

~~PART 4~~~~PROCEDURE RULES~~~~Contents~~

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Section 5 - Scrutiny Rules

4.5.1 Arrangements for Overview and Scrutiny

4.5.1.1 The Scrutiny arrangements for the Council are as laid out in Part 2 Article 6 and Part 3 of the Functions Scheme. The Council has decided that it will have one Overview and Scrutiny Committee which will have responsibility for all overview and scrutiny functions on behalf of the Council.

4.5.2 Who may sit on the Overview and a Scrutiny Committee?

4.5.2.1 All Councillors except members of the Executive may be members of the Overview and Scrutiny Committees. No Member may be involved in scrutinising a decision in which he/she has been directly involved.

~~4.5.2.2 The Chairmen and Vice-Chairmen of the Scrutiny Committees shall be members of the Overview and Scrutiny Committee.~~

4.5.3 Co-Option

4.5.3.1 ~~Co-opted Members may be appointed to each The Overview and Scrutiny Committee has the power to co-opt people onto the Committee. As it considers appropriate, Scrutiny Committee. Co-optees are appointed by the Council annually. If vacancies arise in year then the Committee can appoint a replacement at the next Council meeting.~~

4.5.3.2 Co-optees shall not have the right to vote as a member of the Committee unless the statutory or other requirements under which they are appointed or required so provide or unless the Council at the time of the appointment designate the appointed co-optee as a voting member in which case any limitation on such voting rights shall also be specified.

4.5.3.3 Co-optees are not signatories for the purpose of triggering a call in under Rule 4.5.16 below.

4.5.4 Quorum

4.5.4.1 The Quorum for ~~the a-Overview and Scrutiny Committee Scrutiny Committee~~ is one quarter of the voting membership of the Committee, or three Members, whichever is the greater. If the number is a part number it is rounded up.

4.5.5 Review Task and Finish Groups

4.5.5.1 The Chairman of ~~the Overview and a~~ Scrutiny Committee may propose and ~~the Overview and Scrutiny Committee a Scrutiny Committee~~ may appoint a Review Task and Finish Group for any scrutiny activity within ~~the at~~ Committee's work programme.

~~The Council will appoint a number of Vice-Chairmen of the Overview and Scrutiny Committee. Their role will be to chair the Task and Finish Groups. The Overview and Scrutiny Committee relevant Scrutiny Committee will appoint the Chairman of any such each ReTask and Finish view Group.~~

4.5.5.2

The expectation is that the Task and Finish Groups will meet in public. However, as the Task and Finish Groups will not be making decisions they can in appropriate circumstances meet in private.

~~The Review Groups may meet~~When the Task and Finish Groups meet formally in public ~~and if they do so they~~, may exclude the press and public from any such meeting in accordance with the Access to Information Rules (Part 4 section 2).

4.5.5.3 The Overview and Scrutiny Committee will allocate a task drawn from the work programme to a Task and Finish Group. On occasion it may undertake a task itself acting as a Task and Finish Group.

The Committee will determine an outline scope including, as a minimum, the composition of the Group, the desired outcomes and what will not be included in the work.

The Task and Finish Groups will be composed of Members of the Overview and Scrutiny Committee, may include other Councillors, and, may also include as appropriate, co-opted people with specialist knowledge and or expertise to support the task. It is unlikely that voting will be necessary in Task and Finish Groups. However, for avoidance of doubt any Councillor appointed to a Task and Finish Group will have the right to vote. No co opted members of Task and Finish Groups will have voting powers.

The Task and Finish Groups will also be able to seek contributions from the wider community, if felt appropriate.

Officer support will be provided to each Task and Finish Group dependent on the matter being considered.

The Task and Finish Groups will be created for specific tasks taken from the Committee's work programme and will be disbanded once the task has been completed.

The Groups will report their findings/outcomes to the Overview and Scrutiny Committee who will then decide if the findings/outcomes should be reported to the Cabinet or elsewhere.

At the start of each Task and Finish project, the Group would finalise:

- its terms of reference
- the Scope of the work to be undertaken
- the desired outcomes
- timescales
- expert/specialist support required
- Officer input required
- Decide which aspects of the task are to be undertaken in private or public.

Any changes to the scope allocated to the Group by the Overview and Scrutiny Committee will be reported to the Chairman of the Overview and Scrutiny Committee for his agreement.

In the event of any disagreement a report will be made to the Overview and Scrutiny Committee for its consideration.

~~Review Groups will conduct most of the review work informally in private or public in which case no formal decisions may be taken as the Access to Information Rules (Part 4 section 2) will not apply.~~

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~~4.5.5.4 Members of a Review Group may include Councillors who are not members of the Committee that appoints the Review Group.~~

~~4.5.5.5 All Review Groups will report their activities and any recommendations to the Committee that appointed them.~~

4.5.6 The Appointment of Chairmen and Members of the Overview and Scrutiny Committees

4.5.6.1 The Chairmen and Vice Chairmen of the Overview and Scrutiny Committee ~~and the Scrutiny Committees~~ are appointed annually by the Council ~~together with such additional Vice-Chairmen as the Council considers appropriate~~. The Council shall determine the number of members of the Overview and Scrutiny Committees ~~these Committees~~ annually or as required from time to time in compliance with the statutory rules on proportionality. The members of the ~~these~~ Committees shall be appointed by the Chief Executive on nomination of the Group Leaders.

4.5.7 Meetings of the Overview and Scrutiny Committees

4.5.7.1 ~~The Overview and Scrutiny Committees~~ will meet in accordance with the Council's schedule of meetings, subject to the Chairman's power to cancel or postpone meetings in case of emergency or where there is no business. Where ~~the Overview and a~~ Scrutiny Committee feels it is appropriate to hold additional meetings it may do so. The Chairman of the Overview and Scrutiny Committee may also call additional meetings if he/she considers it necessary or appropriate. In so doing, the Committee or Chairman shall have regard to the resources available to support the work of the Committee.

4.5.8 Programme of work of the Overview and Scrutiny Committees

4.5.8.1 The ~~the Overview and Scrutiny Committee~~ Scrutiny Committees, ~~subject to the overseeing and supervision by the Overview and Scrutiny Committee~~, will be responsible for setting ~~their-its~~ own work programme. In setting the work programme the Overview and Scrutiny Committee ~~and the Scrutiny Committees~~ shall have regard to the resources (including officer time) available.

4.5.9 Overview and Scrutiny Committee Agendas

4.5.9.1 At each of ~~their-its~~ meetings the Overview and Scrutiny Committee ~~and the Scrutiny Committees and any Sub-Committees~~ shall consider the following business, where appropriate:

- a minutes of the last meeting
 - b any matter called-in in accordance with paragraph 4.5.16 below
 - c a review of its work programme
 - d any request from Council or Cabinet for a review as allocated by the Overview and Scrutiny Committee
 - e any response of the Cabinet to reports of the Scrutiny Committees
 - f any item requested to be placed on the agenda by a member of the Committee
 - g any Councillor Call for Action
-

- h any item arising from any petition or deputation to Council under the Council Rules (Part 4 section 1)
- i any business otherwise set out on the agenda for the meeting.

4.5.9.2 Any member of ~~the Overview and a~~ Scrutiny Committee may give notice to the Chief Executive that he/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. On receipt of such a request the Chief Executive shall ensure that it is included on the next available agenda.

4.5.9.3 The Overview and ~~Scrutiny~~ Committee shall also respond, as soon as its work programme permits, to requests from the Council and from the Cabinet to review particular areas of Council activity. On receipt of any such request from Cabinet the Scrutiny Committee shall firstly consider whether it wishes to conduct the review as requested. Where they do so, and in response to any request from Council, the Scrutiny Committee shall conduct the review as requested and report their findings and any recommendations back to the Cabinet and/or Council.

4.5.10 Councillor Call for Action

4.5.10.1 Any member of the Council shall be entitled to give notice to the Chief Executive if he/she wishes an item relating to a Councillor Call for Action to be included on the agenda for discussions at the next available meeting of the Overview and Scrutiny Committee.

4.5.10.2 On receipt of such a request and subject to it falling within the statutory definition of a matter that can be the subject of a Councillor Call for Action and it meeting the procedural and other requirements set out in the Councillors Call for Action Code (Part 5 section 10) the Chief Executive shall ensure that it is included on the next available agenda of the ~~relevant~~ Committee.

4.5.10.3 Further guidance in respect of the Councillor Call for Action is contained in Part 5 section 9.

4.5.11 Policy Review and Development

4.5.11.1 The role of the Overview and ~~Scrutiny Committees~~ 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 (Part 4 section 3).

4.5.11.2 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 Committees~~ may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

4.5.11.3 The Overview and ~~Scrutiny Committees~~ may hold or commission inquiries and investigate the available options for future direction in policy development and may appoint advisers 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 in order to address them on any matter under consideration and may pay to advisers, assessors and witnesses a reasonable fee and expenses for doing so, having regard to the resources (including officer

time) available. In determining how to conduct such activities the Chairman of the Committee should consult with the Chief Executive or his nominated officer.

4.5.12 Reports from the Overview and Scrutiny Committees

- 4.5.12.1 Following any investigation or review, the Committee or Review-Task and Finish Group shall prepare a report. Any report from a Review-Task and Finish Group will first be considered by the Scrutiny Committee that appointed that Review Group and if adopted will be dealt with in accordance with the following rules.
- 4.5.12.2 If any review is in response to a request from Council in accordance with paragraph 4.5.9.3 above, the Scrutiny Committee shall report its findings to Council.
- 4.5.12.3 In all other cases, the report it will be submitted to the Chief Executive for consideration by the Cabinet. If the recommendations are such that a decision can be taken by an individual Cabinet Member or more than one Cabinet Member acting within his/her portfolio in accordance with the Functions Scheme (Part 3 Section 3), the Chief Executive shall arrange for that/those Cabinet Member(s) to consider the report.
- 4.5.12.4 If the recommendations in the Scrutiny report are contrary to or not wholly in accordance with the Budget and Policy Framework, the Cabinet shall consider the scrutiny recommendations and report the matter with its response to the scrutiny recommendations to the Council.
- 4.5.12.5 If the recommendations in the Scrutiny report are in line with the Budget and Policy Framework, the Cabinet or the Cabinet Member(s) shall consider the scrutiny recommendations and report their decision to the Scrutiny Committee.

4.5.13 Making sure that Scrutiny reports are considered by the Cabinet

- 4.5.13.1 The Cabinet agenda will include a standing item to deal with reports from the Overview and Scrutiny Committee and/or Scrutiny Committees. Any report referred to the Cabinet will be considered under this item on the Cabinet agenda at the next Cabinet meeting following its submission to the Chief Executive. If such a report is to be considered by an individual Cabinet Member or more than one, such report will be so considered within one month of its submission to the Chief Executive.
- 4.5.13.2 If any individual Cabinet Member does not accept/objects -any-all of the recommendations in a report from the Overview and Scrutiny Committee or a Scrutiny Committee, then the matter must be referred to the next meeting of the Cabinet to decide its response.
- 4.5.13.3 ~~4.5.13.3~~—The Chief Executive will notify the relevant Scrutiny Committee of the response of the Cabinet and Individual Cabinet Member(s) within 2 months of a decision on the Scrutiny Report, with the exception of matters relating to statutory Health Scrutiny Committee reports and issues relating to Crime and Disorder Scrutiny which require a response within 28 days. Decisions of Council on any scrutiny recommendations will be recorded in the usual way.

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~~4.5.13~~ 4.5.13.4 **If the Cabinet or Cabinet Member wishes to extend the deadline a report should be made to the Overview and Scrutiny Committee explaining why this is considered necessary.**

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4.5.14 Rights and Powers of **Overview and Scrutiny Committee Members**

4.5.14.1 Where the Scrutiny Committee or ~~Review Task and Finish~~ Group conducts investigations or reviews and people attend to give evidence or otherwise assist the Committee meetings the following principles will apply:

- a that the investigation be conducted fairly and all Members of the Committee or Group be given the opportunity to ask questions of attendees, and to contribute and speak
- b that those assisting the Committee by giving evidence be treated with respect and courtesy
- c that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

4.5.15 Members and Officers Giving Account

4.5.15.1 The Overview and Scrutiny Committee ~~or a Scrutiny Committee~~ 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 senior officer carrying out functions on the Chief Executive's behalf to attend before it to explain in relation to matters within ~~their~~ remit regarding:-

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

4.5.15.2 It is the duty of those persons to attend if so required.

4.5.15.3 Where any member or officer is required to attend ~~the~~ Overview and Scrutiny Committee under this provision, the Chairman of ~~the~~ Committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least ten working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that report.

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

- 4.5.15.5 Unless in exceptional circumstances, any witnesses required to attend any meetings called under paragraphs 4.5.15.1 to 4.5.15.3 and 4.15.6 will be restricted to:-
- a any Cabinet Member involved in the decision the subject of the Call In
 - b any Officer who in the view of the Chairman of the meeting would be able to supply evidence materially able to assist at the meeting.
- 4.5.15.6 The Council has designated the Deputy Chief Executive the Statutory Scrutiny Officer who is required to discharge the following functions:
- a to promote the role of the authority's overview and scrutiny committee ~~or committees~~
 - b to provide support to the authority's overview and scrutiny committee ~~or committees~~ and the members of that committee ~~or committees~~
 - c to provide support and guidance to (i) members of the authority, (ii) members of the Executive of the authority, and (iii) Officers of the authority – in relation to the functions of the authority's overview and scrutiny committee ~~or committees~~.
- 4.5.16 Call-In**
- 4.5.16.1 "Call-in" is a statutory right for Members of Council to call in a decision of Cabinet or an individual Cabinet Member or Members after it is made but before it is implemented subject to the following provisions ~~below (4.5.15.5, 4.5.16.2, 4.5.16.3 and 4.5.16.8)~~.
- 4.5.16.2 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.
- 4.5.16.3 Call-in is triggered by three members of the relevant Overview and Scrutiny Committee who are not all members of the same political group.
- 4.5.16.4 When a call-in has been triggered, the call-in process will be managed by the Monitoring Officer in consultation with the Chairman of the ~~relevant Overview and Scrutiny Committee~~ and the members who have triggered the call-in. The Chairman of the relevant Overview and Scrutiny Committee will maintain responsibility for the conduct of any meeting at which the decision called-in is considered.
- 4.5.16.5 Call-in should only be used in exceptional circumstances including but not limited to;
- a where there is evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in this Constitution
 - b where a key decision has been taken which was neither published in accordance with the requirements for the Forward Plan, and is not subject to the urgency procedures set out in this Constitution; or
 - c where a decision is outside the Budget and Policy Framework.

- 4.5.16.6 Advice should be sought from the Monitoring Officer on these matters.
- 4.5.16.7 When a decision is made by the Cabinet or an individual Cabinet Member that decision will be published widely by electronic means. This includes:-
- a displaying it at the principal Offices of the Council
 - b sending a copy of the decision to all members of the Council
 - c sending a copy of the decision to the Chairman of the Overview and Scrutiny Committee
 - d appropriate publication by electronic means
- 4.5.16.8 The decision will be in the form of a notice and bear the date upon which it is published and will specify that the decision will come into force, and may be subsequently implemented, at the expiry of three working days after the date of publication, unless it is called in under these call-in Rules.
- 4.5.16.9 To call the decision in a call-in notice must be received by the Monitoring Officer (or his/her nominated officer) in writing which:-
- a clearly states the decision(s) which is/are being called-in by reference to the decisions as set out on the decision notice
 - b clearly states the grounds for the call in as laid out in rule 4.5.16.5 above as applied to each decision being called-in
 - c is signed by three members of the ~~relevant~~ Overview and Scrutiny Committee, none of whom are Co-optees; and who are not all members of the same political group.

4.5.17 Limitations of Call Ins

- 4.5.17.1 The call in procedure is restricted to any Cabinet or individual Cabinet Member decisions and does not apply to decisions taken by officers.
- 4.5.17.2 Where a decision has been taken in circumstances where the general exception or special urgency provisions apply, as set out the Access to Information Rules (Part 4 section 2), that decision will not be subject to call in.
- 4.5.17.3 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.
- 4.5.17.4 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.
- 4.5.17.5 The Chairman of the ~~appropriate~~ Overview and Scrutiny Committee must agree both that the decision taken was reasonable in all the circumstances and to it being treated as a matter of urgency. ~~In the absence of the Chairman of the Scrutiny Committee, the Chairman of the Overview and Scrutiny Committee's~~

~~consent shall be required. Where the Overview and Scrutiny Committee is the appropriate Scrutiny Committee, in the Chairman's absence, the Vice-Chairman's consent shall be required. The Monitoring Officer will decide the appropriate Scrutiny Committee for this purpose.~~

4.5.17.6 The consent to the decision being taken as a matter of urgency must be recorded by the Chairman of the Overview and Scrutiny Committee and copied to the Leader, the Chief Executive, the Monitoring Officer and all Councillors.

4.5.17.7 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

4.5.18 Post Call in

4.5.18.1 The Monitoring Officer will determine the validity of the call in as soon as possible.

4.5.18.2 The Monitoring Officer will then advise the original decision maker of the Call In.

4.5.18.3 The Monitoring Officer shall then call a meeting of the ~~relevant~~ Overview and Scrutiny Committee on such a day as he/she shall determine in consultation with the Chairman ~~of the relevant Scrutiny Committee~~ and in any event within ten working days of the Monitoring Officer receiving the Call In notice subject to paragraph 4.5.19.

4.5.18.4 If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Cabinet or Cabinet Member(s) for reconsideration, setting out in writing the nature of its concerns.

4.5.18.5 The Cabinet or Cabinet Member(s) shall reconsider any decision referred to them following call-in, take into account any views expressed by the ~~relevant~~ Overview and Scrutiny Committee and may amend or confirm the original decision.

4.5.18.6 If it is alleged that the decision appears to be ~~outside contrary to or not in accordance with~~ the Budget and Policy Framework the Monitoring Officer shall advise the Cabinet on that or any other relevant legal issues raised by or in relation to the called in decision. The Cabinet shall consider that advice and shall re-consider its decision. If the matter is outside the Budget and Policy Framework the Monitoring Officer shall refer the matter to the next Council Meeting.

4.5.18.7 If the matter was referred to the next Council Meeting and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective.

4.5.18.8 If the Council Meeting does object, it has no right to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council Meeting will refer any decision to which it objects back to the Cabinet together with the Council's views on the decision. The Cabinet shall choose whether to amend the decision or not before implementing it.

4.5.18.9 If the relevant Overview and Scrutiny Committee or the Council does not meet within the time permitted by these rules or such extended time as may be agreed in accordance with paragraph 4.5.19, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on

the date of the Council meeting or expiry of the period in which the [Overview and Scrutiny Committee](#) or the Council meeting should have been held, whichever is the earlier.

- 4.5.18.10 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

4.5.19 Extension of Time limit

- 4.5.19.1 In exceptional circumstances the time limit of ten [working](#) days for convening a meeting of the [Overview and Scrutiny Committee](#) to consider the called in decision may be extended as agreed by the original decision maker and/or the Leader where practical considerations or any unforeseen factor make such an extension appropriate.

~~4.5.20 Matters within the remit of more than one Scrutiny Committee~~

- ~~4.5.20.1 Where a matter falls within the remit of more than one Scrutiny Committee, then the Chairman of the Overview and Scrutiny Committee will determine which Scrutiny Committee will handle the work.~~

4.5.21 Party Whip

- 4.5.21.1 Government Guidance views party or group “whipping” as incompatible with Overview and Scrutiny functions. Generally the party or group whip should not be applied to scrutiny committees and members should be free to comment and vote on matters under consideration.
- 4.5.21.2 That said there may be circumstances when a party or group whip is appropriate and in such circumstances if a party or group whip is in operation:
- a when considering any matter that is subject to a party whip each Member must ensure the existence of the whip is declared
 - b the details of the whipping arrangements shall be recorded in any Minutes.