



CONSTITUTION OF THE COUNCIL

Part 4 Section 4

PROCEDURES FOR DEALING WITH MATTERS AT REVIEW COMMITTEE MEETINGS

1. PROCEEDINGS

- (a) **Application of procedure rules** - The following procedures apply to the Decision Review and Partnerships Committees.
- (b) **Legislative requirements** - The Decision Review Committee and the Partnerships Committee must comply with the provisions of the Local Authorities (Committee System) (England) Regulations 2012, Parts 3, 4 and 5 (overview and scrutiny) and have regard to Guidance issued by the Secretary of State when conducting its business.
- (c) **Decision making** - Neither the Decision Review Committee nor the Partnerships Committee are a decision making committee but may make recommendations to Committees, Full Council or any other relevant authority.
- (d) **Quorum** - The quorum for either the Decision Review Committee and Partnerships Committee meetings is one quarter of the total membership, but not less than four.

2. MEMBERSHIP

- (a) **Members** - Substitute members are permitted on the Decision Review Committee and the Partnerships Committee.
- (b) **Co-option** - Advisory, non-councillor representatives may be members of the Partnerships Committee. Such members may participate at meetings but may not vote, unless they have statutory authority to do so.
- (c) **Speakers and guests** - The Decision Review Committee and the Partnerships Committee can request individuals from outside organisations to attend meetings but cannot compel them to do so unless otherwise stated in legislation.

3. INTERESTS AND PARTICIPATION

- (a) **Member's right to speak** - A councillor may speak at a meeting of a Decision Review Committee or the Partnerships Committee where a specific decision or proposal of a Committee of which he or she is a member is being reviewed, but must then leave the meeting for the remainder of the debate on that item.

- (b) **Review or scrutiny of one's own decisions** - Decision Review Committee and Partnerships Committee members may not review or scrutinise decisions they have made as a member of another Committee. In this case, they should declare an interest and leave the meeting room. If a member feels that there is a particular reason why he or she should participate, a dispensation must be sought from the Constitution and Standards Committee or Monitoring Officer.
- (c) **Whipping** - When considering any matter in respect of which a Member of the Decision Review Committee is subject to a Political Group whip, the Member must declare the existence of the whip and the nature of it before the Committee's consideration of the matter. The declaration and detail of the whipping arrangement shall be recorded in the minutes of the meeting.

4. **BUSINESS AT MEETINGS**

- (a) **Agenda** - The business at each meeting of the Decision Review Committee and the Partnerships Committee will be conducted as set out on the agenda for the meeting, subject to the Chair having discretion to change the order of the items to be discussed.
- (b) **Functions** - The Decision Review Committee and the Partnerships Committee are, between them, to fulfil the functions pursuant to Regulation 4 (overview and scrutiny committees) of the Local Authorities (Committee System) (England) Regulations 2012 and set out in Article 7 of this Constitution.
- (c) **Member referral** - Any Member of the Authority is entitled to refer to the Decision Review Committee and to the Partnerships Committee any matter which is relevant to these functions. In requesting to the proper officer that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for discussion, the Member must have regard to Guidance for the time being issued by the Secretary of State.
- (d) **Decision Review Process** – In conducting a meeting to review a decision referred to the Committee, the Committee shall follow as far as is reasonably practicable the procedure set out at Annexe 1 to these procedure rules.
- (e) **Support to business** - Officer support to the Committees will be provided to advise members in discharging their functions.

5. **WAYS OF WORKING**

The Decision Review Committee and the Partnerships Committee may adopt innovative ways of working. It will operate more like select committees, taking oral evidence through select committee style witness hearings.

6. **SPEAKERS**

- a) **Summoned** -The Decision Review Committee and the Partnerships Committee may require Members of the local authority, and officers of the authority, to attend before it to answer questions and it shall be the duty of any such Member

or Officer to comply with the requirement, provided that they will not be obliged by that requirement to answer any question which he or she would be entitled to refuse to answer in, or for the purposes of proceedings in, a court of law in England and Wales.

- b) **Invited** - The Decision Review Committee and the Partnerships Committee may request any of the following to attend a meeting:
- i) any Member, elected or co-opted, to attend and advise;
 - ii) a representative of any outside body, whose powers or interests are relevant to the matter in hand, to give their views;
 - iii) any external expert to give evidence, provided arrangements can be made within the budget to pay any expenses or fees so incurred; or
 - iv) (or allow to speak) any resident of the Borough or any person with a legitimate interest in the topic under consideration to attend and give their views.
- c) **Conditions** - In applying the Committees' powers contained in (a) and (b) above, the proceedings of the Committee will be subject to the following provisions:
- i) Any requirements to attend shall be subject to not less than five clear working days' notice, except in a case of urgency;
 - ii) A chair of the committee concerned or relevant Member may ask the appropriate chief officer or other senior officer to attend with them to assist in providing technical advice;
 - iii) Where a Committee asks or requires an officer to attend who is not a chief or statutory officer, the appropriate chief and/or statutory officer shall also be entitled to be heard, and the officer required to attend may, if they wish, nominate a senior officer to attend on their behalf;
 - iv) Where someone requested or required to attend is genuinely unable to attend then, in the case of a Chair or Member, another Member of the relevant committee shall attend in their place. In the case of an officer, another officer who is able to speak on the topic under consideration shall attend;
 - v) Anyone asked to speak to a meeting of the Decision Review Committee or Partnerships Committee shall be entitled to see the terms of reference of the particular matter under consideration by the Committee before attending to speak;
 - vi) Anyone asked to speak to a to a meeting of the Decision Review Committee or Partnerships Committee shall be entitled to see the public papers which have been made available to the Committee and, wherever possible, on the same timescale as for a member of that Committee;
 - vii) Anyone asked to speak to a to a meeting of the Decision Review Committee or Partnerships Committee shall, wherever possible, be given access to statements submitted by individuals from whom the Committee has already heard, but not those who have not yet given evidence. The Chair shall have a discretion to disclose other papers, including statements

submitted by following speakers and confidential or exempt material, if he or she considers that will help the speakers to address a particular point, or will otherwise assist the Committee's examination of the issue;

- viii) All speakers shall respect the confidentiality of any confidential or exempt information they receive, and shall not disclose it without the authorisation of the Committee;
- ix) Speakers may submit papers in advance to the Committee, but such papers shall be clear and succinct;
- x) Papers for consideration by Committee will not be admissible less than one hour before the start of the relevant Committee meeting;
- xi) Speakers shall be able to bring such notes and diaries as are helpful to them in assisting the Committee, but shall expect to make available any such notes to the Committee, on the request of the Chair;
- xii) Papers submitted by speakers shall become public documents once they have presented their evidence, and shall be cited as background papers in any published report by the Committee;
- xiii) Officers shall not be required to give personal opinion on any Committee's decision which is different from the recommendation they made;
- xiv) Committee Members may expect to ask searching questions, but will always behave in a polite and respectful way to anyone contributing to the Committee's proceedings;
- xv) The Chair may specify a time limit for a contribution, in advance of the commencement of such contribution, which shall not be less than five minutes. If someone making such a contribution exceeds the time limit given, the Chair may stop them. The Chair may also structure a discussion and limit the time allowed for questioning by members of the Committee;
- xvi) Speakers shall be entitled to a copy of any draft minute or other record taken of their contribution for comment wherever possible. Should they feel that such record is not accurate, then they shall be given the opportunity to make a written representation asking for the correction to be submitted to the next meeting of the Committee.

7. **DECISION REVIEW**

- (a) Key decisions made by one of the Policy and Services Committees, or an officer acting under delegated authority from one of those committees, are published in minute or decision notice form as applicable and normally within a period of two working days after the relevant meeting or decision. Unless the relevant decision-making body has stated that the decision is not suitable for review, the decision will not be implemented for a period of three working days from the date of publication, during which time any six (6) Members of the Council may call-in the decision for review.
- (b) A notice of referral for review should meet the criteria set out at paragraph 8 below. The referral must be submitted by any six elected Members of the Council who have given detailed reasons for the referral. The detailed reasons must be

provided by the Lead signatory by the deadline.

- (c) When a Call-In is requested, the Chief Executive (or other officer nominated by the Chief Executive for this purpose) shall liaise with the Member listed as Lead signatory to ensure there is sufficient information provided to enable the referral to proceed. As long as there is a clear reason given that, in the opinion of the Chief Executive reasonably falls within the criteria set out at paragraph 8 below, the referral should be allowed. Where that is the case, he/she shall then notify the decision-taker and refer the decision to a meeting of the Decision Review Committee for review, together with a statement of the reasons for the review request. Implementation of the decision shall be held in abeyance pending the conclusion of the process unless the matter is considered urgent as defined in paragraph 9 below.
- (d) The proper officer shall call a special meeting of the Decision Review Committee on such date (where possible within 15 working days of the receipt of the accepted referral notice) and of such membership as he/she may determine following consultation with the Political Group Leaders and the Chair of the Committee
- (e) The Decision Review Committee shall follow, as far as is reasonably practicable, the procedure set out at Annexe 1 to these procedure rules.
- (f) The Decision Review Committee can, at its meeting, resolve:
 - (i) to make no recommendation to the decision-taker, in which case the initial decision shall be implemented at any time after the end of the meeting of the Decision Review Committee
 - (ii) to make recommendation(s) in terms of improvement(s) to services or procedures, in which case the initial decision shall be implemented at any time after the end of the meeting of the Decision Review Committee;
 - (iii) to make a recommendation, with a statement of reasons, to the decision-taker to alter the decision, or reconsider any part of it, in which case the implementation of the initial decision shall be delayed until such a recommendation has been considered;
 - iv) exceptionally, to refer the decision, with a statement of reasons why, to another decision-maker of higher authority (be that a Policy and Services Committee, Policy and Resources Committee or Council as appropriate) to consider all or any part of it as a fresh decision, in which case the implementation of the initial decision shall be delayed until such a recommendation has been considered; or
 - v) to defer consideration of the proposal for further reports. In this case, the Decision Review Committee must set a date and time for such deferred consideration, and the decision shall not be implemented until the end of that subsequent meeting.
- (g) A decision may only be subject to review once.

8 CRITERIA FOR DECISION REVIEW

In administering the decision review procedure, the Committee, Chair, Chief Executive and proper officer shall have regard to the following criteria to enable a Call-in to be effected:

- (a) Does the proposal affect more than one Committee terms of reference (portfolio)?
- (b) Does the proposal affect more than one Ward?
- (c) Is the proposal one against which the Council has received substantial public representations?
- (d) Are there significant legal, financial or propriety issues relating to the proposal?
- (e) Has the decision-taker failed to seek or to take into account any views previously expressed by the relevant Committee?
- (f) Is the decision likely to cause significant concern or distress to the local community or prejudice to individuals within it?
- (g) Has more than one Member of the Decision Review Committee or have members of more than two committees requested the Call-in?
- (h) Is the issue one which has not been the subject of significant consultation?
- (i) Will any damage to the interests of the Council from delay in taking or implementing the decision be insignificant?

9. URGENCY

The decision review procedure set out at paragraph 7 above shall not apply at or from any point where the decision being taken considered is urgent. A decision will be urgent if any delay likely to be caused by the decision review process would seriously prejudice the Council's or the public's interest. The record of the decision and the 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 review. The Chief Executive must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

ANNEX 1 PROCEDURE AT A DECISION REVIEW COMMITTEE

Chair's opening remarks (5 minutes)

The Chair will open the Committee meeting convened to review the decision referred 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 decision review. 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 decision-making officer or Committee Chair (or nominee) to explain the reasons for the decision.

Members of the Committee will be invited to ask the decision-maker 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-maker'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.