

6.0 ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEE

6.1 The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committee contributes to the development of Council policies and also holds the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local residents.

6.2 The Council will appoint an Overview and Scrutiny Committee (which will comprise between 9 and 14 members of the Council except those who are members of the Cabinet), to discharge the function; this Committee will comprise the formal scrutiny arrangements of the Council supported by Scrutiny Task Groups

Any member of the Council may refer a matter* affecting any part of the District to the Overview and Scrutiny Committee ("Councillor Calls for Action").

(*Defined as a matter which relates to the functions of the Overview and Scrutiny Committee other than a local crime and disorder matter dealt with by the Police and Justice Act 2006 or a matter which the Secretary of State has excluded by Order).

No member of the Council may scrutinise a decision in which they were involved.

6.3 General Role

The Overview and Scrutiny Committee may :

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its residents;
- (d) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet;
- (e) to assist the Council and the Cabinet in the development of its budget and policy framework;

- (f) consider any Councillor Calls for Action requiring scrutiny through the formal scrutiny process.
- (g) appoint any Scrutiny Task Groups to investigate or carry out any of these tasks and report back to the committee.

6.4 Specific functions

- (a) **Policy Development and Review.** The Overview and Scrutiny Committee may:
 - (i) assist the Council and the Chief Executive in the development of its 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) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
 - (iv) question members of the Cabinet and officers about their views on issues and proposals affecting the area.
- (b) **Scrutiny.** The Overview and Scrutiny Committee may:
 - (i) review and scrutinise decisions made by and performance of any member exercising executive functions and officers both individually and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) question any member exercising executive functions and officers 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) make recommendations to the Cabinet and/or the Council arising from the outcome of the scrutiny process;
 - (v) question and gather evidence from any person (with their consent);
 - (vi) consider and make recommendations on a Councillor Call for Action;
 - (vii) challenge a decision of the Cabinet or an officer not to classify a certain decision as “key”.
- (c) **Scrutiny of regulatory decisions.** The Overview and Scrutiny Committees may review policies and procedures in connection with any regulatory functions

exercised by Planning and Regulatory & Licensing Committees, and Sub-Committees thereof, or by officers, but such a review shall not include scrutiny of any such decision relating to an individual application for determination, consent, licence, permission etc.

6.5 Crime and Disorder

The Overview and Scrutiny Committee will act as the Council's Crime and Disorder Committee for the purposes of the Crime and Disorder (Overview and Scrutiny) Regulations. Any member of the Council, whether a member of this Committee or not, may refer a local crime or disorder matter* to the Committee.

6.6 Proceedings of the Overview and Scrutiny Committee

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

6.7 Quorum

The quorum for a meeting of the Overview and Scrutiny Committee shall be one quarter of the number of voting members of the Overview and Scrutiny Committee.

* Local crime and disorder matter means a matter concerning:

- a) crime and disorder (including anti-social behaviour or other behaviour adversely affecting the local environment) or
- b) the misuse of drugs, alcohol or other substances.

Where such a matter affects all or part of the electoral area for which the member is elected or any person who lives or works in that area (s.19 Police and Justice Act 2006)

PART 4 - SECTION 5 – OVERVIEW AND SCRUTINY PROCEDURE RULES

1.0 The Council at its annual meeting will appoint a Overview and Scrutiny Committee
The committee may appoint sub-committees, panels or task groups.

1.1 The Overview & Scrutiny Committee will perform all overview and scrutiny functions on behalf of the Council, in accordance with this Constitution.

1.2 The terms of reference of the Overview & Scrutiny Committee is set out in Part 3 of this Constitution.

2.0 WHO MAY SIT ON THE SCRUTINY COMMITTEES

2.1 All Councillors except members of the Cabinet shall be eligible to serve on the Scrutiny Committee. However, no councillor may be involved in scrutinising a decision in which they have been directly involved.

3.0 CO-OPTees

3.1 The Scrutiny Committee shall be entitled to appoint persons as non-voting co-optees.

4.0 MEETINGS OF THE OVERVIEW & SCRUTINY COMMITTEE

4.1 Meetings will be held in accordance with the schedule of meetings approved by the Council and additional meetings may be called from time to time as and when appropriate. A scrutiny committee meeting may be called by the Chair of Overview & Scrutiny Committee, by any member of the committee, or by the Chief Executive if they consider it necessary or appropriate.

5.0 QUORUM

5.1 The quorum for the Overview & Scrutiny Committee shall be one quarter of the voting members of the committee or three voting members whichever is the greater number.

6.0 WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE

6.1 The Chair of the committee will be appointed at Annual Council

7.0 SCRUTINY WORK PROGRAMME

Overview and Scrutiny Committee will prepare their work plan each year and update it regularly and convene such meetings as necessary and instigate task groups as required to undertake the work programme.

A Task Group shall be led by a Chair appointed by the Chair of Overview & Scrutiny Committee (having undertaken the relevant training or holding the necessary experience).

Member Task Groups

The Committee will report annually to Council on the working of the overview and scrutiny arrangements and may make recommendations for improvement.

8.0 AGENDA ITEMS

8.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Chair that they wish an item relevant to the functions of the scrutiny committee to be included on the agenda for the next available meeting of the committee provided that seven working days has been given to the Monitoring Officer together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

9.0 REVIEW OF COUNCIL ACTIVITIES

9.1 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet, to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or the Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee at its next or next but one meeting.

10.0 COUNCILLOR CALL FOR ACTION

10.1 Any member of the Council may refer a matter which affects their ward to the Overview and Scrutiny Committee (except that a member may not exercise this right relevant to a matter upon which they may exercise Cabinet powers).

10.2 Any member referring a Councillor Call for Action shall have the right to:-

- make representations to the relevant Overview and Scrutiny Committee as to why the committee should scrutinise the matter
- if the Overview and Scrutiny Committee decides not to scrutinise the matter, receive reasons from the committee for not doing so.
- if the Overview and Scrutiny Committee decides to scrutinise the matter, receive the committee report and/or recommendation(s)

11.0 POLICY REVIEW AND DEVELOPMENTS

- 11.1 The role of the Overview and Scrutiny Committee 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, the scrutiny committee may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference;
- 11.3 The Overview & Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist it in this process within the budgetary provision assigned to it. It may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations within such budgetary provision. It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors, and witnesses a reasonable fee and expenses for doing so within the budgetary provision assigned to it.

12.0 REPORTS FROM THE OVERVIEW & SCRUTINY COMMITTEE

- 12.1 Once it has formed recommendations on proposals, the Chair of the scrutiny committee will prepare a formal report and submit it to the Chief Executive for consideration by Council or by the Cabinet which shall consider and respond to the recommendations.
- 12.2 The Council or the Cabinet shall consider the report of the Overview & Scrutiny Committee at its next or next but one meeting.

13.0 MAKING SURE THAT SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET

- 13.1 The reports of the Overview & Scrutiny Committee referred to the Cabinet shall be included in the agenda by the Chief Executive at the next or next but one meeting.
- 13.2 Where the Overview & Scrutiny Committee prepares a report for consideration in relation to a matter where the Council has delegated decision making power to an individual member of the Cabinet, the scrutiny committee, will submit a copy of its report to him/her for consideration and, at the same time send a copy of the report to the Chief Executive. The member with delegated decision making power must consider the report and respond in writing to the Overview & Scrutiny Committee, within four weeks of receiving it. A copy of his/her written response to it shall be sent to the Chief Executive and the Leader of the Council. The member will also, at the request of the Overview & Scrutiny Committee, attend a future meeting of the scrutiny committee, to present the response.

14.0 SCRUTINY OF CABINET DECISIONS

- 14.1 Once any proposed decision (whether or not the proposal constitutes a key decision) has been considered by the Overview and Scrutiny Committee, and subject to that committee having no adverse comments to make thereon, any decision of the Cabinet or a Cabinet Member in accordance with that proposal will not be subject to further call in and, unless prescribed by law or the Council's Constitution, not subject to any requirement for approval by Council.
- 14.3 Where a Cabinet decision has been made (either by the Cabinet, a Cabinet Member or an officer) and that decision was not treated as a key decision and the Overview and Scrutiny Committee are of the opinion that the decision should have been treated as a key decision, the Overview and Scrutiny Committee may require the Cabinet or officer to submit a report to full Council within a reasonable period. The report must include details of the decision and reasons for it, by whom the decision was taken and the reasons for not classing the decision as key.

15.0 COUNCILLORS AND CHIEF OFFICERS GIVING ACCOUNT

- 15.1 Within its terms of reference the Overview & 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, in accordance with any protocol the Council may adopt, any member of the Cabinet, the Chief Executive, or any Chief Officer to attend before it to explain in relation to matters within their remit:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy;and/or
- their performance,

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

- 15.2 Where any member of the Cabinet or employee is required to attend Overview & Scrutiny Committee, under this provision, the Chair of that committee or panel will inform the Chief Executive . The Chief Executive shall inform the councillor or Chief Officer in writing giving at least 5 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 committee. Where the account to be given to the committee will require the production of a report, the councillor or Chief Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 15.3 Where, in exceptional circumstances, the member of the Cabinet or Chief Officer is unable to attend on the required date, the Chair of the scrutiny committee, shall, in consultation with the councillor or Chief Officer, arrange an alternative date for attendance to take place within a maximum of 21 days from the date of the original request, unless an extended period is agreed by the relevant Chair.

16.0 ATTENDANCE BY OTHERS

- 16.1 The Overview & Scrutiny Committee or any member task group may invite people other than those people referred to in paragraph 16 above to address it, discuss issues of local concern, and/or answer questions. It may for example wish to hear from residents, stakeholders (including partner organisations), and councillors and employees in other local authorities and shall invite such people to attend.
- 16.2 With the agreement of the relevant Chair, all non-Cabinet members may make representations to the Overview & Scrutiny Committee, of which they are not a member, although they may not take part in the debate or formally put forward proposals.
- 16.3 With the agreement of the Chair, a Cabinet member may make representations to the Overview & Scrutiny Committee acting in his/her capacity as a Ward Councillor, subject to the matter under consideration not falling within that Member's responsibilities, but may not take part in the debate or formally put forward proposals.
- 16.4 With the agreement of the Chair, a non-Cabinet member excluded under Paragraph 2.1 may make representations to the Overview & Scrutiny committee acting in their capacity as Ward Councillor, but may not take part in the debate formally put forward proposals or vote on relating to a decision in which they have been directly involved and even if they are a member of the Committee
- 16.5 Nothing in the Overview and Scrutiny Procedure Rules 18.2 and 18.3 inhibits a member's ability to submit a Councillor Call for Action pursuant to Overview and Scrutiny Procedure Rule 10.

17.0 CALL-IN

- 17.1 When a decision is proposed by the Cabinet or an individual Cabinet Member, notice of it shall be published, by electronic means. All non-Cabinet members, together with the Monitoring Officer and Section 151 Officer will be sent copies within the same timescale by the person responsible for proposing the decision.
- 17.2 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 publication of the proposed decision, unless the Chair or Vice-Chair of Overview and Scrutiny Committee or 5 members of Overview and Scrutiny Committee or the Leader of the Principal Opposition or 10 non-cabinet members object and call it in. Where a member calls in a decision for scrutiny that member shall specify the reason or reasons for requesting consideration by the Overview and Scrutiny Committee. The Monitoring Officer or the Section 151 Officer may also call-in a matter for scrutiny on the same terms as non-Cabinet members.

- 17.3 During the call-in period, the Chief Executive shall call in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in accordance with 17.2 above, and shall then notify the decision-maker of the call-in. The Chief Executive shall call a meeting of the Overview and Scrutiny Committee, on such date as they may determine, where possible after consultation with the Chair of the committee.
- 17.4 If, having considered the proposed decision, the Overview and Scrutiny Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred back, the decision maker shall then reconsider the decision, amending it, abandoning it, or pursuing it. If having taken account of the Overview and Scrutiny Committee recommendations the decision maker decides to amend, abandon or pursue the decision it shall be notified to members in accordance with the procedures set out at paragraph 17.1 and 17.2 but the decision shall not be further subject to the call-in procedure.
- 17.5 If having been taken back for reconsideration by the decision making person or body, proposes a decision in accordance with the recommendation(s) of the Overview and Scrutiny Committee then this decision shall be notified to members in accordance with the procedures set out at paragraph 17.1 and 17.2 but the decision shall not be further subject to the call-in procedure.
- 17.6 If having considered the proposed decision, the scrutiny committee does not refer the matter back to the decision making person or body for reconsideration, the decision shall take effect on the date of the Overview and Scrutiny Committee.
- 17.7 The call-in procedure shall not apply:
- where the decision being taken by the Cabinet 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 interest. 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 Chair of the Overview and Scrutiny Committee 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 Chair, the Vice-Chair's consent shall be required. Decisions taken as a matter of urgency must be reported to the Leader of the Principal Opposition Party and to the next available meeting of the Overview and Scrutiny Committee, together with the reasons for urgency.

18.0 CABINET DECISIONS SUBMITTED FOR SCRUTINY

- 18.1 The procedures at paragraphs 17.5 to 17.8 will be applied to all proposed decisions by the Cabinet or a member of the Cabinet considered by the Overview and Scrutiny Committee.

19.0 PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

19.1 The Overview and Scrutiny Committee shall consider the following business:

- (i) apologies
- (ii) declarations of interest;
- (i) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
- (ii) responses of the Cabinet to report of the Overview and Scrutiny Committee
- (v) a Councillor Call for Action
- (vi) the business otherwise set out on the agenda for the meeting.

19.2 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) the investigation will be conducted fairly and all members of the committee given the opportunity to ask questions of attendees and to contribute and speak;
 - (ii) those assisting the committee by giving evidence be treated with respect and courtesy; and
- that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19.3 Following any investigation or review, the Overview and Scrutiny Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate.

19.4 Subject to Access to Information and Confidentiality rules, all reports and findings arising from investigations by the Overview and Scrutiny Committee shall be made public.

20.0 SCRUTINY COMMITTEE RECOMENDATIONS

20.1 When at a meeting of the Overview and Scrutiny Committee a proposition is made, at the request of the proposer that reference to that proposition shall be included in the scrutiny section of the subsequent report to Council, such reference shall be so included in the relevant section of that report.

21.0 SCRUTINY TASK GROUPS

- 21.1 The schedule of Scrutiny Task Groups proposed shall be presented to the Overview and Scrutiny Committee for consideration at least annually.
- 21.2 Upon commencement of a Scrutiny Task Group the scoping of the subject matter will be subject to consultation by the appropriate Head of Service and Cabinet Member(s) and must be approved by the Overview and Scrutiny Committee or in exceptional circumstances by the Chair and Vice Chair of Overview & Scrutiny Committee, but reported to the next meeting
- 21.3 Reports developed by the Scrutiny Task Group shall be reported to the Overview and Scrutiny Committee at the next available meeting for consideration and to make recommendations to the relevant body.