

# Part 3C

## Overview and Scrutiny Standing Orders

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## **1. Establishment of Scrutiny Committee**

The Council will establish a Scrutiny Committee as set out in Article 6.

Scrutiny Committee may appoint task and finish groups.

## **2. Membership of Scrutiny Committee**

Scrutiny Committee comprises of nine non-executive councillors and reflects a political proportionate balance. A non-executive councillor is defined as a councillor who is not a member of Cabinet. Any non-executive councillor is eligible to be a member of Scrutiny Committee, however:

- (a) no member may be a member of Audit and Ethics Committee; and
- (b) no member may be involved in scrutinising a decision in which they have been directly involved.

## **3. Co-optees**

Scrutiny Committee shall be entitled to appoint a maximum of two people as non-voting co-optees to the committee or to any individual task and finish group under its management.

## **4. Meetings of Scrutiny Committee**

There shall be at least five scheduled ordinary meetings of Scrutiny Committee in each year. In addition, extraordinary meetings may be called when appropriate.

A meeting of the Scrutiny Committee may be called by the chair of the relevant committee, in consultation with the Chief Executive, if they consider it appropriate.

Scheduled meetings may be cancelled by the chair if there is insufficient business to warrant the holding of the meeting.

## **5. Quorum**

The quorum for Scrutiny Committee shall be as set out for committees in the Council Standing Order 8 in Part 3A of this constitution.

## **6. Chairmanship of Scrutiny Committee and Task and Finish Groups**

Scrutiny Committee and the task and finish groups will elect a chair who shall be one of its members. Wherever practicable the chair of the committee shall not be a member of a political group that has overall control of the Council. Chairs of task and finish groups are appointed irrespective of political allegiance.

## **7. Work programme**

Scrutiny Committee will be responsible for setting its own overview and scrutiny work programme delegating work to task and finish groups while maintaining oversight and board control. The committee will decide the terms of reference for task and finish groups with the final decision making determined by the committee.

## **8. Agenda items**

- (a) Any Councillor shall be entitled to give written notice to the Chief Executive that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee for the committee's consideration. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.
- (b) Scrutiny Committee shall also respond, as soon as the overview and scrutiny work programme permits, to requests from the Council and Cabinet for review of particular areas of council activity.
- (c) The committee shall be entitled to consider any requested item at the time it comes before the committee and consider what action if any it wishes to take in relation to it, this may include including it on the work programme for a future meeting, creating a task and finish group or declining to take further action in relation to the issue raised, particularly where this would not align with the strategic priorities of the Overview and Scrutiny Committee or the Council.

## **9. Policy review and development**

- (a) The role of Scrutiny Committee in relation to the development of the council's budget and policy framework is set out in detail in the Budget and Policy Framework Standing Orders at Part 3E of this constitution.

- (b) In relation to the development of the council's approach to other matters not forming part of its budget and policy framework, Scrutiny Committee may make proposals to Cabinet on matters that are within the committee's terms of reference.
- (c) Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They 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 their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so within the available budget.

## **10. Reports from Scrutiny Committee**

- (a) Once it has formed recommendations, Scrutiny Committee will prepare and submit a formal report to Cabinet if the proposals are consistent with the existing budgetary and policy framework, or to the Council if the recommendation would require a decision of the Council (for example in the case of a departure from or a change to the agreed budget and policy framework). This report shall be considered at the next available Cabinet or Council meeting.
- (b) Reports of reviews carried out jointly with other councils or other organisations shall be reported to Cabinet by the commissioning committee and the same report shall be submitted to the executive bodies of the organisations with whom the review is jointly carried out.
- (c) The annual report referred to in Part 2A 6.4(f) of this constitution shall be agreed by the committee before submission to the Council.

## **11. Rights of Scrutiny Committee members to documents**

- (a) In addition to their rights as councillors, members of Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Standing Orders in Part 3D of this constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between Cabinet and Scrutiny Committee as appropriate, depending on the particular matter under consideration.

## **12. Members and officers giving account**

- (a) Scrutiny Committee may scrutinise and review decisions made or actions taken in connection any council function. As well as reviewing documentation, Scrutiny Committee may require any Cabinet member, Leadership Team or an officer reporting direct to Leadership Team to report on matters within his or her remit in relation to any of the following:
  - (i) Any particular decision or series of decisions
  - (ii) The extent to which actions taken implement Council policy
  - (iii) Performance
- (b) Where an officer reporting to Leadership Team has been asked to attend, the member of Leadership Team in question may choose to attend instead.
- (c) If a councillor or an officer is required to attend Scrutiny Committee, the chair will inform the Chief Executive or the officer who supports the committee. This officer shall inform the person required to attend in writing, giving at least five working days' notice of the meeting. The notice will state why they are required to attend and whether any papers need to be produced. Where papers are needed enough time will be given to prepare them.
- (d) Where, in exceptional circumstances, the councillor or officer is unable to attend on the required date, Scrutiny Committee shall in consultation with the councillor or officer arrange an alternative date for attendance.

## **13. Attendance by others**

- (a) Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and answer questions.
- (b) Scrutiny Committee may permit members of the public to ask questions at its meetings and may invite members of the public to submit their views to the committee and to participate in any discussion or debate. The right of the members of the public to participate in committee meetings shall be at the discretion of the committee and shall be subject to the member of the public not raising matters, or asking questions or making statements that:
  - (i) are not relevant to the matter under discussion;
  - (ii) relate to the member of the public's own particular case or circumstances;
  - (iii) relate to any particular housing, planning, licensing or grant application;
  - (iv) are defamatory, frivolous or offensive;
  - (v) relate to a matter which is the subject of legal proceedings;

- (vi) require the disclosure of confidential or exempt information; and/or
- (vii) relate to a council employee.

## **14. Call-in procedures**

Call-in provides an opportunity for councillors to review certain decisions.

### **14.1 Notification of decisions**

The following decisions will be published:

- i) A decision made by Cabinet or a key decision made by a single Cabinet Member
- ii) A key decision made by an officer
- iii) A key decision made by an area committee
- iv) A key decision made under joint arrangements

Publication may be by electronic means and will normally be within three working days of the decision. All members of the Council will be sent copies of the records of all such decisions within three working days.

### **14.2 Time limit for call-in**

The notice of decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, at the expiry of five clear working days after the publication of the decision.

### **14.3 Power to call in a decision**

The Chief Executive shall call in a decision if requested to do so in writing by either of the following:

- (a) The chair and any two members of Scrutiny Committee.
- (b) Any three members of the Council.

### **14.4 Consideration of called-in decisions**

The relevant Overview and Scrutiny Committee in relation to referrals under Standing Order 14 shall meet to consider the decision as soon as reasonably practicable, and usually no later than 10 working days after receipt of the call-in request.

### **14.5 Having considered the decision, the relevant Overview and Scrutiny Committee may:**

- (a) If it considers that having regard to the policy and budget framework corporate strategy and the information provided to the committee it considers that the decision has failed to take into account some material

considerations refer it back to the decision-making person or body for reconsideration setting out in writing the nature of its concern; or

- (b) If, having considered the matter, the committee concurs with the original decision, the decision will stand and will become effective on the date of the committee meeting.

#### **14.8 Exceptions**

In order to ensure that call-in is not abused, nor causes unreasonable delay, the following limitations are placed on its use:

- (a) The call-in procedure may only be used once in respect of any particular decision.
- (b) Where, as a result of call-in, the matter is referred back to the decision-maker for final decision or the decision is otherwise deemed to take effect no further call-in may be exercised.
- (c) Call-in shall not apply to urgent decisions that comply with Standing Order 14.9 below.

#### **14.9 Call-in and urgency**

- (a) The call-in procedure shall not apply where the decision taken 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 interests. The report to Cabinet, the record of the decision, and notice by which it is made public shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to the Council with proposals for review if necessary.

### **15. Crime and Disorder Scrutiny**

- (a) In accordance with Section 19 of the Police and Justice Act 2006, Scrutiny Committee shall have the power to:
  - (i) scrutinise decisions made and actions taken by the responsible authorities that make up the Rugby Community Safety Partnership in connection with the discharge of their crime and disorder functions;
  - (ii) request information from the responsible authorities; and

- (iii) require attendance of officers or employees of responsible authorities to answer questions or to provide information.
- (b) Scrutiny Committee shall perform this role at no less than one meeting each municipal year.

## **16. Employment matters**

Employees or their union representatives shall have the power to ask Scrutiny Committee to consider and make recommendations on matters concerning the Council's powers and duties as an employer including matters concerning health and safety at work.

## **17. Procedure at Scrutiny Committee meetings**

- (a) Scrutiny Committee shall consider the following business:
  - i) Minutes of the last meeting
  - ii) Apologies for absence
  - iii) Declarations of interest
  - iv) Consideration of any matter referred to the committee for a decision in relation to call-in of a decision
  - v) Responses of Cabinet to reports of Scrutiny Committee
  - vi) The business otherwise set out on the agenda for the meeting
- (b) Where the committee conducts investigations, the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
  - i) That the investigation will be conducted fairly and all committee members given the opportunity to ask questions of attendees, and to contribute and speak.
  - ii) That those assisting the committee by giving evidence will be treated with respect and courtesy.
  - iii) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
  - iv) Where councillors or officers are asked to attend, the committee shall only be entitled to require the attendance of portfolio holders Leadership Team and anyone reporting direct to Leadership Team.
- (c) Following any investigation or review, the committee shall prepare a report for submission to Cabinet or the Council as appropriate and shall make its report and findings public.
- (d) Council Standing Orders 4 to 9, 12, 13 (but not 13.4, 13.5 and 13.8), 15 to 23 (but not 16.1 and 20.1) set out in Part 3A of this constitution shall apply to meetings of Scrutiny Committee.