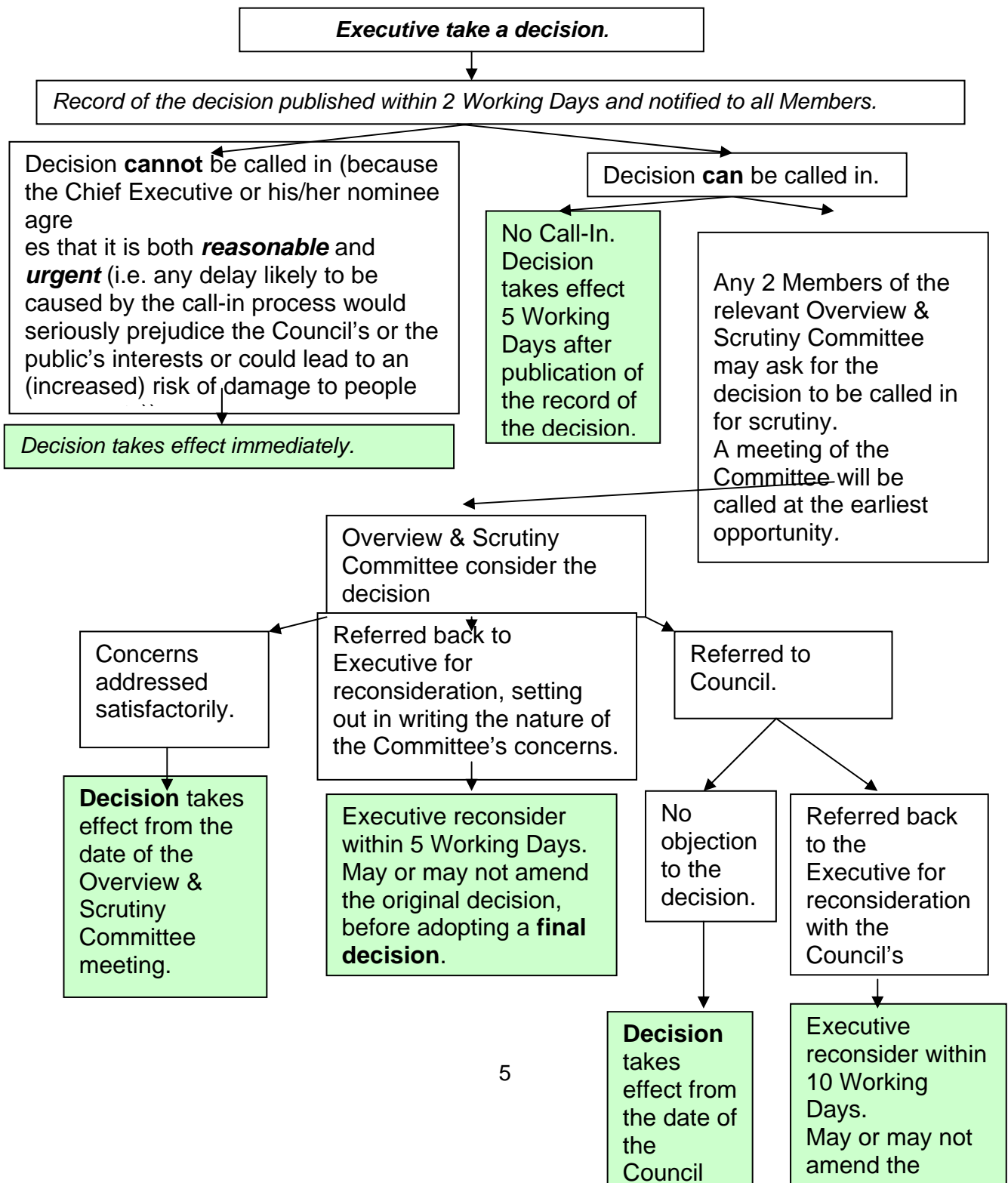
In addition:

- (i) Cabinet decisions to make recommendations to Council in respect of the budget or policy framework may not be called in;
- (ii) Executive decisions in respect of matters upon which the relevant Overview & Scrutiny Committee have already been consulted may not be called in unless a majority of the Members of the Committee so request.

CALL-IN AND URGENCY

- (i) The call-in procedure set out above shall not apply where the decision being taken 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 or could lead to an (increased) risk of damage to people or property. 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 Head of Paid Service, or his/her nominee, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken 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.

OPERATION OF “CALL-IN”



17. Procedure at Overview and Scrutiny Committee meetings

(a) Overview and Scrutiny Committees and Sub-Committees shall consider the following business:

- i) minutes of the last meeting;
- ii) declarations of interest (including whipping declarations);
- iii) representations by members of the public in respect of any matters set out in the agenda for the meeting (subject to them having registered their wish to speak by no later than 2p.m. one working day before the meeting);
- iv) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
- v) responses of the Executive to reports of the Overview and Scrutiny Committee; and
- vi) the business otherwise set out on the agenda for the meeting.

In the event that the business set out on the agenda for the meeting has not been completed within 3 hours, a majority of Members present and voting may agree to continue the meeting for up to a further 30 minutes.

(b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with 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; and
- iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

18. Matters within the remit of more than one Overview and Scrutiny Committee

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committees, the decision as to which Overview and Scrutiny Committee will consider it will be resolved by the Overview and Scrutiny Co-ordinating Group. If appropriate, the Co-ordinating Group may convene joint meetings of Committees. It may also recommend the establishment of joint Sub-Committees or Task Groups.

Table 1:
Terms of Reference for Overview and Scrutiny Committees.

THE FOLLOWING TERMS OF REFERENCE ARE COMMON TO ALL OVERVIEW AND SCRUTINY COMMITTEES (and are referred to below as “the Overview and Scrutiny role”):

1. To consider and call in decisions relating to the discharge of executive functions before those decisions are put into effect. The Committee can ask the Executive to reconsider any such decision, or, exceptionally, refer it to full Council (if the Committee believes it to be contrary to the Policy Framework/Budget or considers that it was a Key Decision but not dealt with as such by the Executive).
2. To consider decisions relating to the discharge of executive functions after they are put into effect.
3. To consider the Forward Plan and comment as appropriate to the decision-maker on Key Decisions (before they are taken by the Executive).
4. To participate in Best Value Reviews, by
 - (a) providing a Lead Member to sit on the officer review group
 - (b) receiving regular reports and identifying areas for the review to cover
 - (c) carrying out specific parts of a review as required by the Executive.
5. To conduct reviews of policy, services or aspects of service, outside the Best Value process, where there is an identifiable need.
6. To make suggestions on the development of policies and suggest new policies where appropriate.
7. To identify areas of concern to the community within their remit and to instigate an appropriate review process.
8. To review collaborative working arrangements with statutory and voluntary partner agencies.

[NB The Overview & Scrutiny Co-ordinating Group will oversee the Committees’ work programmes to ensure that the potential for duplication of effort is minimised and that the number of referrals to the Executive does not create difficulty for the management of Executive business or jeopardise the efficient running of Council business.]

ADULT SOCIAL CARE AND HOUSING OVERVIEW AND SCRUTINY COMMITTEE

Membership

9 Councillors, appointed on a proportional basis and non-voting co-optees. (to be appointed by the Committee in accordance with Overview & Scrutiny Procedure Rule 3).

Terms of reference

To perform the Overview and Scrutiny role in relation to the following matters:

1. Social Services functions with regard to adults (as defined by section 1A of the Local Authority Social Services Act 1970) including both the duties for assessment and the provision of social services to adults.
2. These functions include the performance of the Local Authority's duties towards:
 - People with physical frailty due to ageing
 - People with physical disabilities
 - People with sensory impairment

People with learning disabilities
People with mental health needs(inc frailty due to old age)
People with long term conditions
People with autism spectrum disorder
Deaf and blind people
Older people with mental health problems, or learning disability

People who misuse substances
People who have experienced domestic violence
People living with HIV
Offenders
People with no fixed abode
Homeless households
Asylum Seekers

3. To assist the Executive in the development of the Health and Social Care Improvement Plan, Housing Investment Programme and Housing Strategy;
4. The “Supporting People” programme (enabling vulnerable people to improve their quality of life through greater independence);
5. Strategic housing functions including allocations, homelessness, rough sleepers, asylum seekers and the empty property register;
6. Any other such responsibilities as may from time to time be allocated by the Overview & Scrutiny Co-ordinating Group.

EDUCATION AND CHILDREN’S SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Membership

9 Councillors, appointed on a proportional basis, 2 voting church representatives, up to 3 voting parent governor representatives and non-voting co-optees (to be appointed by the Committee in accordance with Overview & Scrutiny Procedure Rule 3).

Terms of reference

To perform the Overview and Scrutiny role in relation to the following matters:

1. All of the functions of the Council as an education authority under the Education Acts, School Standards and Framework Act 1998, Learning and Skills Act and Children Act 2004 and all other relevant legislation in force from time to time;
2. All functions of the Council in so far as they relate to the provision of opportunities for education, training and learning outside the school environment including pre-school, adult and community learning and youth services, extended schools and children’s centres ;
3. All of the Council’s functions in relation to cultural services to enhance the quality of life for local people;
4. The provision and/or management of museums, art galleries, theatres, archives and local history activities, libraries, leisure centres, swimming pools and other like facilities;
5. To assist the Executive in the development of the Adult and Community Learning Plan and the Children and Young People’s Plan;

6. Social care services for children, young persons and children and young people with disabilities and learning difficulties;
7. Youth offending services;
8. The monitoring of the performance of services in Education and Children's Services;
9. Any other such responsibilities as may from time to time be allocated by the Overview & Scrutiny Co-ordinating Group.

ENVIRONMENT AND SUSTAINABILITY OVERVIEW AND SCRUTINY COMMITTEE

Membership

9 Councillors, appointed on a proportional basis and non-voting co-optees (to be appointed by the Committee in accordance with Overview & Scrutiny Procedure Rule 3).

Terms of reference

To perform the Overview and Scrutiny role in relation to the following matters:

1. The physical environment of the Borough;
2. The provision, planning and management of parks and open spaces, allotments, cemeteries, pitches and other like facilities;
3. The physical regeneration of the area;
4. To assist the Executive in the development of the Council's planning policies (including the Local Development Framework and other plans for the use and development of land), the Food Safety Service Plan, Local Agenda 21 Strategy and Local Transport (Implementation Plan);
5. Planning, building control, transport, highways, waste management, recycling, conservation, biodiversity, safety education, licensing and registration, trading standards, consumer protection, environmental health functions;
6. Provision of transport services for client groups;
7. Concessionary fares;
8. Community Safety;
9. Any other such responsibilities as may from time to time be allocated by the Overview & Scrutiny Co-ordinating Group.

FINANCE AND STRATEGY OVERVIEW AND SCRUTINY COMMITTEE

Membership

9 Councillors, appointed on a proportional basis and non-voting co-optees (to be appointed by the Committee in accordance with Overview & Scrutiny Procedure Rule 3).

Terms of reference

To perform the Overview and Scrutiny role in relation to the following matters:

1. To assist the Executive in the development of the Council's annual budget and to review and scrutinise the Council's performance in relation to budgetary management;
2. To assist the Council in the development of a medium term budget strategy;
3. To review the management of resources made available to the Council and to scrutinise its financial management, property and asset acquisition and disposal, and capital programme;
4. To assist the Executive in the development of the Best Value Performance Plan, Capital Strategy, Community Plan, Corporate Asset Management Plan, Diversity Strategy and E-Government Strategy;
5. To promote procedures which ensure proper custodianship of Council finances, making recommendations to the Executive for best financial practice across the Council;
6. To review the operation of the Council's financial regulations/contract standing orders making proposals to the Executive and/or Council for their development;
7. Personnel strategies and policies;
8. Best Value, the voluntary sector, partnerships, economic development, tourism, E-Government and IT, diversity/equalities, legal, any other cross-cutting portfolios that might be created (subject to the views of the Overview & Scrutiny Co-ordinating Group) and any functions not included within the remit of the other Overview & Scrutiny Committees;
9. Any other such responsibilities as may from time to time be allocated by the Overview & Scrutiny Co-ordinating Group.

HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Membership

9 Members appointed on a proportional basis and non-voting co-optees (to be appointed by the Committee in accordance with Overview & Scrutiny Procedure Rule 3).

Terms of Reference

In the context of the Authority's role in health improvement and in reducing health inequalities, and with the focus on working with the NHS and other partners in the health and social care community to secure the continuous improvement of health services that impact upon health:

1. To scrutinise matters relating to the health of the Borough population and contribute to the development of policy to improve health and reduce health inequalities.
2. To undertake all the statutory functions relating to reviewing and scrutinising health service matters in accordance with Section 7 (and Regulations under that Section) of the Health and Social Care Act 2001, including, but not limited to:
 - responding to consultations on substantial developments or variations in services.
 - referring contested proposals for major service changes to the Secretary of State if Members are not satisfied as to the merits of such proposals or if consultation is felt to have been inadequate.
 - assessing whether all services are accessible to all parts of the local community.
3. To review and scrutinise the impact of the Authority's own services and of key partnerships on the health of its population.

4. To encourage the Council as a whole, the Cabinet and the other Overview & Scrutiny Committees to take into account the implications of their policies and activities on health and health inequalities.
5. To work with neighbouring authorities to review services which relate to more than one local authority.
6. To make reports and recommendations to the NHS, patients' representatives, the Council, the Cabinet and the other Overview & Scrutiny Committees, and to other relevant bodies and individuals, and to evaluate and review the effectiveness of its accepted recommendations.

In all of the above, to seek and take account of the views of the local population.

Overview and Scrutiny Procedure Rules 11 and 17 be suspended in respect of the Health Overview and Scrutiny Committee.