

RULE 4 CABINET PROCEDURE RULES

1. OPERATION OF THE CABINET

1.1 Who May Make Cabinet Decisions

The Leader will make arrangements for the discharge of Cabinet Functions as set out in Part 3 of the Constitution, the Leader may provide for executive functions to be discharged by some or all of the following: -¹

- (a) the Cabinet as a whole;
- (b) a committee of the Cabinet;
- (c) an individual member of the Cabinet;
- (d) an officer;
- (e) joint arrangements; or
- (f) another local authority.

1.2 Delegation by the Leader

At the Annual Meeting of the Council and if any arrangements should change during the year at the next Council meeting², the Leader will present for adoption or information as appropriate under this Constitution, the following information about executive functions in relation to the following year:-

- (a) the collation of relevant executive functions into related groups to be known as “portfolios”;
- (b) the names, addresses and wards of the people he/she is proposing to be appointed to the Cabinet and their responsibility for the individual portfolios;
- (c) insofar as they are not already set out in the Council’s adopted scheme:
 - (i) the extent of any authority delegated by the Leader to a member of the Cabinet individually (including him/herself), including details of any limitation (if any) on their authority;

¹ Amendment approved 16 December 2010

² Amendment approved 25 February 2010

- (ii) the nature and extent of any delegation of executive functions proposed to any other authority or under any joint arrangements and the names of those Cabinet members and/or other members appointed to any joint committee under Article 11 of this Constitution for the coming year; and
- (iii) the nature and extent of any delegation to officers with details of any limitation (if any) on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub Delegation of Cabinet Functions

- (a) where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for a cabinet function, they may delegate further to an area committee, joint arrangements or an officer;
- (b) unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Cabinet committee or to an officer;
- (c) unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer;
- (d) any proposal to delegate an executive function under joint arrangements or to another local authority shall be the subject of a recommendation to the Council under paragraphs 2 and 4 of Article 11 of this Constitution; and
- (e) even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the function.

1.4 The Council's Scheme of Delegation and Executive Functions

- (a) Subject to (b) below, the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) If the Leader is able to decide whether to delegate executive functions (s)he may amend the scheme of delegation relating to executive functions at any time during the year. To do so the Leader must give written notice to the Chief Executive and to the person body or

committee concerned. The notice must set out the extent of the amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person, body or committee. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when it has been served on its Chairman.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual member or an officer and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Codes of Conduct for Members in Part 5 of this Constitution.

1.6 Cabinet meetings – Frequency and Venue

The Cabinet will meet at least 8¹ times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or other locations to be agreed by the Leader.²

1.7 Meetings of the Cabinet

All meetings of the Cabinet will normally be held in public. Where the Cabinet is considering items of a confidential or exempt nature these may be heard in private provided that the subject matter of the item falls within one of the paragraphs in Part I of Schedule 12A to the Local Government Act, 1972.

¹ Amendment approved 20 February 2020

² Amendment approved 30 April 2020, deleted 7 May 2021

1.8 **Quorum**

The quorum for a meeting of the Cabinet or a committee of it shall be three members.

1.9 **Decision Taking by the Cabinet**

(a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of this Constitution.

(b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. **CONDUCT OF CABINET MEETINGS**

2.1 **Chairman**

If the Leader is present he/she shall preside at meetings of the Cabinet. In the absence of the Leader, the Deputy Leader will chair the meeting. If the Leader and Deputy Leader are not present, Cabinet will appoint a person from among those present¹ to preside at the meeting²

2.2 **Attendance**

The details are set out in the Access to Information Rules in Part 4 of this Constitution.

Members may attend and speak for up to 3 minutes on any item of business before the Cabinet providing that they confirm their intention to the Chief Executive no later than noon three working days before the meeting. Cabinet Members may ask questions of the member concerned but the member is not entitled to debate the item. For the avoidance of doubt this is not a public speaking right within the meaning of section 12(2) of the Code of Conduct for Members.³

¹ Amendment approved 30 April 2020, deleted 7 May 2021

² Amendment approved 11 May 2017

³ Amendment approved 25 February 2010

2.3 **Business**

At each meeting of the Cabinet, the following business will be conducted.¹: -

- (a) apologies for absence
- (b) consideration of the minutes of the last meeting;
- (c) declarations of interest (if any);
- (d) any matters referred to the Cabinet (whether by the Overview and Scrutiny Panel or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) consideration of reports from the Overview and Scrutiny Panel; and
- (f) matters set out in the agenda for the meeting and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.
- (g) any petitions submitted to the Cabinet.
- (h) any Public Questions submitted under the terms of Standing Order 9A but marked for the attention of Cabinet are to be managed in accordance with rule 9A save that references to Council shall be read as references to Cabinet.²

2.4 **Consultation**

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget or policy framework must contain details of the nature and extent of consultation with stakeholders and the Overview and Scrutiny Panel and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

¹ Amendment approved 30 April 2020, deleted 7 May 2021

² Amendment approved 25 February 2010

2.5 Cabinet Agenda Items

- (a) Any member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request, the Chief Executive will comply.
- (b) The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Panel or the full Council have resolved that an item be considered by the Cabinet.
- (c) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration and if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting.
- (d) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Monitoring Officer and Chief Finance Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

RULE 5 OVERVIEW AND SCRUTINY PROCEDURE RULES

1. PRINCIPLES

The purpose of these rules is to ensure that the Overview and Scrutiny function of the Council:

- adds value to the Council and the community
- provides an effective means of holding decision takers, in both the Council and other local service providers, to account
- includes the strategic development of policy
- reviews issues of concern to local people
- is cross-cutting, connected to public opinion and sets its own brief
- is deliberative, investigative, evidence based, open, transparent, responsive, outward looking, inclusive, proactive, flexible, cross-party, constructive and influencing
- protects the rights of minority political groups
- treats people with respect and does nothing to compromise the impartiality of those who work for, or on behalf of, the Council.

2. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

2.1 The Council will have Overview and Scrutiny Panels as set out in Article 6 and Table 1 to this rule and will appoint such members to them as it considers appropriate from time to time. The Panels may appoint Review teams to assist them. The Council may appoint other ad hoc Overview and Scrutiny Panels for a fixed period or for a specific purpose on the expiry or achievement of which they shall cease to exist. Such ad hoc panels will not have the power to call in but shall have all other powers of the Overview and Scrutiny Panel. In this rule the phrase Overview and Scrutiny Panel shall refer to whichever panel is relevant to the consideration, or all panels taken together.¹⁰

3. TERMS OF REFERENCE

3.1 The terms of reference of the Overview and Scrutiny Panel will be to:-

1. formulate and co-ordinate its work programme relating to performance issues, including the programme of any task and finish groups it appoints, to ensure that there is efficient use of the panel's and task and finish groups' time, and that the potential for duplication of effort is minimised.

¹⁰ Amendment approved 25 February 2010

2. receive requests from the Executive, individual members¹¹ and/or the Full Council for reports from the Overview and Scrutiny Panel as appropriate.
3. put in place and maintain a system to ensure that referrals from Overview and Scrutiny to the Executive, either by way of report or for re-consideration are managed efficiently and do not exceed the limits set out in this Constitution.
4. at the request of the Executive to make decisions about the priority of referrals made, in the event of reports to the Executive exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business.
5. perform the Overview and Scrutiny role in relation to the following matters:
 - (a) reviewing and reporting to Executive on the local authority's performance against the Best Value Performance Plan;
 - (b) monitoring and assessing quality of service across the Council;
 - (c) reviewing information from satisfaction surveys;
 - (d) receiving reports on quality and service from the Executive, officers and committees and recommending improvements as appropriate;
 - (e) to review and scrutinise the performance of other local service providers or body in relation to the economic, social or environmental well-being of the district;
 - (f) development of the Council's annual budget;
 - (g) development of the medium-term financial strategy;
 - (h) development of the Council's Community Plan to promote the economic, social and environmental well-being of the area;

¹¹ Amendment approved 8 May 2008

- (i) development of the Council's Best Value Performance Plan;
- (j) development of the Council's planning policies (including the Local Development Framework and other plans for the use and development of land);
- (k) development of the Crime and Disorder Reduction Strategy;
- (l) development of the plan and strategy which comprise the Housing Investment Programme;
- (m) conduct of elections;
- (n) assist the Executive in the development of the Council-wide policy and asset strategy;
- (o) identifying and promoting best practice in relation to service delivery;
- (p) recommendations to the Executive for matters to be included in the annual Best Value Performance Plan and/or Best Value Reviews to be conducted;
- (q) contributing to the development of policies other than those specified in the policy framework, including in relation to:
 - i) leisure, arts, sport, cultural and recreational activities;
 - ii) the regeneration of communities in the area;
 - iii) social inclusion and the Council's specific initiatives to promote it;
 - iv) the physical regeneration of the area including economic development;
 - v) health, housing and social care;
 - vi) the protection and enhancement of the environment;
 - vii) public protection;
 - viii) lifelong learning;
 - ix) the development of partnerships with external organisations;
- (r) to make recommendations to any other person or body to maintain or improve the economic, social or environmental well-being of the District.

- (s) In accordance with the Councils Petition Scheme:
 - i) Receive Petitions calling Officers to account
 - ii) Review the steps taken to respond to a petition¹²

4. MEMBERSHIP OF THE OVERVIEW AND SCRUTINY PANEL

4.1 The Overview and Scrutiny Panel will comprise a maximum of 12 members of the Council with seats allocated to political groups in proportion to the number of seats held by each group on the Council as a whole. All Councillors, except members of the Cabinet, may be members of the Overview and Scrutiny Panel. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

5. CO-OPTEEES

5.1 The Overview and Scrutiny Panel and any Review Teams it establishes shall be entitled to appoint up to 3 people at any one time as non-voting co-optees. The Panel or Review Team shall determine whether the co-options shall be effective for a specified period, for specific meetings or for specific items.

6. MEMBERSHIP OF REVIEW TEAMS

6.1 Review Teams will normally be Chaired by a member of an Overview and Scrutiny Panel and comprise the number of members drawn from all councillors who are not members of the Cabinet as determined by the Overview and Scrutiny Panel.

7. MEETINGS OF THE OVERVIEW AND SCRUTINY PANEL

7.1 There shall be no more than 12 ordinary calendar meetings of an¹³ Overview and Scrutiny Panel. In addition, extraordinary meetings may be called from time to time as and when appropriate. The Overview and Scrutiny Panel meetings may be called by the Chairman of the Panel, by any three members of the Panel or by the Chief Executive if he/she considers it necessary or appropriate.

7.2 .¹⁴

¹² Amendment approved 29 July 2010

¹³ Amendment approved 25 February 2010

¹⁴ Amendment approved 30 April 2020, deleted 7 May 2021

8. **QUORUM**

- 8.1 The quorum for the Overview and Scrutiny Panel and Review Team shall be as set out for committees etc. in the Council Procedure Rules in Part 4 of the Constitution.

9. **CHAIRMAN AND VICE-CHAIRMAN OF THE OVERVIEW AND SCRUTINY PANEL**

- 9.1 The Chairman and Vice-Chairman of an Overview and Scrutiny Panel will be drawn from among the Councillors sitting on the Panel.¹⁵

10. **WORK PROGRAMME**

- 10.1 The Overview and Scrutiny Panel will be responsible for setting their own work programme and in doing so shall take into account the wishes of all members on the panel irrespective of political affiliation.

11. **AGENDA ITEMS**

- 11.1 Any member of an Overview and Scrutiny Panel shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting of the Panel. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

- 11.2 Any member of the Council who is not a member of the Overview and Scrutiny Panel concerned may give written notice to the Chief Executive that they wish an item relevant to the functions of the Panel to be included on the agenda. If the Chief Executive receives such a notification, then he/she will include an item on the first available agenda for consideration by the Panel. The members will be entitled to appoint a spokesperson to attend the meeting at which the item is to be discussed and the member may speak on the issue but may not vote. The Committee shall determine the appropriate level of investigation for such matters and report accordingly.¹⁶

- 11.3 The Overview and Scrutiny Panel shall also respond as soon as its work programme permits to request from the Council and, if they consider it appropriate, the Cabinet to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Panel concerned shall report its findings and any

¹⁵ Amendment approved 25 February 2010

¹⁶ Amendment approved 8 May 2008

recommendations back to the Council and/or Cabinet. If practicable the Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Panel at their next ordinary meeting after its receipt or at the ordinary meeting immediately after that.

12. POLICY REVIEW AND DEVELOPMENT

- 12.1 The role of the Overview and Scrutiny Panel in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Rules in Part 4 of this Constitution.
- 12.2 In relation to the development of the Council's approach to the matters not forming part of its policy and budget framework, Overview and Scrutiny Panel or Review Teams appointed by the Panel, may make proposals to the Cabinet for developments insofar as they relate to matters within its terms of reference.
- 12.3 The Overview and Scrutiny Panel or Review Teams appointed by the Panel, may hold enquiries and/or investigate available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things they may reasonably consider necessary to inform their deliberations.¹⁷ They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so within the allocation of funds approved by the Council.

13. REPORTS FROM THE OVERVIEW AND SCRUTINY PANEL

- 13.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Panel will prepare a formal report and submit it for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from, or a change to, the agreed budget and policy framework).
- 13.2 If the Overview and Scrutiny Panel cannot agree upon a final report to the Council or Cabinet as appropriate, then up to one minority report or note of particular areas of disagreement may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

¹⁷ Amendment approved 30 April 2020, deleted 7 May 2021

- 13.3 The Council or Cabinet will consider the report of the Overview and Scrutiny Panel no later than their second meeting following its receipt.

14. CONSIDERATION OF OVERVIEW AND SCRUTINY PANEL REPORTS

- 14.1 Once the report of the Overview and Scrutiny Panel on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda no later than the second meeting following its receipt. If for any reason the Cabinet does not consider the Overview and Scrutiny Panel's report within two months the matter will be referred to the Council for review, and the Chief Executive will call a Council Meeting to consider the report and make a recommendation to the Cabinet.
- 14.2 Once the Overview and Scrutiny Panel has completed its deliberations on any matter it will forward a copy of its final report to the Chief Executive who will allocate it to either or both the Cabinet and Council for consideration according to whether the contents of the report would have implications for the Council's budget and policy framework. The Cabinet will have one month in which to respond to the Overview and Scrutiny Panel's report and the Council will not consider it within that period. When the Council does meet to consider any referral from the Overview and Scrutiny Panel on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Overview and Scrutiny Panel's proposals.
- 14.3 Before submitting a Best Value Review Report and Improvement Plan to Council, the Overview and Scrutiny Panel shall have formally consulted the relevant portfolio holder(s) and Cabinet who shall be given reasonable time to respond to the consultation.
- 14.4 Where the Overview and Scrutiny Panel prepares a report for consideration by the Cabinet in relation to a matter where the Council or the Leader has delegated decision making power to another individual member of the Cabinet, the Overview and Scrutiny Panel will submit a copy of its report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Panel shall serve a copy on the Chief Executive and the Leader. If the member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Panel then he/she must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Panel. The

Cabinet member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Panel within two months of receiving the report. A copy of his/her written response to it shall be sent to the Chief Executive and the Cabinet member will attend a future meeting of the Panel to respond.

15. RIGHTS OF THE OVERVIEW AND SCRUTINY PANEL'S MEMBERS TO DOCUMENTS

- 15.1 In addition to their rights as councillors, members of the Overview and Scrutiny Panel have the additional rights to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.¹⁸
- 15.2 Nothing in this paragraph prevent more detailed liaison between the Cabinet and the Overview and Scrutiny Panel depending upon the particular matter under consideration.

16. MEMBERS AND OFFICERS GIVING ACCOUNT

16.1 The Overview and Scrutiny Panel 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 of the Cabinet, the Chief Executive 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.

16.1A Where a Panel of the Overview and Scrutiny Committee is responding to a Petition calling officers to account under the Councils Petition Scheme the following shall apply:

- (i) The questioning shall be confined to the subject of the Petition,
- (ii) The organiser of the Petition or it's supporters are not entitled by virtue of this rule to pose questions directly to officers, however they may suggest questions to the Chairman in writing up to three working days in advance.¹⁹

¹⁸ Amendment approved 30 April 2020, deleted 7 May 2021

¹⁹ Amendment approved 29 July 2010

- 16.2 Where any member or officer is required to attend an Overview and Scrutiny Panel meeting under this provision, the Chairman of that Panel will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Panel. Where the account to be given to the Panel will require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 16.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the Overview and Scrutiny Panel concerned shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of two months from the date of the original request.
- 16.4 The questioning of members and staff required to attend an Overview and Scrutiny Panel shall be conducted fairly and courteously. Members and staff giving account may be asked to provide factual information and to justify decisions or actions they have taken. No Councillor or member of staff shall be required to give an opinion on any decision or action to which they were not a party and for which they do not have any responsibility, whether individually or collectively. No member of staff shall be required to answer any question which would compromise their political impartiality, including supporting or opposing any stated policy associated with a political party. The questioning of members or staff shall not be used to make accusations or to allege any wrongdoing on their part. Any such accusations or allegations shall be dealt with under the provisions of the Protocol on Member/Staff Relations or whistleblowing policy and procedure in Part 5 of this Constitution. The questioning of a member of staff may be adjourned at their request for a period to be set by the Chair.
- 16.5 The most senior officer present, other than the one giving account, may request the Chairman to cease the questioning of an officer giving account where he or she considers that the provisions of these rules are being breached.
- 16.6 Where the Overview and Scrutiny Panel is reviewing the work of the Council which is not a function of the Cabinet, it should not scrutinise individual decisions made by the Council or any committee or panel thereof, particularly decisions in respect of development control, licensing, registration, consents and other

permissions. In making reports and recommendations on functions which are not the responsibility of the Cabinet, such reports and recommendations should normally be used as part of wider policy reviews.

(For the purposes of this Rule: “senior officer” has the meaning set out in Article 6); reference to Overview and Scrutiny Panel shall include reference to any Review Team).

17. ATTENDANCE BY OTHERS

17.1 The Overview and Scrutiny Panel or Review Team may invite people other than those people referred to in Rule 16 of these Rules to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from Councillors who are not members of the Cabinet, residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend.

18. CALL- IN

18.1 When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet or a key decision is made by an officer with delegated authority from the Cabinet or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be made available at the main offices of the Council within three working days of being made.

18.2 The members of the Overview and Scrutiny Panel will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

18.3 That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented on the expiry of five working days after the publication of the decision, unless it is called in.

18.4 During that period the Chief Executive shall call in a decision for scrutiny by the appropriate panel if so requested by: a Chairman or Vice Chairman of any panel, or any three members who are members of the Overview and Scrutiny Function, or any 10 members of the Council and shall then notify the decision maker of the call-in. A request for call in must be made in writing and shall specify the reason(s) why the decision is being called in. The decision called in will be referred by the Chief Executive to the next scheduled meeting of the relevant Panel but if no meeting is scheduled within 15 working days of the decision to call in, he/she shall call a meeting of the Panel on such date as he/she may determine, where possible after consultation with

the Chairman of the Panel, and in any case within 15 working days of the decision to call in.²⁰

- 18.5 If, having considered the decision, the Overview and Scrutiny Panel does not object to a decision which has been made, no further action is necessary and the decision will be effective from the date of the meeting. If the Overview and Scrutiny Panel²¹ is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider it within a further ten working days, amending the decision or not before adopting a final decision.
- 18.6 If, following an objection to the decision, the Overview and Scrutiny Panel does not meet in the period set out above or does meet but does not refer the matter back to the decision making person or body or refer the matter to full Council, the decision shall take effect on the date of the Overview and Scrutiny Panel meeting or the expiry of the 15 working days period whichever is the earlier.²²
- 18.7 If the matter is referred to full Council it shall be dealt with at the next ordinary meeting of the Council. If the Council does not object to a decision which has been made, no further action is necessary and the decision will be effective from the date of the meeting.²³ However, if the Council does object, it will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet a meeting will be reconvened to reconsider it within ten working days of the Council's request. Where the decision was made by an individual, the individual will reconsider it within ten working days of the Council's request.
- 18.8 If the Council does not meet or if it does 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 the expiry of the period in which the Council meeting should have been held whichever is the earlier.

²⁰ Amendment approved 29 July 2010

²¹ Amendment approved 29 July 2010

²² Amendment approved 29 July 2010

²³ Amendment approved 29 July 2010

19. **EXCEPTIONS**

19.1 To ensure call-in is not abused, nor causes unreasonable delay, the Council may place limitations on its use.

20. **CALL-IN AND URGENCY**

20.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, an individual member of the Cabinet, a committee of the Cabinet or a key decision by an officer with delegated authority from the Cabinet or under joint arrangements is urgent.

20.2 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 the notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one and therefore not subject to call-in.

20.3 The Chairman of the Overview and Scrutiny Panel or in his/her absence the Chairman of the Council must agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of both the Chairman of the Overview and Scrutiny Panel and the Chairman of the Council, the Chief Executive or his/her nominee's consent shall be required.

20.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Overview and Scrutiny Panel together with the reasons for the urgency.

21. **PROCEDURE AT THE OVERVIEW AND SCRUTINY PANEL MEETINGS**

21.1 The Overview and Scrutiny Panel shall consider the following business²⁴:-

- (a) apologies for absence;
- (b) minutes of the last meeting;
- (c) declarations of interest;
- (d) consideration of any matter referred to the panel for a decision in relation to call-in of a decision;

²⁴ Amendment approved 30 April 2020, deleted 7 May 2021

- (e) responses of the Cabinet and the Council to reports of the Overview and Scrutiny Panel; and
- (f) the business otherwise set out on the agenda for the meeting.

21.2 Where the Overview and Scrutiny Panel, or a Review Team, conducts investigations (e.g. to review the Council's performance with a view to policy development) the Panel or Team may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles: -

- (a) that the investigation will be conducted fairly and all members of the Panel or Team will be given the opportunity to ask questions of attendees and to contribute and speak;
- (b) that those assisting the Panel or Team by giving evidence shall be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

21.3 Following an investigation or review, the Overview and Scrutiny Panel/Review Team shall prepare a report for submission to the Cabinet or Council as appropriate and shall make its report and findings public.

22. MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY PANEL OR²⁵ REVIEW TEAM

22.1 Where a matter for consideration by an Overview and Scrutiny Panel or Review Team also falls within the remit of one or more other such Overview and Scrutiny Panel or Review Team the decision as to which Overview and Scrutiny Panel or Team will consider it will be resolved by the Chairman of the Overview and Scrutiny Panels acting jointly and the decision will be reported to the next meeting of the Overview and Scrutiny Panel.²⁶

22.1A Where an Overview and Scrutiny Panel is considering a matter referred to it pursuant to section 18 (Call in) then any member of Overview and Scrutiny may attend the Panel for the purposes of that item and shall have the right to speak, take part in the debate and vote. Members attending under this provision do not form part of any consideration of Quorum which must be calculated on the membership of the Panel considering the

²⁵ Amendment approved 25 February 2010

²⁶ Amendment approved 25 February 2010

matter. For the avoidance of doubt this provision does not create a public speaking right further to section 12 of the Code of Conduct for Members.

22.1B Where an Overview and Scrutiny Panel is considering a matter referred to it pursuant to section 16.1A (Petition Calling Officers to Account) then any member of Overview and Scrutiny may attend the Panel for the purposes of that item and shall have the right to speak, ask questions, take part in the debate and vote. Members attending under this provision do not form part of any consideration of Quorum which must be calculated on the membership of the Panel considering the matter. For the avoidance of doubt this provision does not create a public speaking right further to section 12 of the Code of Conduct for Members.²⁷

22.1C Where a matter is not covered by rules 22.1A or 22.1B above, and if the matter could be considered by more than one Panel separately, and if it is considered by the Chairmen of the Panels concerned acting together that the matter is of such significance that one panel alone should not consider it. Then they may agree that one Panel shall consider the matter but that the members of the other relevant Panel(s) may attend the Panel for the purposes of that item and shall have the right to speak, take part in the debate and vote. Members attending under this provision do not form part of any consideration of Quorum which must be calculated on the membership of the Panel considering the matter. For the avoidance of doubt this provision does not create a public speaking right further to section 12 of the Code of Conduct for Members.²⁸

22.2 Where a Review Team conducts a review of a matter which also falls (whether in whole or in part) within the remit of another such Team, then the Team conducting the review shall invite the Chairman of the other Team(s) (or his/her nominee) to attend its meeting when the matter is being reviewed.

²⁷ Amendment approved 29 July 2010

²⁸ Amendment approved 16 December 2010

TABLE 1²⁹:
TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY PANELS:

OVERVIEW AND SCRUTINY PANEL³⁰

1. To formulate and co-ordinate its work programme relating to policy and performance issues, including the programme of any task and finish groups it appoints, to ensure that there is efficient use of the Panel's and task and finish groups' time, and that the potential for duplication of effort is minimised.
3. To receive requests from the Executive and/or the Full Council for reports from the Overview and Scrutiny Panels as appropriate and to allocate them if appropriate to one or more Overview and Scrutiny task and finish Groups.
4. To put in place and maintain a system to ensure that referrals from Overview and Scrutiny to the Executive, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution.
5. At the request of the Executive to make decisions about the priority of referrals made, in the event of reports to the Executive exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business.
6. To perform the Overview and Scrutiny role in relation to the following matters:
 - (a) the development of the Council's Corporate Plan
 - (b) the development of the Council's annual budget;
 - (c) the development of the medium-term financial strategy;
 - (d) to review and scrutinise the Council's performance in relation to the Corporate Plan and associated budgetary management;
 - (e) the development of the Council's community strategy to promote the economic, social and environmental well-being of the area;
 - (f) the development of the Council's planning policies (including the Local Development Framework and other plans for the use and development of land);
 - (g) identifying and promoting best practice in relation to service delivery;
 - (h) monitoring and assessing quality of service across the Council;

²⁹ Amendment approved 25 February 2010

³⁰ Amendment approved 19 May 2011

- (i) reviewing information from satisfaction surveys;
- (j) co-ordinating and publishing information on service performance;
- (k) receiving reports on quality and service from the Executive, officers and committees and recommending improvements as appropriate;
- (l) to review and scrutinise the performance of other local service providers or body in relation to the economic, social or environmental well-being of the District.
- (m) to make recommendations to any other person or body to maintain or improve the economic, social or environmental well-being of the District
- (n) contributing to the development of policies other than those specified in the policy framework, including in relation to
 - i) leisure, arts, sport, cultural and recreational activities;
 - ii) the regeneration of communities in the area;
 - iii) social inclusion and the Council's specific initiatives to promote it;
 - iv) the physical regeneration of the area including economic development;
 - v) health, housing and social care;
 - vi) the protection and enhancement of the environment;
 - vii) public protection;
 - viii) lifelong learning;
 - ix) the development of partnerships with external organisations;