

## GUILDFORD BOROUGH COUNCIL

### OVERVIEW AND SCRUTINY PROCEDURE RULES

**1. Arrangements for the Overview & Scrutiny Committee**

The Council will have one overview and scrutiny committee (OSC) as described in Article 8. The OSC will comprise 12 councillors and the Council will appoint councillors to it on an annual basis. The OSC may appoint formal sub-committees and informal task and finish groups.

**2. Who may sit on the OSCs?**

(a) All councillors, except members of the Executive, may be members of the OSC. However, no councillor may be involved in scrutinising a decision in which he or she has been directly involved (unless that involvement was only as a member of an Executive Advisory Board).

(b) There shall be no limit upon the number of substitute members

**3. Co-optees**

The OSC, or any of its sub-committees or task and finish groups, shall be entitled to appoint non-voting co-optees. Co-optees shall normally be drawn from groups, organisations, or service users with an interest in services within the OSC's remit. Co-optees may be appointed as standing co-optees, or special interest co-optees appointed to assist with scrutiny of a particular matter.

**4. Meetings of the OSC**

There shall normally be at least seven ordinary meetings of the OSC in each year. In addition, special meetings (and meetings to consider call-ins pursuant to paragraph 17 below) may be called if appropriate. An OSC meeting may be called by the chairman, by any five members of the OSC, or by the Managing Director if he or she considers it necessary or appropriate.

**5. Quorum**

The quorum for the OSC shall be four voting members of the Committee.

**6. Who chairs OSC meetings?**

(a) The OSC chairman shall be drawn from among those councillors serving on the OSC who is not from the majority political group or a chairman of any other committee. The chairman shall be elected in accordance with the procedure set in Council Procedure Rule 29. The chairman of each overview and scrutiny sub-committee or task and finish group will be drawn from amongst the councillors serving on the sub-committee or task and finish group concerned.

(b) A vice-chairman of the OSC, who shall not be from the same political group

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as the chairman, shall also be elected in accordance with the procedure set in Council Procedure Rule 29.

### **7. Work programme**

The OSC will be responsible for setting its own work programme in accordance with the following procedure:

The chairmen and vice-chairmen of the OSC and the Executive Advisory Boards and relevant officers shall normally meet at least bi-monthly to exchange, discuss and agree proposed rolling 12-18 month work programmes for submission periodically to the OSC (in respect of the OSC work programme) and to the Executive Advisory Boards (in respect of the EAB work programmes) for approval. The proposed work programme for the OSC will be determined with reference to the P.A.P.E.R. topic selection tool, attached as Appendix 2 to these procedure rules.

The chairman and vice-chairman of the OSC will ensure that all councillors are able to submit requests for alterations to the work programme for consideration at each of these work programme meetings.

### **8 Task and finish groups**

The work programme meetings described in Procedure Rule 7 above will consider and propose the establishment, membership, terms of reference, and reporting timescale of task and finish groups to undertake specific areas of work. Such proposals shall be submitted to the OSC for approval. The number of task and finish groups must be commensurate with available resources.

Task and finish groups will be expected to operate and report their findings in accordance with the flowchart attached as Appendix 4 to these rules.

Any non-executive councillor may be appointed to serve on task and finish groups and membership will be open to non-councillors, including representatives of external bodies. Political balance requirements will not apply to task and finish groups.

### **9. Entitlement to place items, including a Councillor Call for Action, on an Agenda**

In normal circumstances, requests to include an item on the OSC agenda will be forwarded to the chairman and vice-chairman of the OSC for consideration in accordance with the procedure set out in Procedure Rule 7 above.

However, any member of the OSC or its sub-committees shall be entitled to give written notice to the Scrutiny Officer that he or she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. Any such notification shall be accompanied by:

- (a) reasons for the proposed item, including justification for the item not being progressed through Procedure Rule 7; and
- (b) the outcome that the councillor would wish to see in response to the OSC's or sub-committee's consideration of the matter.

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On receipt of such a request, the Scrutiny Officer will ensure that it is included on the next available agenda. The OSC shall consider the request with reference to the P.A.P.E.R. topic selection tool attached as Appendix 2 to these procedure rules.

Notwithstanding the above provisions, any councillor may refer a councillor call for action (CCfA) to the OSC for consideration in accordance with the protocol attached as Appendix 1 to these procedure rules.

The OSC shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Leader/Executive to review particular areas of Council activity. Where the OSC does so, it shall report its findings and any recommendations back to the Leader/Executive and/or the Council.

### **10. Policy review and development**

- (a) The role of the OSC in relation to the development of the Council's budget and policy framework is detailed within the Budget and Policy Framework Procedure Rules in Part 4 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, the OSC or its sub-committees may make proposals to the Leader/Executive for developments in so far as they relate to matters within their terms of reference.
- (c) The OSC may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist it in this process. The OSC may go on site visits, conduct public surveys, hold public meetings, commission research, and do all other things that it reasonably considers necessary to inform its deliberations. The OSC may ask witnesses to attend to address a meeting on any matter under consideration and may pay to any advisers, assessors, and witnesses a reasonable fee and expenses for doing so.

### **11. Scrutiny of crime and disorder matters**

The scrutiny of crime and disorder matters shall be undertaken in accordance with the protocol set out in Appendix 3 to these procedure rules.

### **12. Reports from the OSC**

- (a) Once it has formed proposals, the OSC will submit a formal report, including recommendations for consideration by the Leader/Executive (if the proposals are consistent with the existing budget and policy framework), or to the Council as appropriate (for example, if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the OSC cannot agree a single final report to the Council or Leader/Executive as appropriate, then one minority report may be prepared and submitted for consideration with the majority report.
- (c) The Council or Leader/Executive shall consider and respond within two months to the report and/or recommendations of the OSC, indicating what (if any) action is proposed.

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### 13. Making sure that OSC reports are considered by the Leader/Executive

- (a) Once an OSC has completed its deliberations on any matter, the Managing Director will allocate the report including recommendations to either or both the Leader/Executive and the Council for consideration, according to whether the contents would have implications for the Council's budget and policy framework. If the Managing Director refers the matter to the Council, he or she will also serve a copy on the Leader with notice that the matter is to be referred to the Council. The Leader/Executive will normally have four weeks in which to respond to the OSC report and the Council shall not consider it within that period. When the Council does meet to consider any referral from an OSC on a matter which would impact on the budget and policy framework, it shall also consider the response of the Leader/Executive to the OSC's proposals.
- (b) The OSC will in any event have access to the Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the OSC following consideration of possible policy/service developments, the OSC will be able to respond to key decision consultations.

### 14. Rights of OSC members to documents

- (a) In addition to their rights as councillors, members of the OSC have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Leader/Executive and the OSC as appropriate.

### 15. Councillors and officers giving account

- (a) The OSC 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, the OSC may require the Leader, any lead councillor, the Head of Paid Service, Directors, and service leaders to attend before them to answer questions. In addition, relevant councillors can be required to answer questions relating to functions exercised under section 236 of the Local Government and Public Involvement in Health Act 2007. It is the duty of those persons to attend if so required.
- (b) Where any councillor or officer is required to attend an OSC meeting, the Scrutiny Officer shall inform the councillor or officer in writing normally giving at least ten working days' notice. The 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 OSC. Where the account to be given to the OSC will require the production of a report, then the councillor or officer concerned will 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, the OSC shall in consultation with the councillor or officer arrange an alternative date for attendance.

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### 16. Attendance by others

The OSC may invite people other than those people referred to in Procedure Rule 15 above to address them, discuss issues of local concern and/or answer questions.

### 17. Call-in

(a) When a decision is made by the Leader/Executive or an individual lead councillor or a key decision is made by an officer with delegated authority from the Leader/Executive, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally by 5.00 pm on the day after the meeting. All councillors will be sent copies of the records of all such decisions within the same timescale by the Democratic Services Manager.

(b) That notice will bear the date on which it is published and, subject to the urgency provisions in (h) below, will specify that the decision will come into force, and may then be implemented:

- on the expiry of five working days after the day of the meeting in the case of decisions taken by the Executive collectively; or
- on the expiry of five working days after the day of publication of the decision in the case of decisions taken by the Leader, individual lead councillors or key decisions taken by an officer with delegated authority from the Leader/Executive

unless it is called-in.

(c) During the call-in period referred to in (b) above, the chairman of the OSC or any five members of the Council may request in writing to the Democratic Services Manager that a decision is called-in for consideration by the OSC. The reasoning for calling-in a decision shall accompany any such request and must meet one of the following criteria:

- (i) that there was insufficient, misleading, or inaccurate information available to the decision-maker;
- (ii) that all the relevant facts had not been taken into account and/or properly assessed;
- (iii) that the decision is contrary to the budget and policy framework and is not covered by urgency provisions; or
- (iv) that the decision is not in accordance with the decision-making principles set out in the Constitution.

(d) On receipt of a call-in request, the Monitoring Officer, in consultation with the chairman of the OSC, will decide whether it is valid and will notify the councillors concerned accordingly.

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- (e) In the case of a valid call-in, the decision shall be referred to a special Call-in Meeting of the OSC, which shall be held within 21 days of the decision on validity referred to in sub-paragraph (d) above.
- (f) The OSC may review the decision itself or refer the matter to the Council for review. If the OSC or Council, as the case may be, endorses the proposed decision, it comes into immediate force and effect. If the OSC or the Council do not support the proposed decision, the matter shall be referred back to the next appropriate meeting of the Leader/Executive or to the individual decision-taker for decision with such comment and advice as the OSC or the Council deems appropriate.
- (g) Once a decision has been referred back to the Leader/Executive or individual decision-taker by the OSC or the Council on the basis described above, it shall not be subject to further call-in. The decision shall then be final unless it is contrary to the policy framework or contrary to or not wholly consistent with the budget.
- (h) Any matter designated by the Managing Director to be urgent shall not, if the Leader/Executive or individual decision-taker and the chairman of the OSC agree, be subject to the call-in procedure, but shall be determined by the Leader/ Executive, lead councillor or officer immediately. 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.
- (i) 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.

### 18. The party whip

The "party whip" is defined as:

"Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee or the application or threat to apply any sanction by the group in respect of that councillor should he or she speak or vote in any particular manner."

The Council considers whipping as incompatible with overview and scrutiny. Therefore, when considering any matter in respect of which a member of the OSC is subject to a party whip, the councillor 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.

### 19. Procedure at OSC meetings

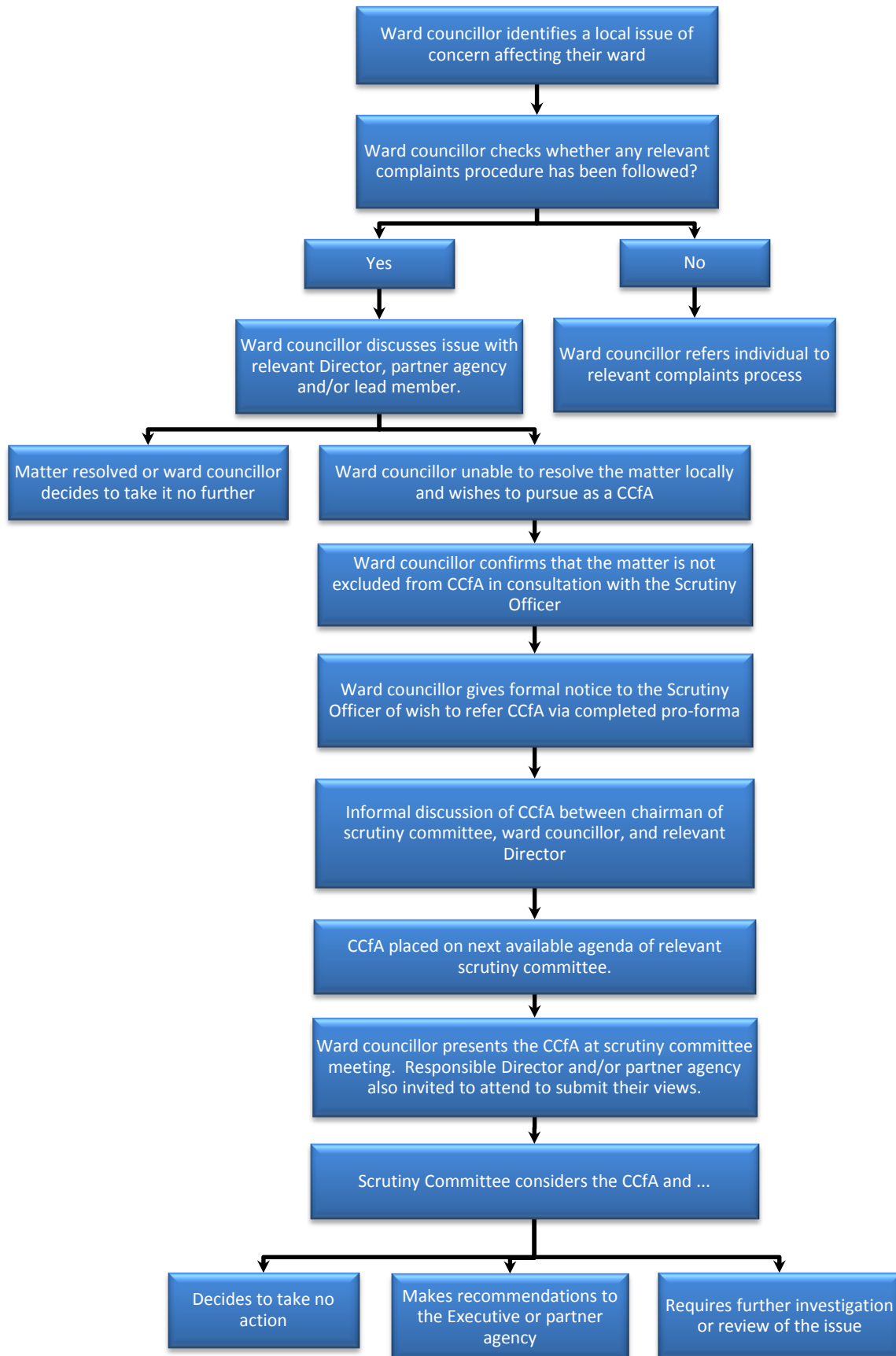
- (a) The OSC shall consider the following business:
  - (i) disclosures of interest, including whipping declarations;
  - (ii) consideration of the minutes of the last meeting;

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- (iii) consideration of any matter referred to the committee through the “call-in” procedure (in accordance with procedure rule 17 (e) above);
  - (iv) responses of the Leader/Executive to reports of the OSC; and
  - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the OSC conducts investigations (for example, with a view to policy development), the OSC 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 OSC be given the opportunity to ask questions of attendees and to contribute and speak;
  - (ii) that those assisting the OSC 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.
- (c) Following any investigation or review, the OSC shall prepare a report including recommendations for submission to the Leader/Executive and Council as appropriate and shall make these public.

PART 4 – OVERVIEW AND SCRUTINY PROCEDURE RULES (APPENDIX 1)

PROTOCOL ON COUNCILLOR CALL FOR ACTION (CCfA)





## Overview and Scrutiny Committee

### **P.A.P.E.R.** topic selection tool

**P**ublic interest: concerns of local people should influence the issues chosen

**A**bility to change: priority should be given to issues that the Committee can realistically influence

**P**erformance: priority should be given to areas in which the Council and Partners are not performing well

**E**xtent: priority should be given to issues that are relevant to all or a large part of the Borough

**R**eplication: work programme must take account of what else is happening to avoid duplication or wasted effort

## PROTOCOL FOR THE SCRUTINY OF CRIME AND DISORDER MATTERS

### 1. Crime and Disorder Committee

- 1.1 The Overview and Scrutiny Committee is the Council's designated crime and disorder committee.

### 2. Role of Committee

- 2.1 The Committee shall:

- (a) consider relevant councillor calls-for-action;
- (b) consider actions undertaken by partners on the crime and disorder reduction partnership;
- (c) make reports or recommendations to the council and partners with regard to those functions; and
- (d) include in its work programme a list of issues which it needs to cover during the year, which should be agreed in consultation with relevant partners on the partnership and reflect local community need.

### 3. Co-option

- 3.1 The Committee may co-opt an employee, officer or member of a responsible authority or of a co-operating body of the Safer Guildford Partnership to serve on the Committee. Any such person shall not be a member of the Council's Executive. The Committee will decide whether such a co-opted member shall have the right to vote and whether their membership shall be limited to certain issues only.

### 4. Involvement of the Police and Crime Commissioner for Surrey

- 4.1 The Police and Crime Commissioner for Surrey will be invited to attend the committee as an expert witness when crime and disorder matters are to be considered.
- 4.2 The Police and Crime Commissioner for Surrey will also be given an opportunity to be involved in any task and finish reviews involving the police.

### 5. Frequency of Meetings

- 5.1 The Committee shall meet to consider crime and disorder matters as it considers appropriate, but not less than once in every 12 month period.

### 6. Information Provision

- 6.1 In response to written requests for information by the Committee, the Safer Guildford Partnership and/or individual partners will provide such information no later than the date indicated in the request. If some or all of the information cannot reasonably be provided by such date, then that information must be provided as soon as is reasonably possible.
- 6.2 The information provided should be depersonalised unless the identification of an individual is necessary or appropriate in order to enable the Committee to properly exercise its powers. This information should not include anything that would be likely to prejudice legal proceedings or current or future operations of partners, whether acting together or individually.

### 7. Attendance at Meetings

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7.1 The Committee may require the attendance of senior representatives of partners at meetings. Reasonable notice will be given of such requests.

#### **8. Making and Responding to Recommendations**

8.1 Reports or recommendations which have an impact on community safety issues will be sent to relevant partners.

8.2 The relevant partner (or partners) will submit a response, in writing, within a period of 28 days from the date the report or recommendations are submitted (or if this is not possible as soon as reasonably possible thereafter).

## TASK AND FINISH GROUP FLOWCHART

