PART 6.2 OVERVIEW & SCRUTINY WAYS OF WORKING

1. Introduction

1.1 It is expected that Overview and Scrutiny Committees will determine ways to operate that best suit their agendas whilst being consistent with the overall overview and scrutiny approaches. To this end they will wish to review the paperwork, style, venues and other practical arrangements for their meetings. In some cases it will be appropriate to adopt a more informal approach than for Executive decisions.

2. Code of Practice for Scrutiny Reviews

2.1 Overview and Scrutiny Committees will adopt a cross-party approach and attempt to reach a consensus where possible on their findings.

2.2 Where an Overview and Scrutiny Committee conducts an investigation or review, it may ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:

(a) the investigation should be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

(b) as far as possible the process should be a positive experience for all concerned. Questioning should not be adversarial and those assisting the Committee by giving evidence should be treated with respect and courtesy;

(c) witnesses may be provided with a briefing note on the format and conduct of the meeting;

(d) the investigation should be conducted so as to maximise the efficiency of the investigation or analysis. This may include providing outline questions and details of any documents required to witnesses in advance.

(e) notwithstanding the provisions of the Access to Information Rules, witnesses may if they wish give their evidence privately or in writing.

(f) at the end of questioning witnesses should be invited to revisit any points raised or make any general comments. They should also be provided with a copy of any report to which their evidence has contributed.

3. Members and officers giving account

3.1 An Overview and Scrutiny Committee 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, it may require any Member and/or any senior officer to attend before it to explain in relation to matters within their remit:

(a) any particular decision or series of decisions;

(b) the extent to which the actions taken implement Council policy; and/or

(c) their performance;

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

3.2 The provision at 3.1 above shall apply only to a Member or to a senior officer to whom powers are specifically delegated in the Council's Scheme of Delegation to Officers at part 7 of this constitution.

3.3 Any Member or officer who is required to attend before an Overview and Scrutiny Committee shall be given reasonable notice of the date of their attendance. Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall after consultation with the Member or officer arrange an alternative date for attendance.

3.4 Where an officer appears before an Overview and Scrutiny Committee to answer questions, their evidence should as far as possible be confined to questions of fact and explanation relating to polices and decisions. Officers may explain what the policies are, the justification and objectives of those policies as the decision makers see them, the extent to which those objectives may have been met, and how administrative factors may have affected both the choice of policy measures and the manner of their implementation. Officers may be asked to explain and justify advice they have given to Members prior to decisions being taken.

3.5 As far as possible officers should avoid being drawn into discussion of the merits of alternative policies where this is politically contentions. Any comment by officers on the Council's policies and decision makers' actions should always be consistent with the requirement for officers to be politically impartial.

3A Provision of information by partner authorities

3A.1 An overview and scrutiny committee may make a written request to a relevant partner authority (as defined in section 104 of the Local Government and Public Involvement in Health Act 2007) for such information as that committee may reasonably require in order to discharge its functions, being information which relates to a local improvement target relevant to that partner and which is specified in a local area agreement of the council.

3B Duties of certain partner authorities

3B.1 Where an overview and scrutiny committee (other than the Crime and

Disorder Committee – as to which, see 3B.2) makes a report or recommendations to the Executive or Full Council with respect to a local improvement target which relates to a relevant partner authority, and is specified in the council's local area agreement, the committee may by notice in writing to the relevant partner authority require them to have regard to the report or recommendation in exercising their functions

3B.2 Where, under Part 6.1, paragraphs 15 or 15B, the Crime and Disorder Committee makes a report or recommendation, or provides a copy of it, it must notify the authority, body or person to whom the report or recommendation is made, or to whom the copy is provided, that the authority, body or person must –

(i) consider the report or recommendations;

(ii) respond to the committee indicating what (if any) action it proposes to take; and

(iii) have regard to the report or recommendation in exercising its functions

4. Attendance by others

4.1 An Overview and Scrutiny Committee may invite people other than Members or officers of the Authority to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and representatives from other parts of the public sector. Attendance by such persons is optional.

4.2 In discharging its functions as Crime and Disorder Committee, the Environment and Community Safety Overview and Scrutiny Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body* in order to answer questions, on condition that reasonable notice of the intended date of attendance is given to that person.

** Such authority, person or body as defined in section 5 of the Crime and Disorder Act 1998*

5. Public involvement/transparency of the process

5.1 Overview and Scrutiny Committees meet in public in accordance with the Access to Information Rules in Part 8 of this constitution. They will seek to foster consultation and involvement by local communities and where appropriate will consider when beginning a review how best the public and stakeholders can be invited to contribute - for example as service users, witnesses, expert advisers, local community representatives or co-opted members.

6. Liaison with Executive Members

6.1 The Overview and Scrutiny function is able to work independently of the Executive. However, this does not mean that the relationship should be adversarial. Rather Overview and Scrutiny should act as a 'critical friend' and work with the Cabinet Members in pursuit of the Council's aims and to ensure the effective operation and planning of its business.

7. Declaration of interests

7.1 Although not making decisions about services, members of Overview and Scrutiny Committees must ensure that declarations are made to avoid any inference being drawn of potential conflicts of interest or lack of propriety in the Scrutiny process. They must be seen to be approaching Scrutiny with an open mind. A Councillor should not take part in Scrutiny of a decision where they have led or taken a prominent role in a campaign or pressure group in relation to that decision.

8. The party whip

8.1 When considering any matter in the following categories:

(a) any matter referred to the Overview and Scrutiny Committee;

(b) the review of any decision; or

(c) the performance of any Executive Committee

in respect of which a Member of an Overview and Scrutiny Committee is subject to a party whip, the Member 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.

[Note: In the above provision the phrase 'a party whip' means 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 Cabinet meeting, or the application of or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner.]

9. Rights of Overview and Scrutiny Committee Members to documents

9.1 In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 8 of this Constitution.

9.2 Nothing in this section prevents more detailed liaison between the Executive and the Overview and Scrutiny Committees. Indeed this liaison is encouraged to enable members of Scrutiny Committees to develop an effective overview of services, developments, and issues for consideration.

9.3 Overview and Scrutiny Members will also be informed of key decisions made by Officers under delegated authority from the Executive.

10. Matters within the remit of more than one Overview and Scrutiny Committee

10.1 Where a matter for consideration by Overview and Scrutiny falls within the remit of one or more Overview and Scrutiny Committee, the decision as to the best approach to take will be resolved by the Overview and Scrutiny Commission.

10.2 Once decided, it may be appropriate to draw on the knowledge and expertise of all Committees affected by the issue and to report the outcomes to all such Committees.