

4B Committee Procedure Rules

Table of Contents

1.	Application of these rules.....	3
2.	Establishment of committees.....	3
3.	Attendance of members at committees, sub-committees and panels.....	3
4.	Appointment of sub-committees and panels.....	3
5.	Chairing committees, sub-committees and panels.....	4
6.	Business not on the agenda.....	4
7.	Time and place of meetings.....	5
8.	Cancellation of meetings.....	5
9.	Calling of special meetings.....	5
10.	Notice of and summons to meetings.....	5
11.	Quorum.....	5
12.	Duration of meetings.....	6
13.	Petitions.....	6
14.	Public questions.....	6
15.	Confidential business.....	6
16.	Voting.....	7
17.	Minutes.....	7
18.	Exclusion of the public.....	7
19.	Members' conduct.....	7
20.	Disturbance by the public.....	8
21.	Suspension and amendment of committee procedure rules.....	8
22.	Ruling of the chair on interpretation of these rules.....	9
23.	Membership of the planning committee and licensing committee.....	9
24.	Additional rules for the planning committee.....	9
25.	Information on the rights of applicants and objectors to speak in relation to applications at the planning committee.....	9
26.	Additional rules for overview and scrutiny.....	9
27.	Membership of the overview and scrutiny committee.....	9
28.	Scrutiny panels.....	10
29.	The call-in sub-committee.....	11
30.	Meetings of the overview and scrutiny committee and its sub-committee and panels.....	11
31.	Work programme.....	11
32.	Setting the agenda for meetings.....	11
33.	Policy development and review.....	12
34.	Reports from overview and scrutiny committee.....	12
35.	Consideration of overview and scrutiny reports by the executive and/or the council....	12
36.	Power to respond to consultation.....	12
37.	Rights of overview and scrutiny committee members to documents.....	12
38.	Holding members to account.....	12
39.	Seeking information from officers.....	13
40.	Attendance at the overview and scrutiny committee and scrutiny panels.....	14
41.	Call-in.....	14
42.	The process for call-in.....	14
43.	Requirement to give reasons.....	14
44.	Referral to the call-in sub-committee.....	14
45.	Process for consideration of called-in items at the call-in sub-committee.....	15
46.	Referral to council under rule 45.2.2.....	15
47.	In the event of a referral back to the executive decision-taker.....	15
48.	Call-in and urgency.....	16
49.	Procedure at overview and scrutiny committee, sub-committees and scrutiny panel meetings.....	16

50.	The conduct of reviews.....	16
51.	The spirit of co-operation.....	18
52.	Reasons for refusal.....	18

1. Application of these Rules

These Rules are made up of the following sections:

1.1 Rules 1 to 27 apply to all committees, sub-committees and panels of the Council. These are currently:

- Area Forums
- Overview and Scrutiny Committee, its sub-committees (known as 'panels') and Call-In Sub-Committees
- Audit and Governance Committee (incorporating the Standards Committee)
- Licensing and General Purpose Committee and its panels;
- Planning Committee
- Pension Fund Panel
- Pension Board
- Revenue Appeals Panel
- Chief Officer Appointment Panel
- Corporate Parenting Panel
- Schools Forum
- Health and Wellbeing Board

1.2 Rules 23 to 25 set out additional rules which apply to the Planning Committee.

1.3 Rules 26 to 51 and Appendix 1 set out additional rules that apply to the Overview and Scrutiny Committee and its sub-committees.

1.4 These Rules do not apply to the procedure of Council or the Executive, which have their own Procedure Rules.

2. Establishment of Committees

2.1 The Council at its Annual Meeting will:

- (a) decide which Committees to establish for the Municipal Year;
- (b) decide the size and terms of reference of these Committees; and
- (c) decide the allocation of seats on these Committees to the political groups in accordance with the rules on political proportionality;

Note: These Rules do not apply to Advisory Panels or committees of the Executive.

The number and classification of Members, independent members and persons, and co-optees appointed to each Committee and the details of any sub-committees and panels established by Committees can be found in Part 3 of the Constitution (Allocation of Responsibilities).

3. Attendance of Members at Committees, Sub-Committees and Panels

3.1 No right to speak

- (a) Any Member of the Council may attend meetings of Committees, sub-committees and panels.
- (b) Subject to 4.2 below, Councillors who are not ordinary members of the Committee, sub-committee or panel may not speak at meetings unless the Committee, sub-committee or panel (usually the Chair) agrees that the Member concerned may speak, or, the Member has been invited to the Committee, sub-committee or panel to speak.

4. Appointment of Sub-Committees and Panels

- 4.1** Committees of the Council may establish sub-committees and panels with such terms of reference and delegated powers, as they consider necessary for the proper discharge of the functions of the Committee.
- 4.2** Committees may appoint ordinary Members to sub-committees and panels in accordance with the rules on political proportionality, pursuant to section 15 of the Local Government and Housing Act 1989 and subordinate legislation. Committees may also appoint non-voting co-opted members to sub-committees and panels.
- 4.3** The Licensing Panel must contain 3 members of the Licensing Committee.

5. Chairing Committees, Sub-Committees and Panels

5.1 Election of a Chair of a Committee

The Chairs of Committees of the Council will be appointed by the Council under the Council Procedure Rules. If the Council fails to appoint a Chair for any Committee then that Committee shall appoint a Chair as the first item of business at its first meeting following the Annual Council.

5.2 Election of Chair of Sub-Committee or Panels

Where any Committee establishes a sub-committee or panel the Committee shall appoint the Chair of the sub-committee or panel. If a Committee fails to appoint a Chair to a sub-committee or panel then the sub-committee or panel shall appoint a Chair as the first item of business.

The Committee, sub-committee or panel may appoint a Vice Chair at its first meeting following the Annual Council.

5.3 Absence of Chair at Meetings of Committees, Sub-Committees and Panels

In the absence of the Chair, the Vice-Chair shall preside.

If after 15 minutes since the identified start time of the Committee, Sub-Committee or Panel neither the Chair nor Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business.

Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned above, the first order of business shall be to elect a Chair for the meeting.

6. Business not on the Agenda

6.1 Business not on the agenda may only be considered where:

- (a)** the Access to Information Procedure Rules of the Constitution have been complied with; or
- (b)** a member of the Committee or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of urgency. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

6.2 Late and urgent Reports marked 'To Follow' on the Agenda

If there is a request to publish an agenda report on an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees by virtue of the special

circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.

7. Time and Place of Meetings

- 7.1** Meetings of Committees, sub-committees and panels shall take place at the time and place stated on the Agenda. Subject to compliance with the Access to Information Rules, the Chair shall have the power to alter the venue, day and time if he/she believes it to be appropriate for the conduct of the business of the Committee, sub-committee or panel.
- 7.2** For those sub-committees or panels not having scheduled meetings, the date, time and place of meetings will be set by the Monitoring Officer after consultation with the Chair and nominated Members of the sub-committee or panel.

8. Cancellation of Meetings

- 8.1** The Head of Paid Service and or the Monitoring Officer may cancel a meeting of any Committee, sub-committee either before or after the agenda for the meeting has been issued provided that reasons for the cancellation are given.

9. Calling of Special Meetings

9.1 Calling Special Meetings

The final decision about calling a Special Meeting, if one is requested, will be with Chief Executive in consultation with the Chair.

9.2 Business

The Business at special meetings of Committees, sub-committees and panels shall be restricted to the items notified in the published Agenda.

10. Notice of and Summons to Meetings

- 10.1** The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in the Constitution. At least five clear working days before a meeting, the Monitoring Officer will publish an agenda. The agenda will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by all relevant reports.

11. Quorum

- 11.1** The quorum of a meeting where the whole membership is three will be two, where the whole membership is 4 will be 3, and where the whole membership is between 5 and 10, it will be 4, and where it is larger than 10 it will be more than a quarter. The calculation is made on the whole number of members of the Committee, sub-committee or panel as established by Council.
- 11.2** If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.
- 11.3** During any meeting, if the Chair becomes aware there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee, sub-committee or panel.

12. Duration of Meetings

12.1 Commencement and Closure

Meetings of Committees, sub-committees and panels will close 2 and a half hours after the time of the start of the meeting as advertised on the Agenda except as determined below.

12.2 Varying the Closure Time

Meetings of Committees, sub-committees or panels shall terminate in the manner set out in this rule unless:

- (a) the business of the meeting has been completed before the end of 2 and a half hours after the meeting; or
- (b) by resolution passed before the closure time, the Committee, sub-committee or panel resolves to extend the meeting beyond that time.
- (c) No such meeting shall continue beyond 11pm, with the exception of the Planning Committee which can be extended further in order to ensure the fair completion of business.

12.3 Determining Business Upon Closure

At the time of closure the Chair will advise the Committee, sub-committee or panel that the procedure to terminate the meeting is to be applied;

- (a) Any speech commenced and then in progress shall be concluded;
- (b) The Chair will put any motion or recommendation then under consideration to the vote without further discussion;
- (c) All remaining business before the Committee, sub-committee or panel, including recommendations, and amendments that have already been moved, shall be put to the vote without discussion or further amendment. This is also known as the seriatim rule.
- (d) Paragraph 12.3 does not apply to the Planning Committee or to Licensing Panels.

13. Petitions

13.1 Presentation of Petitions

Petitions relating to a function of a Committee or sub-committee shall be dealt with in accordance with the Council's Petition Scheme and this may involve it being presented to the appropriate meeting of the Committee or sub-committee.

At the discretion of the Chair a representative of the petitioners may attend, at the time stated for the start of the Committee or sub-committee meeting, to introduce the petition within a 3 minute timescale.

14. Public Questions

- 14.1 Members of the public may ask questions at area forums in accordance with the procedure set out in the papers published for that meeting.

15. Confidential Business

All reports, other documents, information, discussions and proceedings of a Committee, sub-committee or panel which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members of the Committee, sub-committee or panel. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of

Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the Committee, sub-committee or panel meeting following a resolution to exclude the press and public.

16. Voting

16.1 Majority

Unless Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present at the time the question was put. Voting will normally be by a show of hands.

16.2 Chair's Casting Vote

If there is an equal number of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

16.3 Individual Recorded Vote and Explanation for Vote

If, immediately before the vote is taken, any Member present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

16.4 Recorded Vote of all Members present

If immediately before an ordinary vote is taken three Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

16.5 Voting on Appointments

If there are more than two people nominated for any position to be filled by a Committee, sub-committee or panel and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.

17. Minutes

17.1 Signing the Minutes of Committees, Sub-Committees and Panels

The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that may be discussed is their accuracy.

17.2 Minutes of Decisions of Committees, Sub-Committees and Panels

Minutes of Committees, sub-committees and panels shall be published on the Council's intranet and website.

18. Exclusion of the Public

Members of the public and press may only be excluded either in accordance with Access to Information Procedure Rules elsewhere in the constitution or the rule relating to Disturbance by the Public also elsewhere in this constitution.

19. Members' Conduct

19.1 Precedence of Chair

When the Chair speaks during a debate, any Member speaking at the time must stop speaking. The meeting must be silent.

19.2 Member not to be heard further

If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

19.3 Member to leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

19.4 General Disturbance

If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

20. Disturbance by the Public

20.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

20.2 Clearance of Part of a Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

20.3 Adjournment during a meeting with a disturbance

- (a) Following an order by the Chair for one or more members of the public to leave the meeting room, if he/she deems it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as he/she thinks necessary.
- (b) If it is considered expedient so to do, the Chair with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

21. Suspension and Amendment of Committee Procedure Rules

21.1 Suspension

- (a) All of these Committee Procedure Rules except the Rules on Individual Recorded Vote and Explanation for Vote, Exclusion of the Public, Suspension and amendment of Committee Procedure Rules, may be suspended by motion on notice or without notice where such a motion is carried by a majority of those present.
- (b) Suspension may be for one or more items of business during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.

21.2 Amendment

The Committee Procedure Rules may only be changed by Council.

22. Ruling of the Chair on Interpretation of these Rules

The Chair's ruling on the interpretation or application of any of the Committee Procedure Rules is final.

23. Membership of the Planning Committee and Licensing Committee

The requirements set out in this Procedural Rule shall apply to Members serving on the Planning and/or Licensing Committee.

In nominating Members to serve on the Planning and/or Licensing Committee the political Groups will have regard to those Members of Council who have received the relevant training in the statutory roles of the Committee. A register of those Members who have completed the Training Course shall be kept by the Monitoring Officer and updated periodically by him/her as future Members are trained.

24. Additional Rules for the Planning Committee

The following rules are specific to the Planning Committee. They apply to the Planning Committee (or any committee otherwise named to which has been delegated the exercise of the functions of the Council as a local planning authority under the relevant statutory provisions).

25. Information on the rights of Applicants and Objectors to speak in relation to Applications at the Planning Committee

- 25.1** For planning applications, the applicant will only be able to speak if there is an objector who wishes to address the committee. In exceptional circumstances, the Chair may agree that an applicant, who would significantly add to the information already available, will be allowed to speak at the committee in the absence of an objector. Where both parties address the committee, the order of speaking will be the objector, followed by the applicant. Each party will be given no more than 5 minutes to speak.
- 25.2** Members of the public, or applicants should contact the committee administrator with details of the proposed submission no later than noon on the Friday of the week before the meeting. Notification will be given of the Chair's decision with regard to the request to speak.
- 25.3** Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee is minded to approve ('grant') the application, the application will be deferred to the next meeting of the Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application to attend the subsequent meeting and make representations. This is to ensure that members of the public have the right to address the committee and officers can address reasons for grant and conditions.

26. Additional Rules for Overview and Scrutiny

The following rules are specific to the Overview and Scrutiny Committee.

27. Membership of the Overview and Scrutiny Committee

- 27.1** All Councillors except members of the Executive may be Members of the Overview and Scrutiny Committee and any Scrutiny sub-committees.

- 27.2** No member may be involved in scrutinising a decision in which he/she has been directly involved. In particular, Cabinet Assistants shall not participate or vote on the scrutiny of matters within their identified remit, as approved by Cabinet.
- 27.3** The Overview and Scrutiny Committee will comprise 10 members as the Council shall determine, including the Chairs of the Scrutiny sub-committees
- 27.4** Members of the Overview and Scrutiny Committee will be appointed by Council in accordance with the rules on political proportionality.
- 27.5** The Overview and Scrutiny Committee may appoint non-voting co-optee advisers, who will not be members of the Committee.
- 27.6** Members of the Overview and Scrutiny Committee and its sub-committee, who are not members of the Authority, are not entitled to vote. The exception to this is listed below.
- 27.7** The Children & Young People Scrutiny Panel (which is a sub-committee) and any other panel or sub-committee looking at Education matters shall include in its membership the following voting representatives:
- (a)** One Church of England diocese representative;
 - (b)** One Roman Catholic diocese representative;
 - (c)** Three elected parent governor representatives (One each from secondary, primary and special schools) and;
 - (d)** Non-voting representatives of other faiths or denominations.

This panel may also co-opt up to three individuals who are not members of the Council. The quorum of this panel will be three Councillors.

- 27.8** Appointed representatives of the church representatives and parent governors shall be voting members of the Children and Young People Scrutiny Panel. They are entitled to vote on any matter relating to an education function of the Authority. They are entitled to speak but not vote on any other matter.

28. Scrutiny Panels

- 28.1** The Overview and Scrutiny Committee will appoint four sub-committees as follows: Children and Young People Panel; Health and Adult Care Panel; and Housing and Environment Panel as set out below, and a Call-In sub-committee as outlined below. The Overview and Scrutiny Committee may amend the terms of reference of its sub-committees as appropriate, such changes to be reported to the next Council meeting for ratification.
- 28.2** Any change in sub-committees will be reported to the next Council meeting by the Chair of the Overview and Scrutiny Committee.
- 28.3** Chairs of any scrutiny panels created by the Overview and Scrutiny Committee will be selected only from the membership of the Committee.
- 28.4** The terms of reference of the sub-committees are set out in the Allocation of Responsibilities in Part 3 of the Constitution.
- 28.5** Membership of the sub-committees will be subject to the political proportionality rules.
- 28.6** The appointment of parent governor representatives to the Children and Young People Scrutiny Panel will be carried out in accordance with the requirements of the Parent Governor Representatives (England) Regulations 2001.

- 28.7** The appointment of church representatives to the Children and Young People Scrutiny Panel will be carried out in accordance with the requirements of Local Government Act 2000.
- 28.8** The Panels may appoint non-voting co-optees. Such advisors will not be members of the panel and cannot vote.
- 29. The Call-In Sub-Committee**
- 29.1** The Overview and Scrutiny Committee will appoint a Call-In Sub-Committee to consider and comment on decisions of the Executive and to process matters “called-in”.
- 29.2** The Call-In Sub-Committee will comprise five Members of the Overview and Scrutiny Committee who will be selected from the full members of the Committee and be agreed by the Chair. Selection will be made on availability and members who have signed the Call-in will not be selected. The sub-committee will be subject to the rules on political proportionality.
- 29.3** The Rules for Call-in are detailed below and Appendix 1.
- 30. Meetings of the Overview and Scrutiny Committee and its Sub-Committee and Panels**
- 30.1** There shall be no more than 6 scheduled meetings of the Overview and Scrutiny Committee, four scheduled meetings of Children and Young People; Health and Social Care; and Housing and Environment Panels in each municipal year. The Call-In Sub-Committees shall be convened as and when required. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the chair, or by the Proper Officer if he/she considers it necessary or appropriate
- 30.2** The relevant Chair shall have the power to alter the venue, day and time of the meeting or to cancel a meeting if he or she believes it to be appropriate for the conduct of the business of the Committee or sub-committee. The Access to Information Procedure Rules must still be adhered to.
- 31. Work Programme**
- 31.1** The Overview and Scrutiny Committee will agree its outline work programme, and that of the Scrutiny sub-committees, at its first meeting following the Annual Meeting of Council, except in years where there are whole borough elections, where the work programme will be agreed at the first suitable meeting.
- 31.2** In setting the outline work programme, account will be taken of the need to scrutinise forthcoming policy, for example, the budget, whilst leaving flexibility to commence new scrutiny reviews during the year in response to new requests for scrutiny.
- 31.3** The Overview and Scrutiny Committee will also agree the work programme for the Panels, this will normally take the form of a topic based ‘task and finish group’ activity for the year.
- 32. Setting the agenda for meetings**
- 32.1** Officers will prepare an agenda in consultation with the Chair of the Overview and Scrutiny Committee or the relevant Scrutiny sub-committees.
- 32.2** The Chair of the meeting will decide on all matters of order, relevance and interpretation of these procedures taking appropriate advice from officers.

32.3 The Chair will have the power to vary the order of business to give precedence to any item of business.

33. Policy Development and Review

33.1 The role of the Overview and Scrutiny Committee and Scrutiny sub-committees in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in of this Constitution.

33.2 In relation to the development of the Council's policy on matters which do not form part of the budget and policy framework, the Overview and Scrutiny Committee and/or Scrutiny sub-committees may make proposals to the Executive or the Council for developments in so far as they relate to matters within their terms of reference.

33.3 The Overview and Scrutiny Committee and Scrutiny sub-committees may hold reviews and investigate the available options for future direction in policy development.

33.4 The Overview and Scrutiny Committee and Scrutiny sub-committees and panels may appoint co-optees to assist them in this process. They may arrange site visits, conduct public surveys, hold public meeting and do all the other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend and discuss any matter under consideration by the Committee or panels.

34. Reports from Overview and Scrutiny Committee

34.1 Once it has formed proposals for policy development, the Overview and Scrutiny Committee or Scrutiny sub-committees will prepare a formal report and submit it to the Executive

34.2 If the Overview and Scrutiny Committee or Scrutiny sub-committees cannot agree on one single final report, then any two Members of the relevant committee may prepare a minority report to be submitted for consideration by the Executive or Council together with the majority report.

35. Consideration of Overview and Scrutiny reports by the Executive and/or the Council

35.1 The Council or Executive (as appropriate) shall consider a report of the Overview and Scrutiny Committee or Scrutiny sub-committees as soon as possible and the Executive should respond promptly.

36. Power to respond to Consultation

36.1 The Overview and Scrutiny Committee, sub-committees and Scrutiny panels have the right to respond to any consultation by the Executive.

37. Rights of Overview and Scrutiny Committee Members to Documents

37.1 Members of the Overview and Scrutiny Committee and Scrutiny sub-committees and panels have additional rights to documents, and to notices of meetings as set out in the Access to Information Procedure Rules in this Constitution.

37.2 In some circumstances it may be appropriate for more detailed information sharing to take place between the Overview and Scrutiny Committee or the Scrutiny sub-committee or panels and the Executive. Nothing in this paragraph prevents ad hoc arrangements from being agreed by Members if appropriate.

38. Holding Members to Account

- 38.1** Within their particular terms of reference, the Overview and Scrutiny Committee or Scrutiny sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any relevant function.
- 38.2** In fulfilling the scrutiny role, the Overview and Scrutiny Committee and Scrutiny sub-committees may require the Leader of the Council and any other member of the Executive to attend before the Committee to explain:
- (a)** any particular decisions or series of decisions;
 - (b)** the extent to which the actions taken implement Council policy; and/or
 - (c)** their performance.
- 38.3** Where required to attend in compliance with these rules, it is the duty of that Member to do so.
- 38.4** Where any Member is required to attend the Overview and Scrutiny Committee or a Scrutiny panel, the Chair of that Committee or panel will inform the Scrutiny Officer. The Scrutiny Officer will inform the Member, giving at least 10 clear working days notice in writing of the meeting at which he or she is required to attend to give account, and whether papers are required for the Committee or panel.
- 38.5** Where the account to be given to the Committee or panel will require the production of a report, the Member concerned will be given sufficient notice to allow for the preparation of that documentation.
- 38.6** Where, in exceptional circumstances, the Member is unable to attend on the required date, the Scrutiny Officer, in consultation with the Chair and the Member concerned, shall arrange an alternative date for attendance or an alternative Member may be invited to speak on their behalf.
- 39. Seeking information from Officers**
- 39.1** The Overview and Scrutiny Committee or Scrutiny Panel may scrutinise and review decisions made or actions taken in connection with the discharge of any relevant functions within their particular terms of reference.
- 39.2** In fulfilling that scrutiny role, the Overview and Scrutiny Committee and Scrutiny panel may require a Chief Officer to attend before the Committee or sub-panel to explain:
- (a)** any particular decisions or series of decisions;
 - (b)** the extent to which the actions taken implement Council policy; and/or
 - (c)** their performance.
- 39.3** Where required to attend in compliance with the Call-in process, it is the duty of that officer to do so.
- 39.4** Where an officer is required to attend the Overview and Scrutiny Committee or a Scrutiny sub-committee, the Chair of that Committee or sub-committee will inform the Scrutiny Officer. The Monitoring Officer will inform the officer, giving at least 10 clear working days' notice in writing of the meeting at which he or she is required to attend to give account, and whether papers are required for the Committee or sub-committee.
- 39.5** Where the account to be given to the Committee, Sub-committee or Panel will require the production of a report, the officer concerned will be given sufficient notice to allow for the preparation of that documentation.

39.6 Where, in exceptional circumstances, the officer is unable to attend on the required date, the Scrutiny Officer, in consultation with the Chair and the officer concerned, shall arrange an alternative date for attendance.

39.7 Under normal circumstances, the Executive Director or Director responsible for the area in question will attend the Committee or panel to be held to account. It may sometimes be appropriate for another officer to attend to discuss the issue. The decision about who should attend and be held accountable is entirely one for the Executive Directors or Director concerned, in consultation with his or her staff.

40. Attendance at the Overview and Scrutiny Committee and Scrutiny Panels

The Overview and Scrutiny Committee and Scrutiny panels may invite any other person (not referred to elsewhere in these rules) to address the Committee or sub-committees. The Overview and Scrutiny Committee or Scrutiny panels may invite any person to attend, but attendance (except for Chief Executives of Health Authorities) is entirely optional.

41. Call-in

Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) or any Joint Committee (where it has taken a decision delegated to it by the Executive) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive reconsider the decision. For the avoidance of doubt a decision may only be subject to the Call-in procedure once.

42. The process for Call-in

42.1 Eight Members of the Council can call in a decision of the Executive, which has been taken but not implemented. Only decisions relating to Executive functions, whether delegated or not, may be called in.

42.2 Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in during this period. This Rule does not apply to urgent decisions (see Rule 48 below). The report will state the date on which the decisions may be implemented if not called in.

42.3 Call-in must be by notification to the Scrutiny Officer in writing:

- (a) signed by all eight councillors. A request for Call-in by e-mail will require a separate e-mail from each of the eight councillors concerned; and
- (b) setting out the reasons for the Call-in.

43. Requirement to Give Reasons

43.1 A notice seeking to invoke the Call-in procedure must state at least one of the following grounds in support of the request for a Call-in of the decision and provide an explanation or evidence for citing this reason :

- (a) inadequate consultation with stakeholders prior to the decision;
- (b) the absence of adequate evidence on which to base a decision;
- (c) the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;
- (d) the action is not proportionate to the desired outcome;
- (e) a potential human rights challenge;
- (f) insufficient consideration of legal and financial advice.

44. Referral to the Call-in Sub-committee

44.1 Subject below, once a notice invoking the call-in procedure has been received the decision may not be implemented until the Chair has considered the guidance outlined in Appendix 1 having taken advice from the Monitoring Officer. The Scrutiny Officer shall in consultation with the Chair arrange a meeting of the Call-In Sub-Committee to be held within seven clear working days.

- (a) Where the Call-In Sub-Committee fails to meet within seven clear working days of the call-in request being received by the Scrutiny Officer, the decision may be implemented.
- (b) Where the Call-In Sub-Committee meets within seven clear working days of the receipt of notification of a call-in request, but fails to refer the matter back to the Executive, Portfolio Holder, officer (if a key decision) or Joint Committee, the decision may be implemented on the day following the Call-In Sub-Committee meeting.

No Member who has signed a call-in notice in accordance with these rules may sit as a member of the Call-In Sub-Committee which considers that call-in notice. Members of Overview and Scrutiny Committee who signed the call-in are invited to attend the meeting and ask questions but will not be a members of that sub-committee.

45. Process for Consideration of Called-in Items at the Call-In Sub-Committee

45.1 The Call-In Sub-Committee will consider the decision and the reasons for call-in. The Sub-Committee may invite the Executive decision-taker and a representative of those calling in the decision to provide information at the meeting.

45.2 The Sub-Committee may come to one of the following conclusions with evidence that clearly shows that at least one of the grounds has been met:

- (a) that the challenge to the decision should be taken no further and the decision may be implemented;
- (b) that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-In Sub-Committee must set out the nature of its concerns for Council; or
- (c) that the matter should be referred back to the decision taker (i.e. the Portfolio Holder, Executive or Joint Committee, whichever took the decision) for reconsideration. In such a case the Call-In Sub-Committee must set out the nature of its concerns for the decision taker/Executive.

46. Referral to Council under Rule 45

In the event that the Call-In Sub-Committee refers the matter to Council under Rule 45 above, the decision shall be discussed at the next ordinary meeting of Council.

The Council when considering the matter may conclude:

- (a) that the challenge to the decision should be taken no further and the decision may be implemented;
- (b) that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget and cannot therefore be implemented; or
- (c) that the matter should be referred back to the Executive, Portfolio Holder, officer or Joint Committee for reconsideration. In such a case the Council must set out its reasons for the referral; or
- (d) acknowledge that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget framework, but approve an amendment to the particular policy or budget to allow the decision to be implemented.

47. In the event of a referral back to the Executive decision-taker

47.1 In the event of referral back to the Executive decision-taker under rule 45 above, the referral must be considered as soon as possible. The decision-taker can either:

- (a) confirm the original decision and set out its reasons;
- (b) amend or alter the decision in the light of the comments of the Call-In Sub-Committee.

In either case, the decision may be implemented as soon as the original Executive decision is confirmed or amended by the decision taker.

48. Call-in and Urgency

48.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is an urgent decision. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

48.2 The record of the decision, and notice by which it is made public, shall state that the matter is considered one of urgency, and will thus not be subject to call-in.

48.3 The Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.

48.4 In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Vice Chair is required.

48.5 In the absence of both the Chair and Vice Chair of the Overview and Scrutiny Committee, the consent of the Head of Paid Service is required.

49. Procedure at Overview and Scrutiny Committee, sub-committees and Scrutiny Panel Meetings

49.1 The Overview and Scrutiny Committee, its sub-committees and panels shall consider the following business:

- (a) Apologies
- (b) Declarations of interest;
- (c) Minutes of the last meeting;
- (d) The business otherwise set out on the agenda for the meeting;
- (e) Check on progress from the sub-committees or Scrutiny Panels to ensure reviews are on track;
- (f) Any other business which the Chair considers urgent; and
- (g) Date of next meeting.

50. The Conduct of Reviews

50.1 In conducting reviews (also known as deep dives), the Overview and Scrutiny Committee and panels may also ask people to attend to give evidence at their meetings as outlined elsewhere in these rules.

50.2 Reviews will be carried out in accordance with the principles set out in the Protocol on Councillor/Officer Relations in the Constitution.

50.3 Following any review, the Committee sub-committees or Panels shall prepare a report for submission to the Executive and/or Council as appropriate and shall also make its report and findings public subject to any confidentiality requirements.

51. Matters within the remit of Overview and Scrutiny Committee and the Scrutiny Sub-Committees

- 51.1** Where a matter for consideration falls within the remit of the Overview and Scrutiny Committee, sub-committees and panels, the Overview and Scrutiny Committee will decide which of them will lead the scrutiny process.

Appendix 1

Overview and Scrutiny Sub-Committees

Call-In Procedure: Guidance

52. The Spirit of Co-operation

This Guidance is written for all members to consider when calling in a decision made by the Executive. The Guidance has been prepared to prevent abuse of the call-in process, and to promote the efficient use of the Council's resources.

When a request for Call-in is received the Monitoring Officer shall advise the Chair or in their absence the Vice Chair in writing regarding the validity of the Call in, except where either or both have signed the Call-in notice. If both have signed the Call-in the decision on the validity of the Call-in will be down to the Monitoring Officer.

53. Reasons for refusal

The Chair, or in their absence the Vice Chair, must ensure that the requirement to give reasons set out in the Committee Procedure Rules ("the Rules") as contained in the Council's Constitution is met and has received the Monitoring Officer's advice on the validity of the Call-in.

The following guidance shall be used to consider the validity of the Call-in.

- (a) **Time limit** - A decision may only be called-in during the period of 5 clear working days from the date of publication of the executive decision.
- (b) **Financial implications** - Only decisions involving expenditure or risk of a value over £50,000 may be called-in unless it has significant impact on one or more of the wards in Hounslow where expenditure is the primary purpose of the decision. This factor in particular, should be considered in light of the other factors in this guidance.
- (c) **Political implications** - The decision should have a significant impact on one or more of the wards in Hounslow or the decision have an effect on the wider interests of the inhabitants of the area.
- (d) **Duplication** - The Call-In Sub-committee should not be used when another forum or route is available to deal with concerns about an Executive decision, such as Challenge Panels, Audit and Governance Committee or Regulatory Panels.
- (e) **Relevance** - The Call-in request should be of direct relevance to the Decision being called-in.
- (f) **Implementation** - The decision which is the subject of the Call-in, should be able to be practically implemented.
- (g) **Executive** - Only Executive decisions can be subject of a Call-in.
- (h) **Not party political** - Call-ins should not be viewed as a substitute for early involvement in the decision-making process, or as a party political tool.
- (i) **Statutory Guidance** - Any Call-in should comply with the statutory guidance.
- (j) **Prima Facie case** - The Call-in request must make out a prima facie case.
- (k) **Process** - The requisite 8 Members must have requested the call-in. The Members who make the call-in should be Members of the Council.
- (l) **Vexatious Requests** - Consider whether the request should reasonably be construed as vexatious having regard to tone, content, language, persistence etc.

The list above is not exhaustive and occasionally additional and different reasons may be relied upon to reject a request for a Call-in. If this is the case, a review of this Guidance will be carried out to ensure that it remains up to date and of assistance to Members.

The Chair, or in their absence the Vice Chair, should consider each of the above factors fully when considering a request for Call-in, as well as the advice of the Monitoring Officer.

In the event of refusal, reasons shall be provided which refer to the above categories.

For the avoidance of doubt, any decision may only be Called-in once, and Members who have signed the Call-in are unable to sit on the Call-in sub-committee.