

GUILDFORD BOROUGH COUNCIL

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Arrangements for overview and scrutiny committees

~~(a)~~ The Council will have two overview and scrutiny committees (OSCs) as set out in Article 86, and will appoint to them as it considers appropriate on an annual basis. The OSCs may meet as a joint OSC to consider matters of mutual interest. The committees may appoint sub-committees, ~~which may be for a fixed period on the expiry of which they shall cease to exist and informal task and finish groups.~~ The scrutiny committees OSCs will each comprise no more than 15 councillors ~~and shall not include members of the Executive.~~

~~(b)~~ The general terms of reference of the scrutiny committees will be:

- ~~(i)~~ to perform all overview and scrutiny functions on behalf of the Council;
- ~~(ii)~~ to appoint such sub-committees as they consider appropriate to fulfil those overview and scrutiny functions;
- ~~(iii)~~ to receive reports from the Leader at their first normal meetings after each Annual Council meeting on 'the state of the area', the Leader's/Executive's priorities for the coming year and its performance in the previous year;
- ~~(iv)~~ to approve annual overview and scrutiny work programmes so as to ensure that the time of each committee is effectively and efficiently utilised;
- ~~(v)~~ to undertake investigations into such matters relating to the Council's functions and powers as:
 - ~~(a)~~ may be referred by the Leader/Executive; or
 - ~~(b)~~ each committee may consider appropriate; or
 - ~~(c)~~ have been referred to the committee pursuant to the "call-in" procedure set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution;

~~In respect of (c) above, the relevant scrutiny committee may review the decision or, if it so wishes, refer the matter to the full Council for review.)~~

- ~~(vi)~~ to review and advise on all existing policies of the Council, including making recommendations for future options to the Leader/Executive;
- ~~(vii)~~ to review arrangements to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- ~~(viii)~~ to monitor and review the Council's performance against relevant national and local performance indicators and adopted plans and strategies;
- ~~(ix)~~ to consider any matter affecting the area or its inhabitants; and
- ~~(x)~~ to discuss initiatives put forward for consideration by individual members of each committee.

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~~(xi) to deal with any relevant councillor call-for-action in accordance with the protocol attached as Appendix 1 to these rules.~~

~~(xii) to consider petitions received under the adopted Petition Scheme that fall into the following categories:~~

- ~~• petitions requiring a senior officer to give evidence to a scrutiny committee; and~~
- ~~• a request from a petition organiser, who is not satisfied with the Council's response to a petition, for a review of the adequacy of the steps taken or proposed to be taken in response to the petition.~~

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

All councillors, except members of the Executive, may be members of ~~a scrutiny committee~~ an OSC. However, no councillor may be involved in scrutinising a decision in which he or she has been directly involved.

3. **Co-optees**

Each scrutiny committee OSC, or its sub-committee, or task and finish group shall be entitled to ~~appoint~~ recommend to the Council the appointment of a number of people as non-voting co-optees. Co-optees shall normally be drawn from groups, organisations, or service users with an interest in services within an 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 scrutiny committees OSCs**

There shall normally be at least seven ordinary meetings of each scrutiny committee OSC in each year. In addition, extraordinary meetings may be called ~~from time to time as and when if~~ appropriate. ~~A scrutiny committee~~ An OSC meeting may be called by the chairman, by any five members of the committee concerned, or by the Executive Head of Governance if he or she considers it necessary or appropriate.

5. **Quorum**

The quorum for each scrutiny committee OSC shall be five voting members of the committee.

6. **Who chairs scrutiny committee OSC meetings?**

The chairman of each scrutiny committee OSC ~~and any of its sub-committees~~ will be drawn from amongst the councillors serving on the committee ~~or sub-committee~~ concerned and will be appointed by Council. 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. Subject to this requirement, each committee or any of its sub-committees may appoint such a person as it considers appropriate as chairman.

7. **Work programme**

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

The chairmen and vice-chairmen of the scrutiny committees OSCs ~~Leader of the Council~~ and relevant officers shall normally meet at least bi-monthly such times as they consider appropriate to prepare and submit proposed work programmes periodically to each scrutiny committee OSC for approval. The proposed work programmes will be determined in accordance with the scrutiny committee OSC work

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programme development and topic selection flowchart, attached as Appendix 2 to these rules.

The chairmen and vice-chairmen of the ~~scrutiny committees~~ OSCs will ensure that all councillors are able to submit requests for alterations to the work programme for consideration at each of these ~~work programme agenda setting~~ meetings.

8

Task and finish groups

The ~~work programme agenda setting~~ 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 ~~within the scrutiny committee work programmes where appropriate.~~ Such proposals shall be submitted to the relevant ~~scrutiny committee~~ OSC for approval. The number of task and finish groups ~~in existence~~ must be ~~proportionate to the resources available 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 ~~such~~ 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 ~~and the chairman will be appointed by the task group itself.~~

~~The final report of a task and finish group shall be submitted to the relevant scrutiny committee for consideration and appropriate action.~~

9.

Agenda items-Entitlement to place items, including a Councillor Call for Action, on an Agenda

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

However, any member of ~~a scrutiny committee an~~ OSC or its sub-committees shall be entitled to give written notice to the Executive Head of Governance 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 ~~the normal procedure set out in~~ Procedure Rule 7; and
- (b) the outcome that the councillor would wish to see in response to the ~~scrutiny committee's~~ OSC's or sub-committee's consideration of the matter.

On receipt of such a request, the Executive Head of Governance will ensure that it is included on the next available agenda. The committee shall consider the request in accordance with the ~~scrutiny committee~~ OSC work programme development and topic selection flowchart attached as Appendix 2 to these rules.

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

The ~~scrutiny committee~~ OSC shall also respond, as soon as ~~their~~its work programmes permits, to requests from the Council and, if it considers it appropriate, the Leader/Executive to review particular areas of Council activity. Where a committee

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does so, it shall report its findings and any recommendations back to the Leader/Executive and/or the Council. ~~The Council and/or the Leader/Executive shall consider the report of the scrutiny committee within two months of receiving it.~~

10. Policy review and development

- (a) The role of the ~~scrutiny committees~~ OSCs 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 ~~scrutiny committees~~ OSCs or their 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 ~~scrutiny committees~~ OSCs 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. The committees 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 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 rules.

12. Reports from ~~scrutiny committees~~ OSCs

- (a) Once it has formed proposals, ~~a scrutiny committee~~ an 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 ~~a scrutiny committee~~ an OSC cannot agree a single final report to the Council or Leader/Executive as appropriate, then up to 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 ~~scrutiny committee~~ within two months OSC, indicating what (if any) action is proposed.

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

- (a) Once ~~a scrutiny committee~~ an OSC has completed its deliberations on any matter, the Executive Head of Governance 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 Executive Head of Governance 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 ~~scrutiny committee~~ OSC report and the Council shall not consider it within that period. When the Council does meet to consider any referral from ~~a scrutiny committee~~ an OSC on a matter which would impact on the budget and policy

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framework, it shall also consider the response of the Leader/Executive to the ~~scrutiny~~ committee's proposals.

- (b) The ~~scrutiny committees~~ OSC will in any event have access to the Leader's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from ~~a scrutiny committee~~ an OSC following consideration of possible policy/service developments, the committees will ~~at least~~ be able to respond to key decision consultations in the course of the Leader's consultation process in relation to any key decision.

14. **Rights of ~~scrutiny committee~~ OSC members to documents**

- (a) In addition to their rights as councillors, members of ~~scrutiny committees~~ OSCs 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 ~~scrutiny committees~~ OSCs as appropriate ~~depending on the particular matter under consideration.~~

15. **Councillors and officers giving account**

- (a) The ~~scrutiny committees~~ OSCs 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, they may require the Leader, any lead councillor, the Head of Paid Service, executive heads of service, and heads of service 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. explain in relation to matters within their remit:

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

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

- (b) Where any councillor or officer is required to attend ~~a scrutiny committee~~ an OSC meeting, the Executive Head of Governance shall inform the councillor or officer in writing normally giving at least five 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 committee. Where the account to be given to the committee 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 committee shall in consultation with the councillor or officer arrange an alternative date for attendance.

16. **Attendance by others**

~~The scrutiny committees~~ OSCs 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. ~~They may, for example, wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector and shall invite such people to attend.~~

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(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 Executive Head of Governance.

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

- on the expiry of 96 hours five working days after the day of the meeting in the case of decisions taken by the Executive collectively; or
- on the expiry of 96 hours 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, the chairman of a scrutiny committee or a minimum of three members of the Council object to it and calls it in.~~

(c) During the ~~call-in at~~ period referred to in (b) above, a chairman of ~~a scrutiny committee an OSC~~ or any ~~five~~three members of the Council may request in writing to the Executive Head of Governance that a decision is called-in for consideration by an 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 Executive Head of Governance, or his nominated deputy, in consultation with the chairman of the ~~scrutiny committee~~ OSC to which the matter would be referred, will decide whether it is valid and will notify the councillors concerned accordingly.

(e) In the case of a valid call-in, the Executive Head of Governance shall refer the decision to the next available meeting of ~~a scrutiny committee an OSC~~.

(f) The ~~scrutiny committee OSC~~ may review the decision itself or refer the matter to the Council for review. If the ~~scrutiny committee OSC~~ or Council, as the case may be, endorses the proposed decision, it comes into immediate force and effect. If the ~~scrutiny committee 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

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with such comment and advice as the [scrutiny committee OSC](#) or the Council deems appropriate.

- (g) Once a decision has been referred back to the Leader/Executive or individual decision-taker by [a scrutiny committee an 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 Executive Head of Governance to be urgent shall not, if the Leader/Executive or individual decision-taker and the chairman of the [scrutiny committee OSC](#) to which the matter would be referred 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 [a scrutiny committee an 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.

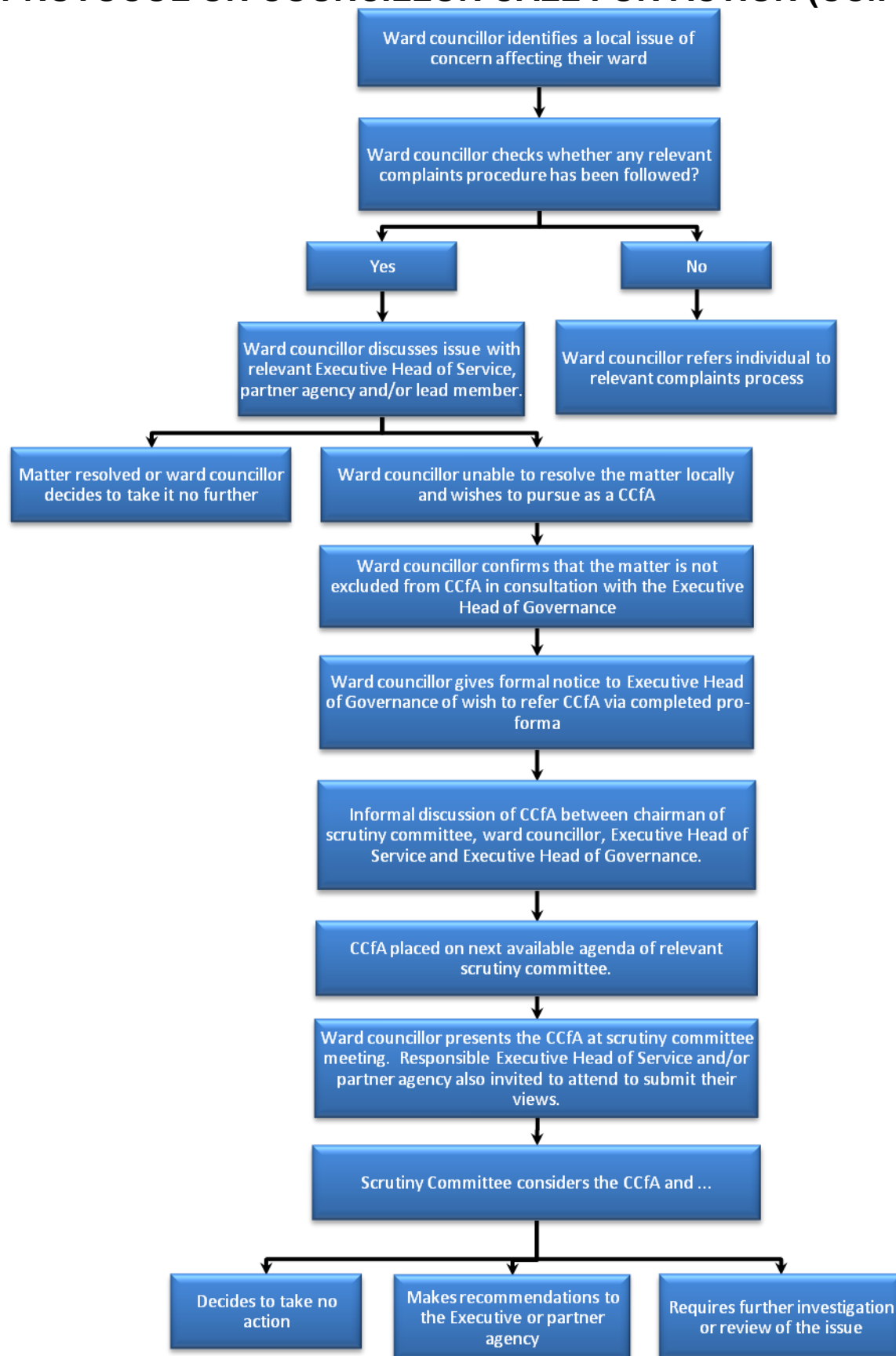
19. Procedure at [scrutiny committee OSC](#) meetings

- (a) Each [scrutiny committee OSC](#) shall consider the following business:
 - (i) disclosures of interest, including whipping declarations;
 - (ii) consideration of the minutes of the last meeting;
 - (iii) consideration of any matter referred to the committee through the "call-in" procedure;
 - (iv) responses of the Leader/Executive to reports of the [scrutiny committee OSC](#); and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where [a scrutiny committee an OSC](#) conducts investigations (for example, with a view to policy development), the committee may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:

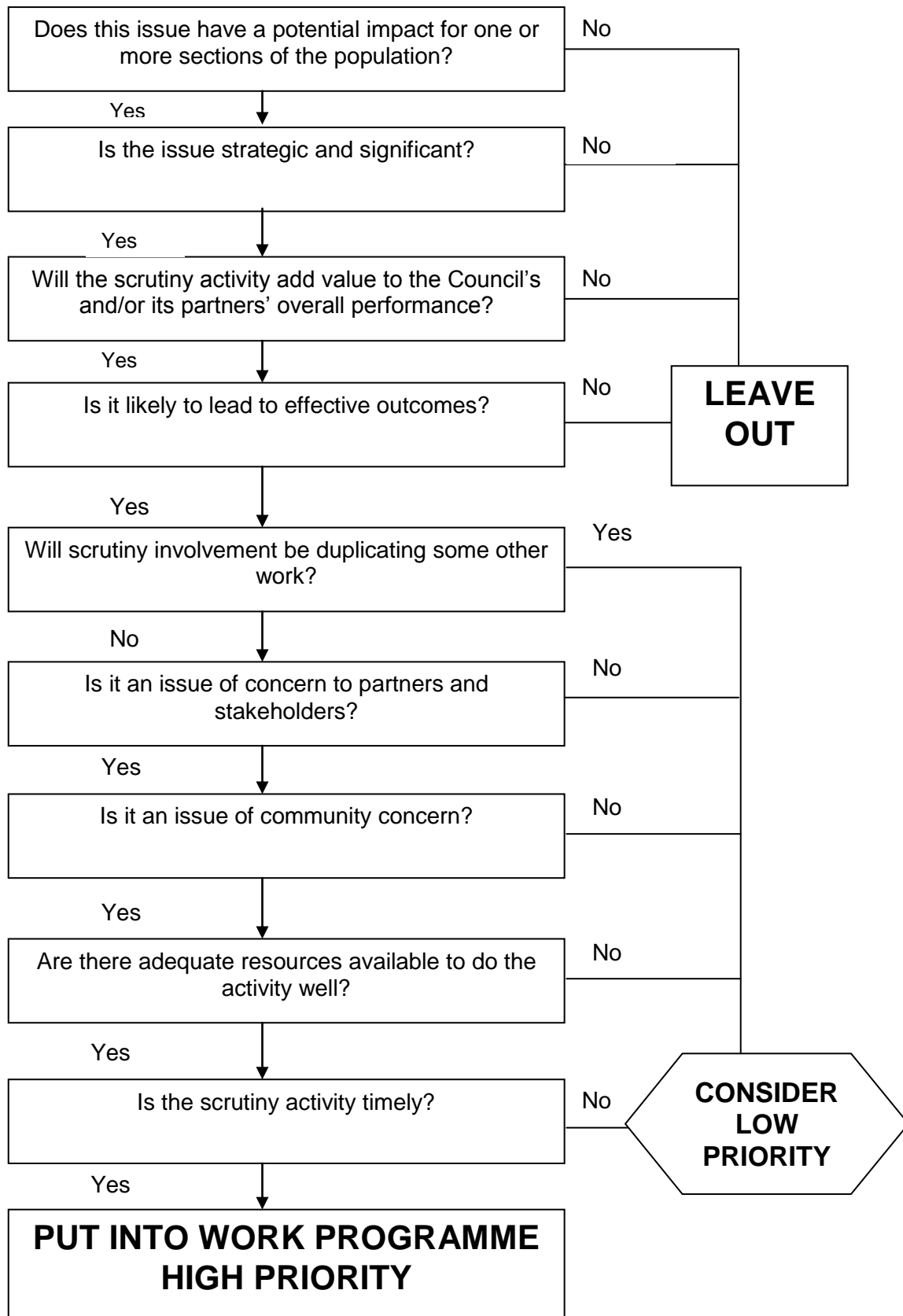
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- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect 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 committee shall prepare a report including recommendations for submission to the Leader/Executive and Council as appropriate and shall make these public.

PROTOCOL ON COUNCILLOR CALL FOR ACTION (CCfA)



OVERVIEW AND SCRUTINY WORK PROGRAMME DEVELOPMENT AND TOPIC SELECTION FLOWCHART



PART 4 – OVERVIEW AND SCRUTINY PROCEDURE RULES (APPENDIX 3)

PROTOCOL FOR THE SCRUTINY OF CRIME AND DISORDER MATTERS

1. Crime and Disorder Committee

- 1.1 The Customer and Community 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 ~~recommend to the Council the co-option of~~ 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.

~~3.2 The Committee may also recommend to the Council the co-option of other non-voting members of the Committee in accordance with Overview and Scrutiny Procedure Rule 3.~~

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.

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- 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

- 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).

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TASK AND FINISH GROUP FLOWCHART

