

# Rules of Procedure and Terms of Reference

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## **Adults' Health, Adults' Care and Housing Overview and Scrutiny Committee**

### **Membership**

10 councillors or such numbers as may be determined from time to time by the Council or substitutes nominated by the appropriate political group (substitutes must not be members of the Cabinet). In addition, it may appoint such other non-voting co-opted members as may be agreed by the Committee.

### **Terms of reference**

To fulfil all the functions of an overview and scrutiny committee as they relate to –

- the review, scrutiny, and development of policy recommendations,
- the management of performance,
- the monitoring of progress towards delivering relevant strategies and corporate priorities, and
- the formulation of advice for the Cabinet, Council and other partners and stakeholders.

To have specific responsibility for (but not limited to) the scrutiny of:–

- Adult Social Care,
- Community and Neighbourhoods, and
- Housing.

In addition, as these relate to Adults and Adult Social Care:

- The performance of services seeking to deliver healthy communities towards agreed local and national performance indicators,
- Health, health commissioning and service delivery,
- Public Health, Health promotion and the work of the Health and Wellbeing Board, and
- Health Integration and collaborative working and commissioning with Health agencies and providers and General Practitioners.

In accordance with Section 7 of the Health and Social Care Act 2001 (as amended), the Adults' Health, Adults' Care and Housing Overview and Scrutiny Committee will undertake scrutiny of local health service providers jointly with Children's Health, Social Care and Education Overview and Scrutiny Committee.

## **Children's Health, Social Care and Education Overview and Scrutiny Committee**

### **Membership**

10 councillors or such number as may be determined from time to time by the Council or substitutes nominated by the appropriate political group (substitutes must not be members of the Cabinet). The Committee will also appoint no more than 2 church representatives and 2 parent governor representatives and such other non-voting co-opted members as may be agreed by the Committee.

### **Terms of reference**

To fulfil all the functions of an overview and scrutiny committee as they relate to –

- the review, scrutiny, and development of policy recommendations,
- the management of performance,
- the monitoring of progress towards delivering relevant strategies and corporate priorities, and
- the formulation of advice for the Cabinet, Council and other partners and stakeholders.

To have specific responsibility for (but not limited to) the scrutiny of:–

- the performance of services for children towards agreed local and national Performance Indicators,
- the quality of provision and effectiveness of Local Authority strategies to raise standards of education within Swindon,
- specialist social services and integrated social services for children and young people in Swindon, and
- the delivery of services to children and young people in Swindon generally.

In addition, as these relate to Children and Young People:

- The performance of services seeking to deliver healthy communities towards agreed local and national performance indicators,
- Health, health commissioning and service delivery,
- Public Health, Health promotion and the work of the Health and Wellbeing Board, and
- Health Integration and collaborative working and commissioning with Health agencies and providers and General Practitioners.

In accordance with Section 7 of the Health and Social Care Act 2001 (as amended), the Children's Health, Social Care and Education Overview and Scrutiny Committee will undertake scrutiny of local health service providers jointly with the Adults' Health, Adults' Care and Housing Overview and Scrutiny Committee.

## **Communities and Place Overview and Scrutiny Committee**

### **Membership**

10 Councillors or such number as may be determined from time to time by the Council or substitutes nominated by the appropriate political group (substitutes must not be members of the Cabinet) and such other non-voting co-opted members as may be agreed by the Committee.

### **Terms of Reference**

To fulfil all the functions of an overview and scrutiny committee as they relate to –

- the review, scrutiny and development of policy recommendations,
- the management of performance,
- the monitoring of progress towards delivering corporate priorities, and
- the formulation of advice for the Cabinet, Council and other partners and stakeholders.

To have specific responsibility for (but not limited to) the scrutiny of: -

- The performance of services seeking to deliver sustainable communities towards agreed local and national performance indicators,
- StreetSmart services,
- Transport and strategic transport planning;
- Strategic Planning,
- Flood risks,
- Environment and sustainability;
- Waste and Recycling;
- Library services,
- Traded services, and
- Business Support.

## **Growing the Economy Overview and Scrutiny Committee**

### **Membership**

10 Councillors or such number as may be determined from time to time by the Council or substitutes nominated by the appropriate political group (substitutes must not be members of the Cabinet). The Committee may appoint such other non-voting co-opted members as may be agreed by the Committee.

### **Terms of Reference**

To fulfil all the functions of an overview and scrutiny committee as they relate to –

- the review, scrutiny and development of policy recommendations;
- the management of performance,
- the monitoring of progress towards corporate priorities and
- the formulation of advice for the Cabinet, Council and other partners and stakeholders.

To have specific responsibility for (but not limited to) the scrutiny of: -

- The performance of services promoting economic development and enterprise and environmental sustainability against agreed local and national performance indicators;
- Regeneration;
- Economic and Cultural development;
- Localities
- Volunteering
- Strategy and Research
- The Swindon and Wiltshire Local Enterprise Partnership (LEP)

## **Resources and Corporate Overview and Scrutiny Committee**

### **Membership**

10 Councillors or such number as may be determined from time to time by the Council or substitutes nominated by the appropriate political group (substitutes must not be members of the Cabinet). The Committee may appoint such other non-voting co-opted members as may be agreed by the Committee.

### **Terms of reference**

To fulfil all the functions of an overview and scrutiny committee as they relate to –

- the Budget Scrutiny function, at the request of the Scrutiny Committee,
- the review, scrutiny and development of policy recommendations,
- the management of performance,
- the monitoring of progress towards delivering corporate priorities and
- the formulation of advice for the Cabinet, Council and other partners and stakeholders.

To have specific responsibility for (but not limited to) the scrutiny of: -

- The Council's Revenue and Capital Budget,
- The Medium Term Financial Strategy,
- The Borough's Property portfolio,
- Strategic Projects,
- Wichelstowe, and
- Leisure.

## **Scrutiny Committee**

### **Membership**

10 Councillors or such number as may be determined from time to time by the Council, or substitutes nominated by the appropriate political group (substitutes must not be members of the Cabinet) and such other non-voting co-opted members as may be agreed by the Committee.

The Scrutiny Committee will normally be chaired by a Councillor who is not a member of the largest political group on the Council.

### **Terms of reference**

- To meet at regular intervals to review the policies, process and implications of Cabinet, Cabinet Member, and Officer decision making and the way in which Cabinet and Cabinet Member decisions are made;
- To consider requests for “Call-in” as defined in the Council’s “Call-in” Procedure;
- To refer decisions back to Cabinet (or the decision maker) for reconsideration. It may do this once for any individual decision, after which if there is no agreement the decision will be referred to the full Council for determination;
- To refer Cabinet and Cabinet Member decisions to the relevant Overview and Scrutiny Committee for investigation without delaying the implementation of the decision concerned;
- To receive a report by the Leader of the Council at its first meeting after each Annual Council Meeting (or at such a meeting as is agreed by the Chair of the Committee and the Leader of the Council) on the service issues for the year ahead, the Leader of the Council’s priorities for the coming year and on the Council’s performance in the previous year;
- To oversee the arrangements for Overview and Scrutiny within the Council, including determining (i) where matters fall within the remit of more than one Overview and Scrutiny Committee which of those Committees will assume responsibility for any particular issue, (ii) a system to ensure that referrals from Committees to the Cabinet, either by way of report or for reconsideration, are managed efficiently and do not exceed any limits set out in the Council’s Constitution, and (iii) in the event of reports to the Cabinet exceeding any limits in this Constitution or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business, at the request of the Cabinet to make decisions about the priority of referrals made.
- To carry out any investigation into the business and functions of the Council and to call in any Cabinet Member or senior officer of the Council so that they can offer advice, support or answer any question that will assist the Committee in carrying out its functions.



- To carry out an external scrutiny function, particularly in relation to corporate issues and issues falling into the remit of a number of Overview and Scrutiny Committees.

To fulfil all the functions of an overview and scrutiny committee as they relate to –

- The review, scrutiny and development of policy recommendations,
- The management of performance,
- The monitoring of progress towards delivering corporate priorities,
- The formulation of advice for the Cabinet, Council and other partners and stakeholders, and
- Strategies to reduce or prevent Crime and Disorder.

To have specific responsibility (but not limited to)

- Good governance and the operation of Law and Democratic Services and
- The Budget Scrutiny function.

In accordance with Section 19 of The Police and Justice Act 2006, the Scrutiny Committee will act as the Council's "Crime and Disorder Committee" in terms of reviewing and scrutinising decisions made, or other actions taken, in connection with the discharge by the responsible authorities of the Crime and Disorder function.

## 1. **General Arrangements for Overview and Scrutiny Committees**

- (a) The Council will have 5 Overview and Scrutiny bodies that will perform all the overview and scrutiny functions on behalf of the Council. They will consist of such members of the Council as may be determined from time to time by the Council, and in respect of Education issues no more than 2 church and 2 or more parent governor representatives, and for all other issues they may also appoint such other non-voting co-opted members as they feel appropriate.
- (b) The terms of reference of all the Overview and Scrutiny Committees will include:
  - i) the performance of all overview and scrutiny functions on behalf of the Council;
  - ii) the appointment of such Sub-Committees and task groups as are considered appropriate to fulfil their functions;
  - iii) to carry out any investigation into the business and functions of the Council falling within the remit of the Committee and to call in any Cabinet Member or senior officer of the Council so that they can offer advice, support or answer any question that will assist the Committee in carrying out its functions; and
  - iv) to put in place a system to ensure that referrals from Committees to

the Cabinet, either by way of report or for reconsideration, are managed efficiently and do not exceed any limits set out in the Council's Constitution.

**2. Who may sit on the Overview and Scrutiny Committees, their Sub-Committees and Task Groups**

All councillors, except members of the Cabinet, may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved. The Chair of the appointing Committee shall be an ex-officio member of the Sub-Committee or Task Group (without voting rights). In the absence of the Chair, the Vice-Chair shall take that place.

**3. Co-optees**

Each Overview and Scrutiny Committee, Sub-Committee or Task Group shall be entitled to appoint a number of people as non-voting co-optees.

**4. Education Representatives**

The relevant Overview Committee, Sub-Committee/Task Group dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative;
- (b) 1 Catholic diocese representative;
- (c) parent governor representatives (between 2 and 5); and
- (d) Representatives of other faiths or denominations (where appropriate).

If the relevant Overview body deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

**5. Meetings of the Overview and Scrutiny Committees**

Meetings of the Overview and Scrutiny Committees will be held in accordance with the "Timetable of Meetings" agreed by the Council each year. In addition, extraordinary meetings may be called from time to time and when appropriate. An Overview and Scrutiny Committee meeting may be called by the chair of the relevant Committee, by any 5 members of the Committee or by the Monitoring officer if he/she considers it necessary or appropriate.

6. **Quorum**

The quorum for the Overview and Scrutiny Committees and their Task groups shall be as set out in the Council's Standing Orders that form part of this Constitution.

7. **Who Chairs Overview and Scrutiny Committee Meetings?**

The (Annual) Council or Special Committee will usually make appointments of the Chairs of all Overview and Scrutiny Committees.

The Scrutiny Committee will normally be chaired by a Councillor who is not a member of the largest political group on the Council. Chairs of other Overview and Scrutiny Committees will be drawn from among the Councillors serving on these Committees. If not appointed by (Annual) Council or Special Committee, each Committee may appoint such a person as they consider appropriate as Chair.

8. **Work Programme**

The Overview and Scrutiny Committees will be responsible for setting their own work programmes and in doing so shall take into account the wishes of members on that Committee who are not members of the group forming the majority of the Cabinet.

9 (a) **Agenda Items**

Any member of an Overview and Scrutiny Committee or sub-committee shall be entitled to give notice to the Monitoring Officer that he/she wishes an item relevant to the functions of that Committee to be included on the agenda for the next available meeting of that Committee. On receipt of such a request, the Monitoring Officer will ensure that it is included on the next available agenda of the relevant Overview and Scrutiny Committee or sub-committee for consideration.

The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, and, if it considers it appropriate, the Cabinet, to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it or at the first available meeting after that date.

The Overview and Scrutiny Committees with responsibility for "Health" shall also respond to referrals from National Health Service Health Commissioning bodies and to referrals by Healthwatch within the statutory response period as established by Regulation.

## 9 (b) **Councillor Call For Action**

Any member of the Council who is not a member of a specific Overview and Scrutiny Committee may give written notice to the Monitoring Officer that s/he wishes to be included on the agenda of that Overview and Scrutiny Committee any local government matter which is relevant to the functions of that Committee and which affects all or part of the member's ward and is not an 'excluded matter' as defined in section 21A of the Local Government Act 2000 (as amended). If the Monitoring Officer receives such a notification, then he/she will include the item on the first available agenda of the Overview and Scrutiny Committee concerned for consideration.

In deciding whether or not to exercise any of its powers, the Committee shall comply with the requirements of section 21A(5) of the Local Government Act 2000 together with any guidance issued by the Secretary of State, the Centre for Public Scrutiny (CfPS) or the Improvement and Development Agency (IDeA). Existing best practice guidance states that the Councillor Call for Action is about helping councillors to resolve issues and problems on behalf of their residents. It should not be regarded merely as a scrutiny process. It should only be used as a means of last resort after other avenues have been exhausted.

## 10. **Budget and Policy Review**

- (a) 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 that forms part of this Constitution.
- (b) In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, Overview and Scrutiny Committees, Sub-Committees or Task Groups may make proposals to the Cabinet in so far as these relate to matters within their terms of reference.
- (c) Overview and Scrutiny Committees, Sub-Committees and Task Groups may hold enquiries and investigations and may appoint advisers and assessors to assist them in this process. They may go on site visits, and subject to the identification and approval of the necessary funding, 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.

**11. Reports from Overview and Scrutiny Committees**

- (a) Once it has formed recommendations, an Overview and Scrutiny Committee, Sub-Committee / Task Group will prepare a formal report and submit it for consideration by the Cabinet (if the proposals are consistent with the existing budgetary 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).
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet shall consider the report of an Overview and Scrutiny Committee within one month or at its first meeting after the time it has been submitted (via the Monitoring Officer).
- (d) The Overview and Scrutiny Committees with responsibility for “Health” may also make formal reports and recommendations to local National Health Service bodies, and where appropriate, in accordance with statutory provisions, to the Secretary of State.

**12. Making sure that Overview and Scrutiny reports are considered by the Cabinet**

- (a) Where appropriate, the agenda for Cabinet shall include an item entitled ‘References’ (from Overview and Scrutiny Committee(s) and other appropriate bodies). The reports of a Committee(s) referred to the Cabinet shall be included at an appropriate point in the agenda (unless they have been considered in the context of deliberations on a substantive item on the agenda) as soon as practicable following the Committee completing its report / recommendations.
- (b) Once an Overview and Scrutiny Committee has completed its deliberations on any matter, it will forward a copy of its final report to the Monitoring Officer who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council’s Budget and Policy Framework. If the Monitoring Officer refers the matter to Council, he/she will also serve a copy on the Leader of the Council with notice that the matter is to be referred to Council. The Cabinet will respond to the Overview and Scrutiny report as soon as practicable, and the Council shall not consider it until the Cabinet has responded. When the Council does meet to consider any referral from a Committee on a matter that would impact on the Budget and Policy Framework, it shall also consider the response of the Cabinet to

the relevant Overview and Scrutiny Committee proposals.

- (c) Where an Overview and Scrutiny Committee (or Sub-Committee / Task Group) prepares a report for consideration by the Cabinet, in relation to a matter where the Leader or the Council has delegated decision making power to another individual member of the Cabinet, then the Committee will submit a copy of their report to him/her for consideration. At the time of doing so, the Committee shall serve a copy on the Monitoring Officer. The member with delegated decision-making power must consider the report and respond in writing to the Committee within no more than 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the Monitoring Officer and the Leader of the Council. The member will also attend a future meeting of the relevant Committee to present their response.
- (d) If the member with delegated decision-making power does not accept the recommendations of a Committee then he/she must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision making power and responding to the report in writing to the relevant Committee. The Cabinet member to whom the decision making power has been delegated will respond to the relevant Committee within no more than 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the Monitoring Officer and he/she will attend a future meeting to respond.
- (e) Only two reports in any cycle of meetings may be submitted by an Overview and Scrutiny Committee to the Cabinet.
- (f) Overview and Scrutiny Committees will have access to the Cabinet's Work Programme Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a Committee, the Committee will be able to respond in the course of the Cabinet's consultation process in relation to key decisions.

### 13. **Rights of Overview and Scrutiny Committee Members to Documents**

- (a) In addition to their rights as councillors, members of the Overview and Scrutiny Committees have the additional right to documents and to notice of meetings, as set out in the Council's Access to Information Procedure that forms part of this Constitution and as defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committees as

appropriate depending on the particular matter under consideration.

**14. Members and Officers giving Account**

(a) Any Overview and Scrutiny Committee, Sub-Committee or Task Group 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 overview and scrutiny role, it may require any member of the Cabinet or Senior Officer, (Chief Executive, Corporate Directors, Directors and Heads of Service) to attend before it to explain in relation to matters within their remit:

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

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

(b) Where any Councillor or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Monitoring Officer. The Monitoring Officer shall inform the Councillor or officer in writing giving at least 5 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 Councillor or officer concerned must be given sufficient notice to allow for preparation of that documentation.

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

**15. Attendance by Others**

An Overview and Scrutiny Committee or Sub-Committee / Task Group may invite people other than those people referred to in paragraph 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.

The Overview and Scrutiny Committees with responsibility for “Health” may also require officers of local National Health Service bodies, clinical commissioning groups or other relevant health service providers to address it, discuss issues of local concern and/or answer questions.

Further to section 9FF of the Local Government Act 2000 and section 104 of the Local Government and Public Involvement in Health Act 2007 as amended and associated Regulations (eg The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013), relevant Overview and Scrutiny Committees may also require specified partner bodies to provide information to, address, discuss issues of local concern and/or answer questions at the relevant Overview and Scrutiny Committee.

Where committees have representatives from partner organisations, for example the two committees that cover health issues, it is recommended that the committee chair indicate at the time the agenda is published whether a representative of that body is required.

## **16. Call-in Procedure**

Call-in should only be used in exceptional circumstances. These are when Members of the Overview and Scrutiny Committees have evidence that suggest that the Cabinet did not carry out due process in reaching their decision or have failed to fully appreciate the implications of their actions. (See Article 13).

- (a) When a decision is made by the Cabinet, (or an individual member of the Cabinet or a committee of the Cabinet) or a key decision is made by an officer with delegated authority from the Cabinet or under joint arrangements with delegated authority from the Cabinet, the decision shall be published, including where possible by electronic means, and shall be available (at least in draft form) from the Monitoring Officer at the Council's Civic Offices, normally within 2 working days of being made.
- (b) Where the Cabinet or Cabinet Member makes decisions, a notice of the decisions (the draft Minutes of the Cabinet Meeting will act as the decision notice for that meeting) will be published (the date of the meeting for Cabinet decisions) that will bear the date on which it is published and will specify that the decisions will come into force and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the Scrutiny Committee objects to it and calls it in.
- (c) During that period, the Monitoring Officer shall also call-in a decision for scrutiny by the Scrutiny Committee if so requested by any 4 members, from at least 2 political groups, and shall then notify the decision-taker of the call-in. He/she shall call a



meeting of the Scrutiny Committee on such date as he/she may determine, where possible after consultation with the chair of the Scrutiny Committee and the decision may not be implemented prior to the Scrutiny Committee meeting.

- (d) All decisions of the Cabinet will go before the Scrutiny Committee. The Committee may call-in any item where Members of the Committee have evidence that suggests that the Cabinet did not carry out due process in reaching their decision, or have failed to appreciate fully the implications of their actions. If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or, after having already made one such referral, refer the matter to full Council. If referred to the decision-maker they shall then reconsider it within a further 5 working days (or at their next meeting), amending the decision or not, before adopting a final decision.
- (e) If, following an objection to the decision, the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny Committee meeting, or the expiry of that further 5 working day period, whichever is the earlier.
- (f) If the matter was referred to full Council and the Council does not object to a decision that has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. The decision of the Full Council will be final.

### **Exceptions**

- (g) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are placed on its use. These are:
  - i) that a Scrutiny Committee may normally only call-in 4 decisions every six weeks;
  - ii) only decisions involving significant spending or reductions in service may be called in;
  - iii) once a member has signed a request for call-in under paragraph 16 (call-in) above, he/she may not do so again until a period of 1 month has expired.

## **Call-in and Urgency**

- (h) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or Cabinet Member 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 interests. 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. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. This may be by way of the minutes of the meeting concerned or published Decision Notice.
- (i) 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.

## **17. The "Party Whip"**

When considering any matter in respect of which a member of an Overview and Scrutiny Committee (or Sub-Committee / Task Group) 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.

## **18. Procedure at Overview and Scrutiny Committee meetings**

- (a) The Overview and Scrutiny Committees and Task Groups shall consider the following business:
  - i) minutes of the last meeting;
  - ii) declarations of interest (including whipping declarations);
  - iii) public question time
  - iv) (Scrutiny Committee Only) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
  - v) responses of the Cabinet or Cabinet Member to reports of

the Committee; and

- vi) the business otherwise set out on the agenda for the meeting, including petitions referred to Overview and Scrutiny Committees in accordance with the Council's Petitions Scheme, as set out in Part 4 of the Constitution.
- (b) Where an Overview and Scrutiny Committee or Sub-Committee / Task Group conducts investigations, the Committee may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:
- i) that the investigation be conducted fairly and all members of the Committee or Sub-Committee / Task Group be given the opportunity to ask questions of attendees, and to contribute and speak;
  - ii) that those assisting the Committee or Sub-Committee / Task Group by giving evidence be treated with respect and courtesy; and
  - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis. Hearings of witnesses may be held in private if required for good reason.
- (c) Following an investigation or review, the Committee or Task Group shall prepare a report, for submission to the Cabinet or Council as appropriate, and shall normally make its report and findings public.

**19. Matters within the remit of more than one Overview and Scrutiny Committee**

Where an Overview and Scrutiny Committee or Sub-Committee Task Group conducts a review or scrutinises a matter which it subsequently becomes apparent also falls (whether in whole or in part) within the remit of another Committee or Sub-Committee / Task Group, then the Committee or Sub-Committee / Task Group conducting the review shall invite the Chair of the other Committee or Sub-Committee / Task Group (or his/her nominee) to attend its meetings when the matter is being reviewed.

**20. Appointment of Sub-Committees and Task Groups**

The appointment of Sub-Committees and Task Groups will normally be undertaken by the relevant Overview and Scrutiny Committee. However, in exceptional circumstances where time constraints prohibit a meeting of the full Committee, the Monitoring Officer in consultation with the Chair and Vice-Chair and political group spokespersons on the

relevant Committee will be authorised to establish / agree the composition of any Sub-Committees or Task Groups.

**21. Joint Overview and Scrutiny Committees**

Part 4, Regulation 7 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 provides that "Two or more local authorities may appoint a joint committee (a "joint overview and scrutiny committee") of those authorities and arrange for relevant functions in relation to any (or all) of those authorities to be exercised by the joint committee subject to such terms and conditions as the authorities may consider appropriate."

The Council has agreed that where relevant and where viewed appropriate by the relevant Overview and Scrutiny Committee, an Overview and Scrutiny Committee may establish, or agree to be represented on, a joint overview and scrutiny committee, with one or more other local authorities, for the purpose of the joint review and scrutiny of issues and services relevant to its remit.

**22. Petitions**

Petitions received by the Council and referred to an Overview and Scrutiny Committee will be considered in accordance with the Council Petitions Scheme as set out in Part 4 to the Constitution.

**23. Tenants Scrutiny**

A Tenants Scrutiny Panel or body will be established comprising representatives of tenant bodies and will perform a similar function in relation to decisions affecting the Council's Housing Revenue Account as that undertaken by the Council's Overview and Scrutiny bodies.