

ARTICLE 6 OF THE CONSTITUTION – OVERVIEW AND SCRUTINY

6.01 Appointment and Terms of Reference

The Council will appoint Committees as set out in the Overview and Scrutiny Procedure Rules contained in Part 4 of the Constitution.

6.02 General Role

The general role of overview and scrutiny is:

- (i) To undertake scrutiny and contribute to policy development relating to matters falling within the portfolio responsibilities of Cabinet Members.
- (ii) To undertake scrutiny investigations/inquiries;
- (iii) To consider any decisions that are ‘called-in’ in accordance with the Overview and Scrutiny Procedure Rules;
- (iv) To submit reports and recommendations to the relevant decision-taker(s).
- (v) To submit an annual report to the Council.

6.03 Proceedings of Committees

Committees will conduct their business in line with the Overview and Scrutiny Procedure Rules.

6.04 Conflict of Interest

Members may participate in the scrutiny of decisions or other items of business provided that they have not been directly involved in making the specific decision(s) under scrutiny. This shall not apply to decisions that have been taken by the full Council. Members shall not participate in any business if they are precluded from doing so by having an interest under the Members’ Code of Conduct.

6.05 Access to Information

Committees will comply with the Access to Information Procedure Rules in Part 4 of the Constitution.

Overview and Scrutiny Procedure Rules (Part 4 of the Constitution)

1. Appointment and Terms of Reference

The Council will appoint an Overview and Scrutiny Committee and the following Select Committees with the terms of reference set out in Table 1 attached to these Rules:

- Adult Social Care Select Committee
- Children's Services Select Committee
- Climate Change Select Committee
- Corporate and Economic Strategy Select Committee
- Highways and Environmental Services Select Committee
- Housing and Safer Communities Select Committee
- Public Health Select Committee

2. Membership

All Councillors (except Cabinet Members) may be members of the Overview and Scrutiny Committee and/or Select Committees. The Council may also appoint non-elected co-opted Members.

The Overview and Scrutiny Committee and Select Committees have the discretion to invite specialist/key contacts to advise the Committee, attend or speak at meetings depending on the specific topics under discussion.

3. Education representatives

The membership of the Children's Services Select Committee will include the following voting co-opted representatives:

1 Church of England diocese representative

1 Roman Catholic diocese representative

3 parent governor representatives.

These representatives are entitled to speak on all agenda items. They are however, only entitled to vote or exercise the right of call-in on items concerning education functions of the Council.

4. **Meetings**

Ordinary meetings of the Overview and Scrutiny Committee and Select Committees will be held on the dates and times in the calendar approved by the Council. The dates and times of Ordinary meetings will not be changed unless the Monitoring Officer, following consultation with the Chair and Vice-Chair of the relevant Committee, is satisfied that exceptional circumstances apply (for example due to inclement weather, significant national events or lack of business).

Additional meetings may be called by the Chair of the relevant Committee, the Monitoring Officer or the 'required number' of Councillors appointed to the Committee. The 'required number' of Councillors shall be equal to the total number of opposition group Councillors appointed to the Committee concerned.

5. **Quorum**

The quorum for the Overview and Scrutiny Committee and Select Committees is one quarter of the total number of Councillors appointed to the Committee or three Councillors, whichever is the larger.

6. **Chairs and Vice-Chairs**

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

7. **Attendance of Members and Officers**

All decision takers must be accountable and be prepared to attend the Overview and Scrutiny Committee or Select Committees to explain and justify their decisions.

Cabinet Members shall have a standing invitation to attend the relevant Committee(s). Relevant Officers will attend meetings to give advice depending on the items under consideration.

The Overview and Scrutiny Committee and Select Committees may require the relevant Cabinet Member(s), the Chief Executive, the Deputy Chief Executive and/or any Director to attend. The Chief Executive, Deputy Chief Executive or Director may invite other Officers to attend.

Where a Cabinet Member or Officer is specifically required to attend the Overview and Scrutiny Committee or a Select Committee, they will be given at least five clear working days' notice of the meeting.

In unavoidable circumstances, where a Cabinet Member or Officer is unable to attend on the required date, a Committee shall either arrange an alternative date for their attendance or require another Cabinet Member or Officer to attend on their behalf.

8. Attendance by Others

Local residents, partner organisations, stakeholders and Members and Officers in other parts of the public sector may be invited to attend meetings to discuss issues of local concern and/or answer questions. All attendees and participants should be treated with respect and courtesy.

9. Public Forum

The agenda for the Overview and Scrutiny Committee and all Select Committees will include a standard item entitled 'Public Forum'. This will allow members of the public to ask questions on any matter falling within the terms of reference of the relevant Committee. The way in which the Public Forum session is conducted is at the discretion of the Chair of the meeting.

10. Policy Review and Development

The Overview and Scrutiny Committee and Select Committees have the discretion to agree the agenda items to be considered by those Committees during the municipal year.

Any Member of a Committee is entitled to give notice that he/she wishes an item relevant to the functions of that Committee to be considered during the municipal year.

Any amendments to programmed business will be made by the Monitoring Officer following consultation with the Chair and Vice-Chair of the relevant Committee.

Committees may make recommendations to the relevant decision taker(s). The Monitoring Officer shall make arrangements for any such recommendations to be reported to the relevant decision taker(s).

11. **Scrutiny of Revenue Budget and Medium Term Financial Strategy**

These rules are intended to complement the Budget and Policy Framework Procedure Rules.

The Overview and Scrutiny Committee will take a lead role in scrutinising the Council's overall financial position and budget process in parallel with informal Cabinet Summit meetings. The Overview and Scrutiny Committee may undertake its budget scrutiny role through dedicated informal workshop sessions.

The Overview and Scrutiny Committee will consider the draft revenue budget proposals and Medium Term Financial Strategy.

12. **Scrutiny Inquiries and Reviews**

Committees may hold detailed inquiries and reviews in respect of any items of business that are allocated or referred to them. This may involve site visits and any other means that the Committee considers are reasonably necessary to inform their discussions.

The way in which scrutiny inquiries/reviews are conducted shall be at the discretion of each Committee depending on the item under consideration.

A Committee may invite people to provide information or give submissions. Written information or submissions can be invited in advance and where possible, these should be circulated with the agenda for the meeting.

Following a scrutiny inquiry or review, a report and recommendations will be submitted to the relevant decision taker(s).

13. **Call-In**

Call-in applies to executive decisions made by the Cabinet, a Cabinet Member or a key decision made by an Officer under delegated powers. Table 2 attached to these Rules summarises the Call-in procedure.

Notice of executive decisions will normally be published within 2 working days of the decisions being made. The Chairs of the Overview and Scrutiny Committee and Select Committees will be notified of decisions within the same timescale.

Decisions will come into force, and may be implemented, on the expiry of 5 working days after the publication of the decision, unless the Overview and Scrutiny Committee or a Select Committee objects and calls it in.

During that period, a decision will be called in for scrutiny if a written request is made to the Monitoring Officer by the Chair of the Overview and Scrutiny Committee, the Chair of a Select Committee or the required number of voting Members of the Overview and Scrutiny Committee or a Select Committee. The required number shall be equal to the total number of opposition group Councillors appointed to the Committee concerned.

The decision-taker will be notified of the call-in. Within 5 working days of receiving notice of the call-in, a meeting of the Overview and Scrutiny Committee will be arranged following consultation with the Chair and Vice-Chair.

Members of the Overview and Scrutiny Committee will be invited to submit written questions in advance of the meeting. This will not prevent Members from asking questions at the meeting itself. Written questions should be submitted to the Monitoring Officer at least seven working days before the meeting.

Where possible the written responses to those questions should be provided at least two working days before the meeting but in any event the written responses should be circulated at the meeting.

The procedure at the Overview and Scrutiny Committee meeting dealing with a 'call-in' is as follows:

- The Chair will deal with preliminary items, set the context and outline the procedure for the meeting.
- The relevant Cabinet Member and/or the relevant Officer, shall be invited to make representations concerning the decision.
- The Committee will deal with any written questions that have been submitted in advance.
- Members of the Committee will have the opportunity to ask questions.
- Contributions will be invited from any other persons present along with any further questions from the Committee.

- Following all questions and contributions, the relevant Cabinet Member and/or the relevant Officer will be invited to make a final statement.
- The Committee will review all the facts, opinions and comments and consider making any recommendations or observations to the relevant decision-taker and/or the Council.

If the Overview and Scrutiny Committee considers the decision, and is concerned about it, the decision may be referred back to the relevant decision-taker or referred to full Council. The decision-taker will be advised of the Overview and Scrutiny Committee's concerns.

If the matter is referred back to the decision-taker, arrangements will be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.

If the Overview and Scrutiny Committee does not refer the matter back to the decision-taker, or to full Council, the decision shall take immediate effect.

If a decision is referred to full Council and the Council raises no objections, the decision will take immediate effect.

If the Council objects to the decision, it will be referred back to the decision-taker along with the Council's views. Arrangements shall be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.

14. **Call-In and Urgency**

The call-in procedure will not apply if any delays in making a decision would seriously prejudice the Council's or the public interest. The notice and record of the decision will state the reason why the decision is urgent and not subject to call-in.

Before an urgent decision is taken, the Mayor must agree that the decision can be treated as a matter of urgency and is reasonable in all the circumstances.

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 will be included in the summary of decisions made available for ordinary meetings of the Council.

15. Minority Reports

If the Overview and Scrutiny Committee is unable to reach a consensus view on the recommendations to the relevant decision taker, then a minority report may also be submitted for consideration alongside the recommendations agreed by the majority of the Committee.

16. Scrutiny Committee reports and recommendations that are considered by the Cabinet and/or Council

The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. Reports and recommendations from the Overview and Scrutiny Committee or Select Committees shall be included at this point in the agenda (unless they have been considered by the Cabinet under another agenda item).

If a Committee's recommendations have implications for the Council's budget and policy framework, the Monitoring Officer will refer the matter to the next available meetings of the Cabinet and the Council.

Members have access to the Cabinet's Forward Plan of Key Decisions. This is available on the Council's website. This includes information about consultation undertaken on key decisions. Individual Councillors may respond to consultations in their own right.

17. Rights of Members to documents

Members of the Overview and Scrutiny Committee and Select Committees have the right to documents as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

Nothing in these Rules prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee or Select Committees depending on the matters under consideration.

18. **Councillor Call for Action**

Any resident of the Borough can ask a Councillor to refer a matter to the Overview and Scrutiny Committee. The procedure for dealing with this is set out in Table 3 attached to these Rules. This procedure should only be used where there is an ongoing dispute about a community issue, which cannot be dealt with through any of the Council's established procedures. The Call for Action procedure will only be used when all other avenues for resolution have been considered and exhausted.

19. **Party whip**

Members of the Overview and Scrutiny Committee or Select Committees must declare the existence of any party whipping arrangements before the Committee considers individual items of business. Any such declarations shall be recorded in the minutes of the meeting.

20. **Matters within the remit of more than one Committee**

The Overview and Scrutiny Committee will oversee and monitor the activities of Select Committees to avoid duplication and ensure liaison on cross-cutting issues as necessary.

TABLE 1:

TERMS OF REFERENCE

OVERVIEW AND SCRUTINY COMMITTEE

Membership

11 Councillors

Terms of Reference

- (a) To oversee and monitor the Council's overview and scrutiny functions under the Local Government Act 2000, any subsequent legislation, regulations or statutory guidance.
- (b) To co-ordinate the Council's involvement in scrutiny arrangements at local and regional levels.
- (c) To monitor the work and activities of Select Committees to avoid duplication and ensure liaison on cross-cutting issues.
- (d) To achieve continuous improvement and discuss ways to strengthen scrutiny across the Council, including any training and development requirements for Members.
- (e) To encourage effective partnership working and community involvement in the overview and scrutiny functions of the Council.
- (f) To receive quarterly corporate performance monitoring reports and refer any issues of concern for consideration by the appropriate Select Committee.
- (g) To undertake overview and scrutiny and contribute to policy development relating to matters falling within the portfolio responsibilities of the Leader and Deputy Leader.
- (h) To undertake scrutiny investigations/inquiries as required.
- (i) To consider and determine any items that are called in for scrutiny in accordance with the Overview and Scrutiny Procedure Rules.
- (j) To submit reports and recommendations to the relevant decision taker(s).

ADULT SOCIAL CARE SELECT COMMITTEE

Membership

11 Councillors

Terms of Reference

In accordance with any agreed programme of business and any statutory requirements:

- (a) To undertake scrutiny and contribute to policy development relating to matters falling within the portfolio responsibilities of the Cabinet Member for Adult Social Care.
- (b) To undertake scrutiny investigations/inquiries as required.
- (c) To submit reports and recommendations to the relevant decision taker(s).

CHILDREN'S SERVICES SELECT COMMITTEE

Membership

11 Councillors, 5 voting Church and Parent Governor Co-opted representatives.

Terms of Reference

In accordance with any agreed programme of business and any statutory requirements:

- (a) To undertake scrutiny and contribute to policy development relating to matters falling within the portfolio responsibilities of the Cabinet Member for Children's Services and Education.
- (b) To undertake scrutiny investigations/inquiries as required.
- (c) To submit reports and recommendations to the relevant decision taker(s).

CLIMATE CHANGE SELECT COMMITTEE

Membership

11 Councillors

Terms of Reference

In accordance with any agreed programme of business and any statutory requirements:-

- (a) To undertake scrutiny and contribute to policy development relating to matters falling within the portfolio responsibilities of the Cabinet Member for Climate Change with specific reference to:
 - Climate Change and matters associated with the Council's decision to declare a Climate Emergency, including the development and implementation of a Carbon Reduction Plan

- and action to support the United Nations sustainable development goals.
- The development of the environmental sustainability agenda and action to address the corporate priority to create a cleaner and greener place.
 - Working collaboratively with partners, businesses and communities to achieve long term goals in connection with the above.
- (b) To contribute to policy development and undertake scrutiny investigations/inquiries as required.
- (c) To submit reports and recommendations to the relevant decision taker(s).

CORPORATE AND ECONOMIC STRATEGY SELECT COMMITTEE

Membership

11 Councillors

Terms of Reference

In accordance with any agreed programme of business and any statutory requirements:-

- (a) To undertake scrutiny and contribute to policy development relating to matters falling within the portfolio responsibilities of:
- (i) the Leader and Deputy Leader in relation to functions concerning regeneration and economic delivery.
 - (ii) the Cabinet Member for Finance, Legal and Human Resources (NB: overall scrutiny of the Revenue Budget and Medium Term Financial Strategy will be undertaken by the Overview and Scrutiny Committee).
 - (iii) the Cabinet Member for Corporate Strategy.
- (b) To contribute to policy development and undertake scrutiny investigations/inquiries as required.
- (c) To submit reports and recommendations to the relevant decision taker(s).

HIGHWAYS AND ENVIRONMENTAL SERVICES SELECT COMMITTEE

Membership

11 Councillors

Terms of Reference

In accordance with any agreed programme of business and any statutory requirements:

- (a) To undertake scrutiny and contribute to policy development relating to matters falling within the portfolio responsibilities of the Cabinet Member for Highways and Environmental Services.
- (b) To undertake scrutiny investigations/inquiries as required.
- (c) To submit reports and recommendations to the relevant decision taker(s).

HOUSING AND SAFER COMMUNITIES SELECT COMMITTEE

Membership

11 Councillors

Terms of Reference

In accordance with any agreed programme of business and any statutory requirements:

- (a) To undertake scrutiny and contribute to policy development relating to matters falling within the portfolio responsibilities of the Cabinet Member for Housing and Safer Communities.
- (b) To undertake overview and scrutiny functions associated with the strategic Crime and Disorder Reduction Partnership (Safe and Sound).
- (c) To undertake scrutiny investigations/inquiries as required.
- (d) To submit reports and recommendations to the relevant decision taker(s).

PUBLIC HEALTH SELECT COMMITTEE

Membership

11 Councillors, 1 non-voting Co-opted Member

Terms of Reference

To fulfil scrutiny functions as they relate to the improvement of local health and associated services, as a contribution to the Council's community leadership role, in accordance with relevant legislation, regulations and associated guidance.

To make reports and recommendations to local National Health Service (NHS) bodies and to the Council on any matter reviewed or scrutinised which will explain the matter reviewed, summarise the evidence considered, provide a list of participants in the scrutiny exercise, and make any recommendations on the matter reviewed as appropriate.

To proactively receive information within given timescales, with some exceptions as per Government Guidance, requested from local NHS bodies.

To be consulted by and respond to (as appropriate) NHS bodies in connection with the rationale behind any proposal and options for change to local health services made by the NHS.

To ensure the involvement of local stakeholders in the work of the Committee and to take any referrals from local Patients' Forums.

To act in accordance with Government Guidance relating to Health and Scrutiny functions.

In accordance with any agreed programme of business and any statutory requirements:-

- (a) To undertake scrutiny and contribute to policy development relating to matters falling within the portfolio responsibilities of the Cabinet Member for Public Health.
- (b) To undertake scrutiny investigations/inquiries as required.
- (c) To submit reports and recommendations to the relevant decision taker(s).

TABLE 2:

PROCEDURE FOR DEALING WITH A CALL IN

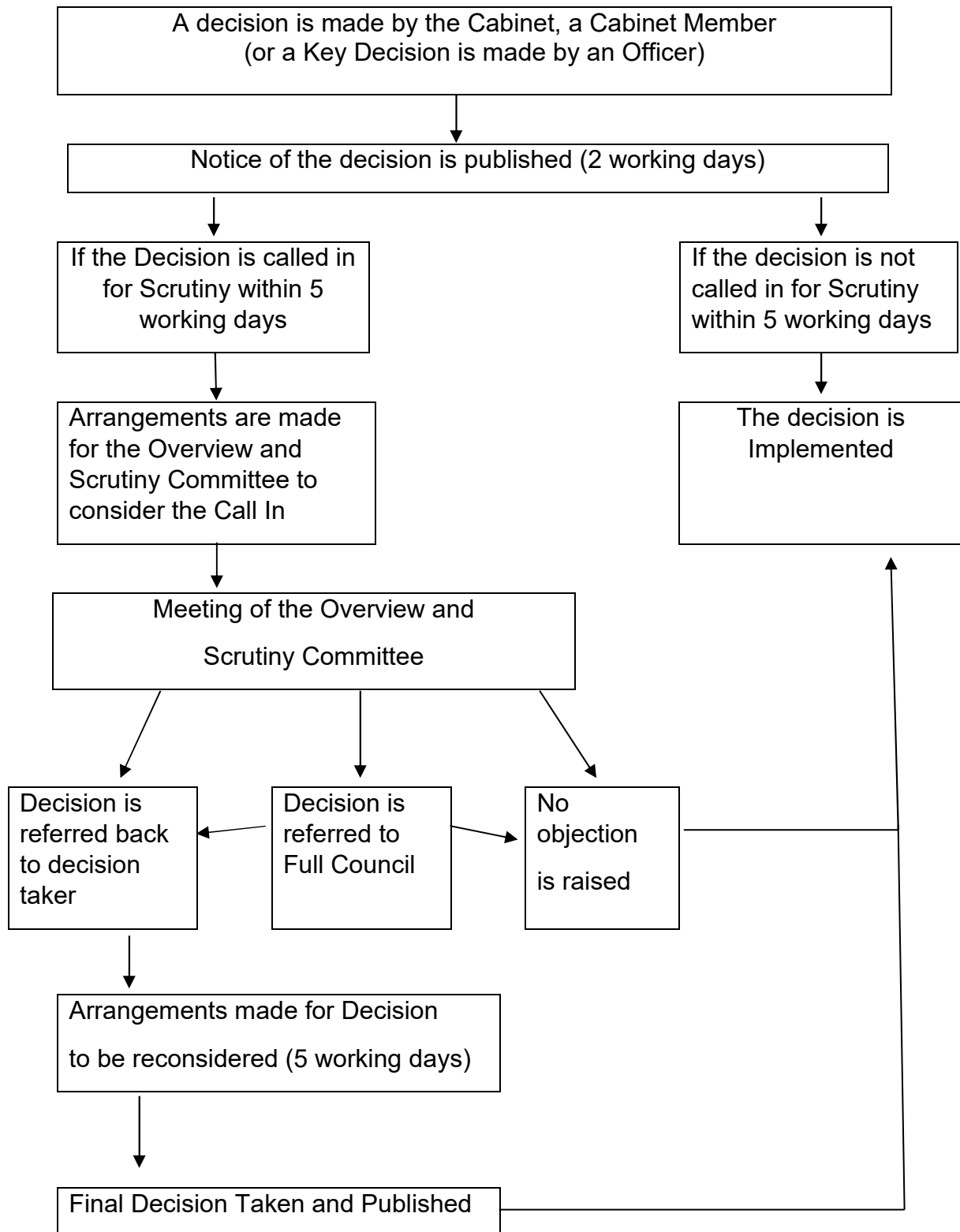


TABLE 3:

PROCEDURE FOR DEALING WITH A COUNCILLOR CALL FOR ACTION

