

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. Application of Rules**

These rules apply to the Overview and Scrutiny Committees set out in Article six of this Constitution and to any of their sub-committees. For the avoidance of doubt the Council's statutory Overview and Scrutiny functions are performed by the Policy Review Committee and Overview and Scrutiny Committee only.

### **2. Composition and Terms of Reference**

The Overview and Scrutiny Committee will comprise a maximum of seven members of the Council with seats allocated to political groups in proportion to the number of seats held by each group on the Council as a whole. Substitute members shall be entitled to attend a meeting of the Scrutiny Committee in place of a regular member. All Councillors (except Members of the Executive) may be members of an Overview and Scrutiny Committee and their sub committees. However, no Councillor may be involved in scrutinising a decision which he/she has been directly involved in.

Overview and Scrutiny Committees and their sub-committees may recommend to the Council the appointment of a number of non-voting co-opted members. The Council shall determine the number of co-optees it may appoint.

The Terms of Reference for Overview and Scrutiny Committees are described in Article 6 of Part 2 and Part 3.5 of this Constitution.

Overview and Scrutiny Committees and their sub-committees will be free of any party whip.

### **3. Meetings of the Overview and Scrutiny Committees and Sub-Committees**

There shall be not less than two ordinary meetings of each Overview and Scrutiny Committee each year. Additional ordinary meetings and extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee or sub-committee meeting may be called by the Chair or by any three Members of the committee/sub-committee or by the Chief Executive, if he/she considers it necessary or appropriate.

### **4. Quorum**

The quorum for an 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 meetings of the Overview and Scrutiny Committees?**

Chairs and Vice-Chairs of Overview and Scrutiny Committees shall be appointed by the Council and will be drawn from among the councillors sitting on the committee. The Chairs and Vice Chairs of Overview and Scrutiny Sub-Committees shall be appointed by the committee which establishes the sub-committee.

The adopted role profiles for the Chairs of Overview and Scrutiny Committees are set out in Part 3.5 of the Constitution – Responsibility for Functions.

## **6. Work programmes and agenda items**

- 6.1** Each year all Overview and Scrutiny Committees will formulate a work programme setting out their planned work for the year ahead and in doing so shall take into account the wishes of all members on the committee irrespective of political affiliation.

During each municipal year the Chairs of Overview and Scrutiny Committees will meet with the Executive, preferably on a quarterly basis, to discuss the work programmes of the committees and that of the Executive.

- 6.2** Any member of an Overview and Scrutiny Committee or sub-committee shall be entitled to give notice to the Chief Executive that he/she wishes to have an item relevant to the functions of that committee/sub-committee included on the agenda for the next practicable meeting. On receipt of such a request, the Chief Executive shall comply with such requests.
- 6.3** Any member of the Council shall be entitled to give written notice to the Chief Executive to have an item relevant to the functions of the Committee included on the work programme. Such matters must be either relevant to the discharge of any function of the Authority or which affect all or part of (or any person who lives or works in) the area to which the councillor is elected. The appropriate committee or sub-committee will then decide whether to include that item and will notify the councillor (a) whether the item is to be included in its draft work programme (and if not why not) and (b) the outcome of any consideration of the substantive item.
- 6.4** Where the Council, or the Executive, asks Overview and Scrutiny to consider any particular matter the appropriate Overview and Scrutiny Committee, or the appropriate sub-committee, will adjust their work programme to the extent necessary to carry out that review and report back in writing to the Council or the Executive. The Council and/or the Executive shall consider the report of the committee/sub-committee within one month of receiving it.

## **7. Call-in**

- (a) Where a decision is made by the Executive or a key decision is made by an Officer under delegated powers it will be published in

accordance with the Executive Procedure Rules and may be subject to Call-in.

Call-in should only be used where councillors have evidence which suggests that the decision-maker(s) did not take the decision in accordance with the principles set out in Article 13 (Decision-making).

- (b) During the five clear working day period between a decision being published and its implementation, it may be called in to be reviewed by the Scrutiny Committee if so requested in writing by any five councillors who are not members of the Executive and shall then notify the Chief Executive of the call-in. He/she shall call an extraordinary meeting of the Scrutiny Committee where possible after consultation with the Chair, if an ordinary meeting will not be held within seven clear working days from the date of the call-in request. The Chief Executive will notify the Executive and any other relevant councillors and officers of the call-in and the date on which it will be considered. Written requests will be a single document or a number of documents saying the same thing which taken together are received from five councillors.

Such a document or documents may be submitted electronically to the Chief Executive and the Chief Executive shall accept the validity of the document unless anything is brought to his/her attention which challenges its validity.

- (c) The sponsor of the “call in” or one of the other co-signatories shall present the grounds for the call-in and their concerns about the decision to the Scrutiny Committee. The Scrutiny Committee will then hear from any other relevant contributors and then debate and determine the matter. In reaching a decision on the matter the Scrutiny Committee may also comment on the validity of the “call-in”
- (d) Having considered the decision, the Scrutiny Committee may refer it back to the Executive for reconsideration, setting out the reasons in writing, providing any other information which might be useful to the Executive when it reconsiders the matter or it may refer the matter to Council.
- (e) If the Scrutiny Committee fails to meet within 14 clear working days of receiving a valid call-in request, or does meet but does not refer the matter back to the Executive or on to Council, the decision shall take effect on the date of the Scrutiny Committee meeting, or the expiry of that 14 clear working day period, whichever is the earlier.
- (f) If the matter was referred to 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 provision to make changes 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 Executive, together with the Council's views on the decision. Within 20 clear working days of receiving the views of the Council the Executive shall decide whether to amend the decision or not before implementing it.

- (g) If the Council does not refer the decision back to the Executive, the decision will become effective on the date of the Council meeting.
- (h) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent or to other decision made as outlined in the Executive procedure rules. 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 interest. The record of the decision and notice by which it is made public shall state whether in the opinion of the Executive 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 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.
- (j) The operation of the provisions relating to call-in and urgency shall be monitored annually by the Chief Executive, and a report submitted to the Council with proposals for review if necessary.

## **8. The conduct of meetings**

- (a) Overview and Scrutiny Committees and their sub-committees shall consider business in the following order:
  - (i) apologies for absence;
  - (ii) minutes of the last meeting;
  - (iii) any declarations of interest;
  - (iv) the work programme of the committee
  - (v) any response from the Executive to a previously-forwarded report;
  - (vi) the business otherwise set out in the agenda for the meeting.
- (b) When an Overview and Scrutiny Committee or one of its sub-committees is conducting a review or investigation, it shall have the

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right to documents and other information as described in the Access to Information Procedure Rules set out in Part 4 of this Constitution.

- (c) Where an Overview and Scrutiny Committee conducts investigations they are to be conducted with the following principles:
- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (d) An Overview and Scrutiny Committee or any of its sub-committees (in relation to matters falling within their terms of reference) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council or Executive functions. It may require the Leader, any Member of the Executive or councillor, the Head of Paid Service and any Chief Officer or Director to attend before it to explain, in relation to their remit, the following:
- (i) any particular decision or series of decisions and the reasons for them;
  - (ii) the extent to which any action or lack of action affects the Council and/or implements Council policy;
  - (iii) performance and outcomes in relation to the areas under their control.

It is the duty of those persons to attend if required, but such attendance will follow written notice from the Chief Executive, who will give to the relevant person at least seven clear working days' notice in writing or by electronic mail of the meeting at which he/she is required to attend. The notice will indicate the nature of the item and whether there is a requirement to produce any papers or other background information, or whether a report is required.

If, exceptionally, the relevant councillor or officer is unable to attend on the required date, an alternative date may be arranged by mutual agreement.

An Overview and Scrutiny Committee or any of its sub-committees may invite persons other than those set out above to give evidence, including individuals from outside the Council or from other organisations. In this case attendance is voluntary.

If there is a wish for officers below Director level to give evidence, then that attendance shall only be with the agreement of the Head of Paid Service or a Chief Officer.

- (e) Following any investigation or review, an Overview and Scrutiny Committee or sub-committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

## **9. Reports from Overview and Scrutiny Committees and Sub-Committees**

At the conclusion of any Overview and Scrutiny activity the committee or sub-committee will publish and submit its views, findings or recommendations, in writing, to any appropriate body of the Council, an officer or relevant partner/outside organisation.

Where such a report is submitted to a body of the Council or an officer the Chief Executive shall ensure that suitable arrangements are made so that the report is considered and that a response is reported back to the Overview and Scrutiny Committee or sub-committee within two months. Where the original submission was published, the response shall also be published and where the original submission was copied to separate individuals, the response shall also be circulated to the same individuals. Where a report is made to an outside organisation the Chief Executive shall request consideration of it and a response.

The Chair of the Overview and Scrutiny Committee or sub-committee which has submitted the report shall be entitled to attend any meeting of the Council, its committees or the Executive to present the report.

Any report or response to or from Overview and Scrutiny shall exclude any confidential information and may exclude any exempt information. Where such exclusions are made a summary should be included which does not disclose the confidential or exempt information.

## **10. Joint Overview and Scrutiny Committees**

The Council may decide to participate in Joint Overview and Scrutiny Committees for the purpose of securing local improvement targets.