

Appendix 5 - Overview and Scrutiny Procedure Rules

1. The number and arrangements for Overview and Scrutiny Committees

The Council has established Overview and Scrutiny arrangements in accordance with the requirements of the Local Government Act 2000.

The Council will have three Overview and Scrutiny Committees as set out in article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub committees. The role of Overview and Scrutiny Committees is wide ranging and can relate to all the Council's functions and responsibilities and to external bodies.

The Council recognises that these arrangements are an important and integral part of its political structure not only in relation to calling the Cabinet to account but more importantly allowing all Members of the Council to participate in the development of the Council's policies, plans and strategies including the formulation of the Budget and the Policy and Planning Framework and to contribute to decision-making in the Council.

The role for the Council in scrutinising other public bodies, such as the National Health Service, is recognised and the Council's arrangements reflect these statutory responsibilities.

2. Membership of Overview and Scrutiny Committees

All Councillors except for members of the Cabinet may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision with which he/she has been directly involved. A member of an Overview and Scrutiny Committee may however be involved in scrutinising the recommendations of a working party, where he or she was involved in drawing up those recommendations.

3. Education Regulation Co-optees

The People Overview and Scrutiny Committee and any sub-committee dealing with education matters shall include in its membership the following co-optees:

- (a) One Church of England diocese representative
- (b) One Roman Catholic diocese representative
- (c) Two parent governor representatives

Where the People Overview and Scrutiny Committee / sub-committee deals with other matters, these statutory consultees shall not vote on those matters, though they may stay in the meeting and speak.

4. Meetings of the Overview and Scrutiny Committees.

There shall be at least four ordinary meetings of each Overview and Scrutiny Committee in each year plus further dedicated meetings to support the annual consultation and/or budget setting process where necessary. In addition, extraordinary meetings may be called from time to time as and when appropriate. Committee meetings may be called by

the Chair (after consulting the Party Leaders or spokespersons before the date is determined), or by any three members of the committee.

5. Quorum

The quorum for an Overview and Scrutiny Committee shall be set out in the Council Procedure Rules in Part 4 of the Constitution (Standing Order 29).

6. Overview and Scrutiny Committees Chairs

- (a) The Chairs and Vice Chairs of Overview and Scrutiny Committees will be appointed by Council. Sub-committee Chairs will be drawn from among the members sitting on the sub-committee.
- (b) The Chairs and Vice Chairs of the Overview and Scrutiny Committees shall have discretion to determine how cross-cutting matters / issues will be allocated between the committees.
- (c) Regular meetings of the committee Chairs will be convened to review the work programme and allocation of cross-cutting matters / issues as appropriate.

7. Work Programme

The Overview and Scrutiny Committees will be responsible for developing a single integrated Overview and Scrutiny work programme. The work programme will reflect the priorities of the Wirral Plan.

8. Agenda items

Any member of an Overview and Scrutiny Committee or sub-committee, Cabinet Portfolio Holder or the Leader shall be entitled to notify the Chair that they wish an item falling within the remit of the committee be included on the agenda of the next available meeting of the Committee / sub-committee. On receipt of such a request, the Chair will ensure that it is included on the next available agenda.

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 Cabinet and / or Council shall consider the report of the Overview and Scrutiny Committee within two months of receiving it or the next available meeting should that not be possible.

9. Policy review and development

- (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 Rules in Part 4 of the 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 or sub-

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

- (c) Overview and Scrutiny Committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10. Reports from Overview and Scrutiny Committees

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committees will prepare a written report for submission to Cabinet (if the proposals are consistent with the existing budget and policy framework), or to the Council (if the recommendation would require a departure from or change to the agreed budget and policy framework).
- (b) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within two months or the next available meeting should that not be possible.

11. Making sure reports are considered by the Cabinet

The agenda for meetings of the Cabinet will, where appropriate, include an item entitled 'Issues arising from Overview and Scrutiny Committees'. The reports of Overview and Scrutiny Committees referred to the Cabinet shall be included in that point in the agenda (unless they have been considered in the context of the deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny committee completing its report/recommendations or the next available meeting should that not be possible.

12. Rights of Overview and Scrutiny Committee members to documents

- (a) In addition to their rights as Councillors, members of Overview and Scrutiny Committees 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 the Constitution.
- (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.

13. Members and officers giving account

- (a) Any Overview and Scrutiny Committee or sub-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 Head of Paid Service and/or any officer to attend before it to explain in relation to matters within its remit:-

- 1) any particular decision or series of decisions;

- 2) the extent to which the actions taken to implement Council policy; and /
or
- 3) their performance

(b) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that committee will inform the Head of Legal and Democratic Services who will inform the member or officer giving at least three working days notice of the meeting at which they are required to attend. This notice will state the nature of the item on which they are 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 documentation.

(c) Where in exceptional circumstances, the member or officer is unable to attend on the required date, the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance to take place within a maximum of fifteen working days from the original request.

14. Attendance by others

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

15. Call-In

Arrangements for Call-In shall be conducted in accordance with Part 4a of the Council's Constitution (Standing Order 35).

In considering any matter called-in the Overview and Scrutiny Committee shall follow the process set out in **Annex 1** and will have due regard to the Call In Guidelines that have been produced to support consistency in the Call-In process.

16. Referral of Notices of Motion from Council

Council Standing Order 7 enables Notices of Motion to be referred to an Overview and Scrutiny Committee. Under those circumstances:

- (a) The Proposer and Seconder of a motion which has been referred above shall be given at least 7 days notice of the meeting at which the motion is to be considered. The Proposer (or in his/her absence, the Seconder) shall be expected to attend the meeting and explain the Motion.
- (b) The Chairperson may call an extraordinary meeting of the Committee if he/she considers the matter to be time sensitive and the matter should be considered before the next scheduled meeting of the Committee.
- (c) At the discretion of the Chairperson, other persons with expertise on the subject of the Motion may be invited to attend the meeting at which it is to be considered.

(d) The following shall apply to speakers:-

- (1) the Proposer (or in his/her absence, the Secunder) of the Motion – shall have up to 5 minutes to explain the motion (unless otherwise permitted by the Chairperson).
- (2) any other person – up to 3 minutes (unless otherwise permitted by the Chairperson).
- (3) the Proposer (or in his/her absence, the Secunder) of the Motion shall have the right of reply - not exceeding 3 minutes (unless otherwise permitted by the Chairperson).
- (4) Questions may be asked of speakers by the Committee – not exceeding 5 minutes (unless otherwise permitted by the Chairperson).

(e) Should both the Proposer and Secunder of the motion be unable to attend, no written submission on their behalf will be permitted and the motion shall be considered in their absence.

(f) Consideration of the motion may be deferred to a future meeting to allow further information to be provided or other persons to attend.

(g) Subject to (f) above, the Committee shall debate the Motion and reach a decision.

(h) Any decision taken in respect of the motion shall be referred to the next Ordinary Council meeting for consideration.

17. The party whip

When considering any matter in respect of which a member of an Overview and Scrutiny Committee is subject to a party whip, the member must declare the existence of the whip and the nature of it before the Overview and Scrutiny Committee's consideration of the matter. The declaration and detail of the whipping arrangement shall be recorded in the minutes of the meeting.

18. Procedure at Overview and Scrutiny Committee meetings

(a) Overview and Scrutiny Committees and sub-committees shall consider the following business:-

- 1) declarations of interest (including Party Whip declarations);
- 2) minutes of the previous meeting(s);
- 3) response of the Cabinet to reports of the Overview and Scrutiny Committee;
- 4) the business otherwise set out on the agenda for the meeting.

(b) Where the Overview and Scrutiny Committees conduct investigations (e.g. with a view to policy development), the committees may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:-

- 1) that the investigation be conducted fairly and all members of the

- committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- 2) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - 3) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

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

Where a matter for consideration by an Overview and Scrutiny Committee falls within the remit of more than one Overview and Scrutiny Committee, the decision as to which Committee will be responsible for the matter will be resolved by agreement of the Chairs of the Overview and Scrutiny Committees.

ANNEX 1 CALL IN PROCEDURE

Chair's opening remarks (5 minutes)

The Chair will open the special Committee meeting convened to consider the Call-In and set out the procedure as follows:

Explanation of the call in by the lead signatory (5 minutes)

The Chair will invite the lead signatory to set out the reasons for the Call-In. Members of the Committee will be invited to ask the lead signatory questions.

Overview and explanation of the decision taken by the relevant Cabinet Member (5 minutes)

The Chair will invite the Cabinet Member to explain the reasons for the decision. Members of the Committee will be invited to ask the Cabinet Member questions.

Evidence from call in witnesses

The Chair will invite the following witnesses to come forward. Witnesses may read out a written statement (not to exceed 5 minutes) if they wish, prior to questions from Members of the Committee.

(Running order of witnesses)

Evidence from decision-taker's witnesses

The Chair will invite the following witnesses to come forward. Witnesses may read out a written statement if they wish (not to exceed 5 minutes), prior to questions from Members of the Committee.

Summary of the lead signatory (5 minutes)

The Chair will invite the lead signatory to summarise the key points of evidence given in support of their case.

Summary of the decision-taker (5 minutes)

The Chair will invite the decision-taker to summarise the key points of evidence given in support of the initial decision.

Committee Debate

The Chair will invite comments, observations and discussion from members of the Committee.

Committee Decision

The Committee having considered the evidence and debate may:-

- Refer the decision back to the Cabinet Member setting out in writing the nature of its concerns.
- Refer the matter to the Council. Such a referral should only be made where the Overview and Scrutiny believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- Uphold the decision - If the Overview and Scrutiny Committee agrees with the initial decision the relevant Senior Officer may implement it without delay.