

APPENDIX 4

[the text shown in italics and underlined is for addition or insertion]

Part Four, Section G Overview and Scrutiny Procedure Rules

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. The arrangements for Overview and Scrutiny

- 1.1 The Council will have one Overview and Scrutiny Committee, which will have responsibility for all overview and scrutiny functions on behalf of the Council.
- 1.2 The terms of reference of the Overview and Scrutiny Committee will be:
 - (i) The performance of all overview and scrutiny functions on behalf of the Council.
 - (ii) The commission and appointment of such Scrutiny Review Panels as it considers appropriate, with membership that reflects the political balance of the Council.
 - (iii) To decide and amend the terms of reference of all scrutiny reviews.
 - (iv) To receive reports from the Leader at the earliest convenience after each annual council meeting on ‘the state of the borough’, the Cabinet’s priorities for the coming year, and its performance in the previous year.
 - (v) To receive reports from local National Health Service bodies on the state of health services and public health in the borough area.
 - (vi) To monitor the effectiveness of the Council’s Forward Plan.
 - (vii) To receive all appropriate performance management and budget monitoring information.
 - (viii) To approve a programme of future overview and scrutiny work so as to ensure that the Overview and

Scrutiny Committee's and scrutiny panels' time is effectively and efficiently utilised;

- (ix) To consider all requests for call-in and decide whether to call-in a decision, how it should be considered and whether to refer the decision to the Cabinet or to Council.
- (x) To monitor the effectiveness of the Call-in procedure.
- (xi) To review and scrutinise action taken by partner authorities in discharge of crime and disorder functions and make reports and recommendations to Cabinet and Council on these.
- (xii) To make arrangements which enable any Councillor who is not a Committee Member to refer any local government matter or any crime and disorder matter to the Committee under the Councillor Call for Action Procedure.
- ~~(xi)~~ (xiii) To ensure that referrals from Overview and Scrutiny Committee to the Cabinet either by way of report or call-in are managed efficiently, and
- ~~(xii)~~ (xiv) To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to relevant scrutiny review panels.

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15. Call-in

The call in procedure is dealt with separately in this Part of the Constitution, immediately following the Overview and Scrutiny Procedure Rules.

16. Councillor Call for Action (CCfA)

The Council has adopted a Protocol for handling requests by non-Committee Members that the Committee should consider any local government matter which is a matter of significant community concern. This procedure should only be a last resort once the other usual methods for resolving local concerns have failed. Certain matters such as individual complaints and planning or licensing decisions are excluded.

Requests for a CCfA referral should be made to the Head of Local Democracy & Member Services who will check with the Monitoring Officer that the request falls within the Protocol. The Councillor making the referral will be able to attend the relevant meeting of the Committee to explain the matter. Among other actions, the Committee may: (i) make recommendations to the Cabinet, Directors or partner agencies (ii) ask officers for a further report, (iii) ask for further evidence from the Councillor making the referral, or (iv) decide to take no further action on the referral.

The Protocol is not included within this Constitution but will be subject to regular review by the Committee.

46.17 Procedure at Overview and Scrutiny Committee meetings and meetings of the Scrutiny Review Panels.

- (a) The Overview and Scrutiny Committee shall consider the following business as appropriate:
 - (i) apologies for absence;
 - (ii) urgent business;
 - (iii) declarations of interest;
 - (iv) minutes of the last meeting;
 - (v) deputations and petitions;
 - (vi) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
 - (vii) responses of the Cabinet to reports of the Committee; and
 - (viii) the business otherwise set out on the agenda for the meeting.
- (b) A Scrutiny Review Panel shall consider the following business as appropriate:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) the business otherwise set out on the agenda for the meeting.
- (c) Where the Overview and Scrutiny Committee or Scrutiny Review Panel has asked people to attend to give evidence at

meetings, these are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the Overview and Scrutiny Committee and Scrutiny Review Panels be given the opportunity to ask questions of attendees, to contribute and to speak;
 - (ii) that those assisting the Overview and Scrutiny Committee or Scrutiny Review Panel by giving evidence be treated with respect and courtesy;
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
 - (iv) that reasonable effort be made to provide appropriate assistance with translation or alternative methods of communication to assist those giving evidence.
- (d) Following any investigation or review, the Overview and Scrutiny Committee or Scrutiny Review Panel shall prepare a report, for submission to the Cabinet (via the Overview and Scrutiny Committee in the case of a Scrutiny Review Panel) and shall make its report and findings public.

47.18 The Party Whip

Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a member of scrutiny 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/Panel's deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

The expression "party whip" can be taken to mean: "Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."

48.19 Matters within the remit of more than one Scrutiny Review Panel

Should there be any overlap between the business of any scrutiny reviews, the Overview and Scrutiny Committee is empowered to resolve the issue.