

Overview & Scrutiny Procedure Rules

Scrutiny Committee

The proceedings of the Scrutiny Committee shall be conducted in accordance with the Access to Information Rules in this Constitution.

Powers

The Scrutiny Committee has a right of access to all papers to its task. This includes records of decisions made and actions taken as well as the reports and any other information or advice on the basis of which decisions were made.

The Committee shall have power to "call in" decision items considered by the District Executive, Area Committee or Portfolio Holders.

The Committee shall have the power to request the attendance of councillors and require the attendance of officers in order to give evidence and answer questions. It can also call for external witnesses e.g. stakeholders, service users, experts or representatives of external agencies (but will not be able to compel their attendance). The main Scrutiny Committee can also request Executive members and require officers to attend meetings of an Overview Commission as necessary.

The Scrutiny Committee will make an Annual Report to Council outlining the main areas of activity over the past twelve months and the Work Programme for the coming year. The Chair of the Scrutiny Committee will also report to every Council meeting on progress made against the Annual Scrutiny Work Programme.

No member of the Overview and Scrutiny function (including the Overview Commission) can also be a member of the District Executive.

Working Arrangements

"Call In" Before the Decision is Implemented

Decisions made by the District Executive, individual Portfolio Holders and the Area Committees may be "called in" before they are implemented. A list of decisions taken will be published on the internet within 48 hours after a meeting (hard card copies will also be sent to all members of the Scrutiny Committee) and may be requisitioned for "call in" and review within 5 working days from the date of publication. The notice of decisions will specify the "call in" deadline.

Unless the decision is urgent it will not be implemented until after the period allowed for call in.

When items are "called in" they are reported to the next meeting of the Scrutiny Committee at which one Executive or Area Committee member has a right to attend and make representations to the Committee. If the Scrutiny Committee is unhappy with the decision it can ask the Executive or Area Committee to re-consider the item or it could ask for the item to be debated at the full Council.

The right to call in decisions before they are implemented does not apply to items of urgent business and quasi-judicial items such as planning applications. The implementation of urgent decisions may be reviewed after the decision is made. The Chief Executive shall determine whether an item is urgent based on reasons given by the report author.

Decisions called in and which are referred back for reconsideration will be clearly marked on the agenda when reported back to the Executive or Area Committee. The comments or recommendations from the Scrutiny Committee will also be reported.

No decision may be "called in" on more than one occasion.

"Call In" After the Decision is Implemented

The Scrutiny Committee may review the implications of decisions implemented by Area Committees, Portfolio Holders and District Executive. Information on decisions taken will be set out in the minutes of all meetings, which are published on the internet and deposited in the Members Room. All decisions taken by the District Executive will also be reported to each meeting of the Council.

Also those powers that have been exercised by officers under delegated authority can be "called in" on an ad hoc basis. Lists of "major" decisions taken under delegated authority will be reported on a regular basis to all members of the Council.

All decisions taken by the Executive, Area Committees or officers under delegated authority which have been implemented may be "called in" at any time by the Scrutiny Committee to consider the implications of the decision. The Committee can make recommendations to the Executive or full Council on changes to policy or practice in the light of their findings in respect of a particular decision or its implementation. Whilst individual quasi-judicial decisions, such as planning, cannot be re-considered the procedures and policies applied in each case may be looked at by the Committee.

Requests for "call in" can be made by either the Chairman of the Scrutiny Committee, two other members of the Scrutiny Committee or by ten members of the Council. The request must give the reasons for the "call in", with the names of the members making the request and be submitted in writing or e-mail to the Democratic Services Specialist.

Scrutiny Reviews

In addition to being able to 'Call-in' decisions, the Overview and Scrutiny function shall conduct reviews into identified areas of Council Services and their performance. It may also investigate the operation of outside agencies as they impact on the District. This work will be co-ordinated through the Annual Scrutiny Work Programme.

The Overview and Scrutiny function also takes an overview of levels of performance across the authority in accordance with the authority's performance management framework.

Overview Commission

All non-Executive members who form the Overview Commission will be given the opportunity to contribute and take part in all reviews.

Reviews will be undertaken on a 'Task and Finish' basis as directed by the Scrutiny Committee. The Scrutiny Committee will receive the final reports of the Overview Commissions along with regular updates.

Members undertaking reviews will be encouraged to use various review methods and to engage the wider community wherever possible. Relevant co-optees may be invited to participate in a review, bearing in mind the potential contribution of residents and partners.

Members undertaking a review will meet informally and are not subject to the Access to Information Rules. As Task and Finish groups they will be able to meet and take evidence in

public but this will not be a requirement. It will be for each group to decide its own working arrangements that best meet the needs of a particular review.

The work of the Scrutiny Committee and the Overview Commissions will be managed by an annual Overview and Scrutiny Work Programme. This will be approved and monitored by the Scrutiny Committee and will be drawn up in consultation with all elected members (including the Executive), SLT, Area Committees and the wider community. This will ensure that the Overview and Scrutiny Work Programme accurately reflects Corporate Priorities along with Area and community priorities. The Overview and Scrutiny Work Programme will be reported to each meeting of the Scrutiny Committee, which will allow for amendments to be made to the Programme, including new items added, as agreed by the Committee. The Programme will be reported to Full Council annually as part of the Annual Scrutiny report.