

Section 5 – Overview and Scrutiny Committee

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1 Membership

- a) The Overview and Committee will be comprised of 13 members appointed each year at the Annual meeting of Council. Substitute members are permitted in accordance with paragraph 4.7.28 of the rules of procedure for Council.

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Members of the committee and their substitutes cannot be members of the Executive or hold a Cabinet Assistant role (policy advisor).

- b) The Committee will comply with the political balance rules in Section 15 of the Local Government and Housing Act 1989.

2 Quorum and Frequency of Meetings

- a) The quorum of the Committee shall be three members.
- b) Meetings will take place at least five times per year although the Chair has the discretion to vary this due to levels of business.

3 Role of the Overview and Scrutiny Committee

The Overview and Scrutiny Committee can:

a) Hold the Executive to account

- Review the performance and decisions of the Executive
- Review the Council's progress in achieving policy aims and performance targets
- Review the performance of individual services

b) Develop and review policy

- Help Council and the Executive develop policy by studying issues in detail
- Carry out research and consultation on policy

c) Call-in Executive decisions

- Exercise the right to call in decisions made by the Executive, but not yet implemented, if there is a need for the decision to be reviewed.

d) Hold others to account

- The Overview and Scrutiny Committee can hold other public service providers to account for their activities and performance.
- Undertake an annual review of the work of the Local Crime and Disorder Reduction Partnerships.

4 What powers does the Overview and Scrutiny Committee have?

The Overview and Scrutiny Committee can:

- Send reports and recommendations to the Executive on anything the Council is responsible for that affects the Borough or its residents

- Call-in Executive decisions that have not yet been implemented for review. Any
- Require Executive members and senior officers to attend meetings and answer questions.
- Establish working groups to carry out in-depth reviews and make recommendations.

5 Programme of work

The Overview and Scrutiny Committee is responsible for setting its own work programme.

6 Agenda

a) Putting items on the agenda

Any member of the Overview and Scrutiny Committee can put an item on the committee agenda subject to the prior agreement of the Chair and the item is relevant to the functions of the committee.

b) Speaking on agenda items

Any member of the public and any councillor who is not part of the committee can speak on an agenda item if the Chair agrees. The Chair will decide how long they can speak for.

c) Requests from Cabinet

The Overview and Scrutiny Committee can, but does not have to, review issues put forward by the Executive.

d) Petitions

Under the Council's Petitions Policy (section 28 of the constitution), the Overview and Scrutiny Committee may be asked to examine issues raised by a petition. The Committee can also review the handling of a petition if a petitioner believes that their petition has not been handled correctly.

7 Order of business of the Overview and Scrutiny Committee

The order of business will be:

- a) Apologies for absence
- b) Minutes of the last meeting
- c) Declarations of interest

- d) Any decisions that have been called in
- e) Business set out on the agenda of the meeting
- f) The scrutiny work programme including Executive responses to Scrutiny recommendations
- g) Reports and Notices received by the Chair of Overview and Scrutiny Committee as required under the Constitution or Law.

8 Call-in procedure

- 8.1 “Call in” is a statutory right for members of the council to “call in” a key decision of cabinet, an individual cabinet member or an officer with delegated authority after it is made but before it is implemented
- 8.2 Call in does not apply to cabinet decisions that make recommendations to Council because those decisions will not be implemented in any event until the matter has been considered and agreed by Council. Call in will also not apply where the substance of the decision has already been scrutinised by Overview and Scrutiny Committee prior to consideration by Cabinet.
- 8.3 Call in is not intended to be a mechanism for voicing objection to or dislike of any particular decision and will not be a valid Call in if it is considered to be vexatious or malicious. Call in should only be used in exceptional circumstances and where there is evidence to show that one of the following may apply:
- a) that there has been inadequate consultation with stakeholders prior to the decision being made;
 - b) that there was inadequate evidence on which to base a decision and that not all relevant matters were fully taken into account;
 - c) that the decision materially departs from the budget and policy framework;
 - d) that the decision is disproportionate to the desired outcome;
 - e) that the decision has failed to take into account the provisions of the Human Rights Act 1998 and or the public sector equality duty;
 - f) that the decision-maker has failed to consult with and take professional advice from all relevant officers including the monitoring officer and the chief finance officer, as appropriate, or has failed to have sufficient regard to that advice;
 - g) that the decision exceeds the powers or terms of reference of the decision maker responsible for the decision; or
 - h) that the access to information rules have not been adhered to.

The Monitoring Officer, in consultation with the Section 151 Officer and/or the Head of Paid Service as appropriate shall determine the validity of a call in request. Where the call in request raises a question which is already addressed in the report relating to the decision it will not be considered valid.

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- 8.4 Where a decision has been taken in circumstances where the special urgency provisions apply, as set out in the access to information rules, that decision will not be subject to call in.
- 8.5 The call in procedure will also not apply where the decision taken needs to be implemented urgently. 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.

- 8.6 In this case the record of the decision, and notice by which is it made public shall state whether in the opinion of the decision making person or body, the decision is one that requires urgent implementation and the reasons why, and the monitoring officer should confirm that as such it is not subject to call in.
- 8.7 Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.
- 8.8 To exercise the "call in" mechanism, no less than three councillors must make such request in writing (email is acceptable) to the Monitoring Officer within five working days of the decision being taken. The written notification of call-in must include reasons as set out in 8.3 above.
- 8.9 Where the Monitoring Officer has determined that a call in request is valid, the Cabinet and relevant officers will be notified and a meeting of the Overview and Scrutiny Committee will convene as soon as reasonably practicable to consider the call in request.
- 8.10 The purpose of the call in meeting is to establish whether or not the decision has been made incorrectly; the meeting is not intended to be adversarial and shall take the form of a discussion to ascertain the facts.
- 8.11 Members who submitted the call in request will be invited to attend the meeting where the call in request is considered. The Committee will also invite the decision maker and any relevant officers and members to answer questions.
- 8.12 In considering the call in request, the Committee will have the information on which the decision maker made the decision and the call in request.
- 8.13 Having considered the decision and the call in request, the Committee may:
- Uphold the decision (which then takes immediate effect)
 - make recommendations to the decision maker for consideration (the decision maker shall consider the recommendations as soon as reasonably possible and may amend the decision or reject the recommendations but the outcome will be reported back to Committee with clear reasons given where the recommendations are not accepted/implemented.)
 - refer the review of the call in to Council for consideration and to obtain its views (NB Council cannot substitute its own decision for that of the Executive)

9 Whipping

When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to instructions from his party or group to how they should speak or vote (“the 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.

10 Scrutiny working groups

On completion of a review the Overview and Scrutiny Committee will agree the report and recommendations and send it to the Executive for a response. The Executive must consider this at their next meeting and respond to the Overview and Scrutiny Committee within 28 days of receipt of the report.

If the working group cannot agree on a single final report then a minority report can be submitted for consideration by the Executive alongside the majority report.

11 Scrutiny Committee members’ rights to see documents

In addition to their rights as councillors members of the Overview and Scrutiny Committee and its working groups have additional rights of access to documents as included in the Access to Information rules in the Constitution. This allows the committee access to copies of any documents which are in the possession, or control, of the Executive or its committees.

12 Duty of Cabinet members and officers to attend the Overview and Scrutiny Committee

The Overview and Scrutiny Committee can require Executive members to attend meetings and answer questions about:

- Their performance
- Decisions they were involved with
- The extent to which they have complied with the budget and policy framework.

Executive members required to attend the Overview and Scrutiny Committee will be given at least 5 working days' notice in writing, together with an indication of the issues being raised and the expected focus of questioning.

13 Annual Report

The Overview and Scrutiny Committee will report annually to Full Council informing it of their work during the past year.

14 Relationship between the Overview and Scrutiny Committee and the Executive

Additional information concerning the relationship between the Executive and the Overview and Scrutiny Committee is available in the Executive-Scrutiny Protocol.

15 Rules of Procedure

- a) Paragraphs 4.7.2, 4.7.17, 4.7.18, 4.7.19, 4.7.20, 4.7.21, 4.7.22, 4.7.28, and 4.7.29 of the rules and procedure for Council (Section 4 of this constitution) shall apply to meetings of the Overview and Scrutiny Committee as they apply to Council meetings.
- b) References to "the Mayor and Deputy Mayor" shall apply to the Chair and Vice-Chair respectively of the Committee and references to the "Council Chamber" shall apply to the room in which the meeting is held.