

# OVERVIEW AND SCRUTINY PROCEDURE RULES

## 1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEE?

The Council will have one Overview and Scrutiny Committee as set out in Article 6. The Committee can appoint Task and Finish Groups.

The Council will appoint an Overview and Scrutiny Committee to:

- (i) Co-ordinate, champion and lead on the scrutiny of Council and Executive decisions.
- (ii) Have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000 (as amended).
- (iii) Determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Sub-Committee or Task and Finish Group.
- (iv) Review the operation of the scrutiny process and work programmes of the Overview and Scrutiny Sub Committees and Task and Finish Groups and inform and advise Council in relation to priorities and the allocation of resources.
- (v) Oversee and review the resources, support, training and development of Overview and Scrutiny Members.
- (vi) Develop a positive “critical friend” approach to the role of scrutiny of the Council and Community issues.
- (vii) Provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit.
- (viii) Give consideration to the management of matters called in for review under paragraph 14 of the Overview and Scrutiny Procedure Rules.
- (ix) Give consideration to matters referred to it by the Councillors’ Call for Action.
- (x) Review and scrutinise the work of the Executive.
- (xi) Review and scrutinise the content of the Forward Plan.
- (xii) Review and scrutinise the policies of the Council.
- (xiii) Consider any matters which affect the authority, the City of Gloucester (or part of it) or its inhabitants (or some of them).

## 2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEE?

All Councillors (except Members of the Cabinet) may be Members of the Overview and Scrutiny Committee. No Member may be involved in scrutinising a decision which he/she has been directly involved.

## 3. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE

There shall be at least eleven ordinary meetings of the Overview and Scrutiny Committee in each year and 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 Chair of the Overview and Scrutiny Committee, by any five Members of the Committee or by the Head of Paid Service if he/she considers it necessary or appropriate.

## 4. QUORUM

The quorum for the Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

## 5. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE MEETINGS?

The appointment of Chairs and Vice-Chairs of Overview and Scrutiny Committee will be determined by the Council at its Annual Meeting.

**6. WORK PROGRAMME**

The Overview and Scrutiny Committee will be responsible for setting its own work programme and in doing so, it shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

**7. AGENDA ITEMS**

Any five Members of the Council who are not Members of the Overview and Scrutiny Committee may give written notice to the Head of Paid Service that they wish an item to be included on the agenda of the Overview and Scrutiny Committee. If the Head of Paid Service receives such notification, then he/she will include the item on the first available agenda of the Overview and Scrutiny Committee for consideration by the Committee.

The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet 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 Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

**8. POLICY REVIEW AND DEVELOPMENT**

- (a) The role of the Overview and Scrutiny Committee 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 Budget and Policy Framework, the Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisors 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 advisors, assessors and witnesses a reasonable fee and expenses for doing so.

**9. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEE**

- (a) Once it has formed recommendations on proposals for development of the Council's Budget and Policy Framework, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Head of Paid Service for consideration by the Cabinet (if the proposals are consistent with the existing Budget 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).
- (b) If an Overview and Scrutiny Committee 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 Council or Cabinet with the majority report.

- (c) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Head of Paid Service.

**10. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET**

Once an Overview and Scrutiny report on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda of the next available meeting of the Cabinet, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of four weeks from the date the report was adopted by the Overview and Scrutiny Committee. In such cases, the report of the Overview and Scrutiny Committee shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the Overview and Scrutiny report within ten weeks then the matter will be referred to Council for review, and the Head of Paid Service will call a Council meeting to consider the report and make a recommendation to the Cabinet.

The Overview and Scrutiny Committee will, in any event, have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service development, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any Key Decision.

**11. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

- (a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee 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 Cabinet and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

**12. MEMBERS AND OFFICERS GIVING ACCOUNT**

- (a) The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Cabinet Member, the Head of Paid Service and/or any senior officer 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) the Council's or the Officer's performance;

and 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 under this provision, the Chair of that Committee will inform the Head of Paid Service. The Head of Paid Service shall inform the Member or officer in writing, giving at least five 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 Committee. Where the account to be given to

the Committee will require the production of a report, or documentation, then the Member or officer concerned will be given sufficient notice to allow for preparation of that report or documentation.

- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance.

### **13. ATTENDANCE BY OTHERS**

The Overview and Scrutiny Committee may invite other than those referred to in paragraph 12 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 be able to invite such people to attend.

### **14. CALL-IN**

Call-in should only be used in exceptional circumstances, such as where Members have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 12 (Decision Making).

- (a) When a decision is made by the Cabinet, an individual Cabinet Member or a Committee of the Cabinet, or an Executive decision is made by an officer with delegated authority from the Cabinet, 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 two days of being made. The Chair of Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) The Minutes will indicate whether matters are subject to delegated action by officers (and if so whom) or for decision by the Council.
- (c) Where it is considered that the proposed action is contrary to, or not in accordance with, the Council's policy, or the Cabinet, individual Cabinet Member or an Officer acting under delegated authority from the Cabinet did not take the decision in accordance with the principles set out in Article 12 (Decision Making) or was contrary to officer advice, then the following call in arrangements will apply:-
- The Head of Paid Service, in consultation with the Policy and Governance Manager, must agree that the call-in complies with the criteria set out in the Constitution in order that it can proceed.
  - Within five working days of the publication of an Executive decision, any five Members of the Council may request reference of the minute to the Overview and Scrutiny Committee for consideration.
  - The request shall be communicated to the Head of Paid Service in writing and signed by at least five Members, or by separate communication in the same terms by five Members. As an alternative, the request may be communicated separately in electronic form provided that the Head of Paid Service is satisfied with proof of identity of each individual Member.
  - The Head of Paid Service will, as soon as practicable, communicate the request to:-
    - the relevant officer identified in the Minute

- the Overview and Scrutiny Committee Chair (or Vice Chair in their absence).
  - the Leader of the Council or Deputy Leader in their absence.
- Upon receipt of notification the Chair (or Vice Chair) shall convene a special meeting of the Overview and Scrutiny Committee within ten working days of the date of notification by the Head of Paid Service, unless there is a meeting of the Committee already programmed within twenty-one days of the notification, in which case the matter shall be referred to that programmed meeting.
  - When the Executive decision comes before the Overview and Scrutiny Committee, the following persons shall have a right to attend and to speak at the Committee:-
    - any one or more Members having requested the call-in;
    - the Leader, the Deputy Leader and/or the relevant Cabinet Member having portfolio responsibility for the matter under consideration.
  - The Overview and Scrutiny Committee shall be entitled to receive copies of any reports as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.
  - In the event of a call-in of a Cabinet Minute the relevant officer shall not exercise his/her delegated powers on the matter before it has been considered by the Overview and Scrutiny Committee and re-considered by the Cabinet in light of the Overview and Scrutiny Committee's conclusions and any recommendations.
  - No matter which has been the subject of a call-in may be subject to a second call-in.
- (d) Where an Executive decision has been taken by an Area Committee then the right of call-in shall extend to any other Area Committee which resolves to refer a decision which has been made but not implemented to the Overview and Scrutiny Committee for consideration in accordance with these provisions. An Area Committee may only request the Head of Paid Service to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call-in shall apply as if the call-in had been exercised by Members of the Overview and Scrutiny Committee.
- (e) Call in does not apply to decisions made by the Cabinet, an individual Cabinet Member or a Committee of the Cabinet, or an Executive decision made by an officer with delegated authority from the Cabinet, or an Area Committee or under joint arrangements that make recommendations to Council because those decisions are in fact recommendations and will not be implemented in any event until the matter has been considered and decided by Council.

## **15. CALL-IN AND URGENCY**

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 (e.g.) 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 Chair 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 an urgent matter. In the absence of the

Chair of the Overview and Scrutiny Committee, the Vice Chair of the Overview and Scrutiny Committee'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.

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.

## **16. COUNCILLOR CALL FOR ACTION**

The 'Councillor Call for Action' is a new method of dispute resolution, introduced by the Local Government and Public Involvement in Health Act 2007. Councillors are able to bring matters forward for investigation by a specially convened meeting of the Overview and Scrutiny Committee, provided the following terms are met:

- i) all other means of resolving the dispute have been explored and exhausted;
- ii) the matter in question applies to a specific locality;
- iii) the involvement of scrutiny has a demonstrable potential impact on the matter;
- iv) the complaint is not ruled to be vexatious, discriminatory or unreasonable by the Overview and Scrutiny Committee.

Should this be the case, then an investigation will be conducted, involving input from as many sources affected by the issues as possible. Once the hearings have been completed, the Committee will consider its ruling, and publish a report detailing its findings on the matter. Whilst this may detail the recommended actions to be taken by Council, it may also decide to refer the matter to another body, or indeed not to issue a report (although these last two options must be justified in full).

## **17. THE PARTY WHIP**

When considering any matter in respect of which a Member of the 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.

## **18. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

- (a) Overview and Scrutiny Committee shall consider the following business:
  - (i) minutes of the last meeting;
  - (ii) declarations of interest;
  - (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
  - (iv) responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
  - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where there are speakers for the Public Questions agenda item at any meeting of the Overview and Scrutiny Committee, the Chair shall have discretion to allow the speakers to ask their question at the most appropriate time during the meeting.
- (c) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which will be conducted in accordance with the following principles:

- (i) the investigation be conducted fairly and all Members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - (iii) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee/Sub-Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

**19. TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEE**

The terms of reference for the Overview and Scrutiny Committee are contained in Article 6 - Overview and Scrutiny Committee.

**20. OVERVIEW AND SCRUTINY BUDGETS**

The Overview and Scrutiny Committee will be provided with sufficient budget resource in order to carry out its functions and to pay any reasonable fee or expense in respect of the overview and scrutiny process. The Head of Paid Service will act as the Cost Centre Manager for that budget.