

2. OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES

Overview and Scrutiny Committee Proceedings

Who May Sit on an Overview Scrutiny Committee?

- 2.1 An Overview and Scrutiny Committee will comprise no more than nine members. The composition of the Overview and Scrutiny Committees will be politically proportionate.
- 2.2 All councillors except the Mayor, Cabinet members and Deputy Cabinet members (for the areas they provided support to the cabinet) may be members of an Overview and Scrutiny Committee. Substitutes on Overview and Scrutiny Committees are permitted. However, no councillor may be involved in scrutinising a decision in which they have been personally involved or made by close friends or relatives.
- 2.3 All members must maintain an awareness of potential conflicts of interest to ensure such conflicts are managed and familial links between Cabinet and Scrutiny responsibilities including where members stand down from the Cabinet and move to a Scrutiny role and vice-versa are considered. No Scrutiny Overview and Scrutiny Committee member may be a member of or appointed to a Cabinet working group falling within the scope of the Overview and Scrutiny Committee to which they have been appointed.

Co-optees

- 2.4 Any Overview and Scrutiny Committee may co-opt any person who is not a councillor to be a member of the Overview and Scrutiny Committee either as standing member of the Overview and Scrutiny Committee or on a time limited basis. A co-opted member cannot vote but is able to contribute to the debate and provide their insights. The Committee should seek advice from the Scrutiny Officer before appointing any co-opted members.

Who Chairs the Scrutiny Committee Meetings?

- 2.5 At each Annual General meeting of Council the Overview and Scrutiny Committee Chairs and Vice Chairs shall be appointed, all of whom shall hold office for a year or until their successors are elected or appointed.
- 2.6 If both Chair and Vice-Chair are absent from a meeting, a Chair for the meeting will need to be sought. The person presiding at the meeting may exercise any power or duty of the Chair.
- 2.7 No person shall hold the office of Chairman or Vice-Chair unless they are a member of the Overview and Scrutiny Committee in question and are also a councillor of the Council.

Scrutiny Committee Meetings

- 2.8 An Overview and Scrutiny Committee should normally meet at least four times each year although additional meetings may be called as and when required.
- 2.9 A meeting may be called by the Chair of the relevant Overview and Scrutiny Committee or by any three members of the Overview and Scrutiny Committee or by the Scrutiny Officer if they consider it necessary.
- 2.10 Wherever possible an Overview and Scrutiny Committee meeting will be webcast.
- 2.11 The Overview and Scrutiny Committee will consider the following business:
- (a) Minutes of the last meeting;
 - (b) Declarations of interest;
 - (c) The consideration of any matter referred to the Committee for a decision relating to the Call-in of a decision;
 - (d) Responses of the Cabinet to any reports of the Committee;
 - (e) Any item proposed the Scrutiny Committee Arrangements set out above under Section 1 as a 'Councillor Call for Action';
 - (f) The business otherwise set out in the agenda for the meeting.
- 2.12 In the event of disagreement as to the inclusion of the agenda item, the Committee shall decide on the inclusion at its next available meeting.

Scrutiny Committee Meeting Procedure

- 2.13 Where the Overview and Scrutiny Committee is considering the review or development of a policy in accordance with the Overview and Scrutiny Committee Arrangements set out under Section 1 above it may request the attendance at the meeting of;
- (a) Any councillor;
 - (b) Any other elected or co-opted member;
 - (c) The Head of Paid Service (Chief Executive), any Chief Officer and / Executive Director to explain any matters within their remit;
 - (d) With their consent, those others it considers appropriate including but not limited to residents, relevant stakeholders and the members or officers of other public bodies.
- 2.14 In such a case the meeting will be conducted in accordance with the following principles:
- (a) That the matter is conducted fairly with all Overview and Scrutiny Committee members afforded the opportunity to ask questions and all attendees afforded the opportunity to speak and contribute;

- (b) That those assisting the Overview and Scrutiny Committee by giving evidence be treated with respect and courtesy;
 - (c) That the matter be conducted in such a manner as to maximise the efficiency of the investigation or review.
- 2.15 Where a councillor or officer is required to attend a meeting of an Overview and Scrutiny Committee under this provision, the Chair of that Overview and Scrutiny Committee will inform the Scrutiny Officer.
- 2.16 The Scrutiny Officer will notify the person whose attendance is sought in writing giving not less than ten clear working days' notice of the meeting in question.
- 2.17 The Scrutiny Officer's notice will inform the councillor or officer of the nature of the agenda item on which they are required to attend and give an account and whether any papers are required to be produced for the Overview and Scrutiny Committee. Where the Overview and Scrutiny Committee will require a report, sufficient notice will be given for the preparation of the report.
- 2.18 Where, in exceptional circumstances, the councillor or officer is unable to attend the meeting on the required date, then in consultation with the councillor or officer the Overview and Scrutiny Committee will arrange an alternative date for their attendance, or where the councillor or officer is unable to attend, they may nominate another person who is able to speak on the topic in question.

Rights of Overview and Scrutiny Committee Members to Documents

- 2.19 In general, a member of an Overview and Scrutiny Committee will have access to information in accordance with the Access to information Procedure Rules set out under Part 1 of this Constitution.
- 2.20 Additionally, for the purpose of fulfilling the scrutiny function, a member of an Overview and Scrutiny Committee is entitled to a copy of any document which:
- (a) Is in the possession or under the control of the Cabinet; and
 - (b) Contains material relating to:
 - (i) Any business that has been transacted at a meeting of a decision making body of the Council;
 - (ii) Any decision that has been made by an individual member of Cabinet in accordance with the Executive Arrangements set out under Part 4 of this Constitution; or
 - (iii) Any decision that has been made by an officer in accordance with the Executive Arrangements.
- 2.21 Where a member of an Overview and Scrutiny Committee requests a document which falls within Rule 2.20 the Cabinet must provide that document as soon as reasonably practicable and in any case no later than ten clear working days after the Cabinet receives the request.

- 2.22 No member of an Overview and Scrutiny Committee is entitled to a copy:
- (a) Of any such document or part of a document detailed under Rule 2.20 which contains exempt or confidential information unless that information is relevant to:
 - (i) An action or decision that that member is reviewing or scrutinising; or
 - (ii) Any review contained in any programme of work of such a committee or sub-committee of such a committee; or
 - (b) Of a document or part of a document detailed under Rule 2.20 containing advice provided by a political adviser or assistant.
- 2.23 Where the Leader determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document detailed under Rule 2.20, for a reason set out in Rule 2.22, the Leader must provide the Overview and Scrutiny Committee with a written statement setting out their reasons for that decision as required in Regulation 17 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. For the avoidance of doubt (document) means any report or background papers, other than that only in a draft form, taken into consideration in relation to an executive decision.
- 2.24 Members of an Overview and Scrutiny Committee may within the limits of its budget (if any), commission research or advice (including from external organisations) to assist in any deliberations and may request that a budget for such work is provided.
- 2.25 Overview and Scrutiny Committees will also have access to background information from a range of sources including but not limited to:
- (a) Council plans, strategies and policies;
 - (b) The Forward Plan of work for the Cabinet;
 - (c) All documents listed on the Council's Policy Register;
 - (d) Business Unit plans;
 - (e) External Audit Management Letters;
 - (f) Internal and External Audit Plans and Reports;
 - (g) Legislation and Government guidance;
 - (h) Government Reports and National Studies;
 - (i) National performance and comparative information e.g. CIPFA statistics;
 - (j) Complaints;
 - (k) Community plans and processes;
 - (l) Cabinet or Cabinet Member papers;

- (m) Representations from the Community (Individuals, Community Groups, councillors, Community Boards, Residents, Surveys, etc.);
- (n) Research published by other organisations or commissioned by any of the Overview and Scrutiny Committees;
- (o) Evidence from expert witnesses at the Overview and Scrutiny Committees' request;
- (p) Copies of minutes and papers received by any internal Council advisory board or group.

Right of Speakers

- 2.26 Any person required to attend and give evidence at an Overview and Scrutiny Committee meeting is entitled to see the public and background papers made available to the Overview and Scrutiny Committee and any other relevant papers or information which are not public at the same time if the Monitoring Officer decides it is appropriate. Such papers or information may include but are not limited to:
- (a) External Audit Management Letters;
 - (b) Internal and External Audit Plans and Reports;
 - (c) National performance and comparative information (i.e. CIPFA statistics);
 - (d) Research published by other organisations or commissioned by other Committees of the Council.
- 2.27 Wherever possible anyone asked to speak at the meeting will be given access to the statements of those who have already spoken to the Overview and Scrutiny Committee, but not those who have yet to do so.
- 2.28 Those in receipt of the papers will respect confidentiality of all confidential and / or exempt information included in them.
- 2.29 Except insofar as the papers include confidential and / or exempt information and as considered appropriate where the public and press have been excluded, those papers submitted to the Overview and Scrutiny Committee by anyone speaking at a meeting of the Overview and Scrutiny Committee will become public documents once the speaker has concluded their evidence.
- 2.30 Those speaking at a meeting are entitled to request for their comment a copy of any draft minutes or other record taken of their contribution to the meeting. If the speaker considers that the draft minutes or record of their contribution is not accurate, they are able to make a written request asking that a correction be submitted at the next meeting of the Overview and Scrutiny Committee.

Rights of Councillors to Attend an Overview and Scrutiny Committee Meeting and Speak

2.31 Any councillor who is not a member of an Overview and Scrutiny Committee may attend a meeting of that Committee and speak if permitted to do so by the Chair.

Questions

Questions on Notice

2.32 Subject to Rules 2.33 and 2.34, a councillor may ask the Chair of an Overview and Scrutiny Committee a question on any matter relevant to their terms of reference and responsibilities.

Notice of Questions

2.33 A councillor may ask a question under Rule 2.32 if either:

- (a) They have given notice of the question in writing or by electronic mail no later than midday five clear working days before the day of the meeting to the Monitoring Officer; or
- (b) The question relates to urgent matters, they have the consent of the Chair or councillor to whom the question is to be put and the content of the question is received by the Monitoring Officer in writing or by electronic mail by 9.00 a.m. on the day of the meeting.

Content of Questions

2.34 Questions under Rules 2.32 (insofar as is relevant) must be no longer than one hundred and fifty words and in the opinion of the Chair:

- (a) Not be unreasonable;
- (b) Contain no expressions of opinion;
- (c) Relate to matters on which the Council has or may determine a policy;
- (d) Not relate to questions of fact;
- (e) Not require the disclosure of confidential or exempt information;
- (f) Not relate to a matter which is purely of personal concern to an individual or family members;
- (g) Not be substantially the same or similar to a question which has been put at a meeting of the Council or Committee in the past six months.

2.35 Rejected questions will be returned to the questioner with the reasons for rejection.

Time Allowed for Councillor Questions at Overview and Scrutiny Committees

2.36 The total time allowed for consideration of such questions submitted under Rule 2.32 shall be fifteen minutes.

Record of Questions

- 2.37 The Monitoring Officer will send a copy of any question received to the Chair of the Overview and Scrutiny Committee to whom it is to be put. Copies of all questions will be available to all councillors and the public attending the meeting. After the meeting, copies of the questions asked at the meeting and the responses will also be available on the Council's website with the minutes for the relevant meeting.

Number of Questions

- 2.38 At any one meeting no councillor may submit more than one question and no more than one question may be asked on behalf of one organisation.

Order of Questions

- 2.39 Questions from councillors received in accordance with Rule 2.32 will be asked in the order determined by the Chair.

Response

- 2.40 An answer to a question submitted under Rule 2.32 shall be no more than two hundred and fifty words and may take the form of:
- (a) A direct verbal answer;
 - (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) Where the reply cannot conveniently be given verbally, a written response will be provided no later than five clear working days after the meeting.

Referral of Question

- 2.41 Unless the Chair decides otherwise, no discussion will take place on any question, but any member of the Overview and Scrutiny Committee may move that a matter raised by a question be referred to Council, Cabinet or the appropriate Committee or sub-Committee as necessary. once seconded, such a motion will be voted on without discussion.

Rights of the Public to Attend an Overview and Scrutiny Committee Meeting and ask Questions

- 2.42 The public may ask questions at Overview and Scrutiny Committee meetings on items set out in the agenda for that meeting.

Time Allowed for Questions

- 2.43 The total time allowed for asking questions under Rule 2.42 shall not, without the consent of the Chair, exceed ten minutes with each question limited to three minutes per question.

Notice of Public Questions

- 2.44 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than 5pm four clear working days before the day of the meeting. Each question must give the name and address of the questioner.

Number of Public Questions

- 2.45 At any one meeting no member of the public may submit more than one question and no more than one question may be asked on behalf of one organisation.

Scope of Public Questions

- 2.46 The Monitoring Officer may reject a public question if in their view it:
- (a) Is not about a matter for which the Council has a direct responsibility or which affects the Council's area;
 - (b) Is defamatory, frivolous or offensive;
 - (c) Is vexatious or abusive;
 - (d) Is substantially the same or similar to a question which has been put at a meeting of the Council or Committee in the past six months;
 - (e) Requires the disclosure of confidential or exempt information;
 - (f) Is lengthy, or is not a question;
 - (g) Relates to a matter which is of purely personal concern to an individual or family members;
 - (h) Relates to court action or threatened court action between the Council and the questioner or group with which they are connected;
 - (i) Is a request for compensation;
 - (j) Contains a statement which is untrue;
 - (k) Is an unintelligible question;
 - (l) Relates to a matter on which the Council has, or may, determine a policy.
- 2.47 If not rejected by the Monitoring Officer the Overview and Scrutiny Committee Chair will decide how a public question will be dealt with.

Duration of Meeting (Overview and Scrutiny Committees Only)

- 2.48 After three hours from the commencement of the meeting, including any period that the meeting may have been adjourned, an Overview and Scrutiny Committee may pass a resolution to continue the meeting for up to thirty minutes.
- 2.49 At the end of this thirty-minute period, or if such a resolution is not passed, the Chair of an Overview and Scrutiny Committee shall dispose of the remaining business by

conducting a vote on any item(s) immediately without further debate or by deferring consideration to a future meeting.