

## **PART 3 C 1 OVERVIEW & SCRUTINY PROCEDURE RULES**

### **1. Procedures for Overview & Scrutiny**

- 1.1 The rules below are specific to the Overview & Scrutiny Committees. These rules are applicable in addition to the Committee Procedure Rules set out in this Constitution. Where there is any inconsistency between the rules, the rules below will apply.

### **2. Membership of the Overview and Scrutiny Committee**

- 2.1 All Councillors except members of the Executive or Cabinet Advisors and members of the Health & Wellbeing Board may be Members of the Place Overview & Scrutiny Committee.
- 2.2 All Councillors except members of the Executive or Cabinet Advisors and members of the Health & Wellbeing Board may be members of the People Overview & Scrutiny Committee.
- 2.3 All Councillors except members of the Executive, Cabinet Advisors and members of the Health & Wellbeing Board may be members of the Health Overview & Scrutiny Committee.
- 2.4 No member may be involved in scrutinising a decision in which they have been directly involved.
- 2.5 Members of the Overview & Scrutiny Committees will be appointed by Council in accordance with the rules on political proportionality.
- 2.6 The appointment of “church” representatives to the People Overview & Scrutiny Committee will be carried out in accordance with the requirements of the Local Government Act 2000. There will be two voting parent governor representatives and two voting “church” representatives who shall be voting members of the People Committee on education matters. They are entitled to speak but not vote on any other matter.
- 2.7 The appointment of parent governor representatives to the People Overview & Scrutiny Committee will be carried out in accordance with the requirements of the Parent Governor Representatives (England) Regulations 2001.
- 2.8 Other, non-statutory, co-optees as are appointed by full Council to the Overview & Scrutiny Committees will be set out in the Terms of Reference of the relevant Committee.

### **3. Meetings of the Overview & Scrutiny Committees**

- 3.1 In exceptional circumstances, the Chair, or if they are not available the Deputy-Chair, may change the date or start time of any meeting, cancel or postpone any meeting or call any additional meeting.

### **4. Work Programme**

- 4.1 Each Overview & Scrutiny Committee will consider its outline work programme at its first meeting following the Annual Meeting of Council.
- 4.2 In setting the outline work programme, account will be taken of the need to scrutinise forthcoming issues, for example, major policies or strategies in

development, whilst leaving flexibility to allow additional items to be added to the agendas for committees and to commission task and finish group reviews during the year in response to new requests for scrutiny.

- 4.3 The Overview & Scrutiny Committees will report their agreed outline work programmes to the first available ordinary meeting of the Council.

## **5. Setting the agenda for meetings**

- 5.1 The Chair of each Overview & Scrutiny Committee will be responsible for approving the agenda for each meeting.
- 5.2 The Chair of the meeting will decide on all matters of order, relevance and interpretation of these procedures.
- 5.3 The Chair will have the power to vary the order of business to give precedence to any item of business.
- 5.4 Agenda items shall be agreed by the Chair of the relevant Overview and Scrutiny Committee, reflecting the committee work programme priorities.
- 5.5 Any voting Member of the relevant Overview & Scrutiny Committee is entitled, by giving at least seven working days notice before the meeting to the Chief Executive, to request that an item relevant to the functions of the Committee be included on the agenda.
- 5.6 The Overview & Scrutiny Committees shall each consider whether it is appropriate to respond to requests from the Council and the Executive to review particular areas of Council activity.

## **6. Overview & Scrutiny Committee Responsibilities**

- 6.1 Overview & Scrutiny Committees have the following powers and responsibilities:
- 6.1.1 Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive.
  - 6.1.2 Make reports or recommendations to Full Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the executive.
  - 6.1.3 Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive.
  - 6.1.4 Make reports and/or recommendations to Full Council with respect to the discharge of any functions which are not the responsibility of the executive.
  - 6.1.5 Make reports or recommendations to Full Council or the Cabinet on matters which affect the city or its residents.
  - 6.1.6 Review or scrutinise the performance of any body carrying out any function on behalf of or in partnership with the Council.
  - 6.1.7 Commission in depth evidence-based reviews via informal Task & Finish Groups.

6.1.8 Produce and publish an annual report for consideration by Full Council.

## **7. Reports from Overview & Scrutiny Committees**

7.1 Should it have proposals for policy development, an Overview & Scrutiny Committee will prepare a formal report and submit it:

7.1.1 to the Executive, if the proposals are consistent with the existing budgetary and policy framework, or

7.1.2 to the Executive and to the Council, if the recommendations would require a departure from or change to the agreed budget and policy framework.

7.2 If the Overview & Scrutiny Committee cannot agree on one single final report, then any 3 members of the relevant committee may prepare a minority report to be submitted for consideration by the Executive or Council together with the majority report.

## **8. Consideration of Overview & Scrutiny reports by the Executive and/or the Council**

8.1 The Council or Executive (as appropriate) shall consider a report of an Overview & Scrutiny Committee within 8 weeks of it being published, or at its next meeting, whichever is the sooner.

8.2 Where reports are sent to the Executive or Cabinet member from an Overview & Scrutiny Committee, the Executive or Cabinet member will have 8 weeks from the date of the reference for them to respond to the Overview & Scrutiny Committee.

8.3 When the Council meets to consider a matter referred from an Overview & Scrutiny Committee, it shall also consider any response of the Executive to the proposals of the Overview & Scrutiny Committee.

## **9. Rights of Overview & Scrutiny Committee Members to Documents**

9.1 The rights of access to documents of Members of Overview & Scrutiny Committees are set out in the Access to Information Rules of this Constitution.

## **10. Holding Members and Chief Officers to Account**

10.1 In fulfilling the scrutiny role, the Overview & Scrutiny Committees may require the Leader of the Council and/or any other member of the Executive or Chief Officer to attend before the Committee to explain:

10.1.1 any particular decisions or series of decisions;

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

10.1.3 their performance.

10.2 Where required to attend, it is the duty of that Member or Chief Officer to do so subject to them having been given reasonable notice.

10.3 Where the account to be given to the Committee will require the production of a report, the Member or Chief Officer concerned will be given sufficient notice to allow for the preparation of that documentation.

10.4 Where, in exceptional circumstances, the Member or Chief Officer is unable to attend on the required date, an alternative date for attendance will be agreed with the Chair of the relevant Overview & Scrutiny Committee.

## **11. Attendance at Overview & Scrutiny Committee meetings**

11.1 The Overview & Scrutiny Committees may invite any other person to address the Committee. It may, for example, wish to discuss issues of local concern with citizens, partners, Members and officers from other public sector or private sector organisations.

11.2 The Overview & Scrutiny Committees may invite any person to attend, but attendance (except for Chief Executives of Health Authorities) is entirely optional.

## **12. Call-in**

12.1 Call-in is the process whereby a key decision taken but not implemented may be examined by an Overview & Scrutiny Committee prior to implementation. The Overview & Scrutiny Committee may recommend that the Executive reconsider the decision. For the avoidance of doubt, a decision may only be subject to the call-in procedure once.

### **12.2 The process for call-in**

12.3 Six Members of the Council, including members from at least two political groups, or at least one political group plus independent members(s) can call in a Key Decision of the Executive, which has been taken but not implemented.

12.4 Key Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in during this period. This Rule does not apply to urgent decisions. The notice of the decision will state the date on which the decisions may be implemented if not called in.

12.5 Call-in must be by notification to the Chief Executive in writing signed by at least six Members.

## **13. Requirement to Give Reasons**

13.1 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:

13.1.1 insufficient consultation with stakeholders prior to the decision;

13.1.2 the absence of sufficient evidence on which to base a decision;

13.1.3 the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;

13.1.4 the action is not proportionate to the desired outcome;

13.1.5 a potential human rights challenge, failure to consider the public sector equality duty or not in accordance with or which undermines the Council's corporate parenting responsibilities;

- 13.1.6 insufficient consideration of legal and financial advice;
- 13.1.7 The decision was a key decision and not labelled as such.
- 13.2 The Chief Executive, following consultation with the Monitoring Officer, will consider all call-in requests and may reject requests that do not meet the above requirements. Once a call-in request has been accepted, the Chief Executive will inform the scrutiny team manager and the Chair of the relevant Overview & Scrutiny Committee.
- 13.3 Approved call-in requests will be referred to the Overview & Scrutiny Committee considered the most relevant in the judgement of the Chief Executive. If it is unclear which Overview & Scrutiny Committee is best placed to hear a call-in, then the Chairs of the Overview & Scrutiny Committees will be asked to agree where the call-in should be heard.

### **13.A Only One Call-In per Decision**

- 13.A. A decision may only be subject to the Call-In process once.

### **14. Referral to the relevant Overview & Scrutiny Committee**

- 14.1 Once a notice invoking the call-in procedure has been received and approved, the decision may not be implemented until the relevant Overview & Scrutiny Committee has considered the decision. The scrutiny team manager shall in consultation with the Chair of the relevant Overview & Scrutiny Committee, arrange a meeting of the Overview & Scrutiny Committee to be held within seven clear working days of the receipt of the request for call-in. If the relevant Overview & Scrutiny Committee already has a scheduled meeting within this timeframe, the call-in will be considered as part of the scheduled meeting.
  - 14.1.1 Should the relevant Overview & Scrutiny Committee fail to meet within seven clear working days of the call-in request being approved by the Chief Executive, the decision may be implemented on the day following twelve clear working days from the date the decision was published.
  - 14.1.2 Where the relevant Overview & Scrutiny Committee meets within seven clear working days of the receipt of notification of a Call-In request, but chooses not to refer the matter back to the Executive, the decision may be implemented on the day following the Overview & Scrutiny Committee meeting.

### **15. Process for Consideration of Called-in Items at an Overview & Scrutiny Committee**

- 15.1 The Overview & Scrutiny Committee will consider the decision and the reasons for call-in. The Overview & Scrutiny Committee may invite the relevant Cabinet Member and a representative of those calling in the decision to provide information at the meeting.

- 15.2 The Overview & Scrutiny Committee may come to one of the following conclusions:
- 15.2.1 that the challenge to the decision should be taken no further and the decision may be implemented;
  - 15.2.2 that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Overview & Scrutiny Committee must set out the nature of its concerns for Council; or
  - 15.2.3 that the matter should be referred back to the decision taker (i.e. the Executive) for reconsideration. In such a case the Overview & Scrutiny Committee must set out the nature of its concerns for the decision taker/Executive.

## **16. Referral - Back**

- 16.1 In the event of a referral-back, the Executive must reconsider the decision within ten clear working days of that referral or at the next meeting of Cabinet. The original decision may then be confirmed or amended in the light of the comments of the Overview & Scrutiny Committee.

## **17. Referral to Council**

- 17.1 In the event that the Overview & Scrutiny Committee refers the matter to Council, the decision shall be discussed at the next ordinary meeting of Council.
- 17.2 The Council when considering the matter may conclude:
- 17.2.1 that the challenge to the decision should be taken no further and the decision may be implemented;
  - 17.2.2 that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget and cannot therefore be implemented; or
  - 17.2.3 that the matter should be referred back to the Executive, Cabinet member, officer or Joint Committee for reconsideration. In such a case the Council must set out its reasons for the referral; or
  - 17.2.4 acknowledge that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget framework, but approve an amendment to the particular policy or budget to allow the decision to be implemented.

## **18. In the event of a referral back to the Executive**

- 18.1 The Executive must reconsider the decision at its next meeting (consideration should be given to the holding of a special meeting if the issue is considered to now be sufficiently urgent). The Executive can either:
- 18.1.1 confirm the original decision and report back to the next meeting of the relevant Overview & Scrutiny Committee;

- 18.1.2 amend or alter the decision in the light of the comments of the Overview & Scrutiny Committee and report back to the next meeting of the relevant Overview & Scrutiny Committee
- 18.2 The decision may be implemented as soon as the original Executive decision is confirmed or amended by the decision taker.
- 19. Call-in and Urgency**
- 19.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is an urgent decision. 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's interests.
- 19.2 The record of the decision, and notice by which it is made public, shall state that the matter is considered one of urgency, and will thus not be subject to call-in.
- 19.3 The Chair of the relevant Overview & Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.
- 19.4 In the absence of the Chair of the relevant Overview & Scrutiny Committee, the consent of the Deputy Chair of the relevant Overview & Scrutiny Committee is required.
- 20. Task & Finish Groups**
- 20.1 Overview & Scrutiny Committees may each establish informal task & finish groups to undertake in-depth reviews of specific issues.
- 20.2 An Overview & Scrutiny Committee may choose to set the terms of reference for a task & finish group; or alternatively it may prefer to set the general scope for the group, delegating detailed terms of reference to task & finish group members following more detailed scoping of the issue.
- 20.3 An Overview & Scrutiny Committee may choose to set a date for a task & finish group to report back to the parent committee; or it may prefer to leave this decision for task & finish group members. However, task & finish groups are expected to take no more than 6 months to report back, unless by exception agreed by the Chair of the relevant Overview & Scrutiny Committee.
- 20.4 Task & finish groups are not required to adhere to strict rules of proportionality, but membership will generally reflect the composition of the Council.
- 20.5 Any elected member will be eligible to be a member of a task & finish group, other than executive members, members of HWB or Cabinet Advisors
- 20.6 An Overview & Scrutiny Committee may choose to appoint non-voting members to a task & finish group in addition to elected members – for example, local residents with lived experience of the issues in focus or subject experts.

- 20.7 At the first task & finish group meeting, task & finish group elected members will vote to elect a Chair. At the first group meeting, unless already specified by the parent Overview & Scrutiny Committee, task & finish group members will also consider a scoping report prepared by officers, agree terms of reference and agree the planned duration of the group as well as a schedule of meetings.
- 20.8 When a task & finish group has finished gathering evidence, it will draft a report with recommendations, with the assistance of Overview & Scrutiny officers, to be presented to the next scheduled meeting of the parent Overview & Scrutiny Committee. Task & finish group members should make every effort to achieve consensus on their report and its recommendations. If it proves impossible to reach a consensus, dissenting members may agree to submit a minority report to the Overview & Scrutiny Committee in addition to the majority report. Officer support to draft a minority report will not however be provided.
- 20.9 The parent Overview & Scrutiny Committee will determine whether to refer a task & finish group report to the relevant decision-making body – e.g. to Cabinet, to Council or to a partner organisation.
- 20.10 Where a task & finish group report has been agreed by an Overview & Scrutiny Committee, and referred on, and where the decision-making body has agreed to implement some or all of the report recommendations, the Overview & Scrutiny Committee will be responsible for monitoring the implementation of agreed recommendations via regular progress reports to committee.
- 20.11 In order to manage limited member and officer resources, no more than two task & finish groups may be in operation at any point in time (i.e. two task & finish groups in total for the People, Place and Health Overview & Scrutiny Committees in any six-month period). The Chairs of the Overview & Scrutiny Committees will agree the sequencing of task & finish groups in instances where both committees wish to undertake reviews concurrently.