

# **Part 4 (4)**

## **Overview and Scrutiny Procedure Rules**

## Overview and Scrutiny Procedure Rules

### 1. Overview and Scrutiny Committee

1.1 The Council will appoint one Overview & Scrutiny Committee.

### 2. Terms of Reference

2.1 The performance of all overview and scrutiny functions on behalf of the Council are specified in in Part 3 of this Constitution.

### 3. Membership and Composition

3.1 **Number:** The Committee shall consist of **fifteen Members** of the Council appointed in accordance with Council Procedure Rule 7.

3.2 **Eligibility:** All Members of the Council, with the **exception** of Members of the Hub Committee and Audit Committee will be members of the Overview & Scrutiny Committee. However, no Member shall be involved in scrutinising a decision taken by a committee of which, at the time of the decision, s/he was a voting member.

3.3 **Chairman:** The Chairman and Vice Chairman shall be appointed by Council in accordance with the Council Procedure Rules in Part 4 of the Constitution. The Chairman of the Overview & Scrutiny Committee cannot also be the Chairman of the Audit Committee.

3.4 **Co-optees:** The Committee shall be entitled to recommend to the Council the appointment of co-opted members (including members of the public).

### 4. Meetings

4.1 **Frequency:** There shall be at least **five meetings** of the Committee in each year. In addition, other meetings may be called in accordance with the Council's Procedure Rules as set out in Part 4 of this Constitution.

4.2 **Quorum:** The quorum for the Committee shall be **seven members**.

4.3 **Substitution** is not permitted on the Overview & Scrutiny Committee (see Procedure Rule 10).

#### 4.4 Annual report

The Overview & Scrutiny Committee shall report annually to Council on its workings and make evidence based recommendations for future work programmes and amended working methods if appropriate.

### 5. Powers and Duties

- 5.1 **Sub-Committees:** The Overview and Scrutiny Committee shall have the power to appoint such sub-committees as it considers appropriate to discharge its functions. These Procedure Rules, including those on eligibility for membership, shall apply to any such sub-committee.
- 5.2 **Task and Finish Groups:** The Committee shall have the power to appoint and discontinue Task and Finish Groups.
- 5.2.1 The Task and Finish Groups shall be appointed to undertake such work and within such time-scales as may be specified by the Committee.
- 5.2.2 All Members of the Council are eligible for membership of the Task and Finish Groups.
- 5.2.3 The Committee shall establish the membership of the Task and Finish Groups.
- 5.2.4 A Task and Finish Group shall report to the Overview & Scrutiny Committee.
- 5.3 **Work programme:** The Overview & Scrutiny Committee shall be responsible for setting its own work programme.
- 5.4 **Agenda Items:** Any member of the Committee shall be entitled to give notice to the Chairman that s/he wishes an item to be included on the next appropriate agenda and the Chairman shall arrange for this to be done.
- 5.5 **Consideration of Overview and Scrutiny Reports:** The Head of Paid Service will ensure that reports of the Overview & Scrutiny Committee are placed on the agenda for the appropriate committee or Council Summons if appropriate for consideration,
- 5.6 Members or Officers may propose that Overview & Scrutiny consider a particular matter by completing a Scrutiny Proposal Form (which can be obtained from [democratic.services@swdevon.gov.uk](mailto:democratic.services@swdevon.gov.uk)). See below for rules on Public Forum <https://www.westdevon.gov.uk/article/3669/Overview-Scrutiny-Committee>
- 6. Overview**
- 6.1 **Policy Review/Development:** In relation to the review or development of Council policies, the Overview & Scrutiny Committee may make proposals for consideration by the relevant committees, joint committees or Council if appropriate.
- 6.2 The Overview & Scrutiny Committee may receive requests from the Council and committees to review particular areas of Council activity. The Committee, having regard to its work programme, shall consider and respond to such requests.
- 6.3 The Overview & Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint

advisers and assessors to assist it in this process. It 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 its deliberations.

## 7. Scrutiny

7.1 **Proposed decisions:** To assist with the function of scrutiny, members of the Overview & Scrutiny Committee shall be sent links to Council Summons and agendas of all committees.

7.2 **Call-in of decisions:** Call-in should only be used in exceptional circumstances, e.g. where members of the Overview & Scrutiny Committee has evidence which suggests that the Hub Committee did not take the decision in accordance with the principles set out in Article 11 (Decision Making).

7.2.1 Call-in will **not apply** to decisions of individual applications under development management, licensing, standards, registration, consents or other permissions where there is a statutory right of appeal.

7.2.2 Within **two days** (where reasonably practicable) of a meeting of the Hub Committee:

- the minutes of that meeting shall be published on the council website and Members advised

7.2.3 The minutes (as referred to in 6.3.2) will specify that any decision will come into force (and may then be implemented) on **the expiry of three working days** after the publication of the minutes, **unless** the Overview & Scrutiny Committee calls it in.

7.2.4 Before **the expiry of the three working days**, the Head of Paid Service shall call-in a decision for scrutiny by the Overview & Scrutiny Committee if so requested by the Chairman or any three Members of the Overview & Scrutiny Committee. The Head of Paid Service will notify all Members of the call-in of the decision.

7.2.5 The Head of Paid Service shall call a meeting of the Overview & Scrutiny Committee on such date as she may determine (where possible after agreement with the Chairman of the Committee) and in any case within **five working days** of the decision to call-in.

7.2.6 If, having considered the decision, the Overview & Scrutiny Committee remains concerned about it then the Committee may set out in writing the nature of its concerns and:

- refer the decision back to the relevant committee for re-consideration, or
- refer the matter to Council for determination.

If the matter is referred back to a Committee or Council, that body shall determine at the earliest practicable opportunity whether or not to amend the decision.

7.2.7 If, following a call-in of a decision, the Overview & Scrutiny Committee:

- does not meet in the period set out above, or
- does meet but does not refer the matter back to the relevant Committee or to Council)

the decision shall take effect on the date of the Overview & Scrutiny meeting or the expiry of that further five working day period, whichever is the earlier.

7.3 **Urgency:** The call-in procedure set out above shall not apply where the decision being taken by a committee is urgent. 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's interest. Where the record of the decision, and notice by which it is made public, states that in the opinion of the Head of Paid Service the decision is an urgent one, it will not be subject to the call-in process.

7.4 **Attendance by Others:** The Overview & Scrutiny Committee may:

- (i) require Hub Members, members and Senior Officers of the Council to attend a meeting to answer questions and it is the duty of those persons to attend if so requested;
- (ii) request, but not compel, officers from partnership organisations to attend if so required;
- (iii) invite any person to attend to address the Committee or to discuss issues of local concern and/or to answer questions;

7.5 **Party Whip:** When considering any matter in respect of which a member of the 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.

7.6 **Procedure:** The Overview & Scrutiny Committee shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest (including whipping declaration);
- (iii) the Hub Forward Plan
- (iv) consideration of any matter referred to the Committee for a decision in relation to the calling in of a decision;
- (v) responses of the committees to reports of the Overview & Scrutiny Committee; and

(vi) the business otherwise set out on the agenda for the meeting.

## **7.7 Reports on policy proposals or investigations**

7.7.1 The Committee may adopt its own procedures as it so chooses when carrying out a review or conducting an investigation.

7.7.2 Following any investigation or review, the Committee shall prepare a report, for submission to the relevant committee, joint committee and/or Council as appropriate.

## **8. Public Forum Procedures**

### **(a) General**

Members of the public may raise issues and ask questions at meetings of the Overview and Scrutiny Committee. This session will last for up to fifteen minutes at the beginning of each meeting.

### **(b) Notice of Questions**

An issue or question may only be raised by a member of the public provided that they have given written notice (which may be by electronic mail) to ([democratic.services@swdevon.gov.uk](mailto:democratic.services@swdevon.gov.uk)) by 5.00pm on the Thursday, prior to the relevant meeting.

### **(c) Scope of Questions**

An issue may be rejected by the Monitoring Officer if:

- it relates to a matter within the functions of the Development Management and Licensing & Licensing Committee;
- it is not about a matter for which the local authority has a responsibility or which affects the Borough
- it is offensive, frivolous or defamatory;
- it is substantially the same as a question which has previously been put in the past six months; or
- it requires the disclosure of confidential or exempt information.