

Constitutional Amendments Required for a Potential Single Scrutiny Committee

Please note that the proposed amendments are based on the assumption that a single scrutiny committee will be known as the 'Overview and Scrutiny Committee'.

The constitutional amendments set out in this appendix relate to Article 6 – Overview and Scrutiny Committees, Part 3 Responsibility for Council Functions and the Overview and Scrutiny Procedure Rules.

Article 6 – Overview and Scrutiny Committees

OVERVIEW AND SCRUTINY – GENERAL COMMENTS

- 6.01 The overview and scrutiny function is central to the constitution. Government guidance makes it clear that overview and scrutiny committees should be powerful committees which meet in public to discuss and make recommendations on the development of policies and hold the executive to account for its actions. They also have a key role in considering other matters of local concern. The only other specific function which they may be empowered to undertake is the conduct of best value reviews.
- 6.02 The rules for how overview and scrutiny committees operate are set out in the overview and scrutiny procedure rules which are contained in Part 4 of the constitution.

CO-ORDINATING OVERVIEW AND SCRUTINY

- 6.03 The Council acknowledges the need to co-ordinate overview and scrutiny arrangements within the Council's decision-making structure. The co-ordination of overview and scrutiny shall be the responsibility of the ~~Scrutiny (Policy and Performance) Committee~~ Scrutiny Committee whose role will include:
- (a) To co-ordinate call-in arrangements;
 - (b) To identify the need for resources to support scrutiny arrangements;
 - ~~(c) To facilitate the allocation of issues for scrutiny to the relevant Scrutiny Committee(s);~~
 - ~~(d)~~ (e) To oversee the work programmes of the Scrutiny Committees;
 - ~~(e)~~ (d) To ensure that scrutiny arrangements support the Council's decision-making processes.

6.04 Terms of reference

The Council will appoint ~~the an~~ an Overview and Scrutiny Committees ~~set out in the left hand column of the table below~~ to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out ~~below in the right hand column of the same table.~~

Scrutiny – Areas of remit	
<u>1. Budget and Major Policy</u> <u>2. Call-in</u> <u>3. Performance Monitoring and Improvement</u> <u>4. Public Health</u> <u>5. Major Projects</u> <u>6. Crime and Disorder</u>	
Scrutiny (Policy and Performance) Committee	1. Budget and Major Policy 2. Call-in 3. Performance Monitoring and Improvement 4. Scrutiny Co-ordination (including the allocation of all overview and scrutiny functions not within the specific remit of the Scrutiny (Community and Regeneration) Committee)
Scrutiny (Community and Regeneration) Committee	1. Community Reviews and Accountability 2. Public Health 3. Major Projects 4. Crime and Disorder

6.05 General role

Within their terms of reference, ~~the~~ ~~o~~Overview and ~~s~~Scrutiny ~~e~~Committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the full Council and/or the executive in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) reconsider decisions made but not yet implemented by the executive (following the exercise of the right of call-in).

6.06 Specific functions

(a) **Policy development and review.** ~~The~~ Overview and ~~s~~Scrutiny ~~C~~committees may:

- (i) assist the Council and the executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- (ii) conduct research and undertake community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area; and

- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** The Overview and ~~s~~Scrutiny ~~e~~Committees may:
- (i) review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) question members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - (iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
 - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
 - (vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** The Overview and ~~S~~scrutiny ~~C~~ommittees may exercise overall responsibility for the finances made available to ~~them~~it.
- (d) **Annual report.** The Overview and ~~s~~Scrutiny ~~e~~Committees must report annually to full Council on ~~their-its~~ workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** The Overview and ~~s~~Scrutiny ~~e~~Committees may exercise overall responsibility for the work programme of the officers employed to support ~~their-its~~ work.

6.07 Proceedings of overview and scrutiny committees

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

*References: Section 21 and Schedule 1 (Paragraphs 7, 8, 10 and 11), Local Government Act 2000
Chapters 3 and 9, DETR Guidance*

PART 3 RESPONSIBILITY FOR FUNCTIONS

SECTION 2: RESPONSIBILITY FOR COUNCIL FUNCTIONS

Decision Making Body: **Overview and Scrutiny Committees**

A. Committee: Overview and Scrutiny Committee ~~(Policy and Performance)~~

Membership: ~~40~~ [number to be agreed by full Council] Members of the Authority.

Functions: 1. To discharge the functions conferred by section 21 of the Local Government Act 2000.

2. Budget and Major Policy

3. Call-in

4. Performance Monitoring and Improvement

5. Public Health

6. Major Projects

7. Crime and Disorder

~~1. Budget and Major Policy~~

~~2. Call-in~~

~~3. Performance Monitoring and Improvement~~

~~4. Scrutiny Co-ordination (including the allocation of all overview and scrutiny functions not within the specific remit of the Scrutiny (Community and Regeneration) Committee)~~

~~**B. Committee: Scrutiny Committee (Community and Regeneration)**~~

~~**Membership:** 10 Members of the Authority.~~

~~**Functions:**~~

~~1. Community Reviews and Accountability~~

~~2. Public Health~~

~~3. Major Projects~~

~~4. Crime and Disorder~~

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for overview and scrutiny committees?

The Council will appoint 2-1 standing scrutiny committees with terms of reference as set out in Article 6 and will appoint to ~~them~~ it as it considers appropriate from time to time. Such committees may appoint sub-committees.

Overview and scrutiny committees or sub-committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

The arrangements for the co-ordination of overview and scrutiny will be undertaken through the Overview and Scrutiny (Policy and Performance)-Committee.

For the purposes of Section 19 of the Police and Justice Act 2006, the Overview and Scrutiny (Community and Regeneration)-Committee shall be designated as the Crime and Disorder Committee.

2. Who may sit on overview and scrutiny committees?

All councillors except (a) members of the Executive and (b) the Chairman and Vice-Chairman of the Council may be members of an overview and scrutiny committee or serve as substitutes on an overview and scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

(a) ~~Each~~ The overview and scrutiny committee or sub-committee (or working group) shall be entitled to

- (i) appoint up to 4 people who are not members of the Council as non-voting co-optees;
- (ii) appoint up to 4 additional members of the Council (who shall be eligible to serve as voting co-optees) from among those members who are eligible to assist with their work where those additional members are considered to have particular skills, knowledge or experience relevant to the matter assigned to the committee, sub-committee (or working group).

(b) In relation to crime and disorder matters, the ~~designated~~ overview and scrutiny committee shall not be entitled to co-opt:

- (i) Any individual who was wholly or partly responsible (or otherwise directly involved) in the decision or action for which the Committee is exercising its powers;
- (ii) Any member of the Council's Executive; or

- (iii) Anyone who is NOT an officer of a responsible authority or co-operating person/body.

References: Police and Justice Act 2006

Local Government and Public Involvement in Health Act 2007

- (c) The political balance rules shall be maintained if additional voting members are appointed.
- (d) The terms of appointment of each co-optee shall specify whether he/she is appointed for a single issue, single meeting or on a permanent or semi-permanent basis.
- (e) For the avoidance of doubt, the number of external co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4; and the number of additional member co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4.
- (f) In the event that the overview and scrutiny committee designated as the crime and disorder committee decides to co-opt someone from a responsible authority or co-operating person/body, they must be consulted as to the most suitable person before co-opting any additional member. The definition of a 'responsible authority' is those bodies which are responsible for crime and disorder strategies.
- (g) For the avoidance of doubt, the number of external co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4; and the number of additional member co-optees serving on an overview and scrutiny committee or sub-committee (or working group) at any time shall not exceed 4. The total number of co-optees shall not exceed the total number of permanent members on the committee or sub-committee (or working group).
- (h) A co-optee's membership may be withdrawn at any time by the appointing committee.

4. **Meetings of the overview and scrutiny committee**

There shall be 11 ordinary meetings in total of the overview and scrutiny committees in each year and no fewer than two meetings of the overview and scrutiny committee designated as the crime and disorder committee in each twelve months. In addition, extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee meeting may be called by the chairman of the relevant overview and scrutiny committee, by any 3 members of the committee or by the proper officer if he/she considers it necessary or appropriate.

5. **Quorum**

The quorum for an overview and scrutiny committee shall be as set out in Rule 8 of the Council Procedure Rules in Part 4 of this Constitution. The quorum for a sub-committee shall be one half of the membership provided that a quorum shall never be less than two.

6. Who chairs overview and scrutiny committee meetings?

Subject to the Council Rules of Procedure, the overview and scrutiny committees/sub-committees will be chaired by a councillor who is not a member of the largest political group on the Council, unless there is no such person serving on the committee/sub-committee. In such cases, the committee/sub-committee may appoint such person to chair it from amongst the councillors sitting on it.

7. Work programme

The overview and scrutiny committees/sub-committees shall (subject to any Guidance/Protocol for setting Work Programmes issued by the Council from time to time) be responsible for setting their own work programmes and reporting to the Council thereon and in doing so they shall take into account the wishes of members on that committee who are not members of the largest political group on the Council.

In respect of each topic review contained in the Work Programme of ~~each the~~ overview and ~~Scrutiny~~ Committee, regular briefing meetings shall be held between the relevant Portfolio Holder(s), the Chairman and Controlling Group Spokesperson of the Scrutiny Committee (or sub-committee if appropriate) and the advisory officer for the review.

8. Major Reviews

All major reviews will be supported by a project plan developed in consultation with the appropriate agenda officer or an officer designated by them and a realistic assessment should be made at the outset of the resources required to support the review and the availability of them.

9. Minor Review

All minor reviews will be assessed on a case by case basis to determine whether a project brief will be required. The relevant scrutiny committee in conjunction with Democratic ~~Support~~ Services will co-ordinate all aspects of any minor review undertaken and be empowered to prioritise workload and use of resources.

10. Agenda Setting

- (1) (a) The Chairman, with the assistance of Officer Support, shall be responsible for setting the Agenda.
- (b) For each item of scrutiny contained in the Agenda, a Chairman's Meeting may be held to identify a list of Key Questions or Key Areas for scrutiny; these shall be set out in the Agenda. (See Appendix for the circumstances in which a key questions meeting shall be held.)
- (c) At meetings with Officer Support e.g. to settle the Agenda or the Key Questions/Key Areas, the Chairman shall invite the Controlling Group Spokesperson; the Chairman may also invite other members of the Committee to attend a Key Questions Meeting.
- (d) The Chairman may hold a Scrutiny Committee pre-meeting (at which all Members of the Scrutiny Committee are invited) in order to verify

that all matters of concern have been covered by the Key Questions/Key Areas.

- (2) The Chairman and Controlling Group Spokesperson for each committee, in consultation with the relevant Head of Service, shall develop a programme of meetings (or other arrangements) to deal with agenda setting, pre-committee briefings and work programme monitoring.

11. Agenda items

Subject to the Protocol set out below:

- (a) Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. If, following the observance of the Protocol, the member wishes the item to be included on the agenda; the proper officer will ensure that it is included on the next available agenda.
- (b) Any member of the Council who is not a member of the overview and scrutiny committee may give written notice to the proper officer that they wish an item relating to his or her ward and which is relevant to the functions of the committee to be included on the agenda of an overview and scrutiny committee. If, following the observance of the Councillor Call for Action Protocol, the members wish the item to be included on the agenda, the Proper Officer shall make arrangements for the matter to be included on the agenda at the next available meeting of the overview and scrutiny committee/sub-committee.

Protocol on Submission of Agenda Items for Scrutiny

- (1) Member wishes to bring item/issue to Scrutiny.
- (2) Detailed correspondence (e-mail/letter) sent to Democratic ~~Support Services~~ Officer to include the following:
- Background/History of issue
 - Explanation of issue
 - Reason for being brought to Scrutiny
 - Desired outcome from scrutinising the issue
 - Officer contact (if known)
- (3) Democratic ~~Support Services~~ Officer to pass information to relevant Officer(s) and request contact with Member.
- (4) Discussion between Member and Officer to determine whether it is the right time for the item to come to Scrutiny (reports may be pending, issue held up due to involvement with outside bodies etc) and what benefits could be achieved by subjecting the item to scrutiny.
- (5) Democratic ~~Support Services~~ Officer to be kept informed of discussions and pass information to the Chairman of the Committee.

- (6) Member to make informed decision whether they wish item to be placed on agenda, taking into account discussions with relevant Officer(s).

The overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committee shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of the overview and scrutiny committee within one month of receiving it.

12. Policy review and development

- (a) The role of the overview and scrutiny committees 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.
- (b) In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, overview and scrutiny committee or sub-committees may make proposals to the executive for developments insofar as they relate to matters within their terms of reference.
- (c) The Overview and scrutiny committees may 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. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

13. Reports from overview and scrutiny committees

- (a) Once it has formed recommendations on proposals for development, the overview and scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the executive (if the proposals are consistent with the existing Budgetary and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- (b) If an overview and scrutiny committee cannot agree on one single final report to the Council or executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or executive with the majority report subject to the following conditions:
- (i) minority reports must be determined at the Overview and Scrutiny Committee;
 - (ii) minority reports must be supported by a minimum of two members (a proposer and a seconder) and recorded in the minutes of the meeting.
- (c) The Council or executive shall consider the report of the overview and scrutiny committee within one month of it being submitted to the proper officer.

14. **Making sure that overview and scrutiny reports are considered by the executive**

- (a) Once an overview and scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the proper officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The executive will have 4 weeks in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an overview and scrutiny committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the executive to the overview and scrutiny proposals.
- (b) The agenda for executive meetings shall include an item entitled 'Issues arising from overview and scrutiny'. The reports of overview and scrutiny committees referred to the executive shall be included at this point in the agenda (unless they have been considered in the context of the executive's deliberations on a substantive item on the agenda) within 4 weeks of the overview and scrutiny committee completing its report/recommendations.
- (c) In considering a report from Overview and Scrutiny, the Cabinet must either accept, reject or amend the recommendations and where it rejects a recommendation it must give reasons for it.
- (d) Where an overview and scrutiny committee or sub-committee prepares a report for consideration by the executive in relation to a matter where an individual member has delegated decision making power, then the overview and scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the overview and scrutiny committee shall serve a copy on the proper officer and the Leader. If the member with delegated decision making power does not accept the recommendations of the overview and scrutiny committee then he/she must then refer the matter to the next available meeting of the executive for debate before exercising his/her decision making power and responding to the report in writing to the overview and scrutiny committee. The executive member to whom the decision making power has been delegated will respond to the overview and scrutiny committee within 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and he/she will attend a future meeting to respond.
- (e) Overview and scrutiny committees will in any event have access to the executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an overview and scrutiny committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.

15. Rights of overview and scrutiny committee members to documents

- (a) In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the executive and overview and scrutiny committee as appropriate depending on the particular matter under consideration.
- (c) The overview and scrutiny committee designated as the crime and disorder committee has rights of access to information relevant to the exercise of its functions from responsible authorities or the co-operating persons/bodies in accordance with the provisions of the agreed Councillor Call for Action protocol.

16. Members and officers giving account

- (a) Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the head of paid service and/or any chief officer or senior manager to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performanceand it is the duty of those persons to attend if so required.
- (b) Where any member or officer is required to attend an overview and scrutiny committee or sub-committee under this provision, the chair of that committee or sub-committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving reasonable notice (having regard to the protocol set out in Rule 18) of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee or sub-committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee or sub-committee shall in consultation with the member or officer arrange an alternative date for attendance.
- (d) Regard shall be had to Paragraph 50 of the Protocol on Member/Officer Relations and to the Protocol set out in Rule 18 below).

- (e) An overview and scrutiny committee may require the attendance of any member to answer questions in regard to the exercise of powers granted under Section 236 of the Local Government and Public Involvement in Health Act 2007.”

17. Attendance by others

An overview and scrutiny committee or sub-committee may invite people other than those people referred to in paragraph 16 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Regard shall be had to the Protocol set out in Rule 18 below.

The overview and scrutiny committee designated as the crime and disorder committee may require the attendance before it of an officer or employee of a responsible authority or co-operating person or body, in order to answer questions or otherwise provide information in accordance with the provisions of the agreed Councillor Call for Action protocol.

18. Call-in

- (a) When a decision is made by the Leader of the Council, executive, an individual member of the executive or a committee of the executive, or a Councillor with delegated Executive authority, or a key decision is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. The Chairs of all the overview and scrutiny committees (and all other 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.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 12.00 noon, on the fourth working day after the publication of the decision, unless it is called-in.
- (c) By 10.00 am on the fourth working day after publication of the decision, the proper officer shall call-in a decision for scrutiny by the Overview and Scrutiny (Policy and Performance) Committee if so requested in writing by the chairman or controlling group spokesperson of the Overview and Scrutiny (Policy and Performance) Committee or, in their absence, the Vice-Chairman and Deputy Controlling Group Spokesperson, or by any three non-executive members of the Council, and shall then notify the decision-taker of the call-in. A meeting of the Overview and Scrutiny (Policy and Performance) Committee shall then be held within 15 working days of the decision to call-in. Reasons for calling-in an executive decision should be given and recorded in the agenda.
- (d) If, having considered the decision, the Overview and Scrutiny (Policy and Performance) Committee ~~(or the Scrutiny (Community and Regeneration) Committee to which the matter may have been referred by the Scrutiny (Policy and Performance) Committee)~~ is still concerned about it, then it may

refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.

- (e) If following an objection to the decision, the Overview and Scrutiny (Policy and Performance) Committee ~~(or the Scrutiny (Community and Regeneration) Committee to which the matter may have been referred by the Scrutiny (Policy and Performance) Committee)~~ does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of that further 10 working day period, whichever is the earlier.
- (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making body, together with Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the executive as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (h) Where an executive decision has been taken by an area committee, then the right of call-in shall extend to any 5 members of another area committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those 5 members may request the proper officer to call-in the decision. He/she shall call a meeting of the Overview and Scrutiny (Policy and Performance) Committee on such a date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within 10 working days of the decision to call-in. All other provisions relating to call-in set out above shall apply.

GUIDELINES

- (j) Call-in should only normally be exercised in exceptional circumstances; for example where the relevant chairman or controlling group spokesperson or non-executive members are satisfied that the executive decision maker failed to make the decision in accordance with the principles set out in Article 13 (Decision Making).

- (k) To avoid the possibility of many emergency Council meetings, overview and scrutiny committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to or not wholly in accordance with the Budget or Policy Framework.

CALL-IN AND URGENCY

- (l) The call-in procedure set out above shall not apply where the decision being taken by the executive 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. 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 Council 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 vice-chair's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (m) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

19. The party whip

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

20. Procedure Framework

- (a) Overview and scrutiny committees and sub-committees shall consider the following business:
- (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
 - (iv) responses of the executive to reports of the overview and scrutiny committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the overview and scrutiny committee conducts investigations (eg with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following guidelines:

(i) Stages: There is a recommended four stage process for scrutiny investigations:

- Definition of the scope and methodology
- A research paper providing background information
- Documentation showing the extent of the investigation
- A final analysis

(ii) Determination of the date/time on which oral evidence is to be provided and the length of notice to be given to parties.

For those representing outside bodies a minimum of ten working days notice shall be given and for internal reviews involving Members and Officers a minimum of two clear working days notice shall be given. For topic reviews every effort will be made to determine a time/date which is convenient for the majority of persons/parties due to attend.

(iii) Expectations regarding the investigation and the level of courtesy and respect to be shown to witnesses.

- (a) The investigation shall be conducted so as to maximise the efficiency of the investigation or analysis;
- (b) The investigation shall be conducted fairly and in a focused and respectful manner and all members of the committee shall be given the opportunity to ask questions of attendees, and to contribute and speak; and
- (c) Those assisting the committee by giving evidence shall be treated with respect and courtesy.

(iv) Provision for written evidence to be submitted.

Written evidence in support, or in place of, oral evidence by witnesses, will only be included within the Committee's (or sub-committee's) report where the witnesses consent has been obtained.

(v) Requirement to give appropriate notice to witnesses regarding the questions they are to be asked and the issues they are expected to respond to before the Committee.

For all reviews a minimum of two clear working days notice shall be given.

(vi) Procedures for the validation of evidence by witnesses prior to its inclusion within the Committee's final report.

The witness should give prior consent for inclusion of any information attributed to him/her.

(vii) Final Report: Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public; including the circulation of the final report to all parties that participated in the review.

(c) Officer Support

(i) Scrutiny Committees will receive Officer Support as follows:

- Democratic ~~Support Services~~ Officer.
- second tier officers designated by the Corporate Management Team according to a particular major subject called for Scrutiny.

(ii) Support services shall include:

- assistance with the compilation of and circulation of agendas.
- organisation of meetings – including procurement as necessary of
 - (i) members/officers/third parties invited to attend;
 - (ii) documents or other information required for the meeting.
- research/reports.
- advising on protocols/procedure.
- taking minutes/acting thereon.

(iii) It is agreed that:

- Officer Support must remain neutral and owe a duty at all times to the whole Council.
- Officer Support will assist scrutiny as necessary in the delivery of its role to the Council.
- Council resources will not be used for any party political purposes.

(d) The Chairman

(i) The Chairman of ~~the Overview and~~ Scrutiny Committee (or sub-committee) shall at all times use his/her own discretion and act in the interests of the Council and not of his/her political group.

- (ii) The Chairman shall take a lead role in facilitating and co-ordinating scrutiny and in drawing up an annual programme of subjects for scrutiny.

(e) Training and Development

All Members of the Council shall be provided with relevant training and development in the scrutiny function.

~~21. Matters within the remit of more than one overview and scrutiny committee~~

~~Where the matter for consideration by an overview and scrutiny committee [sub-committee] also falls within the remit of the other overview and scrutiny [sub] committee, the decision as to which overview and scrutiny [sub] committee will consider it will be resolved by the Scrutiny (Policy and Performance) Committee.~~

~~In the case of cross cutting themes falling within the remit of more than one overview and scrutiny committee, it may be agreed that the matter shall be the subject of report from more than one overview and scrutiny committee, or a report shall be made by one overview and scrutiny committee but only after consultation with another overview and scrutiny committee.~~

~~22. Public Petitions~~

~~(a) All petitions which members of the public wish to present to the Council shall be submitted to the Scrutiny (Policy and Performance) Committee in accordance with the following rules:-~~

~~(i) Any petition must be presented by a member of the public in person to the Scrutiny (Policy and Performance) Committee.~~

~~(ii) The petition must bear the signatures of at least 20 citizens of the District. A single list of names of 20 or more citizens or letters submitted on similar headed paper by 20 or more citizens addressing a common theme shall constitute a petition. In addition to a signature, the petitioners must also state their name, address and the date on which they signed the petition.~~

~~(iii) One of the persons who have validly signed the petition must be designated as the 'petition organiser'. The petition organiser is the designated person with whom the Council will deal in relation to the petition.~~

~~(iv) Should a petition be received from 20 or more citizens it shall be reported to the Scrutiny (Policy and Performance) Committee for information).~~

~~(v) The petition must be addressed to Dover District Council and relate:~~

- ~~• to a matter(s) in respect of which the Council exercises functions; and~~

~~• to a matter(s) which affects the inhabitants of the whole or a part of the District~~

~~and request the authority to either take, or cease to take, an action as described in the petition.~~

~~Petitions relating to highways are a function of KCC and outside the scope of the scheme. Petitions relating to planning and licensing will be submitted and considered through existing decision making procedures and are also outside the scope of the scheme.~~

~~(vi) The petition must not:~~

~~• relate to court or legal proceedings.~~

~~• disclose confidential or exempt information.~~

~~• be defamatory, frivolous or offensive.~~

~~• be about the same subject as an active petition or have substantially similar effect to a petition that has been made to the Council within the period of six months ending with the date on which the petition was considered by the Scrutiny (Policy and Performance) Committee.~~

~~(vii) A person wishing to present a petition to the Scrutiny (Policy and Performance) Committee must submit it in writing to the Head of Democratic Services explaining details of the petition.~~

~~(viii) The petition organiser will receive a written acknowledgement of a valid petition (referred to as an 'active petition' once accepted) within 20 clear days of its receipt. The acknowledgement will provide such information as the Council considers appropriate in respect of what the authority has done or proposes to do in response to the petition.~~

~~(ix) If a petition is deemed inadmissible, the petition organiser will be informed of the reasons for that decision.~~

~~(x) The petition organiser will be allowed to speak for 10 minutes at the Scrutiny (Policy and Performance) Committee in support of an active petition.~~

~~(b) After presentation of an active petition, the Scrutiny (Policy and Performance) Committee may select one or more of the following options:~~

~~• Consider the petition and agree to take no further action.~~

~~• Consider the petition and forward it to another Committee of the Council or person within the Council for consideration.~~

~~• Consider the petition and forward it to another body or organisation outside the Council for consideration and response.~~

- ~~• Invite the petition organisers to provide additional information to assist it in reaching a decision on the action to be taken in relation to the petition.~~
 - ~~• Request a report or research in relation to the petition.~~
 - ~~• Take any other action that it considers appropriate.~~
- ~~(c) The Scrutiny (Policy and Performance) Committee shall after considering an active petition at a scheduled meeting notify the petition organiser in writing of the steps the authority has taken or proposes to take in response to the petition and of the authority's reasons for doing so.~~

231. Health Scrutiny

Scrutiny of health issues shall be conducted in accordance with a protocol developed by Kent County Council and Borough/District Councils through the County.

242. Councillor Call for Action

The Councillor Call for Action function shall be conducted in accordance with the agreed protocol (Appendix 2).

253. Public Speaking

The Council has adopted a protocol for public speaking at meetings of the Overview and Scrutiny Committee. ~~(Policy and Performance) Committee and Scrutiny (Community and Regeneration) Committee.~~ This is set out in full in Appendix 3 of these procedure rules.