

## **ARTICLE 6 - OVERVIEW AND SCRUTINY**

### **Role and Responsibilities**

1. The Council will appoint one Overview and Scrutiny Committee that will have sole responsibility to discharge the functions under Sections 9F and 9FA to 9FI of the Local Government Act 2000, as relevant to the Council's statutory duties and responsibilities.
2. The work of the Overview and Scrutiny Committee shall cover all services, insofar as they relate to the Council or other public bodies providing services within the District. The scrutiny of health and social care services will normally be reserved to Essex County Council. The Council will undertake scrutiny activity in these areas only with the agreement of the County Council.
3. Party political whips will not be applied to the functions of the Overview and Scrutiny Committee.

### **Form and Composition**

4. Membership of the Overview and Scrutiny Committee will be appointed by the Council at its annual meeting each year including the appointment of the Chairman and Vice-Chairman, such that the Chairman will be a non-majority member from the second largest Group and experienced in scrutiny matters.
5. All councillors except members of the Executive may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision on which he or she has previously been directly involved.
6. The Overview and Scrutiny Committee shall be entitled to recommend to the Council the appointment of appropriate persons as non-voting co-optees.

### **Rights of Overview and Scrutiny Committee Members to Documents**

7. 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 Article 17 (Access to Information) of the Constitution.
8. Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **Role of the Overview and Scrutiny Committee**

9. 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 of the Constitution.
10. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Executive in so far as they relate to matters within its terms of reference.
11. The Overview and Scrutiny Committee may hold enquiries and investigate options for future direction in policy development and may appoint advisers and assessors to assist them in this process. The Committee may hold site visits, conduct public surveys, hold

public meetings, commission research and do any other things that it considers reasonably necessary to inform its deliberations. The Committee may ask witnesses to attend its meetings to address members on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

12. In carrying out any work within its terms of reference, the Overview and Scrutiny Committee may refer all or part of such matters to another Scrutiny Committee or a Task and Finish Panel for consideration. Such other scrutiny committees and task and finish panels are sub-committees of the Overview and Scrutiny Committee.
13. The Overview and Scrutiny Committee shall receive a verbal report from the relevant Portfolio Holder or appropriate lead officer after three months of the completion of any scrutiny review, indicating whether recommendations from the review have been agreed or modified. After six months the Portfolio Holder or lead officer will give a further report to the Committee on progress with the implementation of such recommendations.

### **Specific Functions**

#### **(a) Scrutiny**

14. The Overview and Scrutiny Committee may:
  - (a) review and scrutinise the decisions made by and performance of the Executive and Committees and Council officers both in relation to individual decisions and over-time;
  - (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - (c) question members of the Executive, the Chief Executive and Service Directors about their decisions and performance;
  - (d) make recommendations to the Executive and appropriate Committees and the Council arising from the outcome of the scrutiny process;
  - (e) review and scrutinise the performance of other bodies operating in the district and invite appropriate organisations to address the Committee about their activities and performance; and
  - (f) question and gather evidence from any person or organisation (with their consent).

#### **(b) Methods**

15. For the purposes of scrutiny, the Overview and Scrutiny Committee may:
  - (a) undertake such work itself; or
  - (b) refer matters to another appropriate Scrutiny Committee or Task and Finish Panel.

#### **(c) Finance**

16. The Overview and Scrutiny Committee may exercise overall responsibility for its finances made available by the Council.

**(d) Officers**

17. The Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.

**Proceedings of the Overview and Scrutiny Committee**

**(a) Access for Public and Press**

18. All meetings of the Overview and Scrutiny Committee shall be held in accordance with Article 17 (Access to Information) of the Constitution.

**(b) Business to be conducted at each ordinary meeting**

19. The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out at Appendix 1 to this Article. At each meeting of the Committee, the following business will be conducted:

- (a) consideration of the minutes of the previous meeting;
- (b) declarations of interest (if any);
- (c) consideration of any matter referred to the Committee for a decision in relation to a call-in (if any);
- (d) responses of the Executive to reports of the Overview and Scrutiny Committee (if any);
- (e) questions or requests by members of the public to address the Committee on any agenda item in accordance with the Overview and Scrutiny Procedure Rules; and
- (f) the business otherwise set out on the agenda for the meeting.

**(c) Agenda items**

20. Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that he or she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. Any other member of the Council may also give written notice to the Proper Officer that he or she wishes an item to be included on the agenda for the next meeting of the Committee.

**(d) Requests to address the Overview and Scrutiny Committee**

21. Any member of the public or a representative of another organisation may address the Overview and Scrutiny Committee on any agenda item (except those dealt with in private session as exempt or confidential business) due to be considered at a meeting. The following rules shall apply to such requests:
- (a) requests must relate to an existing agenda item;
  - (b) requests must not raise new business for the meeting concerned;
  - (c) all requests must be notified to the Council by no later than 4.00pm on the day of the meeting;

- (d) requests accompanied by proposals to circulate written material must be received five clear days before the meeting in time to be sent to Overview and Scrutiny Committee members in advance of the meeting;
- (e) requests need not be in writing;
- (f) a maximum of two persons shall be allowed to address the Committee on any one agenda item;
- (g) a time limit of 3 minutes per speaker shall apply;
- (h) the Overview and Scrutiny Committee shall be able to ask questions on any comments made by persons addressing the Committee;

**(e) Questions**

- 22. Members of the public may ask questions of the Chairman of Overview and Scrutiny Committee at ordinary meetings of the Committee, in accordance with the procedure set out in the Council procedure rules set out in Part 4 of the Constitution.
- 23. The Chairman of the Committee shall have discretion to limit the number of persons wishing to address the Committee or ask questions, if it is considered that the number of such speakers would unduly delay the proper despatch of business at any meeting.
- 24. The procedures for addressing the Overview and Scrutiny Committee or asking questions of the Chairman of the Committee, do not apply to other Scrutiny Committees or Task and Finish Panels.

**(f) Attendance by others**

- 25. Any Scrutiny Committee or a Task and Finish Panel may invite any person, including residents, stakeholders, members and officers of other organisations to address it, or to discuss issues of local concern and/or answer questions.
- 26. Where such persons are invited to give evidence, meetings will be conducted in accordance with the following principles:
  - (a) the scrutiny review will be conducted fairly and all members will be given the opportunity to ask questions of attendees, and to contribute and speak; and
  - (b) the review will be conducted so as to maximise the efficiency of the investigation or analysis.
- 27. Following the completion of any scrutiny review, the relevant Scrutiny Committee or Task and Finish Panel shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings publically available.

**(g) Members and officer giving account**

- 28. Any Scrutiny Committee or a Task and Finish Panel may require any member of the Cabinet, the Chief Executive or a Service Director to attend before it to explain matters within his/her areas of responsibility.
- 29. Where any member or officer is required to attend a Scrutiny Committee or Task and Finish Panel under this provision, the Chairman will inform the Chief Executive, who shall inform

the member or officer in writing giving at least 14 working days notice of the meeting at which he or she is required to attend. The notice will state the nature of the item on which the member or officer is required to attend to give account and whether any papers are required to be produced for the Committee.

30. It is the duty of those persons to attend if so required. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the Scrutiny Committee or Task and Finish Panel concerned shall, in consultation with the member or officer, arrange an alternative date for attendance not less than 14 days from the date of the original attendance.

### **Work Programme**

31. The Overview and Scrutiny Committee shall approve an annual overview and scrutiny work programme at the first meeting of each municipal year.

#### **(a) Development**

32. In determining the contents of the work programme, the Committee will:
- (a) seek proposals for inclusion from all Members of the Council through the Council Bulletin and from the public including via the Council's website;
  - (b) invite the Leader of the Council to attend its first meeting of each municipal year to present the Executive's programme of Key Decisions (the Cabinet Forward Plan) for the following year, to answer questions on the plan and to indicate where appropriate work on the Cabinet's behalf could be undertaken by the Committee;
  - (c) review the achievement of the overview and scrutiny work programme for the previous year;
  - (d) identify any external organisations to be scrutinised during the coming year;
  - (a) review all proposals submitted for inclusion in the work programme to ensure that they relate to the Council's Policy Framework, including the Corporate Plan and the Cabinet Forward Plan;
  - (b) ensure the agreed work programme has sufficient member and officer resources to support it;
  - (c) identify in advance any budgetary provision required for specific projects;
  - (d) ensure that the work programme is properly prioritised.
  - (e) allocate appropriate time limits for each activity within the work programme;
  - (f) ensure that any projects which do not find a place in the work programme are added to a reserve programme for further review;
33. The Committee shall review the achievement of the overview and scrutiny work programme on a regular basis during the year.

**(b) Cabinet Business**

34. The Overview and Scrutiny Committee will review the Executive's programme of Key Decisions (the Cabinet Forward Plan) at each meeting, to enable the identification of appropriate matters for the overview and scrutiny work programme.

**(c) Urgent Items and New Proposals**

35. Where new proposals or matters of urgency arise during the currency of the annual work programme, the Committee may:
- (a) determine that any new project should be added to the programme and adjust the remainder of the programme accordingly; or
  - (b) determine that a new project should be deferred for review when the next work programme is considered; or
  - (c) decline to accept an additional project and give grounds for so doing.
36. All proposals for additional or urgent projects shall be submitted in writing and presented at a convenient meeting of the Overview and Scrutiny Committee by the member or officer so proposing.

**(d) Annual Report**

37. The Overview and Scrutiny Committee shall submit an annual report to the Council at the beginning of each municipal year on the overview and scrutiny work undertaken during the preceding year.

**(e) Motions at Council Meetings**

38. Any motion adopted by the Council which relates to the responsibilities of the Overview and Scrutiny Committee shall stand referred to the Committee for consideration. In determining how to respond to the motion, the Overview and Scrutiny Committee shall consider whether the proposal should be incorporated in the work programme or held for future consideration in accordance with the procedures outlined in above. The Committee shall advise the Council of the action taken on such motions.
39. The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council or the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report its findings and any recommendations to the Council or the Executive. The Executive shall consider the report of the Overview and Scrutiny Committee within one month of receiving it and the Council within two months of receiving it or, in either case, as soon as is reasonably possible.

**Reports of the Overview and Scrutiny Committee**

**(a) Executive matters not delegated to the Cabinet, a Cabinet Committee or a Portfolio Holder**

40. The Overview and Scrutiny Committee may prepare a formal report for consideration by the Executive, if its recommendations are consistent with the existing budgetary and policy framework, or the Council if its proposals would require a departure from, or a change to, the budget and policy frame work.

41. The Executive will have six weeks or as soon as reasonably practical thereafter in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council considers any referral from the 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.
42. If the Overview and Scrutiny Committee cannot agree on a single final report to the Council or Executive as appropriate, up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
43. Reports by the Overview and Scrutiny Committee shall normally be presented by the Chairman of the Committee, unless he or she determines that it would be beneficial for the Chairman of another Scrutiny Committee or Task and Finish Panel to present the report instead, or if a joint presentation is considered appropriate.

**(b) Executive Matters Delegated to an Executive Committee or Executive Member**

44. Where the Overview and Scrutiny Committee prepares a report for consideration by the Executive in relation to a matter where the Executive has delegated decision making powers to an individual Portfolio Holder or a Cabinet Committee, the Overview and Scrutiny Committee will report to that individual or committee. If the Portfolio Holder or Executive Committee with delegated decision making powers does not accept the recommendations of the Overview and Scrutiny Committee, these will be referred to the next available meeting of the Cabinet for debate before the Portfolio Holder exercises his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee. The Executive member or Committee to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee at the first available meeting.

**Call-In**

45. When an executive decision is made by the Cabinet, a Portfolio Holder or a Cabinet Committee, or a key decision is made by an officer with delegated authority, such decision will be published in a notice specifying when the decision will come into force and be implemented, unless it is called-in.
46. These call-in arrangements shall not apply to decisions on non-executive functions made by any decision-making body. Three members of the Overview and Scrutiny Committee or any five members of the Council have the right to call in an Executive decision. Any such request shall be made in writing in the prescribed format and must be delivered to the Chief Executive.
47. The Chief Executive shall call-in a decision for scrutiny if so requested in accordance with the requirements below and shall then notify the decision-taker of the call-in. The Chief Executive shall consult with the Chairman of the Overview and Scrutiny Committee who will determine whether consideration of the call-in will be referred to:
  - (a) the next ordinary meeting of the Overview and Scrutiny Committee; or
  - (b) another relevant Scrutiny Committee; or
  - (c) an appropriate Task and Finish Panel.
48. If consideration of any executive decision is likely, under these rules, to be delayed for more than two weeks, the Chairman of the Overview and Scrutiny Committee may require

an extraordinary meeting of the Committee to be convened at an earlier date if the circumstances appear to warrant this.

49. If, having considered the decision subject of the call-in, the Overview and Scrutiny Committee (or another Scrutiny Committee or Task and Finish Panel) is still concerned about it, it may, subject to the procedures outlined in this Article, 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 he or she shall reconsider within a further five working days, or in the case of a Cabinet decision, as soon as practically possible amending the decision or not, before adopting a final decision.
50. 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 power 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 person or body, together with the 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 fourteen working days of the Council request. Where the decision was made by an individual, the individual will reconsider within fourteen working days of the Council request.
51. 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.
52. In the operation of these call-in arrangements, members of the Council shall also adhere to the terms of the Protocol set out in Appendix 2 to this Article.

### **Call-In and Urgency**

53. The call-in procedure shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay is likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. 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-Chairman's consent shall be required. In the absence of both, the Chief Executive or their nominee's consent shall be required.
54. Decisions taken as a matter of urgency must be reported to the next available ordinary meeting of the Council, together with the reasons for urgency.



## APPENDIX 1 (ARTICLE 6)

### OVERVIEW AND SCRUTINY PROCEDURE RULES

#### Overview and Scrutiny Committee

1. The functions of the Overview and Scrutiny Committee shall be as follows:
  - (a) to review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
  - (b) to make reports and/or recommendations to the full Council and/or the Executive in connection with the discharge of any functions;
  - (c) to review corporate strategies;
  - (d) to ensure that the decisions/actions of the Cabinet accord with the Council's policies and budget;
  - (e) to monitor and scrutinise the financial performance of the Council and make recommendations to the Cabinet in relation to annual revenue and capital guidelines, bids and submissions;
  - (f) when required, to question members of the Cabinet or other Committees and 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;
  - (g) to make recommendations to Cabinet and appropriate Committees and the Council arising from the outcome of the overview and scrutiny process;
  - (h) to consider any matter affecting the Epping Forest District or its residents
  - (i) to review, scrutinise and monitor the performance of other public bodies active in the District;
  - (j) to question and gather evidence from any person (including members, officers and others) on issues falling within the functions of the Committee;
  - (k) to determine terms of reference and work programmes for all other Scrutiny Committees and Task and Finish Panels;
  - (l) to determine membership (including the appointment of Chairman and Vice-Chairman) for Task and Finish Panels only;
  - (m) to scrutinise executive decisions;
  - (n) to exercise the right to call-in, for reconsideration of decisions made but not yet implemented by the Executive;
  - (o) to consider and make responses to executive decisions which are called in either as a Committee or through referral to another Scrutiny Committee or Task and Finish Panel;

- (p) to monitor the effectiveness of the call-in procedure, reviewing the number and reasons for call-in and making recommendations to the Council on any changes required to improve operation of the process;
- (q) to monitor and scrutinise the Cabinet Forward Plan (the Key Decision List);
- (r) to review the implications of consultation documents relating to matters affecting the Epping Forest District, where requested by members or considered appropriate by the relevant service director, and to respond to such matters on behalf of the Council;
- (s) to receive presentations from the Leader of the Council outlining plans for the year ahead and reporting performance in the previous Council year;
- (t) to consider requests from the Cabinet for scrutiny involvement in policy development and determining appropriate action;
- (u) to consider petitions where the number of signatures meets or exceeds the trigger level contained in the Council's Petitions Scheme and to make recommendations as appropriate; and
- (v) to review, when requested by the petition organiser, the Council's response to any petition which they consider has not been dealt with properly including, if appropriate, investigating, making recommendations to the Council or Executive or arranging for the matter to be considered at a meeting of the full Council;

### **Other Scrutiny Committees**

2. Other scrutiny committees may be established on an annual basis by the Overview and Scrutiny Committee.
3. The status of other scrutiny committees will generally be restricted to those activities of a recurring or cyclical character which require a longer term involvement by members.
4. The Overview and Scrutiny Committee shall determine the number and terms of reference of the other scrutiny committees and shall review whether they should continue in being at the first meeting of each municipal year.
5. Other Scrutiny Committees will:
  - (a) adhere to an annual work programme agreed by the Overview and Scrutiny Committee;
  - (b) have a chairman and vice-chairman appointed by the Council at its annual meeting;
  - (c) have memberships which reflect pro-rata requirements and the lowest number of members required to achieve cross-party representation, whilst allowing the inclusion of members who are not members of a political group or are not members of the Overview and Scrutiny Committee;
  - (d) have memberships which represent the minimum number necessary to adhere to their work programmes;
  - (e) be able to seek delegated authority from the Overview and Scrutiny Committee, to vary their terms of reference and work programme according to circumstances;

- (f) report (through the chairmen of the other scrutiny committees) to each meeting of the Overview and Scrutiny Committee on progress with the respective work programmes and on any recommendations for consideration;
  - (g) consider any matter referred by the Overview and Scrutiny Committee, the Cabinet or a relevant Portfolio Holder, and report and make recommendations directly to the Committee, the Cabinet or relevant Portfolio Holder when appropriate;
  - (h) in the circumstances set out in (f) above, the report shall be submitted in the name of the scrutiny committee and presented by its chairman, unless the work of more than one of the other scrutiny committees is involved, in which case any report to another Council body will be in the name of the Overview and Scrutiny Committee and presented by its Chairman;
  - (i) in the event that the submission of a report by one of the other scrutiny committees to another Council body is required such that it cannot be considered by the Overview and Scrutiny Committee in accordance with paragraph (h) above, the scrutiny committee report may proceed for consideration subject to prior consultation with the Chairman of that Committee as to the reasons for urgency;
  - (j) extend a standing invitation to relevant portfolio holder(s) to attend other scrutiny committee meetings to answer questions and provide information on any matters affecting their portfolios which are under consideration; and
  - (k) hear questions and presentations by members of the public or external organisations which are relevant to the work of the scrutiny committee concerned.
6. Any member of the Council may be a member of another scrutiny committee, save that any Cabinet member may not be a member of another scrutiny committee which deals directly with matters within the responsibilities of their portfolio.
  7. Any member of the Council shall be able to attend any meeting of a scrutiny committee and be notified of the publication of the agenda.
  8. The provisions of Operational Standing Order 14 shall apply to the other scrutiny committees.

### **Task and Finish Panels**

9. Task and Finish Panels may be established by the Overview and Scrutiny Committee in order to deal with ad-hoc projects or reviews included in the annual work programme for overview and scrutiny.
10. Task and Finish Panel status will be restricted to those activities which are issue-based, time limited and non-cyclical in character and have clearly defined objectives.
11. Task and Finish Panels will:
  - (a) have terms of reference and a work programme approved by the Overview and Scrutiny Committee;
  - (b) have a membership and a Chairman and Vice-Chairman appointed by the Overview and Scrutiny Committee;

- (c) have memberships which need not be based on pro-rata rules and be flexible as to the number of Councillors appointed to membership. There will be no restriction on the numbers appointed;
  - (d) have memberships which represent the minimum number necessary to adhere to their work programmes;
  - (e) be able to make proposals to the Overview and Scrutiny Committee for the variation of their terms of reference or work programme;
  - (f) be able to seek delegated authority from the Overview and Scrutiny Committee for the variation of their terms of reference and work programmes according to circumstances;
  - (g) report through the Panel Chairman at each meeting of the Overview and Scrutiny Committee on progress with their work programme and on any recommendations for consideration;
  - (h) be able, after consideration by the Overview and Scrutiny Committee, to report to the Council, the Cabinet, a Cabinet Committee, a Portfolio Holder or any other Council body;
  - (i) in the circumstances set out in (h), the report shall be submitted in the name of the Panel and presented by its Chairman, unless the work of more than one Panel is involved, in which case any report to another Council body will be in the name of the Overview and Scrutiny Committee and presented by its Chairman;
  - (j) in the event that the submission of a Panel report to another Council body is required such that it cannot be considered by the Overview and Scrutiny Committee in accordance with paragraph (h) above, the Panel report may proceed for consideration subject to prior consultation with the Chairman of the Committee as to the reasons for urgency;
  - (k) extend a standing invitation to relevant portfolio holder(s) to attend Panel meetings to answer questions and provide information on any matters affecting their portfolios which are under consideration; and
  - (l) hear questions and presentations by members of the public or external organisations which are relevant to the work of the Panel concerned.
12. Any member of the Council may be a member of a Task and Finish Panel, save that a member of the Cabinet may not be a member of any Panel which deals directly with matters within the responsibilities of their portfolio.
  13. No Task and Finish Panel shall be comprised of members of a single political group only.
  14. Any member of the Council shall be able to attend any meeting of a Task and Finish Panel.

## **APPENDIX 2 (ARTICLE 6)**

### **PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS CALLED IN BY OVERVIEW AND SCRUTINY**

#### **Purpose of Protocol**

1. The purpose of this protocol is:
  - (a) To codify how the Overview and Scrutiny Committee (or another delegated Scrutiny Committee or Task and Finish Panel) should deal with call-in items; and
  - (b) To codify how the Executive should respond to reports by Overview and Scrutiny on decisions which have been called in.

#### **Validation of Call-In**

2. All call-in requests shall be made in writing in accordance with the procedure set out in Article 6 of the Constitution. Call-in requests may be made only by non-executive members of the Council. The call-in request shall be validated by the Chief Executive and referred to the Overview and Scrutiny Committee for consideration in accordance with the provisions of Article 6 of the Constitution (Overview and Scrutiny).

#### **Consideration of Call-In Items by Overview and Scrutiny Committee**

3. Consideration of a call-in shall be the responsibility of the Overview and Scrutiny Committee, which will decide whether to consider the issue itself or to direct another Scrutiny Committee or a Task and Finish Panel to undertake it and report back to the decision maker. Call-in items shall be referred to the next available date for the Overview and Scrutiny Committee (or another Scrutiny Committee or Task and Finish Panel). The provisions of the Overview and Scrutiny Rules in the Constitution will apply to call-in requests which need to be dealt with more quickly.
4. At its meeting, the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) will receive:
  - (a) copies of all documentation submitted to the Executive on which the decision was based; and
  - (b) a copy of the written notification of the call-in including the names of the relevant Councillors who requested the call-in and their grounds for so doing.
5. The relevant Portfolio Holder and at least one of the members who requested the call-in and who shall act as spokesperson for those members, shall attend the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) meeting.
6. The call-in shall be considered in the following manner:
  - (a) the lead signatory to the call-in of the decision shall describe his/her concerns;
  - (b) the Portfolio Holder responds;

- (c) the remaining signatories then speak in support of the call-in. If there are more than five signatories, only the lead member and the remaining two (or four) Councillors on the call-in notification shall be called to speak if they wish to do so. Any other Councillor whose name appears on the call-in notification shall be able to speak during the general debate on the item (see (e) below));
- (d) the Portfolio Holder responds;
- (e) the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) will then debate the issues involved;
- (f) the lead signatory will then have an opportunity to respond to the debate;
- (g) the Portfolio Holder shall then have an opportunity to respond to the debate. The Chairman of the meeting shall have the discretion to vary the way in which evidence is gathered including speakers and public participation if appropriate;
- (h) following the debate, the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) has the following options:
  - (i) to confirm the decision, which may then be implemented immediately; or
  - (ii) to refer the decision back to the decision taker for further consideration setting out in writing the nature of its concerns, or
  - (iii) to refer the matter to full Council in the event that the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) considers the decision to be contrary to the policy framework of the Council or contrary to, or not wholly in accordance with, the budget;
- (i) If it appears that the review of a decision of the Executive cannot be completed at one meeting, the Executive or decision taker will be informed, indicating any preliminary views the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) may have and a proposed timescale for the completion of the review. The Chairman of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) shall, if necessary, consult with the Leader of the Council regarding the urgency of the proposed decision or any other related matter;
- (j) The Chairman of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) shall sum up the recommendations to be submitted to the Executive and these shall be incorporated in the Minutes or report of the meeting;
- (k) In cases where the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) determines that a review of the decision is not justified or that, having reviewed the decision of the Executive, it has no adverse comment to make, the Committee (or another Scrutiny Committee/Task and Finish Panel) shall ensure that its decision is published in the Council Bulletin;
- (l) In the circumstances outlined in (k) above, the decision of the Executive or decision-taker may be implemented with effect from the date of that meeting;

- (m) A report detailing any appropriate recommendations of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) shall be reported to the decision-taker;
- (n) In presenting the recommendations of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) the Chairman may make general comments on the Committee's/Panel's recommendations, answer questions and respond to comments or new proposals made by the Executive at that meeting;
- (o) The report of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) shall be sent in draft to all of its Members for approval prior to submission to the decision-taker; and
- (p) Minority reports may be made by members of Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) in accordance with the Protocol for that purpose.

### **Consideration of Reports on Call-In Items by the Executive**

7. The report of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) will be referred in the first instance to the relevant Portfolio Holder(s) for the executive function concerned.
8. If the Executive decision is one which the Portfolio Holder(s) has delegated powers to make, he or she shall consider the written proposals of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) and must consult the Chairman of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) if they are minded to accept or reject them. In doing so, the Portfolio Holder will ensure that, in recording that decision, the reasons for accepting, rejecting or amending those views are set out in the decision notice.
9. If the Executive decision is one which the Executive itself or a Committee of the Executive (acting under delegated powers) is competent to take, the relevant Portfolio Holder will consider the proposals of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) and refer them, with their written response, to the decision-making body concerned.
10. At a meeting of the Executive or of any Committee of the Executive, the following documentation shall be submitted:
  - (a) the agreed report of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) and any other supporting documents considered by it;
  - (b) a report of the Portfolio Holder indicating the response to the proposals of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) indicating the options available and recommendation for acceptance, rejection or alteration of those proposals with reasons; and
  - (c) any other information.
11. The Executive or Committee of the Executive shall consider the matter as follows:
  - (a) the Chairman of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) shall present the views and recommendations of

the Committee or Panel and respond to questions, make general comments and respond to new proposals as appropriate;

- (b) the relevant Portfolio Holder shall then respond by presenting his report and recommendations on the proposals of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel);
- (c) the Executive (or Committee thereof) shall consider the original decision, the views of the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) and any proposals by the Portfolio Holder; and
- (d) the Executive (or Executive Committee) will make a final decision on whether to re-affirm the original decision, amend the original decision or substitute a new decision. This decision shall be recorded in the minutes of the meeting together with supporting reasons.

12. Where a Committee of the Executive is required to report to the full Executive on any matter, it shall submit a recommendation on action proposed to the Executive as part of the minutes of the meeting.

#### **Implementation of Decisions When Cabinet Control or Membership Changes**

13. Notwithstanding the provisions of paragraphs 6(g) and 6(h) above, where political control of the Cabinet or Cabinet membership changes following the Annual Council meeting each year, any decision made by the Executive and supported by the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) following a call-in but not implemented before the changes occur, shall stand referred to the Cabinet for further review before action is taken.

#### **Consideration of Call-In Reports of Overview and Scrutiny Committees made to the Full Council**

14. In some circumstances, the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) may choose to refer the results of the consideration of call-in items to the full Council, rather than the Executive in those instances set out in paragraph 6 (h)(iii) above and 15 below. With any necessary modification the call-in shall be dealt with at the Council meeting in accordance with paragraphs 7-11 above.
15. In considering whether to report to the full Council, the Overview and Scrutiny Committee (or another Scrutiny Committee/Task and Finish Panel) shall take account of the advice of the Proper Officer on:
- (a) whether the Council may properly determine the matter if the function is delegated to the Executive;
  - (b) whether the Executive decision affects the policy or budget framework of the Authority and should properly be determined by the Council;
  - (c) whether the Executive decision relates to a matter which is either reserved to the full Council by the constitution or by resolution; and
  - (d) any other advice which indicates that, for whatever reason, a report to the Executive is more appropriate to the proper despatch of Council business.



### **Restriction on Call-In**

16. The Overview and Scrutiny Committee shall at all times be aware that the decisions of the regulatory or non-executive bodies of the Council are not subject to call-in.
17. The call-in procedure shall also not apply to any recommendation by the Cabinet to the full Council.

### **Withdrawal or Modification of Call-In**

18. A valid call-in may be withdrawn at any time by the lead signatory. The lead signatory to a validated call-in or the relevant Portfolio Holder may request a meeting with the Chairman of the Overview and Scrutiny Committee prior to the call-in being considered by the Committee in order to discuss the following:
  - (a) the management of the call-in debate at the meeting of the Committee (or another Scrutiny Committee/Task and Finish Panel) concerned;
  - (b) the possibility of reaching agreement on removing any objections to the decision in question which are raised in the call-in request; and
  - (c) the withdrawal of a call-in.
19. Where the lead signatory agrees to withdraw or modify a call-in the Councillor concerned shall notify his fellow signatories as soon as practicable and the circumstances shall be reported to the Overview and Scrutiny Committee.
20. If a call-in is withdrawn, the circumstances will be notified to all members of the Council through the Council Bulletin.
21. In cases where a Portfolio Holder has agreed to modify a decision, he or she shall issue a revised decision notice or refer the proposal back to the Cabinet, if the latter made the original decision. A protocol for the handling of these arrangements for the withdrawal or modification of a call-in is included as an annex to this Appendix.

## **PROTOCOL ON CONSIDERATION AND REPORTING ON EXECUTIVE DECISIONS CALLED IN BY OVERVIEW AND SCRUTINY**

### **ANNEX TO APPENDIX 2 (ARTICLE 6) - WITHDRAWAL OR MODIFICATION OF CALL-IN**

1. The Council's requirements for a validated 'Call-In' are set out within the Constitution. A valid call-in may be withdrawn at any time by the lead signatory.
2. In accordance with these requirements, the lead signatory to a valid call-in, or the relevant Portfolio Holder, may request a meeting with the Chairman of the Overview and Scrutiny Committee prior to the call-in being considered by the Committee (if necessary), in order to discuss the following:
  - (a) the possibility of reaching agreement on removing any objections to the decision in question which are raised in the call-in request; or
  - (b) the withdrawal of a call-in; or
  - (c) the management of the call-in debate at a meeting of the Overview and Scrutiny Committee.
3. Once formally requested by either the lead signatory to the call-in or the relevant Portfolio Holder, the meeting with the Chairman of the Overview and Scrutiny Committee will be held as soon as possible following the receipt of a valid call-in. Arrangements for the meeting will be made by Democratic Services, in consultation with the Chairman of the Overview and Scrutiny Committee.
4. When convened, the meeting will be chaired by the Chairman of the Overview and Scrutiny Committee. The proceedings of the meeting will be conducted in a formal manner in order to ensure that proper consideration is given to the call-in. The meeting will be supported by the relevant chief officer relating to the decision subject of the call-in, together with appropriate Democratic Services officers. The lead signatory may be accompanied at the meeting by no more than one other member signatory to the call-in. Informal notes of the meeting will be taken by the Democratic Services Officer.
5. At the meeting, those in attendance will receive:
  - (a) copies of all documentation submitted to the Cabinet or an individual Portfolio Holder on which the decision subject of the call-in was based;
  - (b) a copy of the written notification of the call-in, including the names of the relevant Councillors who have requested the call-in and their grounds for so doing; and
  - (c) any other relevant documentation.

#### **Procedure**

6. The following procedure will be adopted at the meeting:
  - (a) the lead signatory to the call-in will present the case for the reconsideration of the decision subject of the call-in, supported by the other member signatory as appropriate;

- (b) the Portfolio Holder will have the opportunity to ask questions of the lead signatory in relation to his/her proposal. The Chairman of the Overview and Scrutiny Committee may also ask questions of the lead signatory at this stage; and
  - (c) the Portfolio Holder responsible for the decision subject of the call-in will explain the reasons for the decision that has been made (either by the Cabinet or by the Portfolio Holder individually). The lead signatory to the call-in (and other supporting members present) will have the opportunity to ask questions of the Portfolio Holder in relation to the decision. The Chairman of the Overview and Scrutiny Committee may also ask questions of the Portfolio Holder at this stage.
7. Having considered the representations of the lead signatory (and the other signatory) to the call-in and the Portfolio Holder, the Chairman of the Overview and Scrutiny Committee will consider whether agreement has been reached on the removal of the objections made to the decision subject of the call-in. The lead signatory will determine whether the call-in can be withdrawn or modified as appropriate.
  8. In accordance with the Council's existing arrangements for the management of call-in requests, where the lead signatory agrees to withdraw or modify the call-in as a result of this procedure, he or she shall notify each of their fellow signatories as soon as practicable. The withdrawal or modification of the call-in shall also be reported to the Overview and Scrutiny Committee and, if a call-in is withdrawn, the circumstances will be notified to all members through the Council Bulletin. Democratic Services will undertake these reporting requirements.
  9. If, in the opinion of the Chairman of the Overview and Scrutiny Committee, it has not been possible to reach agreement at the meeting on the removal of the objections to the decision in question, such that the call-in can be withdrawn, it will stand referred to the Overview and Scrutiny Committee for consideration, in accordance with the protocol set out in the Constitution.