

## Part 4.5 Overview and Scrutiny Procedure Rules

### 14. **MEMBERS AND OFFICERS GIVING ACCOUNT**

14.1 The Overview and Scrutiny Committee or Scrutiny Panel may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy; and/or
- their performance

and it is the duty of those persons to attend if so required.

14.2 Where any member or officer is required to attend the Overview and Scrutiny Committee or any of the Scrutiny Panels under this provision, the Scrutiny Officer (under instruction from the Chair) shall inform them giving at least 7 working days notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

14.3 Where the account to be given to the Overview and Scrutiny Committee or Scrutiny Panel will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

14.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Panel shall in consultation with the member or officer arrange an alternative date for attendance.

*14.5 That the relevant Strategic Director(s) and/or Assistant Director(s) be allocated a ten minute slot at the beginning of each meeting to answer specific queries or questions being raised by members of the committee/ Panel that relate to pertinent, topical issues affecting their directorate, the panel and the local area. Questions should be submitted to the relevant Democratic Services Officer at least 24 hours in advance of the meeting.*

### 15. **ATTENDANCE BY OTHERS**

15.1 The Overview and Scrutiny Committee or Scrutiny Panels may invite people other than those people referred to in section 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

## **16. CALL-IN – CABINET DECISIONS**

- 16.1 The Overview and Scrutiny Committee has the power to call in any decision made by the Cabinet, but not yet implemented. This is a power which should only be used in exceptional circumstances and cannot be used in respect of day-to-day management and operational decisions.
- 16.2 It is important that the call-in process is not abused, nor causes unreasonable delay; the main tool of Overview and Scrutiny is to improve delivery of policies and services through detailed Reviews, rather than call-ins.
- 16.3 A decision can be called-in when Members:
- Believe it may be contrary to the normal requirements for decision making.
  - Believe it may be contrary to the Council's agreed policy framework and/or budget.
  - Need further information from the decision-taker to explain why it was taken.
- 16.4 Every Cabinet decision which is subject to call-in cannot be implemented until the end of the call-in period. The call-in period lasts for 5 working days after the publication of the decision. Notice of the decision shall be published within 2 working days of being made, and copies of the decisions will be sent to all Overview and Scrutiny Members.
- 16.5 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, on the expiry of 5 working days after the publication of the decision, unless the decision is called in under the provisions set out below.
- 16.6 Within the call-in period a collective of three elected Members of the Authority may sign a notice requesting that the decision is called in and submit the notice to the Statutory Scrutiny Officer and Head of Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution. Requests may also be submitted by email, and in this case, only one Member need submit the actual form, but individual emails in support of the request must be submitted by the other two members specified on the form before the end of the call-in period. A form setting out the information required when submitting a call-in is available from the Scrutiny Office.
- 16.7 On receipt of the notice of call-in the Statutory Scrutiny Officer will, as soon as possible, seek the views of the Chair or in their absence, the Vice-Chair of the Overview and Scrutiny Committee as to the reasonableness of the request. In considering whether the request is reasonable, the Chair (or Vice Chair in the Chair's absence) will consider whether a case has been made for calling in the decision.
- 16.8 If it is considered that the request is unreasonable the call-in will be rejected. The Statutory Scrutiny Officer will submit a report to the next available meeting of the Overview and Scrutiny Committee giving details of the request and Chair's/Vice-Chair's reasons for refusing it.
- 16.9 If it is considered that the request for call-in is reasonable, the Statutory Scrutiny Officer will add the call-in to the agenda for the next Overview and Scrutiny Committee, after consulting the Chair of the Committee. The call-in must be considered and resolved by the Overview and Scrutiny Committee within one month of the Notice of Decision being published. The Overview and Scrutiny Committee may

call a joint committee meeting with any of the Scrutiny Panels should the call-in relate to a specific area of responsibility for a particular Panel.

## **17. CALL-IN – OFFICER SIGNIFICANT/KEY DECISIONS**

- 17.1 The Overview and Scrutiny Committee has the power to call-in significant/key decisions made under delegated authority by officers. The purpose is to consider whether to recommend that a decision be reviewed by the Cabinet. This is a power which should only be used in exceptional circumstances and cannot be used in respect of day-to-day management and operational decisions.
- 17.2 A schedule of significant decisions taken by officers will be circulated to all Members on a monthly basis. Details of the Schedule of Significant Officer Decisions can be found in Part 4.2 Access to Information Procedure Rules (para 18.2) of this Constitution.
- 17.3 The schedule will bear the date on which it is published and will specify when the decision came into force, and was implemented, and may be called in within 5 working days of publication of the decision under the provisions set out below. Implementation of a significant decision by an officer is not to be halted by a call-in and the decision is subject to post-decision scrutiny.
- 17.4 Within the call-in period a collective of three elected Members of the Authority may sign a notice requesting that the decision is called in and submit the notice to the Statutory Scrutiny Officer and Head of Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 12 of this Constitution. Requests may also be submitted by email, and in this case, only one Member need submit the actual form, but individual emails in support of the request must be submitted by the other two members specified on the form before the end of the call-in period. A form setting out the information required when submitting a call-in is available from the Scrutiny Office.
- 17.5 The notice of call-in shall be dealt with the as with a call-in of a Cabinet decision.

## **18. CALL-IN – ACTIONS OVERVIEW AND SCRUTINY CAN TAKE**

- 18.1 Where the Overview and Scrutiny Committee considers a call-in request, the format of the meeting will be as follows:-
- after the Chair opens the meeting the members who asked for the decision to be called-in will be asked to explain their reasons for the request and what they feel should be reviewed;
  - on matters of relevance to a particular electoral ward, ward members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Ward members will take no further part in the discussion or vote. Ward members must register their request to speak by contacting the Scrutiny Officer by 12 noon on the day prior to the relevant meeting;
  - the relevant portfolio holder (or holders if more than one is relevant) will then be invited to make any comments;
  - the relevant Director or his/her representative will advise the Committee on the background and context of the decision and its importance to achieving Service priorities;

- Committee members will ask questions of members and officers in attendance (note: the call-in proposers would not be able to take part in the Committee's deliberations of the call-in);
- the portfolio holder(s) will be invited to make any final comments on the matter.

18.2 The Overview and Scrutiny Committee, after considering the evidence presented to the meeting, will make one of the following decisions:

- Agree to take no further action on the request (reason for that decision to be recorded in the minutes and Members are advised).
- Make alternative recommendations to the Cabinet or Council (if applicable).
- Make representations/views known to the Cabinet or Council (if applicable) in respect of decision taken and implemented within Cabinet or Officer delegated powers.

19. **RESPONSE/ACTION THAT CAN BE TAKEN BY CABINET OR OTHER APPROPRIATE COMMITTEE ON RECEIPT OF VIEWS OF THE OVERVIEW AND SCRUTINY COMMITTEE/PANEL**

19.1 The Cabinet can:

- Agree with and implement the Overview and Scrutiny Committee's alternative recommendations (if implementation of a decision has been delayed).
- Endorse its original decision in its entirety or partially amend it and implement it forthwith (if the matter is within the Policy and Financial Framework).
- Refer the matter to Council for determination (if not a solely executive matter).
- Forward comments on the views received to the Council where the matter is one outside the Policy and Financial Framework or reserved to the Council under the Constitution.
- Agree/amend/take no action on the Overview and Scrutiny Committee's/Panel's recommendations on a review initiated by that Committee/Panel.
- Agree action to be taken with regard to an officer delegated decision.

20. **EXCEPTIONS**

20.1 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- that no decision considered and determined by the Overview and Scrutiny Committee or Scrutiny Panel within the preceding 6 months shall be subject to call-in;
- that call-in can be invoked in respect of any one decision only once;
- that call-in will not apply to day-to-day management and operational decisions taken by Officers; and

- where the decision is taken by the Cabinet as urgent, this will only be subject to post-decision scrutiny.

## 21. **URGENCY**

- 21.1 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.
- 21.2 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call-in.

## 22. **POLICY REVIEW AND DEVELOPMENT**

- 22.1 The role of the Overview and 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 Procedure Rules.
- 22.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committee or Scrutiny Panels may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 22.3 The Overview and Scrutiny Committee and Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development. 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.

## 23. **REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE AND SCRUTINY PANELS**

- 23.1 The Overview and Scrutiny Committee and Scrutiny Panels may submit formal reports to the Cabinet or the Council detailing the findings of its investigations into any matter.
- 23.2 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee or Scrutiny Panel will prepare a formal report and submit it to the Head of Democratic Services for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 23.3 If the Overview and Scrutiny Committee or Scrutiny Panel cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 23.4 The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee or Scrutiny Panel within one month of it being submitted to the Head of Democratic Services.

## **24. CONSIDERATION OF OVERVIEW AND SCRUTINY REPORTS BY THE CABINET**

- 24.1 The agenda for Cabinet meetings shall include a standing item entitled 'References from Overview and Scrutiny'. The reports of the Overview and Scrutiny Committee and Scrutiny Panels referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Cabinet within two months, the Cabinet will give an explanation of the reasons to the Chair of the relevant Overview and Scrutiny Committee or Scrutiny Panel as soon as practicable.
- 24.2 The Overview and Scrutiny Committee and the Scrutiny Panels will have access to the Cabinet's Notification of Decisions and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, it will be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

## **25. THE PARTY WHIP**

- 25.1 If a member of the Overview and Scrutiny Committee or Scrutiny Panels is subject to a party whip in respect of an issue to be considered by it, that member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **26. MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE**

- 26.1 Where a matter for consideration by the Overview and Scrutiny Committee or one of the Scrutiny Panels also falls within the remit of one or more other committee/panels, the decision as to which committee/panel will consider it will be resolved by the respective Chairs.

## **27. COUNCILLOR CALL FOR ACTION**

- 27.1 The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council, via the Scrutiny process.
- 27.2 Any Member may request that an item is placed on the agenda of the Overview and Scrutiny Committee for consideration. The Member making that request does not have to be a member of the Overview and Scrutiny Committee or any of the Scrutiny Panels.
- 27.3 The Call for Action should be an option of "last resort". In considering whether to refer to a matter in accordance with these provisions, Members must have regard to relevant guidance issued by the Secretary of State. A Call for Action will only be included on the Overview and Scrutiny Committee agenda if the Chair, in consultation with the Monitoring Officer, is satisfied that:
- the Member has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners;
  - the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted Council policy or legislation; and

- the issue of concern has a demonstrable impact on a part or the whole of the Member's electoral ward.

and accordingly information to support the above matters should accompany the Call for Action request.

27.4 A Call for Action cannot, in any event, relate to:

- a planning decision;
- a licensing decision;
- any matter concerning an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee; or
- any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.

27.5 If the Chair rejects the Call for Action the Member who made the request shall be provided with reasons for the decision.

27.6 A valid Call for Action will be considered at the next ordinary meeting of the Overview and Scrutiny Committee or at a special meeting of the Committee within 14 days of validation whichever is the sooner. The Committee may either decide to consider the matter itself or refer it to the appropriate Scrutiny Panel.

27.7 The subject matter of the Call for Action will be the subject of a report from the relevant Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Overview and Scrutiny Committee or Scrutiny Panel meeting to provide that information, make representations and answer questions.

27.8 The Call for Action will be considered by the Overview and Scrutiny Committee or Scrutiny Panel in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.

27.9 The Member who referred the matter under sub-paragraph 27.2 above may address the Overview and Scrutiny Committee or Scrutiny Panel in respect of the Call for Action for up to 10 minutes.

27.10 The Overview and Scrutiny Committee or Scrutiny Panel may also consider representations from any residents of the electoral ward affected by the Call for Action, subject to the discretion of the Chair.

27.11 If the Call for Action concerns issues that fall within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also attend the Overview and Scrutiny Committee or Scrutiny Panel to answer questions and make any representations.

## **28. REPORTS AND RECOMMENDATIONS ON CALLS FOR ACTION**

28.1 Where the Overview and Scrutiny Committee or any of the Scrutiny Panels makes a report or recommendations to the Council or the Cabinet as a result of a reference under paragraph 23.1 above, the Overview and Scrutiny Committee or Scrutiny Panels may publish the report, subject to the provisions of Part 5 of the Local Government Act 2000 (“the 2000 Act”) in relation to confidential or exempt information.

28.2 The Overview and Scrutiny Committee or Scrutiny Panel will, by notice in writing to the Head of Democratic Services, require the Council or Cabinet:

- to consider the report or recommendations;
- to respond to the Overview and Scrutiny Committee or Scrutiny Panel indicating what, if any action the Council or Cabinet proposes to take;
- if the Overview and Scrutiny Committee or Scrutiny Panel has published the report or recommendations, to publish the response, subject to the provisions of Part 5 of the 2000 Act relating to confidential or exempt information;
- if the Overview and Scrutiny Committee or Scrutiny Panel provided a copy of its report or recommendations to the Member who referred the matter to the Board, to provide that Member with a copy of the response, subject to the provisions of Part 5 of the 2000 Act in relation to confidential or exempt information;

and to do so within two months of the date when the Council or Cabinet received the report or recommendations or (if later) the date when the Head of Democratic Services received the notice.

## **29. SCRUTINY OF CRIME AND DISORDER MATTERS**

29.1 The Neighbourhood and Community Services Scrutiny Panel is designated as the Council’s Crime and Disorder Committee (in accordance with section 19 of the Police and Justice Act 2006) with responsibility for scrutinising crime and disorder and community safety matters.

29.2 Any Member of the Council may give notice to the Scrutiny Officer that he/she wishes an item which he/she considers to be a crime and disorder matter to be included on the agenda for discussion at the Neighbourhood and Community Services Scrutiny Panel.

29.3 The procedure for dealing with such requests shall be the same as those for any request for an item to be added to the Panel’s work programme, detailed in paragraph 12.1.

29.4 Sub-paragraphs 29.2 to 29.3 above shall apply to the consideration of a crime and disorder matter by the Neighbourhood and Community Services Scrutiny Panel as they apply to the consideration of a Call for Action by the Overview and Scrutiny Committee or relevant Scrutiny Panel.

29.5 If the Neighbourhood and Community Services Scrutiny Panel decides not to make a report or recommendation to the Council in relation to the crime and disorder matter, it must notify the Member who referred the matter of its decision and the reasons for it.

29.6 Where the Panel makes a report or recommendations to the Council it must:



- provide a copy of the report or recommendations to the Member who referred the matter to the Committee and
- provide a copy of the report or recommendations to such of:
  - (a) the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998); and
  - (b) the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998);

as it thinks appropriate.

29.7 Where the Panel makes a report or recommendations to the Council or provides a copy of a report or recommendations under sub-paragraph 29.6 above, the Panel must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:

- consider the report or recommendations;
- respond to the Panel indicating what (if any) action it proposes to take;
- have regard to the report or recommendations in exercising its functions.

29.8 For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the Panel will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than once in every 12 month period.

29.9 Where the Panel makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act, 2006, the Panel shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

# Request for Single Agenda Item

Name:

Date:

Scrutiny Committee/Panel this request relates to:

Title of Item:

Purpose/Aim of Item:

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## **Submit**

Please submit your request to the Statutory Scrutiny Officer, Tracy Luck, Assistant Director, Strategy and Engagement ([Tracy.Luck@slough.gov.uk](mailto:Tracy.Luck@slough.gov.uk))

## **Queries**

Please direct any queries to the Scrutiny Officer, David Gordon ([David.Gordon@slough.gov.uk](mailto:David.Gordon@slough.gov.uk); tel: 01753 875 657)

## **Guidance**

Please note that the Overview and Scrutiny Process cannot help in the following areas:

- Individual complaints about specific issues
- Financial probity of the Council (this is the responsibility of the Audit & Corporate Governance Committee)
- Conduct or behaviour of councillors (this is the responsibility of the Audit & Corporate Governance Committee).

# Call-in Request

Name:

Date:

Decision taken by     Cabinet

Delegated decision by –

Date of decision:

Title of agenda item/report:

Reasons for Call-in:

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Proposed alternative course of action (optional):

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Proposed documentation and/or witnesses for the call-in (optional)

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Signed:            Councillor

Signed:            Councillor

Signed:            Councillor

## **Submit**

Please submit your request to the Statutory Scrutiny Officer, Tracy Luck Tracy Luck, Assistant Director, Strategy and Engagement ([Tracy.Luck@slough.gov.uk](mailto:Tracy.Luck@slough.gov.uk)).

Any queries should be directed to the Scrutiny Officer, David Gordon ([David.Gordon@slough.gov.uk](mailto:David.Gordon@slough.gov.uk); tel: 01753 875 657).

# Request for Scrutiny Review

Name:

Date:

Scrutiny Committee/Panel this request relates to:

Title of Review:

Purpose/Aim of Review:

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## **Submit**

Please submit your request to the Statutory Scrutiny Officer, Tracy Luck Tracy Luck, Assistant Director, Strategy and Engagement ([Tracy.Luck@slough.gov.uk](mailto:Tracy.Luck@slough.gov.uk)).

Any queries should be directed to the Scrutiny Officer, David Gordon ([David.Gordon@slough.gov.uk](mailto:David.Gordon@slough.gov.uk); tel: 01753 875 657).