PART 6.1 OVERVIEW AND SCRUTINY TERMS OF REFERENCE AND PROCEDURE RULES

1. The number and arrangements for Overview and Scrutiny Committees

1.1 The Council will appoint the Overview and Scrutiny Commission and five further Overview and Scrutiny Committees as set out in Article 6. The Overview and Scrutiny Commission will co-ordinate the Overview and Scrutiny function and work programme. The Commission will approve the appointment of Sub-Committees to carry out in depth reviews (Select Committees). Short, sharply focussed scrutiny reviews (Ad Hoc Panels) may be carried out by each Committee at its own instigation.

2. Terms of Reference of Committees

2.1 Overview and Scrutiny Commission – Resources and Corporate Performance

2.1.1 To co-ordinate the work of the Overview and Scrutiny Committees as set out under "Functions" below.

2.1.2 To review and scrutinise all matters, Executive decisions and service provision relating to the specific functions of Leader of the Council as set out under Part 4.2 of the constitution.

2.1.3 To review and scrutinise all matters, Executive decisions and service provision relating to the Finance function, including

- Council's annual budget; and
- the Council's performance in relation to overall budgetary management.

2.1.4 To review and scrutinise all matters, Executive decisions and service provision relating to Central Services, in particular;-

- to review and scrutinise the delivery and performance of the Council's support services including:
  - Finance
  - Property
  - ICT
  - Customer Services
  - Corporate Procurement
  - Legal Services
  - Democratic Services
  - Policy

- ❑ Communications
- ❑ Human Resources
- ❑ Improvement & Organisational Development

- to review and scrutinise the establishment of joint working with other authorities, including the effectiveness of any shared services arrangements

- Overview and Scrutiny of council wide performance monitoring, relationships with Auditors and Regulators, Comprehensive Performance Assessment, Local Area Agreement etc.

2.1.5 To review and scrutinise all matters, Executive decisions and service provision relating to Community Affairs, Equalities and Inclusion and sustainability.

2.1.6 To review and scrutinise any other Council function not otherwise addressed by any other Overview and Scrutiny Committee.

2.1.7 To scrutinise the effectiveness of the arrangements for partnership working including the local strategic partnership and the Local Public Service Boards and the Council's contribution to them and specifically in relation to the Local Area Agreement.

2.1.8 To scrutinise the effectiveness of the Council's representation in regional/sub regional and national forums.

2.1.9 To review and scrutinise all matters relating to corporate policy and methodology for public consultation and involvement undertaken by the Council.

2.1.10 To review and scrutinise the Council's corporate communications strategy.

2.2 Culture, Tourism and Enterprise Overview and Scrutiny Committee

2.2.1 To perform the Overview and Scrutiny function in relation to all matters, Executive decisions and service provision connecting to Enterprise and Employment and in particular:-

- Major Projects
- Economic Regeneration
- Culture, Arts and Heritage
- Tourism & Marketing
- Libraries and Museums
- Events
- Leisure, Sports and Recreation

2.3 Environment and Community Safety Overview and Scrutiny Committee

2.3.1 To perform the Overview and Scrutiny function in relation to all matters, Executive decisions and service provision connecting to the Environment function and in particular:-

- Community Safety (including discharging the functions and responsibilities of the statutory Crime and Disorder Committee to the extent required to comply with section 19 of the Police and Justice Act 2006 and regulations made under section 20; and to do so with regard to any protocol agreed by Full Council as to the working arrangements between the Community Safety Forum and the Crime and Disorder Committee)
- Parks and Green Spaces
- Travellers and Gypsies
- Highways Management
- Traffic Management and Transport
- Parking
- Waste
- Conservation & Design
- Coast Protection
- Seafront
- Environmental Health
- Building Control
- Trading Standards
- Planning and Licensing

2.4 Adult Social Care and Housing Overview and Scrutiny Committee

2.4.1 To perform the Overview and Scrutiny function in relation to all matters, Executive decisions and service provision connecting to the Adult Social Care elements of the Adult Social Care and Health function and in particular:-

- Adult Social Services

2.4.2 To perform the Overview and Scrutiny function in relation to all matters, Executive decisions and service provision connecting to the Housing function and in particular:-

- The Council's housing strategy
- Homelessness and the allocation of housing
- Private sector housing, including taking action to remedy overcrowding, disrepair, unfitness and statutory nuisances; to promote fire safety in private sector housing and the Council's functions in relation to houses in multiple occupation Tenancy relations and the provision of housing advice

- Housing loans and grants
- Housing Landlord Functions
- Supporting People

2.5 Children and Young People Scrutiny Committee

2.5.1 To perform the Overview and Scrutiny function in relation to all matters, Executive decisions and service provision connecting to the Children and Young People Cabinet function and in particular:-

- the provision, planning and management of children's social services in Brighton & Hove
- the provision, planning and management of education in Brighton & Hove
- the health of the authority's children and young people, including contribution to the development of policy and service to improve health and reduce health inequalities, all in accordance with the principles of section 7 of the Health & Social Care Act 2001, but provided that matters relating to general health strategies and services not specifically for children and young people shall be the function of the Council's Health Overview & Scrutiny Committee
- the development of integrated children's services under the Children and Young People's Trust
- all of the functions of the Council as an education authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time
- the development of the Council's Children and Young People's Plan

2.6 Health Overview and Scrutiny Committee

2.6.1 To perform the Overview and Scrutiny function in relation to all matters, Executive decisions and service provision connecting to the Health elements of the Adult Social Care and Health function and in particular:-

- To scrutinise matters relating to the health of the Authority's population and contribute to the development of policy and service to improve health and reduce health inequalities
- To undertake all the statutory functions of the scrutiny committee in accordance with Section 7 and Regulations under that section, of the Health and Social Care Act 2001, relating to reviewing and scrutinising health service matters
- To review and scrutinise the impact of the Authority's own services and of

key partnerships on the health of its population

- To encourage the Council as a whole and its executive committees and sub-committees and through the Overview and Scrutiny Organisation Committee to take into account the implications of their policies and activities on health and health inequalities
- To make reports and recommendations to the National Health Service, the Council, the executive committees and sub-committees and the Overview and Scrutiny Organisation Committee, and to other relevant bodies and individuals
- To monitor and review the outcomes of its recommendations
- In all of the above, to liaise with other bodies that represent patients' views in order to seek and take account of the views of the local populations

[Note:- As mentioned under the Terms of Reference above, the Children and Young People's Overview & Scrutiny Committee discharges on behalf of the Council the Overview and Scrutiny functions in relation to the health of the authority's children and young people, but matters relating to general health strategies and services not specifically for children and young people are the function of the Health Overview & Scrutiny Committee.]

3. Functions of Committees

3.1 The Overview and Scrutiny Commission will;-

a) Approve an annual overview and scrutiny work programme, to ensure that there is efficient use of the Committees' time and that the potential for duplication of effort is minimised;

b) Where matters fall within the remit of more than one Overview and Scrutiny Committee, determine arrangements for dealing with a particular issue;

c) Have the power (as do all other Overview and Scrutiny Committees) to call-in and review Executive decisions, or key decisions made by an officer with delegated authority from the Executive, as set out in the procedures in these Rules, particularly on issues that fall between the responsibilities of the separate panels;

d) Receive requests from Councillors and suggestions from officers of the council and co-optees for particular topics to be scrutinised and determine the appropriate action;

e) Undertake initial explorations on requests/proposals for Select Committee reviews and recommend appropriate action;

f) Receive proposals for the appointment of task-orientated, time limited Overview and Scrutiny Select Committees to review in-depth, investigate and report on a particular topic;

g) Co-ordinate training and development arrangements for Overview and Scrutiny Committee members and co-optees;

h) Identify good practice in relation to the overview and scrutiny role and develop common practices for all Committees that reflect good practice;

i) Co-ordinate the production of an annual report to Council on the activity of the Overview and Scrutiny function;

j) Have responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies;

k) Establish and maintain constructive working relationships with the Executive whilst being mindful of the respective wishes of each;

l) Help ensure positive working relationships with partnerships and external bodies;

m) Monitor and review the outcomes of its recommendations.

3.2 **Overview and Scrutiny Committees (and the Commission in respect of its specific work area) will;-**

(i) Be aware of the 'forward plan', the forward work programme and other anticipated decisions of the Cabinet/Cabinet Committees and council services;

(ii) Develop focused programmes of work and identify the most appropriate means of progressing such work;

(iii) Scrutinise and make recommendations to the Cabinet/Cabinet Committees/Cabinet Member decisions and any relevant Council Committees in relation to issues arising from its work programme;

(iv) Monitor the decisions taken by or on behalf of the Cabinet and the activities of service areas;

(v) Receive requests from Councillors and suggestions from officers of the council and co-optees for particular topics to be scrutinised;

(vi) Propose to the Overview and Scrutiny Commission Select Committee reviews, Terms of Reference and Membership with a proposed scrutiny

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brief and resource requirement (see Select Committee Reviews at 4 below);

(vii) Establish Ad Hoc review Panels reviews (see Ad Hoc Panels at 5 below);

(vii) Exercise the right to "call-in" and review decisions taken by or on behalf of the Executive as set out in the procedures in the Overview & Scrutiny Rules;

(v) Have an overview of the practice and policy of the relevant service areas;

(vi) Identify areas of service practice and implementation or of policy that cause concern to members of the public and councillors and identify what action should be taken;

(vii) Receive internal and external inspection reports on the services and challenge the action plans drawn up in response to problems that have been identified; monitor progress in implementing the action plans;

(viii) Ensure that the communities of Brighton & Hove and specific users of services are able to be involved in and inform the work of the Committees;

(ix) Promote the work of the Committees, including through the local media;

(x) Monitor and review the outcomes of its recommendations.

3.3 **Member representations**

In considering whether or not to review or scrutinise decisions or actions, or to make reports or recommendations, an overview and scrutiny committees may have regard to any representations made by a Member who has referred a particular matter to it as to why it would be appropriate for the committee to take any such measures in relation to that matter

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4. Select Committee reviews

4.1 The Overview and Scrutiny Commission will consider and where it considers appropriate approve the appointment of task-orientated, time-limited scrutiny Sub-Committees (Select Committees) to review in depth, investigate and report on particular topics related to the functions of the Council or issues of public concern, with such membership, terms of reference and duration as it considers appropriate having regard to the recommendations of the initiating Committee.

4.2 In considering whether or not any matter should be agreed for a Select Committee Review, the Commission will have regard to:

- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
- Whether there is evidence that the decision-making rules in Article 13 of the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
- The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services;
- What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Executive Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.);
- The proposed scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests.

4.3 Select Committees will have Sub-Committee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will apply.

4.4 Membership of the Select Committees will be nominated by the Overview and Scrutiny Committee proposing the in-depth review, taking into account the expertise and experience of available Members, and that no Member may be involved in scrutinising a decision in which he/she has been involved.

4.5 When a Member requests for a matter to be scrutinsed, that Member should not normally be appointed as a Member of the Select Committee scrutinising the issue. This would not preclude the Member from giving evidence as a lay or an expert witness.

4.6 There shall be no provision for substitute Members to attend meetings of Select Committee reviews.

4.7 The Overview and Scrutiny Commission shall ensure that the number of Select Committee reviews which are in existence at any one time does not exceed the capacity of the Member and officer resources available to support their work.

5. Ad Hoc Overview and Scrutiny Panels

5.1 Each Overview and Scrutiny Committee may appoint Ad Hoc Panels to carry out short, sharply focused pieces of scrutiny work. These may be on issues specific to the Committee but not large enough to warrant a full blown Select Committee approach. As a guide, the work of these Panels should be capable of

being conducted within 3 meetings or less.

5.2 Ad hoc Overview and Scrutiny Panels will not have Sub-Committee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply, but they will normally be established on a cross-party basis.

5.3 Membership of the Ad Hoc Panels will be agreed by the Overview and Scrutiny Committee appointing it, taking into account the expertise and experience of available Members, and that no Member may be involved in scrutinising a decision in which he/she has been involved.

5.4 When a Member requests for a matter to be scrutinsed, that Member should not normally be appointed as a Member of the ad hoc panel scrutinising the issue. This would not preclude the Member from giving evidence as a lay or an expert witness.

5.5 There shall be no provision for substitute Members to attend meetings of Ad Hoc Panels.

5.6 Each Overview and Scrutiny Committee shall ensure that the number of Ad Hoc Panels which it appoints does not exceed the capacity of the Member and Officer resources available to support their work.

6. Membership of Overview and Scrutiny

6.1 Any Councillor, except a member of the Cabinet, may be a member of the Overview and Scrutiny Commission, Committees, Select Committees or Ad Hoc Panels.

6.2 No Member, however, may be involved in scrutinising a decision in which he/she has been directly involved.

6.3 The membership of the Overview and Scrutiny Committees will reflect the political composition of the Council.

7. Co-optees

7.1 The Overview and Scrutiny Committees may agree the appointment of non voting co-optees for each Select Committee review or Ad Hoc Panel.

7A Co-opting of additional members to Crime and Disorder Committee

7A.1 This paragraph applies to the Environment and Community Safety Overview and Scrutiny Committee when discharging the functions of the Crime and Disorder Committee

7A.2 The Crime and Disorder Committee may co-opt additional members to serve on the committee subject to paragraphs 7A.3 to 7A.6.

7A.3 A person co-opted to serve on the Crime and Disorder Committee shall not be entitled to vote on any particular matter, unless the Committee so determines.

7A.4 A co-opted person's membership may be limited to the exercise of the Committee's powers in relation to a particular matter or type of matter.

7A.5 The Crime and Disorder Committee shall only co-opt a person to serve on the Committee who—
(a) is an employee, officer or member of a responsible authority or of a co-operating person or body (as defined in section 5 of the Crime and Disorder Act 1998); and
(b) is not a member of the executive of the committee's local authority (or authorities).

7A.6 The membership of a person co-opted to serve on the Crime and Disorder Committee may be withdrawn at any time by the Committee.

8. Education representatives

8.1 The Children and Young People's Overview and Scrutiny Committee and any Select Committee relating to education matters shall include in its membership the following voting representatives in accordance with the provisions of the Local Government Act 2000:

(a) 1 Church of England diocese representative;
(b) 1 Roman Catholic diocese representative; and
© 2 parent governor representatives.

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8.2 The above-mentioned representatives shall have voting rights only in connection with matters relating to education functions and if the Committee or Panel deals with other matters, those representatives shall not vote on those other matters, though they may stay in the meeting and speak.

9. Meetings of the Overview and Scrutiny Committees

9.1 Regular meetings of the Commission and Overview and Scrutiny Committees will be programmed throughout the year. In addition, an extraordinary meeting may be called by the Chair or the Chief Executive at any time if they consider it necessary or desirable.

9.2 For the purpose of discharging its functions as Crime and Disorder Committee, the Environment and Community Safety Overview and Scrutiny Committee shall meet to review or scrutinise decisions made, or other action taken, in

connection with the discharge by the responsible authorities of their crime and disorder functions as the Committee considers appropriate, but no less than once in every twelve month period.

9.3 The Select Committees and Ad Hoc Panels will be time limited and will meet as required to fulfil the task allocated to them.

10. Quorum

The quorum for overview and scrutiny meetings shall be as set out for committees and sub-committees in the Council Procedure Rules in Part 3 of this Constitution.

11. Chairmen of Overview and Scrutiny Committees/Panels

11.1 The Council will appoint the Chairmen of Overview and Scrutiny Committees.

11.2 The Overview and Scrutiny Commission will appoint the Chairmen of Select Committees, having regard to the recommendations of the initiating Committee. These Chairmen may be from the membership of the Overview and Scrutiny Committees or other Members of the Council with the necessary expertise.

11.3 Each Overview and Scrutiny Committee will appoint the Chairmen of Ad Hoc Panels that it sets up.

11.4 If the Council or relevant Scrutiny Committee fail to appoint a Chairman, the Committee, Select Committee or Ad Hoc Panel will make the appointment at its first meeting.

12. Work programme

12.1 The Overview and Scrutiny Commission will be responsible for setting its own objectives and work programme

12.2 The Overview and Scrutiny Committees (subject to the co-ordination and monitoring of the Overview and Scrutiny Commission) shall be responsible for setting their own work programme to overview and scrutinise the work of the Executive, relevant Council Committees and services and the effectiveness of relevant partnerships or other bodies.

13. Agenda items

13.1 Agenda items shall be set by the Committee identifying issues which they wish to consider, for example through reviewing the Executive's forward work programme of items for consideration or through their overview of service

issues and performance, or through calling in particular Executive decisions.

13.2 Any Member may notify the Head of Scrutiny that s/he wishes an item relevant to its functions to be included on the agenda for the next available meeting. On receipt of such a request the Head of Scrutiny will ensure that it is included on the next available agenda of the relevant Committee. The Committee shall then determine whether it wishes to pursue the item suggested by the Member and in what manner. If appropriate, they will consider whether it should be referred to the Overview & Scrutiny Commission with a proposal for a Select Committee Review.

13.3 If an overview and scrutiny committee decides not to pursue an item suggested by a Member, it must notify the Member of its decision and the reasons for it.

13.4 The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate, the Cabinet/Cabinet Committees, to review particular areas of Council activity.

14. Policy review and development

14.1 The Overview and Scrutiny Committees have a function to scrutinise policy outcomes and advise on policy development within their remit. They are key mechanisms for enabling Councillors to represent the views of their constituents and other organisations to the Executive and Council and hence to ensure that these views are taken into account in policy development.

14.2 The Executive is responsible for the development and implementation of policy. The Executive will seek the assistance of Overview and Scrutiny, as appropriate, in the development of policy, especially in relation to the budget and policy framework. The minimum role of Overview and Scrutiny in relation to the development of the Council's budget and policy framework is set out in Rules 2 (b) and 7 of the Budget and Policy Framework Procedure Rules and in Rule 14.1 above.

14.3 In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, Overview and Scrutiny may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.

14.4 If there are concerns about the implementation or subsequent outcomes of an agreed policy the Overview and Scrutiny Committees may appoint Ad Hoc Panels or propose Select Committees to hold enquiries and investigate the available options to recommend changes/improvements to the policy to make it more effective.

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15. Publication and submission of reports from Overview and Scrutiny

15.1 Once it has formed recommendations on any matter, an overview and scrutiny committee will prepare a formal report, which it may publish.

15.2 Where the committee decides to publish its report, paragraph 15A applies.

15.3 The overview and scrutiny committee shall submit the report to the Chief Executive for consideration by the relevant Cabinet Member or Cabinet meeting, or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).

15.4 The report will include a statement of the corporate, financial and legal implications of any recommendations. If an overview and scrutiny committee cannot agree on one single final report then up to one minority report may be prepared and submitted for consideration by the Executive Member or Cabinet meeting with the majority report.

15.5 Where the report relates to an item referred to an overview and scrutiny committee by a Member, as provided for under paragraph 13.2, the committee must provide the Member with a copy of the report and any recommendations.

15.6 The Executive Member or Cabinet, or Council if appropriate, shall –

(a) consider the report or recommendations

(b) respond to the overview and scrutiny committee indicating what (if any) action it proposes to take

(c) if the overview and scrutiny committee has published the report or recommendations, publish the response, but subject to paragraph 15A

(d) if the overview and scrutiny committee provided a copy of the report or recommendations to a Member under 15.5, provide the Member with a copy of the response

within two months beginning with the date on which the Executive or council received the report or recommendations

15.7 Where an overview and scrutiny report has been considered by the Executive, the report, together with the Executive response, shall be reported to full Council for information.

15A Publication of reports, recommendations and responses: confidential and exempt information

15A.1 This paragraph applies to –

(a) the publication of any document comprising

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(i) the publication of any report or recommendations of an overview and scrutiny committee; or
(ii) the response of the Executive or Full Council to any such report or recommendation; and

(b) the provision of such a document to –
(i) a Member or
(ii) a relevant partner authority (as defined in section 104 of the Local Government and Public Involvement in Health Act 2007)

15A.2 The overview and scrutiny committee, Executive or Full Council, in publishing the document or providing a copy to a relevant partner authority, must exclude any confidential information and may exclude any relevant exempt information (as defined in section 21D of the Local Government Act 2000)

15A.3 In providing a copy of the report to a Member, the committee, Executive or Full Council may exclude any confidential information or relevant exempt information.

15A.4 Where information is excluded under 15A.2 or 15A.3, the committee, Full Council or Executive, in publishing or providing a copy of the report –
(a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and
(b) must do so if, in consequence of excluding the information, the report published or copy provided would be misleading or not reasonably comprehensible.

15B Distribution of reports by the Environment & Community Safety Overview and Scrutiny Committee when exercising the functions of the Crime and Disorder Committee

15B.1 Where the Crime and Disorder Committee makes a report or recommendations to the council with respect to the discharge by the responsible authorities* of their crime and disorder functions, it shall provide a copy to –
(a) each of the responsible authorities, and
(b) each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998

** ['Responsible authorities' are defined under section 5 of the Crime and Disorder Act 1998)]*

15B.2 Where the Crime and Disorder Committee makes a report or recommendation to the council with respect to any local crime and disorder matter referred to it by a Member, it must –

(a) provide a copy of the report or recommendations to that Member, and
(b) provide a copy of the report or recommendations to such of –
    (i) the responsible authorities, and
    (ii) the co-operating persons and bodies
    as it thinks appropriate

16. Call-in

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16.1 Call-in is a process by which Overview and Scrutiny Committees can recommend that a decision made (in connection with executive functions) but not yet implemented be reconsidered by the body which made the decision, or recommend that the full Council consider whether that body should reconsider the decision. Call-in does not provide for the Overview and Scrutiny Committee or the full Council to substitute its own decision, but merely to refer the matter back to the decision-maker. A decision maker can only be asked to reconsider any particular decision once.

16.2 Call-in should only be used in exceptional circumstances – for example where Members have evidence that a decision was not taken in accordance with Article 13 of the constitution ('Decision making'). Day to day management and operational decisions taken by officers may not be called-in.

16.3 Any decision made by the Cabinet, a Cabinet Member, or a key decision made by an officer under delegated powers from the Executive shall be published by means of a notice at the main offices of the Council and where possible by electronic means, normally within 2 working days of being made. All Members of Overview and Scrutiny will be sent, if possible by electronic means, copies of all such decision notices at the time of publication.

16.4 Any decision made by the Cabinet, a Cabinet Member, or a key decision made by an officer under delegated powers from the Executive may be called in up to five working days from the date of the meeting at which the decision was taken.

16.5 During this period, any Member of Overview and Scrutiny or any 6 Members of the Council may request that a decision be called-in for Scrutiny by the relevant Overview and Scrutiny Committee. Such a request shall be made in writing to the Chief Executive and shall include the reason(s) for the request and any alternative decision proposed. The Chief Executive may refuse to accept a request which in his/her opinion is frivolous, vexatious or defamatory, or where no reason is given.

16.6 If the Chief Executive accepts the request he/she shall call-in the decision. This shall have the effect of suspending the decision coming in force and the Chief Executive shall inform the decision maker e.g. Cabinet, Executive Member, Executive Committee or officer and the relevant Chief Officer(s) of the call-in. The Chief Executive shall then call a meeting of the relevant Overview and

Scrutiny Committee as appropriate to scrutinise the decision, where possible after consultation with the relevant Chairman, and in any case within 7 working days of accepting the call-in request, unless a meeting of the appropriate Committee is already scheduled to take place within this period.

16.7 In deciding whether or not to refer a decision back, the relevant Overview and Scrutiny Committee shall have regard to the criteria for Scrutiny reviews set out at paragraph 4.2 of these rules. In addition it may take into account:

- any further information which may have become available since the decision was made
- the implications of any delay; and
- whether reconsideration is likely to result in a different decision.

16.8 If, having scrutinised the decision, the relevant Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns. If it considers the decision is contrary to the policy framework or budget agreed by the Council, the matter may be referred to the full Council to determine whether or not it should be referred back to the decision making body in accordance with the Budget and Policy Framework Procedure Rules at Part 4 of this constitution.

16.9 If the relevant Overview and Scrutiny Committee does not meet within 7 working days of the Chief Executive accepting a call-in request, or does meet but does not refer the matter back to the decision making body or to the Council, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of the period of 7 working days from the call-in request being accepted, whichever is the earlier.

16.10 If the decision is referred back to the decision making body, that body shall then reconsider, either at its next programmed meeting or at a special meeting called for the purpose, whether to amend the decision or not before reaching a final decision and implementing it.

16.11 If the relevant Overview and Scrutiny Committee refers the matter to full Council and the Council does not object to a 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 Council will refer any decision to which it objects back to the decision making body, together with the Council's views on the decision. In this case the decision making body shall consider, either at its next programmed meeting or at a special meeting convened for the purpose, whether to amend the decision or not before reaching a final decision and implementing it.

16.12 If the Council does not meet within two weeks of the matter being referred to

it, or if it does meet but 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 or expiry of that two week period, whichever is the earlier.

16.13 If a key decision is to be taken by an officer under the scheme of delegation, all Members and Overview and Scrutiny Committees will have the same rights to information and to use the procedures set out above for the call-in of those decisions.

17. Call-in and urgency

17.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, a Cabinet Member, or a key decision made by an officer under delegated powers from the Executive is urgent. 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. The record of the decision, and notice by which it is made public shall state if in the opinion of the decision making body the decision is an urgent one and subject to the agreement of the Chief Executive, or in his/her absence the officer acting for him, such a decision shall not be subject to call-in. The Chief Executive or the Officer acting on his/her behalf shall consult the leaders of the Political Groups before agreeing to the exemption. Any decision to which the call-in process does not apply for reasons of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

17.2 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted (via the Governance Committee) to Council with proposals for review if necessary.

18. Call In and Joint Committees

18.1 The principle of call in applies to decisions made by Joint Committees on which the Council is represented. The detailed arrangements relating to call in of Joint Committee decisions shall be agreed between the constituent authorities and included in the Constitution of the Joint Committee.

19. Matters excluded from Scrutiny

19.1 Overview and Scrutiny Committees should not normally scrutinise individual decisions made in respect of development control, licensing, registration, consents and other permissions. In particular they are not an alternative to normal appeals procedures. However, they may make reports and recommendations on such functions as part of wider Scrutiny reviews.

19.2 The Scrutiny process is not appropriate for issues involving individual complaints or cases, or for which a separate process already exists e.g. personnel/disciplinary matters, ethical matters or allegations of fraud.