

CONSTITUTION - PART 4 - RULES OF PROCEDURE

Overview and Scrutiny Procedure Rules

1. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES

- 1.1 The Council will have an overview and scrutiny commission as set out in Article 6 and will appoint to it as it considers appropriate from time to time. Task and finish groups may also be appointed by the Commission for a fixed period, on the expiry of which they shall cease to exist.

The term “overview and scrutiny committees” in this constitution includes the commission, panels, and task and finish groups and these rules apply to all such bodies except where the wording would indicate otherwise.

- 1.2 The corporate overview and scrutiny commission may appoint task and finish groups to undertake specific tasks or reviews. These will be dissolved automatically on presentation of the final memorandum of report on completion of their allotted task or review, provided the commission receiving the memorandum has no further issues on the question for the panel to pursue.
- 1.3 Task and finish groups may be, but need not be, politically proportional as they will always report to the constituting commission which is politically proportionate and will make all required decisions.
- 1.4 The membership and detailed terms of reference of the overview and scrutiny commission and panels currently established by the Council are set out in Table 1 at the end of these rules.

2. MEMBERSHIP AND PREJUDICIAL INTERESTS

- 2.1 All councillors except members of the Cabinet may be members of an overview and scrutiny commission, panels or task and finish groups.
- 2.2 (a) A Member must regard him/herself as having a personal and prejudicial interest in a matter:-
- i) if the Member is present at a meeting of an Overview and scrutiny commission whether as a member of the commission or not when the matter is the subject of consideration at the meeting; **and**

- ii) it was also the subject of a decision made or action taken by another committee of which they are also a member; **or**
- it relates to a decision made or action taken by another committee of which they are also a member; **or**
- iii) it was the subject of a decision made or action taken by the Cabinet or any individual cabinet member at a time when the Member was a member of Cabinet
- (b) When a member has a prejudicial interest (s)he must disclose the existence of the interest at the beginning of the discussion of the matter or as soon as it becomes apparent to that member that (s)he must regard her/himself as having a prejudicial interest, if that is later.
- (c) When an agenda item is reached in which a member has both a personal and prejudicial interest, the member must withdraw from the meeting room and not return until the commission has completed that item of the agenda.
- (d) A Member is a member of a committee for these purposes if the Member was present at the meeting of the committee and took part in the discussion or decision whether as a member of the committee, a substitute member of the committee or a ward member having an input to the discussion with the consent of the Chair. A member is not a member of a Committee for these purposes unless the Member was present at the meeting.
- (e) The provisions of this clause shall not apply when if the Member attends the meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.
- 2.3 The Head of Legal and Democratic Services shall record particulars of the declaration in a book kept for that purpose. The book will be open at all reasonable hours to the inspection of any member of the authority.
- 2.4 No dispensations may be granted by the Standards Committee to relieve an overview and scrutiny committee member from the provisions of clause 2.2 above.
- 2.5 This rule reflects the provisions of clause 11 of the Council's Code of Conduct at Part 5 of this Constitution.

3. CO-OPTTEES

The Commission may co-opt non-elected members either as permanent members or as members for specified tasks or reviews provided that:-

- the number of permanent coopted members shall not exceed two per body;
- the Commission shall determine the term of office of all coopted members which shall not be beyond the next annual meeting;

- members appointed under this rule shall be non voting.

4. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

- (a) There shall normally be at least eight ordinary meetings of the Overview and scrutiny commission scheduled in each year. There shall usually be four ordinary meetings of the Governance and meetings of the Councillor Call for Action (CCFA) Panel will be called at the request of the Overview and Scrutiny Commission to consider Councillor Calls for Action. In addition, extraordinary meetings may be called from time to time as and when appropriate by the chair in accordance with the Council's Procedure Rules in Part 4 of this Constitution.
- (b) A meeting the commission may be called on requisition, specifying the matter or matters to be considered within the Terms of Reference, by any five Members of the Council three of whom must be members of the overview and scrutiny commission. Members requisitioning a meeting shall provide the Head of Legal and Democratic Services with a written reason for their requests.
- (c) Members of the Council who have requisitioned a meeting under paragraph (b) will be entitled, subject to the rules on prejudicial interests at 2.2 above, to speak at that meeting.

5. QUORUM

The quorum for an overview and scrutiny commission shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

6. CHAIRPERSONS

The chairperson of the overview and scrutiny commission will be appointed by Council and will be a Councillor who is not a member of the largest political group on the Council.

The Vice-Chair will be a Councillor from the administration group.

7. WORK PROGRAMME

The overview and scrutiny commission will be responsible for setting its own work programme and in doing so it shall take into account wishes of members who are not members of the largest political group on the Council. Task and finish groups will carry out the work allocated to them by their parent commission and are accountable to the Commission for their performance.

8. AGENDA ITEMS

- 8.1 Any Member of the Council may by notice to the Head of Legal and Democratic Services require an item to be included on the agenda of the

earliest available meeting when the commission will decide whether and when that item should be considered, this rule includes requests for Councillor Calls for Action.

Subject to rule 2.2 above, any Member who has by notice required the inclusion of an item on the agenda shall be entitled to speak at the meeting at which it is considered whether and when to review or scrutinise that item.

Published executive decisions are of two types, those which may be the subject of the call-in procedure at rule 16 below and those which are not subject to that procedure. No decision of a council committee is subject to the call-in procedure. Decisions which may be subjected to call-in may only be reviewed or scrutinised through the call-in procedure until the time limit under rule 16 has expired.

- 8.2 The overview and scrutiny commission shall also respond, as soon as their work programme permits, to requests from the Council and the executive to review particular areas of Council activity. Where they do so, the commission shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider and respond to the memorandum of report of the overview and scrutiny committee within two months of receiving it.

For the purposes of this paragraph the submission of the final written report to the Head of Legal and Democratic Services shall count as receipt of the memorandum of report.

- 8.3 Subject to the restrictions below the commission may investigate or review any matters which fall within their terms of reference save where there are on going judicial proceedings, an ombudsman or audit enquiry or a complaint under investigation in accordance with the Council's complaints or whistleblowing procedures.

(a) The commission may not investigate or review individual decisions of Officers under the General Scheme of Delegation to Officers set out at Part 3 of this Constitution whether under Section 2 relating to Council functions or Section 3 relating to executive functions.

(b) The commission may not investigate or review individual decisions in relation to planning and other development control decisions under the Scheme of Delegation of Planning Functions. Review of such decisions must be undertaken through the normal appeal processes set down in primary and secondary legislation.

(c) Decisions under the General Scheme of Delegation to Officers and the Planning Scheme of Delegation may be considered within a review of the service as a whole.

(d) Where a specific executive decision has been delegated to an Officer by the executive on a specific occasion that may be subject to the scrutiny regime set out in these rules.

8.4 The commission may carry out a short inquiry into executive actions dealt with in a report of the Monitoring Officer or Chief Finance Officer under their statutory powers before the report is considered by the Cabinet, but must produce any memorandum of report to the Leader and the Monitoring Officer or Chief Finance Officer within 28 days of the issue of the report.

9. POLICY REVIEW AND DEVELOPMENT

(a) The role of the commission 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.

(b) In relation to the development of the Council's approach to other matters not forming part of its budget and policy framework the commission may make proposals to the executive for developments in so far as they relate to matters within the terms of reference of the commission.

(c) Subject to funding availability, where necessary, the overview and scrutiny commission may hold enquiries 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 which 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.

10. REPORTING BY THE OVERVIEW AND SCRUTINY COMMISSION

10.1 Reporting

The proceedings of the Commission shall be reported in the following ways:-

(a) The minutes of the proceedings of the Commission will be submitted to Councillors for information.

(b) A commission may refer a decision to Council under the conflicts resolution procedure set out in the Budget and Policy Framework Rules at Part 4 of this Constitution if the decision is the responsibility of the executive and

i) is contrary to the budget set by the Council and outside the virement and supplementary estimate powers of the Cabinet or any Cabinet Member or

ii) is contrary to a policy approved by the Council and outside the policy framework; or

iii) is not within the powers of the Cabinet under the Council's constitution.

If a matter is referred to Council to be dealt with under the conflicts resolution procedure then the rules on timing of meetings set out in the Budget and Policy Framework Rules take precedence over these rules in the event of a difference.

- (c) Either during the course of overview and scrutiny or on its conclusion the commission may require that a memorandum of report of its proceedings and conclusions be prepared and submitted to the Head of Legal and Democratic Services who shall advise on its submission to the Council, the Cabinet or Cabinet Member or Officer as appropriate. The draft memorandum will be agreed by the Chair before submission.
- (d) Where the commission's proceedings are in response to a request from the executive or the Council a memorandum will be prepared and sent to the person or body which requested the review.
- (e) Where the commission's proceedings are in response to a request of a Councillor Call for Action a memorandum will be prepared and sent to all persons or bodies involved in the proceedings including the Councillor that requested the action.

10.2 Panels

- (a) Panels will normally report to the Overview and scrutiny commission, however, in accordance with Rule 6.02(i) of Article 6 of the Constitution the standing panels may report direct to the appropriate person or body with Minutes or other reports being submitted to the Commission retrospectively.
- (b) The Commission will be expected to review Best Value and other performance issues arising within their respective remits in accordance with the principles set out in Article 6.
- (c) Task and finish groups will always report to the Commission by way of minutes. Whether a memorandum of report is necessary it will be the responsibility of the Commission to decide whether and where to submit it for further consideration.

10.3 Minority responses

- (a) Where a member of the commission does not agree with the conclusions of the Commission they may require that a minority memorandum be prepared and submitted with the majority memorandum of report. Only one minority memorandum may be required but individual dissenting members of the Commission may submit their own views in writing to the Chair of the body which requested the review.

- (b) Where the commission does not reach a unanimous view, it may require no more than two memoranda of report to be prepared whatever the division of votes. Where a minority memorandum is required by members of the commission they shall designate one of their number to agree the draft of the memorandum before submission.
- (c) Minority responses may not be requested where a memorandum of report is being prepared by a panel. If a panel is so divided in its views that some members wish to submit a minority response then the panel must report by minute to Commission which must form its own view on the subject matter considered by the panel and prepare a memorandum of report accordingly.

10.4 Reports of Statutory Officers

Where the Commission considers it is appropriate to hold a short inquiry into executive actions dealt with in a report prepared by the Monitoring Officer or Chief Finance Officer, the Leader of the Council and the Monitoring Officer or Chief Finance Officer must be so notified.

Any inquiry undertaken by the Commission must be completed and the memorandum of report made available to the Leader and the Monitoring Officer or Chief Finance Officer within 28 days of the issue of the report of the Monitoring Officer or Chief Finance Officer.

10.5 Attendance at Cabinet by chair

Where a memorandum is to be considered by the Cabinet then the chair of the Commission or Panel shall be entitled to be present at the Cabinet meeting to discuss the memorandum with the Cabinet. If the memorandum is to be considered by an individual Cabinet Member or officer then they will arrange to meet the chair of the Commission or Panel to discuss the memorandum.

11. KEY DECISIONS OMITTED FROM THE FORWARD PLAN

Where the Commission comes to the view that a decision was not but should have been treated as a key decision, it may require a report from the Leader to the next meeting of the Council provided the next meeting is not scheduled to take place in less than 21 days.

The report must include details of the decision and the reasons for the decision; the decision making body by which or person by whom the decision was made and the reasons why the decision was considered not to be a key decision.

12. MAKING SURE THAT OVERVIEW AND SCRUTINY MEMORANDA OF REPORT ARE CONSIDERED BY THE EXECUTIVE

- (a)(i) Where the overview and scrutiny commission prepares a memorandum of report for consideration by the executive in relation to a matter where the Leader has delegated the decision making power to a Cabinet Member, then the overview and scrutiny commission will submit a copy of their memorandum to that individual for consideration. At the time of doing so, the overview and scrutiny commission shall serve a copy on the Head of Legal and Democratic Services and the Leader.
- (ii) If the Cabinet Member with delegated decision making power does not accept the recommendations of the overview and scrutiny commission 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 memorandum in writing to the Overview and scrutiny commission.
- (iii) The Cabinet Member to whom the decision making power has been delegated will respond to the overview and scrutiny commission. A copy of his/her written response to it shall be sent to the Head of Legal and Democratic Services and the Cabinet Member will attend the meeting at which their report will be considered, to present their response and answer questions. It is a statutory duty for the Cabinet Member to attend.
- (b) Nothing in these Rules prevents more detailed liaison between the executive and overview and scrutiny commission as appropriate depending on the particular matter under consideration.

13. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- (a) Overview and scrutiny members will have access to the executive's forward plan including the timetable for decisions and intentions for consultation. Where an item is not the subject of detailed proposals from the overview and scrutiny commission following consideration of possible policy/service developments, the commission will be able to respond in the course of the executive's consultation process in relation to any key decision.
- (b) In addition to their rights as councillors, members of commissions 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.

14. MEMBERS AND OFFICERS GIVING ACCOUNT

- (a) Subject to the provisions of rule 8 above the commission may scrutinise and review decisions made or actions taken in connection with the discharge of any Council or executive functions.

As well as reviewing documentation, the commission may require any Cabinet Member, Chair of Committee, the Head of Paid Service and/or any senior officer 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 statutory duty of those persons to attend if so required.

- (b)(i) The commission may by notice from the Chair to the Head of Legal and Democratic Services require attendance by a named Member or Officer where the Chair considers this is necessary to inform the commission on the matter under consideration. It is the responsibility of the commission, in making their request, to specify clearly what information is required and the form in which it is needed.
- (ii) The Head of Legal and Democratic Services shall inform the member or officer in writing, as soon as possible, and in any event giving at least 10 working days notice of the meeting, 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 meeting. Where the account to be given will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for its preparation.
- (iii) Officer attendance by request at the overview and scrutiny commission will normally be by officers at executive or chief officer level unless there are special reasons to require the attendance of more junior staff. Any such special reasons must be set out in writing in the request for attendance of that officer. A chief or executive officer shall always be entitled to attend with the officer requested. It is within the discretion of a chief officer to send a more senior officer along instead of a named officer provided that is justified to the commission.
- (c)(i) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny chair shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of 30 days from the date of the original notice requesting attendance.
- (ii) Failure of a member to attend without due cause will be a matter for reference under the Council's Code of Conduct at Part 5 of this constitution at the behest of the overview and scrutiny commission. Failure of an officer to attend without reasonable explanation will be a disciplinary matter.
- (d) Where an item is on the agenda of an overview and scrutiny commission, the Head of Legal and Democratic Services will on request make available any document in the possession or under the control of the Council or the executive containing material relevant to the decision, except in the case of the executive any document available only in draft form or advice provided by a political adviser.

15. INVITEES, THE PUBLIC, WRITTEN REPRESENTATIONS AND THE RIGHT TO SPEAK

- (a) The overview and scrutiny commission may invite people other than officers and members of the Council 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 may invite such people to attend.
- (b) Where the commission has required, or invited, the attendance of a specific person to address the commission, or respond to questions on a particular agenda item then, subject to the Chair allowing further time or the committee having in their invitation stipulated a different period of time, the address to the committee should take no more than 20 minutes and be properly directed to the issue requested by the committee.

If the person addressing the commission does not speak wholly to the issue required then the Chair may cut short the time allowed.

- (c) Members of the commission will be provided with copies of any written representation relevant to an item on the agenda and received by the Head of Legal and Democratic Services more than three hours before the meeting. Where Members have individually received representations it is their responsibility to pass these to the Head of Legal and Democratic Services so that copies can be made available. Where the written representations received in relation to a particular item exceed 20, a summary of those representations, with the originals available for inspection by members of committee, may be prepared and made available at the discretion of the Head of Legal and Democratic Services.
- (d) Where a member of the public or their representative has indicated to the Head of Legal and Democratic Services at the beginning of the meeting that they wish to address the commission on a matter appearing on the agenda, the Chair will invite that member of public or their representative to speak on that matter for not more than five minutes, and may then, at his or her discretion, put to the member of the public questions from the commission arising out of the address. Where two or more members of the public wish to make similar representations to the commission, or wish to advocate similar proposals, then they will be asked to appoint a spokesperson to speak on their behalf for not more than five minutes.

If the person addressing the commission does not speak to the issue indicated then the chair may cut short the time allowed.

- (e) Where the overview and scrutiny commission conducts investigations (e.g. with a view to policy development or to resolve Councillor Calls for Action), the commission may also ask people to attend to give evidence at commission meetings which are to be conducted in accordance with the following principles:

- i) that the investigation be conducted fairly and all members of the commission be given the opportunity to ask questions of attendees, and to contribute and speak;
- ii) that those assisting the commission 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.
- iv) When officers appear before the commission, questions to them should, so far as possible, be confined to those which should elicit responses of fact and advice or opinion within their professional expertise.
- v) Officers may be asked to explain the relevant policies, the justification and objectives of those policies as the executive or the Council sees them, the extent to which those objectives may have been achieved, and how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
- vi) Officers may be asked to explain and justify advice they have given to the executive or the Council prior to decisions being taken, and they may also be asked to explain and justify decisions they themselves have taken under delegation from the executive.
- (f) Following any investigation or review, the commission shall prepare a memorandum of report, for submission to the executive /Council or other body as appropriate and shall make its report and findings public subject to the Access to Information Rules in part 4 of this constitution.

16. CALL-IN:

Exceptions

- (a) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:-
 - (i) The power of call in will be exercisable in respect of key decisions.
 - (ii) The powers of call in for pre-implementation scrutiny will be excluded if the relevant decision is agreed to be urgent in accordance with paragraph (b) below.
 - (iii) Decisions made by officers under the Schemes of Delegation in Part 3 of this Constitution are not subject to call in procedure. Decisions being made by officers under a specific delegation may be subject to the call-in procedure.

Urgency

- (b)(i) The call-in procedure set out below shall not apply where the decision being taken by the executive is urgent. Urgent decisions are decisions which need to be taken as soon as possible in order
 - (a) to prevent the Council from incurring substantial financial loss or
 - (b) to obtain a benefit for, or avoid or mitigate harm to, the District as a whole.

No decision will be treated as urgent unless the relevant decision maker has agreed with the Chair of the Commission that one of these conditions applies and that consequently a decision needs to be taken urgently.

- (ii) 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 and confirm the date and means of communication of the agreement of the commission chair. In the absence of the chair of the relevant commission, the agreement of the vice-chair is required. In the absence of both the Mayor may act in this capacity.
- (iii) Decisions taken as a matter of urgency must be reported by the Leader to the next meeting of the Council, together with the reasons for urgency giving particulars of each decision made and a summary of the matters in respect of which each decision was made in accordance with the Access to Information Rules at Part 4 of this constitution.

Procedure

- (c) When a decision is made by the executive or a key decision is made by an officer with delegated authority from the executive, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within one working day of being made. Minutes of the Cabinet or a cabinet committee will be published within seven working days. All councillors will be sent copies of the decisions or the minutes by the Head of Legal and Democratic Services as soon as the decision is validated for publication as will any coopted members of the overview and scrutiny commission.
- (d) The decision notice will bear the date on which it is published and will specify that the decision will come into force and may be implemented on the expiry of five working days after publication (the date will be given in the decision notice) unless the overview and scrutiny commission objects to it and calls it in. The same information will be given in a cover sheet to any minutes.
- (e)(i) During that period, the Head of Legal and Democratic Services shall call-in a decision for scrutiny by the commission if so requested by the chair of the commission or any three elected members of the Council provided the three

Members are from two or more political groups and one of whom must be a member of the commission. The request to have the matter called-in must be made to the Head of Legal and Democratic Services in writing, specifying the reasons for requiring call-in. The request to call in an item must be made by 4.30 pm on the fifth working day following the publication of the relevant decision. The Head of Legal and Democratic Services shall notify the decision maker of the call-in as soon as it is received.

- (ii) The Head of Legal and Democratic Services shall call a meeting of the commission on such date as he/she may determine, where possible after consultation with the chair of the commission, and in any case within five working days of the call-in.
- (iii) Where a decision has been called in for scrutiny by councillors they will, subject to the rules on prejudicial interests, be entitled to speak at the meeting.
- (iv) The views of the commission will be reported by the Head of Legal and Democratic Services to the Cabinet or to the Member of the Cabinet or Officer to whom the decision was delegated.
- (v) If the commission has not concluded its consideration of the decision within 20 working days of its publication, then the decision may be implemented as if it had not been called in.
- (f)(i) If, having considered the decision, the commission is still concerned then it may refer the decision back to the decision maker for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. If referred back to the decision maker the latter shall then reconsider the decision before adopting a final decision which will be published again.
- (ii) If neither the reviewed decision nor the information on which it is based differs significantly from what was discussed at the time of consideration by the commission or Council, no further call in is possible in respect of that decision. The decision notice will so indicate.
- (iii) If the reviewed decision differs significantly from the alternatives discussed at the time of the commission meeting or if information was available to the decision maker when the decision was reviewed which differs significantly from what was available to the commission then a further right of call in arises when the reviewed decision is published. The decision notice will so indicate.
- (g) Where the recommendations of the commission are in whole or part rejected the decision maker must respond in writing to the commission within four weeks of receiving them. A copy of the written response shall be sent to the Head of Legal and Democratic Services to include on the agenda for the next meeting and the decision maker will attend that meeting to present their response and answer questions.

- (h)(i) If the matter was referred to full Council and the Council does not object to the decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Head of Legal and Democratic Services will refer the decision back to the decision making person or body, together with a minute of the Council's views on the decision. That decision making body or person shall take into account the views of the Council and consider whether to amend the decision before reaching a final decision.
- (ii) If the decision maker does not accept the recommendation of the Council then they must refer the matter to a meeting of the Cabinet to be called within five working days of the date of the Council meeting for further debate and for decision. The decision will then be published to all councillors within two working days.
- (iii) If neither the reviewed decision nor the information on which it is based differs significantly from what was discussed at the time of consideration by the Council, no further call in is possible in respect of that decision. The decision notice will so indicate.
- (iv) If the reviewed decision differs significantly from the alternatives discussed at the time of its scrutiny, or if information was available to the decision maker when the decision was reviewed which differs significantly from what was available to the Council then a further right of call in arises when the reviewed decision is published. The decision notice will so indicate.
- (j) If the Council 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.
- (k) 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

The Council considers that application of the party whip is incompatible with the proper functioning of overview and scrutiny and therefore the commission shall not be subject to the party whip.

The party whip means any instruction given by or on behalf of a political group or party to any councillor who is a member of that group or party, as to how that councillor shall speak or vote on any matter before any overview and scrutiny body, or the application of, or threat to apply any sanction by the group or party in respect of that councillor, should he/she speak or vote in any particular manner.

18. PROCEDURE AT MEETINGS OF COMMISSIONS

- (a) The commission shall consider the following business:
 - i) minutes of the last meeting;

- ii) declarations of interest;
- iii) consideration of any decision called in for the commission to consider;
- iv) responses of the executive to memoranda of report of the commission; and
- v) requests from the executive for review of policy or other matters within the terms of reference of the commission; when these might be addressed as part of the work programme; whether and how they can be addressed within any timescale set under the Budget and Policy Framework Procedure Rules or otherwise by the executive.
- vi) individual councillor's proposals for addition to the future work programme;
- vii) Councillor calls for Action
- viii) suggestions from members of the public for additions to the future work programme;
- ix) its future work programme. To this end the commission will consider carefully what issues it wishes to be addressed and in what depth and breadth including whether it requires a written report from the person concerned; identifying the Member, Chief Officer or other person to be required or invited to attend; and indicating the date of the meeting at which it requires their attendance;
- x) the business otherwise set out on the agenda for the meeting.

COMMISSION FOR OVERVIEW AND SCRUTINY

The Commission role is as indicated in Article 6.01.

Membership:

15 councillors on the Commission and such coopted members as the Commissions coopt under these Rules.

Terms of reference:

1. To prepare annually a plan for the work of the Commission.
2. To consider issues of policy or budget where these arise from items included in the Forward Plan of key decisions and to make such reports and recommendations as it considers appropriate
3. To consider such proposals as are referred to it by the Council and the Cabinet and to report back on the result of its considerations to the referring body.
4. To review within these rules the Council's Budget and Policy Framework and to make reports and recommendations, including policy proposals for changes to service priorities and practices, to the Council, and the Cabinet, as appropriate.
5. Within the Budget and Policy Framework to review service delivery by the Cabinet or Cabinet Members and to make reports and recommendations, including proposals for changes to service priorities and practices to the Council, and the Cabinet as appropriate.
6. To review, in accordance with these rules the decisions of the Cabinet, or Cabinet Members and Officers acting under specific delegated authorities and report the outcome of its review to the Council or the executive, as appropriate.
7. To consider requests for policy review from fora, relevant interest groups, external partner organisations and make such reports and recommendations as it considers appropriate.
8. To consider requests for service review or representations from Councillors, Area Committees, Fora and relevant interest groups and make such reports and recommendations as it considers appropriate.
9. To receive and review external audit reports which relate to matters within the Commission's terms of reference and make such reports and recommendations as it considers appropriate.
10. To take part in the Council's response to statutory duty of best value.

11. To review decisions made or other actions undertaken in connection with those functions of the Council which are not the responsibility of the executive in the context of the Council's general provision of services to the public.
12. The ongoing review of the performance and policies of the Council's external partners and external bodies with a significant local role in terms of their duties, responsibilities obligations to the community and Local Area Agreements.
13. To consider Councillor Calls for Action where local problems have arisen and where other methods of resolution have been exhausted

SCRUTINY PANELS

A Governance Panel

1 Statement of Purpose

The Governance Panel will provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

2 Core Functions

The Governance Panel will:

- I. Consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements
- II. Seek assurances that action is being taken on risk-related issues identified by auditors and inspectors
- III. Be satisfied that the authority's assurance statements, including the Statement on Internal Control, properly reflect the risk environment and any actions required to improve it
- IV. Approve (but not direct) internal audit's strategy, plan and monitor performance
- V. Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary
- VI. Receive the annual report from the head of internal audit
- VII. Consider the reports of external audit and inspection agencies
- VIII. Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted
- IX. Review the financial statements, external auditor's opinion and reports to Members, and monitor management action in response to the issues raised by external audit.

3 Terms of Reference

A) Audit Activity

- I. To consider the head of internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
- II. To consider summaries of specific internal audit reports as requested
- III. To consider reports dealing with management and performance of the providers of internal audit services
- IV. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale
- V. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance
- VI. To consider specific reports as agreed with the external auditor
- VII. To comment on the scope and depth of external audit work and to ensure it gives value for money
- VIII. To liaise with the Audit Commission over the appointment of the Council's external auditor
- IX. To commission work from the internal and external audit.

b) Regulatory Framework

- I. To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour and recommend any changes to the General Purposes Committee
- II. To review any issues referred to it by the Chief Executive or a Director, or any Council body
- III. To monitor the effective development and operation of risk management and corporate governance in the Council
- IV. To monitor Council policies on 'Raising Concerns at Work' and the anti-fraud and anti-corruption strategy and the Council's complaints process
- V. To oversee the production of the authority's Statement on Internal Control and to recommend its adoption

- VI. To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice
- VII. To consider the Council's compliance with its own and other published standards and controls.

c) Accounts

- I. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council
- II. To consider the external auditor's report to those charged with governance on issues arising from the accounts

B Performance Panel

This Panel will take an overview on managing and monitoring performance within the Council. This will include corporate action plans including finance, performance indicators and other agreed performance measures. The Panel will also take an overview of value for money issues within the Council including the programme of Service and Corporate Reviews.

The Panel will be expected to focus upon initiatives of performance or where particular indicator(s) is suggesting performance and/or resource issues of significance. In the case of service indicator(s) giving cause for concern the Corporate Performance Panel should initially report to the Overview and scrutiny commission in the first instance with, if it deems appropriate, proposals for action.

C Councillor Call For Action Panel (CCFA)

This Panel will operate in accordance with the Councillor Call For Action protocol at Part 5 to the Constitution. It will monitor the operation of the CCFA process generally and process all such call for actions that reach the scrutiny stage and are agreed for further consideration by the Overview and Scrutiny Commission.