

Appendix A

Chapter 4.2 – Scrutiny Rules of Procedure

<u>Contents</u>	<u>Page</u>
1. Meetings	4-27
2. Quorum	4-30
3. Membership of the Overview and Scrutiny Committee	4-30
4. 4. Membership of the Scrutiny Panels	4-30
5. 4. Work Programme	4-31
6. 5. Annual Reports	4-31
7. 6. Agenda Items	4-32
8. Overview and Scrutiny Committee and Scrutiny Panel Agendas	4-32
9. Time Limit of Members' Speeches at Meetings	4-32
10. Recommendations to Council	4-33
11. Scrutiny Enquiries	4-33
12. Reports and Recommendations from the Overview and Scrutiny Committees and Panels	4-33
13. Making sure that Overview and Scrutiny Committee reports are considered by the Cabinet and/or Council	4-34
14. Rights of Scrutiny Members to Documents	4-35
15. Members and Officers giving account	4-35
16. Reports	4-36
17. Attendance by others	4-36
18. Call-in	4-36
19. Scrutiny and the Party Whip	4-40
20. Relationship between the Overview and Scrutiny Committee, Scrutiny Panels , the Cabinet and the Corporate Management Board.	4-40
21. Council Consultation and Involvement	4-42

Formatted: Indent: Left: 1.88 cm,
No bullets or numbering

22.	Councillor Call for Action – Process	4-42
23.	Call-in flowchart	4-45

4.2 SCRUTINY PROCEDURE RULES

1. Meetings of the Overview and Scrutiny Committee ~~and Scrutiny Panels~~

(a) Planning and Timetabling of Meetings

~~The~~ Overview and Scrutiny Committee ~~and Panel~~ meetings will be forward planned and timetabled regularly in accordance with the work that the Committee/~~Panels~~ undertakes. This will be agreed at the first meetings in the new municipal year and updated where necessary throughout the year. The work of the Committee ~~and Panels~~ will be phased over the municipal year to match staff support.

~~The~~ Overview and Scrutiny Committee ~~and Panel~~ meetings may be called ~~by the respective chairmen~~, by any 3 members of the Committee/~~Panel~~ or by the Assistant Director, Corporate Governance if he/she considers it necessary or appropriate.

(b) Annual Programmes

The ~~Overview & Scrutiny Committee~~~~Scrutiny Panels~~ will forward plan their work to carry out their annual programme agreed ~~by the Overview and Scrutiny Committee and by~~ Council. In doing this the ~~Committee panels~~ will also take account of their other work in responding to consultation by the Cabinet and commenting/making recommendations to the Council on Cabinet recommendations. Meetings will also be arranged to ensure the Overview and Scrutiny Committee's~~panels'~~ involvement in the Council's budget setting.

(c) Business to be Considered at Meetings

The Overview and Scrutiny Committee ~~and Panels~~ shall consider the following business at their meetings:

- (i) minutes of the last meeting;
- (ii) declarations of interest (including whipping declarations, see paragraph 18);

- (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision - this relates to the Overview and Scrutiny Committee only.
- (iv) responses of the Executive to reports of the Committee; and
- (v) consideration of the Forward Plan, identification of issues to be scrutinised and carrying out of hearings/reviews.

(d) Public Rights of Access to Meetings

Overview and Scrutiny Committee ~~and Panel~~ meetings will be open to the public. There will however be provision for confidential and exempt agenda items, reports and debates where the principles of the relevant access to information provisions of the Local Government Act 1972 (as amended) apply. Members of the public will not be permitted to remain for these items. At the start of meetings, the Committee/~~Panel~~ will decide whether any items on the agenda fall into this category. All confidential and exempt agenda items will be referred to in the minutes of the meeting.

Subject to the above, public attendance and the organised involvement of residents, customers, partner bodies and staff will be encouraged.

(e) Notice of Meetings

Public notice will ~~also~~ be given ~~at least 3 weeks~~ in advance of individual meetings and of the work to be done at those meetings. Meetings that involve hearings on particular matters as part of an enquiry will be publicised separately by the Council.

(f) Private Meetings

It will be necessary from time to time for Overview and Scrutiny Committee/~~Panel members~~members to have the opportunity of private discussion. Provision is made for this on the understanding that such meetings will be infrequent, will involve all of the Committee ~~or workstream~~~~or Panel~~ members, and that no conclusions are reached without the subsequent benefit of discussion in public.

(g) Evidence Sessions

Where ~~the~~ Scrutiny ~~Panels~~ conducts investigations (e.g. with a view to policy development), they may also ask people to attend to give evidence at such meetings.

These will be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the Committee/workstream~~Panel~~ be given the opportunity to ask questions of attendees, and to contribute and speak;
- (ii) that those assisting ~~the Panel~~ 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.

Following any investigation or review, ~~the~~Scrutiny ~~Panel~~ shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

(h) Minutes of Overview and Scrutiny Committee and Workstream and Scrutiny Panel Meetings

Minutes of all open meetings will be made public within 44 10 working days. These will include a record of confidential and exempt items considered at the meeting, which respects the confidentiality of the information in question.

A confidential record will also be made of all proceedings at private meetings (see paragraph (f) above).

(i) Policy on Filming at Meetings

[Updated Council 09/10/13]

(a) The filming and recording of the public sessions of any Council, Cabinet, Committee, ~~Panel~~ or Area-Ward Forum meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.

(b) The Chair of the relevant meeting will have the power to withdraw this permission should it prove necessary due to the nature of the meeting or if the conduct of the meeting is disturbed, for example through flash photography, intrusive camera or lighting equipment or the behaviour of the person filming the meeting.

(c) Anyone wishing to record or film at a meeting must contact the relevant meeting administrator normally no less than three working days before the meeting in question so that the Chair, other councillors and any members of the public present can be informed and the necessary arrangements made.

(d) All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording councillors, officers and the public directly involved in the conduct of the meeting. Should any member of the public participating in the meeting object to being filmed then the Chair will make arrangements for that individual to be excluded from the recording.

(e) Covert recording/filming at meetings will not be permitted and the person filming will be asked to provide an assurance that (a) recordings will include sound and vision; (b) the original version will be available to the Council on request; and (c) that recordings will not be edited in a misleading way.

(f) If a meeting passes a motion to exclude the press and public then all rights to record the part of the meeting to which the exemption applies will be removed.

2. Quorum

The quorum for the Overview and Scrutiny Committee ~~and Scrutiny Panels~~ shall be 3 members.

3. Membership of the Overview and Scrutiny Committee

[Updated: Council 09/11/11]

The membership of the Overview and Scrutiny Committee will ~~comprise of 6 members – proportionately allocated as 4 majority members and 2 opposition members consist of the Chairmen from each of the 6 Scrutiny Panels~~ appointed by the Council. The Chairman of the Committee will be confirmed by Council.

The use of substitute members will be permitted for Overview and Scrutiny Committee in the following circumstances:

(a) to take the place of the ordinary members of the Overview and Scrutiny Committee where the member will be absent for the whole of the meeting. Such an appointment shall apply for the entire meeting, including where the meeting is reconvened after an adjournment; or

(b) where a member of the Overview and Scrutiny Committee has signed a call in request to be determined by the Committee, or has a ~~disclosable or other pecuniary prejudicial~~ interest, and so cannot take part in the decision making. In this case a member may be appointed to act as a substitute but such an appointment will only apply to consideration of that agenda item.

The member who wishes to appoint a substitute must notify the ~~Monitoring Officer/Head of Corporate Scrutiny & Outreach~~ in writing, prior to the commencement of the meeting of the intended substitution. The appointment of the substitution will be reported to the meeting at the commencement of business.

Once notification of a substitute member has been received under (a) above (unless it is withdrawn prior to the commencement of the meeting) the appointed member of the relevant committee or sub-committee shall not be entitled to attend the relevant meeting as a member of the committee.

4. Membership of the Scrutiny ~~Workstreams~~ **Panels**

~~Membership of the workstreams will be managed by the Overview and Scrutiny Committee leads and the party whips allocating non-executive Councillors who have expressed an interest in undertaking various areas of scrutiny. Membership of the workstreams will be cross party and will reflect political proportionality. However membership numbers can be flexible on the workstreams, and once the workstream has finished, the membership is disbanded. The Chairmen and members of each Scrutiny Panel will be appointed by the Council at its Annual General Meeting and any changes during the Municipal Year will be decided by Council. Each Panel is to be comprised of nine members.~~

~~The membership of any sub-bodies established by a Scrutiny Panel will be appointed from amongst the members of that Panel and will be broadly in proportion to the number of seats held by the majority and opposition groups.~~

~~The workstreams on Health and Crime and Safety will particularly draw their members from an agreed pool of councillors who have expressed an interest in those areas. This will be on a politically proportionate basis. This consistency in membership will allow these workstreams to develop a watching brief in these issues and build up a level of knowledge and expertise amongst members.~~

~~Workstreams will generally meet in public but will reserve the right to have private sessions when the need arises. They will also have the right to co-opt non councillors as and when required. These co-optees will not have a formal vote but will play an important part in bringing knowledge and expertise to the issues under discussion.~~

~~Before beginning its work, a workstream will agree a scope for the review including:~~

~~Terms of reference~~

~~Desired outcomes~~

~~Key stakeholders~~

~~Training/information required for members to prepare for the review~~

Formatted: Indent: Hanging: 1.27

The Chairman will act in an impartial, non-partisan manner and will seek to facilitate the ~~workstream~~Panel towards the achievement of its terms of reference. The Chairman will respect the confidentiality of information that comes into his or her possession and will not seek to embarrass the Council or the Majority Party with such information for political gain.

5. Work Programme and Workstreams

~~The Overview and Scrutiny Committee~~Scrutiny Panels will be responsible for proposing their own work programmes.

~~The programmes will be adopted by the Council on the recommendation of the Overview and Scrutiny Committee following consultation with the Cabinet and the Council's Management Board (and local NHS bodies in respect of the Health Scrutiny Panel). The Committee~~Panels will be assisted in this by the ~~Scrutiny~~respective Lead Officers and the Democratic Services Team.

~~In recommending their annual programmes, the Committee~~the Panels will take account of the community's views on priorities ~~as reflected, for example, in reports from the Council's community consultation and research programme.~~

~~In making their recommendations, the Committee~~each Panel will take explicit account of the Council's plans and priorities plus the workload implications for councillors and staff through, for example, the timetabling of its programme through the year. ~~The Committee~~Panels may establish time limited sub-bodies to undertake parts of the agreed work programme. ~~The Scrutiny~~Democratic Services Team will assist the ~~Committee and workstreams~~Panels to achieve appropriate timetabling.

~~The Overview and Scrutiny Committee will be responsible for proposing their own work programme and prioritising the workstreams that are undertaken.~~

~~The programme will be adopted by the Council on the recommendation of the Overview and Scrutiny Committee following consultation with the Cabinet and the Council's Management Board (and local NHS bodies in respect of the Health Scrutiny Panel)> The Committee will be assisted in this by the Scrutiny Team.~~

~~In recommending their annual programme, the Committee will take account of the community's views on priorities.~~

Formatted: Indent: First line: 0 cm

Formatted: Indent: First line: 0 cm

In making their recommendations, the Overview and Scrutiny Committee will take explicit account of the Council's plans and priorities plus the workload implications for councillors and staff through, for example, the timetabling of its programme through the year. The Committee will establish time limited workstreams to undertake parts of the agreed work programme. The Scrutiny Team will assist the Committee and workstreams to achieve appropriate timetabling.

Formatted: Indent: First line: 0 cm

At the beginning of the municipal year, the Overview and Scrutiny Committee will have a work programme planning meeting, where suggestions for the year will be discussed. Members will devise a work programme for the year (or longer) by prioritising the order in which the work is undertaken for both watching briefs and workstreams.

Formatted: Indent: First line: 0 cm

Workstreams will be selected based on the priorities and setting up of task and finish groups. Workstreams and their leads can change throughout the year; once a piece of work has been completed a different workstream may be selected.

Formatted: Indent: First line: 0 cm

Scrutiny Officers will support OSC and workstream leads by developing a scope for each review which will include:

Formatted: Indent: First line: 0 cm

- Terms of reference
- Desired outcomes
- Key stakeholders
- Training/information required for members to prepare for the review
- Timescale for the review
- Resources required including members and officers
- Co-optees

Formatted: Indent: Left: 2.5 cm, Hanging: 1.31 cm, Bulleted + Level: 1 + Aligned at: 1.9 cm + Indent at: 2.54 cm

Workstream leads will be responsible for keeping OSC informed of progress of the reviews. They must seek the approval of OSC to any variations in the scope, including lengthening the time allocated for the review in question.

Formatted: Indent: Left: 2.5 cm, First line: 0 cm

6. Annual Reports

The Overview and Scrutiny Committee will present the Scrutiny Annual Report to the Council. The Committee will be assisted in this responsibility by the ~~Scrutiny respective Lead Officers and the Democratic Services~~ Team.

The Annual Report will include information about recommendations made to Council and Cabinet with details of the responses received.

The report will also contain information on the work done by the Committee and ~~workstreams~~~~Scrutiny Panels~~ over the past year and recommendations for work to be done in the year to come.

7. **Agenda Items**

Any member of the Overview and Scrutiny Committee ~~or Scrutiny Panels~~ shall be entitled to give notice to the Assistant Director, Corporate Governance that he/she wishes an item relevant to the functions of the Committee/~~Panel~~ to be included on the agenda for the next available meeting. On receipt of such a request, the Assistant Director, Corporate Governance will ensure that it is included on the next available agenda.

The Overview and Scrutiny Committee ~~and Panels~~ shall also respond, as soon as ~~its~~~~their~~ work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where it does so, the Committee/~~Panel~~ shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report within one month of receiving it.

The Council will consider and decide those recommendations on services, policy or performance that were not accepted in whole or in part by the Cabinet, in light of the reasoned responses to them made by the Cabinet at the time.

8. **Overview and Scrutiny Committee and ~~W~~~~workstream~~~~Scrutiny Panel~~ Agendas**

Detailed agendas and reports for meetings will be circulated to Overview and Scrutiny Committee/~~workstream~~~~Panel~~ members and made public in accordance with the provisions of the access to information requirements of the Local Government Act 1972 (as amended).

The ~~Scrutiny Team and Democratic Services Governance~~ Team will be responsible for arranging the issue of notices, agendas and reports.

9. **Time Limit of Members' Speeches at Meetings**

[Updated: Council 09/11/11]

Speeches must be directed to the question under discussion. The time limit for a speech to introduce an item should be no longer than 10 minutes with a 5 minute time limit in all other instances, with any additional time required being at the discretion of the Committee Chair.

10. **Recommendations to Council**

Overview and Scrutiny Committee/~~Panel~~ recommendations to Council will be in the form of reports prepared in accordance with the approved format. Relevant officer advice to the Council will be shown fully and distinctly in these reports, as well as the observations of the Cabinet.

The ~~Scrutiny Officer/Lead Officer~~, supporting the Overview and Scrutiny Committee or ~~workstream/Scrutiny Panel~~ is responsible for ensuring the preparation of reports to Council in consultation with the relevant officers and the Chief Executive. ~~The Democratic Services Team is responsible for co-ordinating the submission of such reports to the Council meeting.~~

11. Scrutiny Enquiries

The Committee/~~workstreams/Panels~~ may also appoint independent experts to advise either themselves or any sub-committees established by them (see chapter 5, paragraph 6(k) in part 2 of the Constitution);

The Committee/~~workstreams/Panels~~ will have the power to recommend the carrying out of research to the Corporate Management Board (CMB) and the Cabinet. Such recommendations will receive reasoned responses. This power also applies to the direct commissioning of research in consultation with the Cabinet and CMB.

12. Reports and Recommendations from the Overview and Scrutiny Committee ~~and Panels~~

In discharging their scrutiny functions, the Overview and Scrutiny Committee and ~~workstream leads/Panels~~ will be entitled to report, with recommendations as appropriate, to the Cabinet or full Council.

Once recommendations have been formed on proposals for development, the Committee/~~workstreams/Panels~~ will prepare a formal report and submit it to the Assistant Director, Corporate Governance for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

If the Committee/~~workstreams/Panel~~ 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 Cabinet or Council with the majority report.

The Council or Cabinet shall consider the report within 12 weeks of it being submitted to the Proper Officer.

Recommendations other than to the Council are to be made to the Cabinet or to the Corporate Management Board according to the level of delegation exercised.

Scrutiny ~~Panels~~ will be able to include representations or recommendations affecting other bodies in their reports. However, Scrutiny ~~Panel~~ recommendations are addressed to the Cabinet, the Corporate Management Board or, through the Committee's ~~Panels~~' annual reports, to the Council. It is then for these bodies to decide the representations or recommendations to be made to the bodies concerned. Scrutiny ~~Panels~~ will not have the ability to make representations or recommendations direct to other bodies.

13. Making sure that Overview and Scrutiny Committee reports are considered by the Cabinet and/or Council

The agendas for Cabinet meetings will include an item entitled 'Issues Arising from the Overview and Scrutiny Committee/~~Scrutiny Panels~~'. The reports referred to the Cabinet by the Committee ~~or Panels~~ shall be included at this point unless covered elsewhere on the agenda.

Once the Committee ~~or Panel~~ has completed its deliberations on any matter it will forward a copy of its final report to the Assistant Director, Corporate Governance. He/she will allocate it to either the Cabinet or the Council (or both) for consideration, according to whether the contents of the report has implications for the Council's budget and policy framework. If the Assistant Director, Corporate Governance refers the matter to Council, he/she will also give a copy to the Leader of the Council with notice that the matter is to be referred to Council. The Cabinet will have 12 weeks in which to respond to the report, and the Council shall not consider it within that period. When the Council does meet to consider such a report, which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Committee's ~~Panel's~~ proposals.

The Overview and Scrutiny Committee ~~and Panels~~ will in any event have access to the Forward Plan key Decision List and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Committee ~~or Panel~~ following consideration of possible policy/service developments, they will be entitled to respond in the course of the Cabinet's consultation process in relation to any key decision.

14. Rights of Scrutiny Members to Documents

- (a) In addition to their rights as councillors, scrutiny members have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4, Chapter 6 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee/~~workstreams~~~~Panels~~ as appropriate depending on the particular matter under consideration.

15. Members and Officers Giving Account

- (a) The Overview and Scrutiny Committee and Scrutiny ~~workstreams~~~~Panels~~ 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, they may require any member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before them 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 performanceand it is the duty of those persons to attend if so required.
- (b) Where any member or officer is required to attend the Overview and Scrutiny Committee or ~~scrutiny workstream~~~~Panel~~ under this provision, the chairman of the Committee/~~workstream~~~~Panel~~ will inform the Assistant Director, Corporate Governance. The Assistant Director, Corporate Governance 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 meeting. Where the account to be given to the meeting 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 that member or officer may nominate a substitute to attend on his/her behalf. The councillor attending as substitute should be a member of the Cabinet.

- (d) The ~~Scrutiny Lead—Support~~ Officer to the Committee/~~workstream Panel~~ will attend and give advice at all meetings including those held in private.
- (e) The Committee/~~workstream Panel~~ ~~Scrutiny Officer; the Lead Support Officer~~ or a member of the Corporate Management Board may request the participation of the Council's Monitoring Officer in a Committee/~~workstream Panel~~ meeting.

~~The above provisions will also apply to sub-bodies of the Overview and Scrutiny Committee or Scrutiny Panel where the business falls within their remit.~~

16. Reports

Reports to the Overview and Scrutiny Committee/~~workstreams Panels~~ may come from a number of sources including members of the Corporate Management Board, the Cabinet, external bodies, those submitting evidence in enquiries or the Chairmen of the Committee/~~workstreams Panels~~.

It will also be open to independent expert advisers to prepare reports for the Committee/~~workstreams Panels~~.

Where appropriate, reports will include clearly identified officer comments and advice. The Committee/~~workstreams Panels~~ will obtain the factual comments and opinions of relevant members of the Corporate Management Board on matters of dispute or controversy included in reports from external bodies and independent expert advisers before reaching conclusions.

Reports prepared by members of the Corporate Management Board for the Committee/~~workstreams Panels~~ will comply with the Council's existing rules for preparation of and consultation on Committee reports.

17. Attendance by Others

Each Overview and Scrutiny Committee and Scrutiny ~~workstream Panel~~ may invite people other than co-optees or independent experts (as outlined in Chapter 5, paragraph 6 of Part 2 to the Constitution) to address it, discuss issues of local concern and/or answer questions. They 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. Attendance is entirely optional.

18. Call-In

18.1 General Procedure

- (a) When a decision is made by the Cabinet or a sub-committee of the Cabinet, an individual Cabinet member, or a key decision is made by an officer with delegated authority from the executive, the decision shall be published, and shall be available at the main offices of the Council normally within 2 working days of being made. Copies will be sent to all members of the Council.
- (b) That notice will be dated 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 ~~any Scrutiny Panel, Chairman of any Panel or~~ 7 or more councillors call it in.
- (c) If an Overview & Scrutiny Committee member is a signatory to the call-in request; then a substitute must to be notified to the Monitoring Officer in advance of the call-in meeting.
- (d) A valid request for call-in is one which is submitted to the Assistant Director, Corporate Governance in writing within 5 working days of the date of publication of the decision by:
 - at least 7 members of the Council
 - ~~• or by a formal resolution of a Scrutiny Panel meeting; or by~~
 - ~~• the Chairmen of a Scrutiny Panel in providing:~~
 - (i) ~~the matter is within the remit of his/her own Scrutiny Panel, and~~
 - (ii) ~~it is not possible, given the call-in decision, to put the issue to a meeting of that panel.~~

Formatted: Indent: Left: 0 cm, Hanging: 3.81 cm, No bullets or numbering, Tab stops: 2.5 cm, Left

All requests must:

- give the reason for the call-in and outline an alternative course of action;
- whether or not those members believe that the decision is outside the policy or budget framework.

The Assistant Director, Corporate Governance shall notify the decision-taker of the call-in and call a meeting of the Overview and Scrutiny Committee as soon as possible after consultation with the Chairman of that Committee, and in any case within 14 working days of the relevant call-in period. The relevant Cabinet Member should attend the Overview and Scrutiny Committee if available. If he/she cannot attend the Cabinet will make every effort to ensure that another Cabinet Member attends instead. Directors or their representative will be expected to attend the meeting.

- (d) Having considered the called-in decision the Overview and Scrutiny Committee may:
 - (i) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns; or
 - (ii) refer the matter to full Council; or
 - (iii) confirm the original decision.
- (e) If referred back to Cabinet as the decision maker they shall then reconsider at the next scheduled meeting if the timescale for the decision allows, amending the decision or not, before adopting a final decision.

[Updated: Council 12/11/08]
- (f) If the matter is referred to full Council it will be dealt with at the next scheduled meeting, subject to the Access to Information Act requirements, unless there are grounds for urgency which require an extraordinary meeting. The Council agenda will contain a standard item for this purpose.
- (g) If the Overview and Scrutiny Committee does not meet within the 14 working day period required, the decision will take effect on the expiry of that period.
- (h) If the Overview and Scrutiny Committee meets but does not refer the decision back to the decision taker or onto Council than that decision will take immediate effect after the meeting of the Committee.
- (i) If the decision is referred to full Council and:
 - (i) the Council does not object to the decision which has been made, then no further action is necessary and the decision will be effective immediately after the meeting;
 - (ii) they object to the decision it will be referred back to the decision-making person or body, together with the Council's views on the decision. Where the decision was taken by the Cabinet as a whole or its sub-committee, it must meet within 7 working days of the Council request/or at its next scheduled meeting (whichever is the sooner) to reconsider the decision.

The wishes of the Council must be complied with.

- (j) If the Council does not meet within the period required in (f) above the decision will become effective on expiry of that period.

- (k) For the avoidance of doubt, if either the Overview and Scrutiny Committee or the Council refer a matter back to the decision making person or body, the implementation of that decision shall be suspended until such time as the decision making person or body reconsiders and either amends or confirms the decision, but the outcome on the decision should be reached within 14 working days of the reference back.

18.2 Exceptions

Non-key Executive decisions taken by officers, as defined in this constitution, cannot be called-in under these procedures, although they may be reviewed as part of any review of service plans or during the Best Value process.

In addition Council decisions, decisions taken under the Rule 16 Urgency Procedure and decisions by Council Regulatory bodies will not be subject to call-in.

A decision cannot be called in more than once.

18.3 Call-In and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken 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's interests.
- (b) 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.
- (c) The Chairman 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 Chairman, the consent of the Vice Chairman shall be required. In the absence of both, the Mayor or the Head of Paid Service or his/her nominee's consent shall be required.
- (d) If no agreement is given to the item being treated as a matter of urgency the item shall not be dealt with under the urgency procedure.

- (e) Decisions taken, as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (f) The use 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.

19. Scrutiny and the Party Whip

When considering any matter where a member of the Overview and Scrutiny Committee ~~or a Scrutiny Panel~~ 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 meeting in question. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

In this context, 'the party whip' is defined as "Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before an Overview and Scrutiny Committee/~~Panel~~, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner."

20. Relationship between the Overview and Scrutiny Committee, ~~Scrutiny Panels~~, the Cabinet and the Corporate Management Board

The Overview and Scrutiny Committee ~~and Scrutiny Panels~~ will conduct ~~their~~ relationships with the Cabinet and the Corporate Management Board within the following principles:-

- (a) ~~It~~They will comply with the requirements of the Council's aims as stated from time to time in its corporate priorities;
- (b) ~~They~~It will ensure adequate consultation with the Cabinet and the Corporate Management Board in the formulation of their recommendations to those bodies. The Cabinet and the Corporate Management Board will respect the confidentiality (Part 2 status) of draft reports from the Committee/~~Panels~~ put to them for comment;
- (c) The minimum time allowed by Committees/~~Panels~~ for consultation with the Cabinet and the Corporate Management Board on draft reports will be 30 calendar days;
- (d) The Overview and Scrutiny Committee ~~and Panels~~ will respond to requests from the Cabinet and the Corporate Management Board for comments on draft policy, other

proposals and Council activity, and will do so within the requested timescale (subject to satisfaction of the minimum time allowance of 30 calendar days). ~~Where appropriate, the relevant Chairman may respond to such requests on behalf of the Committee/Panel and in consultation with its members.~~

- (e) The Overview and Scrutiny Committee ~~and Panels~~ are able to share matters on a confidential basis with the Cabinet or the Corporate Management Board who will, where they agree it with the Committee/~~Panel~~, respect the confidentiality. The justification for confidentiality must be demonstrated by the Committee/~~Panel~~ within the access to information provisions of the Local Government Act 1972 (as amended).
- (f) A proposal by the Cabinet or the Corporate Management Board to make public information shared with them by the Overview and Scrutiny Committee ~~or Scrutiny Panel~~ in confidence shall be the subject of prior consultation with the Committee/~~Panel~~. In cases of disagreement the matter will be decided by the Council's Monitoring Officer or, if the Monitoring Officer so wishes, by the Council. This provision will be operated within the principles underlying the access to information provisions of the Local Government Act 1972 (as amended);

Please also refer to the responsibilities placed upon the Cabinet in Part 3, paragraph 6 of the Constitution.

- (g) The Corporate Management Board will conduct their relationships with the Overview and Scrutiny Committee ~~and Panels~~ within the principles laid down for the Cabinet;
- (h) The Cabinet and the Corporate Management Board will afford all reasonable co-operation in reviews and hearings undertaken by the Overview and Scrutiny Committee/~~Panels~~. Where appropriate, this will include direct participation in these reviews and hearings by themselves or their representatives;
- (i) Where the Overview and Scrutiny Committee ~~or Panels~~ wish to ask questions of Cabinet or Corporate Management Board members or their representatives during the course of reviews or hearings, reasonable notice will be given of the likely topics and areas of questioning. Notice will usually be not less than two weeks;

- (j) Detailed information requests by Overview and Scrutiny Committee/~~Panels~~ will usually be answered in writing in the first instance rather than through personal participation in meetings.
- (k) The Corporate Management Board shall arrange discussions with the Overview and Scrutiny Committee from time to time to:-
 - help plan the work of the ~~Committee~~panels
 - assess priorities
 - monitor progress
 - assess the effectiveness of working arrangements.

The Chief Executive will be available to Committee ~~Members/Panel Chairmen~~ and will be the first point of contact for them on matters concerning the Executive and officer support to the Committee/~~Panels~~.

21. Council Consultation and Involvement

In addition to their power to carry out enquiries and seek public involvement, comment and views, the Overview and Scrutiny Committee/~~Panels~~ are able to undertake public consultation. However, this must be done as part of the Council's agreed public consultation and involvement programme.

The provisions for the Cabinet in this Constitution provide for consultation with the Overview and Scrutiny Committee/~~Panels~~ on the Council's consultation and involvement programme before the Cabinet decides its recommendations to Council.

22. Councillor Call for Action (CCfA) - Process

[Updated: Council 1/4/09]

1. Individual Councillors will be required to submit a request for a CCfA in writing (or via e-mail) to the ~~Head of Corporate~~ Scrutiny ~~Manager~~Services (HCSS). The request will include:
 - Who the request is being submitted by
 - Details of the issue
 - A full summary of action undertaken by the Councillor or community to resolve the issue
 - Clarity on definitive resolution sought by Councillor (action the Councillor is looking for as a result of CCfA to resolve or move forward the issue raised). The guidance states that the Councillor bringing the CCfA should be clear at the outset as to what he or she expects to get out of the process. The ~~Overview and Scrutiny Committee~~scrutiny panel will focus

discussion on these expected outcomes. Further the ~~Overview and Scrutiny Committee~~ panel will be expected to challenge these expected outcomes, if they feel that these outcomes are unreasonable.

It should be pointed out that discussions at scrutiny will not necessarily resolve the issue immediately, but may allow members and officers and/or partners to overcome the problem.

2. Once received, the ~~Scrutiny Manager~~ Head of Corporate ~~Scrutiny Services~~ will check that the CCfA request complies with the basic requirements, as set out in 1 above, and if so, will then undertake an initial investigation and prepare a report for consideration by Overview and Scrutiny Committee (OSC).
 3. The report will be placed before OSC within 15 working days of the initial investigation being completed or the next available OSC meeting. OSC will consider the summary report and determine whether the issue should be treated as a CCfA. The member who has submitted the CCfA will be invited to attend the OSC meeting considering their issue.
 4. If OSC decide not to treat the issue as a CCfA, the ~~Scrutiny Manager~~ Head of Corporate ~~Scrutiny~~ will write to the member concerned confirming the decision with reasons.
 5. If OSC decides to treat the matter as a CCfA the committee will ~~deal with the issue.~~ have the following options:
 - a. ~~Refer the issue to the relevant scrutiny panel for review and action (matter to be considered at the next meeting of the panel unless there are grounds for urgency).~~
 - a. ~~Agree to deal with the issue itself.~~
- Once OSC ~~or the individual scrutiny panel concerned~~ has reached a decision, this will be a final decision with no formal right of appeal to the executive arm of the Council.
6. For issues related to services provided by the Council, ~~the Overview and Scrutiny Committee~~ scrutiny panels will be able to use their existing powers and new powers available from the LGPIH Act 2007.

For partner organisations scrutiny will be able to:

- Request information and attendance.
- Review decisions made/action taken by the Safer Stronger Communities Board in connection with discharge of their crime and disorder functions (Police and Justice Act 2006).

Issues referred to these bodies will require a response time of 28 days.

7. **Gate keeping process**

During the initial investigation phase every attempt will be made to either resolve the issue or to signpost the Councillor to those who may be able to resolve the issue, so that the CCfA request is withdrawn and/or requires no further action.

The 'gate keeping' process will, therefore, consist of a Ward Councillor demonstrating what efforts have been made to resolve the matter before referral to OSC for consideration.

8. **Excluded items**

The following issues will be excluded from being dealt with as a CCfA:

- Any matter deemed vexatious or discriminatory
- Individual complaints, (that is a complaint made by an individual resident which relates to an individual service provided or a report written about them). Scrutiny can and should play a role where it is felt a series of complaints demonstrates a 'systematic failure' in a particular service area.
- Planning or licensing applications or appeals
- Areas where a Councillor has an alternative avenue to resolve an issue through for example complaints or a service request

Other Constitutional amendments relating to Scrutiny

Part 4: Chapter 4.6: Access to Information Rules of Procedure

Delete reference to Overview & Scrutiny Committee/Scrutiny Panels and replace with "Overview & Scrutiny Committee and its workstreams"

Part 4: Chapter 4.7: Budget and Policy Framework Procedure Rules

Delete reference to Overview & Scrutiny Committee/ Panel and replace with Overview & Scrutiny Committee.

Part 5: Chapter 5.5: Protocol for Member/Officer Relations

Delete reference to Scrutiny Panels and replace with Overview & Scrutiny Committee.