

SELECT COMMITTEE PROCEDURE RULES

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Table 1 – Terms of Reference for Select Committees

SELECT COMMITTEE PROCEDURE RULES

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

The Council will have the Select Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time.

2. Who may sit on Select Committees?

All councillors (except Cabinet Members) may be members of a Select Committee. However, apart from decisions taken by the full Council no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Education representatives

The Select Committee on Lifelong Learning shall include in its membership the following voting representatives:

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

The Select Committee on Lifelong Learning shall also include in its membership the following non-voting representatives:-

- (a) 1 representative of the Free Churches
- (b) 2 teacher representatives (one each from the primary and secondary sectors)
- (c) 2 persons with experience of and interest in education in the Borough

If the Select Committee on Lifelong Learning deals with matters not related to any education functions of the Council these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

4. Meetings of the Select Committees

There shall be at least 6 ordinary meetings of each Select Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Select Committee meeting may be called by the Chairman of the relevant Select Committee, by any 5 members of the Committee or by the Director of Law and Property if he/she considers it necessary or appropriate.

5. **Quorum**

The quorum for a Select Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

6. **Who Chairs Select Committee meetings?**

Chairmen and Vice-Chairmen of Select Committees will be appointed by the full Council.

7. **Work programme**

The Select Committee will 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.

8. **Agenda items**

Any member of a Select Committee shall be entitled to give notice to the Director of Law and Property that he/she wishes 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 Director of Law and Property will ensure that it is included on the next available agenda.

The Select Committee shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where they do so, the Select Committee shall report their findings and any recommendations back to the Cabinet and Council. The Council and/or the Cabinet shall consider the report of the Select Committee within two months of receiving it.

9. **Policy review and development**

- (a) The role of the Select Committees in relation to the development of the Council's 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 framework, Select Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

- (c) Select Committees may hold enquiries and investigate the available options for future direction in policy development. They may go on site visits and hold public meetings, 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.

10. **Reports from Select Committees**

- (a) Once it has formed recommendations on proposals for development, the Select Committee will prepare a formal report and submit it to the Director of Law and Property for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Cabinet and the Council.
- (b) If Select Committee 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) The Council or Cabinet shall consider the report of the Select Committee within two months of it being submitted to the Director of Law and Property.

11. **Making sure that Select Committee reports are considered by the Cabinet**

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

- (b) Once a Select Committee has completed its deliberations on any matter it will forward a copy of its final report to the Director of Law and Property who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Director of Law and Property refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet will have four weeks in which to respond to the Select Committee report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from a Select Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Select Committee's proposals.
- (c) Not more than one report every three months may be submitted by each Select Committee to the Cabinet.
- (d) Select Committees will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from Select Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

12. Rights of Select Committee members to documents

- (a) In addition to their rights as councillors, members of Select 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 Cabinet and Select Committees as appropriate depending on the particular matter under consideration.

13. Members and officers giving account

- (a) Any Select 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 Cabinet Member, the Chief Executive 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 Select Committee under this provision, the Chairman of that Committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least 10 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 Select Committee shall in consultation with the member or officer arrange an alternative date for attendance.

14. **Attendance by others**

A Select Committee may invite people other than those people referred to in paragraph 13 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.

15. **Call-in**

- (a) When a decision is made by the Cabinet, an individual Cabinet Member or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or an Area Committee 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 working days of being made. Chairmen of all Select Committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

- (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 a Select Committee objects to it and calls it in.
- (c) During that period, the Director of Law and Property shall call-in a decision for scrutiny by the Committee if so requested by the Chairman or any five voting members of the Committee, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within 5 working days of the decision to call-in.
- (d) If, having considered the decision, the Select 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. If referred to the decision maker they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Select Committee 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, the decision shall take effect on the date of the Select Committee meeting, or the expiry of that further 5 working day period, 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, 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 Cabinet as a whole or a Committee of it a meeting will be convened to reconsider within 5 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.

- (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. These are:
 - i) each Select Committee may only call-in 3 decisions per three month period, each period commencing on the 1st April, 1st July, 1st October and 1st January;
 - ii) five members of Select Committee from at least two political groups are needed for a decision to be called in, provided that if a Select Committee comprises fewer than 10 members in number, four members from at least two political groups are needed for a decision to be called in;
 - iii) once a member (other than the Chairman) has signed a request for call-in under paragraph 15 (call-in) above, he/she may not do so again until a period of 1 month has expired.

CALL-IN AND URGENCY

- (i) The call-in procedure set out above 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 under this Rule. 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 Chief Executive or his/her nominee's consent shall be required. 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.

16. The party whip

When considering any matter in respect of which a member of Select Committee 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 Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. Procedure at Select Committee meetings

- (a) Select Committees shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest (including whipping declarations);
 - iii) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
 - iv) responses of the Cabinet to reports of the Select Committee; and
 - v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Select 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 Cabinet and/or Council as appropriate and shall make its report and findings public.

18. **Matters within the remit of more than one Select Committee**

Where a matter for consideration by Select Committee also falls within the remit of one or more other Select Committees, the decision as to which Select Committee will consider it will be resolved by the meeting of Select Committee Chairmen.