OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Arrangements for Overview and Scrutiny

The Council will appoint an Overview and Scrutiny Board, as set out in Article 6.

a. The Overview and Scrutiny Board will have responsibility for the Council's overview and scrutiny and call-in functions, scrutiny of the budget, petitions, Councillor Calls for Action and scrutiny of the Crime and Disorder Reduction Partnership.

b. The Overview and Scrutiny Board will establish time limited Task Groups, the terms of reference of which will be agreed by the Board, to investigate issues in depth and agree reports prepared by the Task Groups; or itself undertake selected reviews.

c. The Overview and Scrutiny Board will have responsibility for monitoring performance improvement, identifying unsatisfactory progress or performance and making recommendations on remedial action to the Cabinet

d. The Overview and Scrutiny Board will have responsibility for monitoring the Council Plan and the Sustainable Community Strategy and making recommendations to Cabinet.

1.1 The Overview and Scrutiny Board will comprise 11 Councillors. All Councillors except members of the Cabinet may be members of the Overview and Scrutiny Board.

1.2 Where a Member of the Overview and Scrutiny Board is unable to attend a board meeting a substitute may attend in his or her place. There will be a named substitute for each member of the Board who will be kept informed of all of the business of the Overview and Scrutiny Board, including receiving copies of the agenda for meetings of the Board, so that they are fully informed when attending meetings on behalf of the lead Member.

1.3 The Overview and Scrutiny Board may (except in relation to call-ins) appoint such Task Groups as it considers appropriate to enable it to perform the overview and scrutiny functions on behalf of the Council. The size of each Task Group will vary according to the purpose for which it is established. The terms of reference, the chairmanship and membership of a Task Group shall be agreed by the Overview and Scrutiny Board.

2. Co-optees

2.1 The Overview and Scrutiny Board shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees of the Overview and Scrutiny Board.

3. Meetings of the Overview and Scrutiny Board

3.1 There shall be at least 9 ordinary meetings of the Overview and Scrutiny Board in each year.

3.2 There shall be not less than 1 meeting every 12 month period of the Overview and Scrutiny Board in its capacity to scrutinise and review the Council's responsibilities for the crime and disorder functions.

3.3 Extraordinary meetings may be called from time to time as and when appropriate.

3.4 An extraordinary meeting may be called by the Chairman or any 3 members of the Overview and Scrutiny Board.

4. Quorum

The quorum for meetings of the Overview and Scrutiny Board shall be 6.

5. Participation in Meetings

No member may be involved in scrutinising a decision in which he/she has been directly involved. If any member of the Overview and Scrutiny Board finds that a decision in which he/she has been directly involved is to be scrutinised, he/she shall declare the fact to the Overview and Scrutiny Board and take no part in the discussion and voting in the part of the meeting which relates to that decision.

6. Chairman

6.1 At its first meeting following the Annual Council Meeting the Overview and Scrutiny Board will:

a. appoint one of its members as Chairman; and
b. appoint one of its members as Vice-Chairman.

7. Work Programme

7.1 The Overview and Scrutiny Board will be responsible for setting its own work programme and in doing so shall make provision for:-

a. the views of members of the Overview and Scrutiny Board who are not members of the largest political group on the Council;

b. the Cabinet Work Programme;

c. suggestions of matters for scrutiny made by the Council or by Cabinet;

d. suggestions of matters for scrutiny made by the Leader arising from his/her quarterly meeting with the Chairman of the Overview and Scrutiny Board and the Chairman of Audit, Standards & Governance Committee in accordance with paragraph 7.2 below;

e. suggestions of matters for scrutiny made by Councillors, members of the public or partner organsations;

f. Councillor Calls for Action;

g. Scrutiny of the Crime and Disorder Reduction Partnership;

h. Petitions referred to the Overview and Scrutiny Board by the Chief Executive and Monitoring Officer;

i. Scrutiny of the budget (Medium Term Financial Plan);

7.2 The placing of items on the work programme is subject to the following limitations: -

a. That no item that has previously been considered in the preceding 6 months be placed on the work programme unless, in the opinion of the Chairman of the Board, having taken advice from Officers, there has been a significant change in circumstances.

b. That the Overview and Scrutiny function does not permit the scrutiny of individual applications for example in relation to the granting of planning permission, or of licences or other regulatory processes. In accordance with The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) scrutiny of functions which cannot by law be the responsibility of the Executive cannot be undertaken. This category includes functions relating to town and country planning and development control and functions relating to licensing and regulation.

8. Procedure at Overview and Scrutiny Board Meetings

8.1 The Overview and Scrutiny Board shall at each meeting consider the following business:

a. consideration of the accuracy of the minutes of the last meeting;

b. declarations of interest (including whipping declarations);

c. responses of the Cabinet to reports of the Overview and Scrutiny Board;

d. the Cabinet Work Programme;

e. progress on on-going overview and scrutiny exercises (if appropriate);

f. reports from the quarterly meetings between the Leader and Chairman of the Overview and Scrutiny Board and the Chairman of the Audit, Standards & Governance Committee (if appropriate);

g. matters set out on the agenda for the meeting in accordance with paragraph 9 below;

h. consideration of any matters referred to the Overview and Scrutiny Board in relation to call-in of a decision;

i. any petitions referred by the Chief Executive or the Monitoring Officer;

j. any Councillor Calls for Action which have been received;

k. scrutiny of the Medium Term Financial Plan (if appropriate);and

l. scrutiny of the Crime and Disorder Reduction Partnership.

9. Agenda items

9.1 Any member of the Overview and Scrutiny Board shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Overview and Scrutiny Board to be included on the agenda for the next available meeting of the Overview and Scrutiny Board. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

9.2 Where a matter is referred to the Overview and Scrutiny Board by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the Overview and Scrutiny Board following the referral.

9.3 The Overview and Scrutiny Board shall also respond, as soon as their work programme permits, to requests to review particular areas of Council activity from the Council, the Cabinet or the Leader.

10. Rights of Board members to documents

10.1 In addition to their rights as Councillors, members of the Overview and Scrutiny Board have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in part 9 of the Constitution.

10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and/or the Overview and Scrutiny Board as appropriate depending on the particular matter under consideration.

11. Policy review and development

11.1 The role of the Overview and Scrutiny Board 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 in Part 10 of the Constitution.

11.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Board may make proposals to Cabinet for developments in so far as they relate to matters within their terms of reference.

11.3 The Overview and Scrutiny Board and any Task Group may:

a. 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;

b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations;

c. ask witnesses to attend to address them on any matter under consideration;

d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget set by the Council each year for such purposes is not exceeded.

12. Members and officers giving account

12.1 The Overview and Scrutiny Board or a Task Group 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 Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

a. any particular decision or series of decisions;

b. the extent to which the actions taken implement Council policy; and/or

c. his/her performance

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

12.2 If any Councillor or officer is required to attend meetings of the Overview and Scrutiny Board, or a Task Group under this provision, the Councillor or officer will be given reasonable 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 Overview and Scrutiny Board or Task Group. Where the account to be given to the Overview and Scrutiny Board will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

12.3 If the Councillor or officer is unable to attend on the required date, the Overview and Scrutiny Board or Task Group shall in consultation with the Councillor or officer arrange an alternative date for attendance.

13. Attendance by others

13.1 The Overview and Scrutiny Board and/or Task Groups may invite people other than those people referred to in paragraph 12 above to attend a meeting 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. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.

13.2 If the Overview and Scrutiny Board is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Overview and Scrutiny Board) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Overview and Scrutiny Board which arise from that motion.

13.3 If the Overview and Scrutiny Board or a Task Group invites a person to address a meeting or to give evidence, the following principles will be observed:

a. the investigation will be conducted fairly and all members of the Overview and Scrutiny Board or Task Group will be given the opportunity to ask questions of attendees, and to contribute and speak;

b. those assisting the Overview and Scrutiny Board or Task Group by giving evidence will be treated with respect and courtesy; and

c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

14. Reports from the Overview and Scrutiny Board

14.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Board will make its report and findings public and will submit a formal report to the Chief Executive for consideration by the Cabinet.

14.2 If the Overview and Scrutiny Board cannot agree on one single final report to the Council or Cabinet as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

14.3 The Cabinet shall consider the report of the Overview and Scrutiny Board within two months of it being submitted to the Chief Executive and shall issue a formal response to the report.

15. Consideration of Overview and Scrutiny Board Reports by the Cabinet

15.1 The agenda for Cabinet meetings shall include an item to consider minutes and/or reports from the Overview and Scrutiny Board and reports of the Overview and Scrutiny Board 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 Overview and Scrutiny Board completing its report/recommendations.

15.2 The Cabinet will consider all reports and recommendations presented by the Overview and Scrutiny Board and will provide the Overview and Scrutiny Board with a response.

15.3 A Overview and Scrutiny Board report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Cabinet. The Cabinet will decide whether to recommend to the Council that those proposals be implemented. If the Cabinet decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Overview and Scrutiny Board. The Overview and Scrutiny Board may then request the Chief Executive to place an item on the next available meeting of the Council to enable the Council to consider those proposals.

15.4 Once a report has been considered by the Cabinet and/or Council, and any questions or issues raised by the Cabinet and/or Council have been resolved, the Overview and Scrutiny Board will disband any Task Group appointed in connection with the preparation of that report.

16. Review of Overview and Scrutiny Board Reports

The Overview and Scrutiny Board will review implementation of recommendations made in any report not sooner than 12 months after consideration of its report by the Cabinet.

17. Call-in

17.1 Call-in should only be used in exceptional circumstances when members of the Overview and Scrutiny Board have evidence which suggests that the Cabinet did not take a decision in accordance with the principles of Decision Making in Article 13. Those principles are:-

a. proportionality (i.e. the action must be proportionate to the proposed outcome);

b. due consultation and the taking of professional advice from officers;

c. respect for human rights;

d. a presumption in favour of openness;

e. clarity of aims and desired outcomes;

f. due regard for the Council's environmental objectives;

g. due regard for the Council's duties in relation to crime and disorder;

h. clear explanations of the options considered and the reasons for the decision reached.

17.2 When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, 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 3 working days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

17.3 That decision (which may take the form of the minutes of a meeting of the Cabinet) 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 decision is the subject of a valid request for call-in.

17.4 A valid request is required to initiate call-in a decision referred to at 17.3 above. The request must be in writing addressed to the Monitoring Officer on the approved form (at Appendix B) giving the reasons for the request for call-in and must be:-

- signed by the Chairman of the Overview and Scrutiny Board; or
- signed by any other 3 members of the Overview and Scrutiny Board; or
- signed by any 5 members of the Council who are not members of the Cabinet

and in any case must:-

- state the reason(s) for the call-in; and
- be delivered to the Monitoring Officer by hand, post or email, within 5 clear working days of the publication of the decision.

The decision on whether the call-in is valid will be taken by the Monitoring Officer following consultation with the Chairman of the Overview and Scrutiny Board. The final decision shall rest with the Monitoring Officer. If the Monitoring Officer decides the call-in is valid the Monitoring Officer will notify the Chief Executive, who will notify the decision-taker of the request for call-in.

17.5 Implementation of the decision which is the subject of the call-in will be suspended from the date of receipt of the request for call-in pending consideration by the Overview and Scrutiny Board.

17.6 The call-in will be considered by the Overview and Scrutiny Board at either:

a. the next scheduled meeting of the Overview and Scrutiny Board; or

b. a special meeting of the Overview and Scrutiny Board to be convened by the Chief Executive within 10 working days of receipt of the request to call-in, or such other date as may be agreed by the Chief Executive in consultation with the author of the call-in and the Chairman of the Overview and Scrutiny Board.

17.7 The Overview and Scrutiny Board will determine the call-in in such manner as it considers appropriate but in any event expeditiously and within a maximum of 20 working days from the date of the meeting at which the call-in is first considered by the Overview and Scrutiny Board. If more detailed evidence or consideration of the issues is required to determine the call-in, the Overview and Scrutiny Board may during that period hold one or more additional meetings to determine the call-in.

17.8 The Overview and Scrutiny Board may require the relevant Cabinet member with responsibility or another member of the Cabinet, if appropriate, to attend any meeting and explain the decision taken by Cabinet.

17.9 Having considered the decision subject to the call-in the Overview and Scrutiny Board will either:

a. accept the decision without qualification or comment; or

b. require reconsideration of the decision setting out its reasons in a report; or

c. in exceptional circumstances refer the decision to the Council to consider whether the decision should be accepted without qualification or comment or reconsidered.

17.10 Exceptional circumstances referred to in paragraph 17.9c include, but are not limited to, decisions which the Overview and Scrutiny Board considers:-

a. the Cabinet cannot in law take; or

b. is reserved to the Council; or

c. is contrary or not wholly in accordance with the Budget and Policy Framework.

17.11 If the Overview and Scrutiny Board accepts the decision without qualification or comment under paragraph 17.9a the decision may be implemented with immediate effect.

17.12 If the Overview and Scrutiny Board refers the decision to the Cabinet for reconsideration under paragraph 17.9b implementation of the decision is deferred pending the meeting of the Cabinet at which it is reconsidered.

17.13 If the Overview and Scrutiny Board refers the decision to the Council under paragraph 17.9c implementation of the decision is deferred pending the meeting of the Council at which it is considered. If the Council decides to request the Cabinet to reconsider the decision, implementation of the decision remains deferred until the Cabinet has reconsidered the matter.

17.14 Any report of the Overview and Scrutiny Board or Council pursuant to paragraph 17.9b or c will be submitted to the Cabinet which will consider that report within 10 working days and either:-

a. confirm the decision without modification; or

b. confirm the decision with modification; or

c. rescind the decision and if considered appropriate take a new one.

In each case the Cabinet must give reasons for its decision. The decision

taken by the Cabinet following consideration of the report of the Overview and Scrutiny Board or Council on the call-in is final.

17.15 The Chairman or Vice-Chairman of the Overview and Scrutiny Board may attend any meeting of the Cabinet at which a report of the Overview and Scrutiny Board is being considered and may speak but not vote.

17.16 Any decision may be called in only once in respect any decision.

17.17 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 interest of either the Council or public. 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 Chairman of the Overview and Scrutiny Board 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 Chairman of the Overview and Scrutiny Board, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or his/her nominees' 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.

17.18 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Overview and Scrutiny Board, and a report submitted to Council with proposals for review if necessary.

18. The party whip

When considering any matter in respect of which a member of the Overview and Scrutiny Board is subject to a party whip, the Councillor must declare the existence of the whip and the nature of it before the commencement of the Board's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19. Petitions

All petitions shall be dealt with in accordance with the Council's Petition Protocol.