

## OVERVIEW AND SCRUTINY PROCEDURE RULES

### 1 TERMS OF REFERENCE, ETC

- 1.1 The terms of reference and delegation and the scope of the Council's Scrutiny Committee(s) are those set out in the Council's delegation scheme.

### 2 MEMBERSHIP

- 2.1 All members may be Members of a Scrutiny Committee but no Member may be involved in scrutinizing a decision in which he/she has been directly involved.

### 3 PROCEDURE AT MEETINGS

- 3.1 Council Procedure Rules will apply at meetings, except that
- a Rule 11.5 does not apply (not speaking more than once on any subject, except to a fresh amendment).
  - b when members of the public, independent advisors, representatives of interest groups, have been invited to attend to advise or make representations to a Committee, the Chairman may waive the Rules at his discretion.
- 3.2 A Scrutiny Committee may invite representatives of any section of the community to advise it in the course of a review or investigation or engage expert advice. It may also invite, but not require, members and officers of other public bodies to address it and/or answer questions on matters within its scope.
- 3.3 As well as considering documentation when scrutinizing and reviewing decisions made or actions taken in connection with the discharge of any Council functions, a Scrutiny Committee may require the Chairman or Vice-Chairman of a Policy Committee, the Chief Executive, and/or any senior officer to attend a meeting to explain in relation to matters within their remit
- i) any particular decision or series of decisions,
  - ii) the extent to which any actions taken implement Council policy and/or
  - iii) their performance.

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

- 3.3 The Lead Officer of the relevant Scrutiny Committee shall inform any Member or Officer required to attend the committee in writing as soon as practicable,

indicating the nature of the issue concerned and whether any papers are to be provided or reports prepared.

3.5 When any person who is not a Member of the relevant Scrutiny Committee attends to assist the Committee with a review or investigation, the meeting shall be conducted so that

- i) all Members of the Committee have the opportunity to ask questions of the attendees, and to contribute and speak,
- ii) those assisting the Committee by giving evidence are treated with respect and courtesy, and
- iii) the investigation is conducted so as to maximize the efficiency of the investigation or analysis.

#### **4 SPECIAL MEETINGS**

4.1 Council Procedure Rule 3 applies, except that the word “Committee” is substituted for the word “Council” throughout.

#### **5 AGENDA ITEMS**

5.1 Any Member of the Council may give notice to the Lead Officer of a Scrutiny Committee that he/she wishes an item relevant to the functions of that Committee to be included on the agenda for the next available meeting of the Committee. Such notice shall be given in writing or by email at least 5 working days before that meeting and shall indicate the reasons for the request. On receipt of such a request the Lead Officer will ensure that it is included on that agenda.

5.2 The Scrutiny Committee may decide that

- i) it wishes to pursue any matter raised by a Member,
- ii) it wishes to seek further information before deciding whether to pursue the matter, or
- iii) it does not intend to pursue the matter.

#### **6 REPORTS FROM SCRUTINY COMMITTEES**

6.1 Any report from a Scrutiny Committee shall be submitted to the appropriate Lead Officer for inclusion on the agenda of the next available meeting of the Council or the appropriate Policy Committee, as the case may be.

6.2 The agendas of Policy Committees shall include an item entitled “Issues arising from Overview and Scrutiny”, at which point the reports of Scrutiny Committees shall be considered, unless they have been considered in the context of a substantive item elsewhere on the agenda.

- 6.3 The response of the Council or Policy Committee to any report from a Scrutiny Committee shall be reported in writing to the next available meeting of the appropriate committee.

## 7 CALL-IN

- 7.1 Call-in should only be used where Members consider that any action or decision proposed or decision taken but not implemented is a significant departure from Council policy.
- 7.2 The procedure applies to a recommendation or decision of any Policy Committee, Task Group or officer, other than decisions of the Development Control and Licensing Committee.
- 7.3 The procedure does not apply to day-to-day management actions of officers.
- 7.4 A decision or action shall be called in at the request of **any three Members of the Council (but none of these Members should be a member of the appropriate lead Committee)** within five working days after the date of the meeting at which the relevant action or decision was proposed or taken, such decision to be published not later than two working days after the date of that meeting. The request shall be submitted in writing to the Lead Officer of the appropriate Scrutiny Committee, with a copy to the Lead Officer of the Policy Committee or Task Group concerned and shall indicate the reasons for the call in.
- 7.5 The relevant Scrutiny Committee shall consider the decision at its next available meeting and may
- i) refer the decision back to the Policy Committee or Task Group or
  - ii) refer the decision to full Council **or**
  - iii) **take no further action.**
- setting out its full reasons in writing.
- 7.6 Subject to 7.7 below, if a decision is referred back to the Policy Committee or Task Group, a special meeting shall be held within ten working days after the meeting of the Scrutiny Committee, and the Policy Committee or Task Group shall decide whether to amend the decision, implement it in its original form, or abandon it.
- 7.7 A special meeting of a Policy Committee or Task Group in accordance with paragraph 7.6 need not be held if the Chairmen of the appropriate Policy Committee or Task Group and Scrutiny Committee agree that the interests of the Community and/or the Council will not be prejudiced if the matter

concerned is reconsidered at the next ordinary meeting of the Policy Committee or Task Group.

- 7.8 If a decision is not called in, it shall take effect on the sixth working day after the date of the meeting at which it was taken.
- 7.9 If a decision is called in but the Scrutiny Committee does not refer it back to the Policy Committee or Task Group, it shall take effect on the day after the meeting of the Scrutiny Committee at which it was considered.
- 7.10 If a decision is referred to the Council but the Council raises no objection, it shall take effect on the day after the Council meeting at which it was considered.
- 7.11 The call-in procedure shall not apply to an urgent decision.
- 7.12 A decision is urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interest. The notice setting out the proposed recommendation or decision shall record why the Policy Committee or Task Group considers that the recommendation or decision is urgent and is therefore not subject to call-in. The Chairman of the appropriate Scrutiny Committee must agree that the decision is urgent. In the absence of the Chairman, the consent of the Vice-Chairman of the Scrutiny Committee shall be required. In the absence of both, the consent of the Chief Executive or his or her nominee shall be required. Urgent decisions must be reported to the next meeting of the Council, together with the reasons for urgency.
- 7.13 A decision may only be called in once.