

## Part 4E: Overview and Scrutiny Procedure Rules

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## Overview and Scrutiny Procedure Rules

### 1. What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will have a Corporate Overview and Scrutiny Management Board and the Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. The Board and such Committees may appoint smaller groups to carry out detailed examination of particular topics for report back to them. Such Groups may be appointed for a fixed period on the expiry of which they shall cease to exist.

### 2. Who may sit on Overview and Scrutiny Committees?

All Councillors except Members of the Executive, the Executive Support Members and the Chair of the County Council shall be eligible for appointment as Members of the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

### 3. Co-optees

Each thematic Scrutiny Committee shall be entitled to appoint a maximum of two people as non-voting co-optees either as standing members of the Committee or on a time limited basis. The selection and nomination of co-opted members shall be in accordance with the Protocol agreed by the Corporate Overview and Scrutiny Management Board.

### 4. Education representatives

The Children and Young People's Overview and Scrutiny Committee in dealing with education matters shall include in its membership the following voting representatives:

- (a) 2 Church of England diocese representative;
- (b) 2 Roman Catholic diocese representative; and
- (c) 3 parent governor representatives.

The Children and Young Peoples Overview and Scrutiny Committee is considered to be the Scrutiny Committee of the Local Education Authority, where the Committee's functions relate wholly or in part to any education

functions which are the responsibility of the authority's Executive. If the Children and Young Peoples Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

In the event of any Educational related matter being subject to Call-in, the 7 voting faith and parent governor representatives shall be invited to attend the Corporate Overview and Scrutiny Management Board that considers that Call-in.

## **5. Meetings of the Corporate Overview and Scrutiny Management Board and Scrutiny Committees**

- (a) There shall be at least 6 ordinary meetings of the Corporate Overview and Scrutiny Management Board in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Corporate Overview and Scrutiny Management Board meeting may be called by the Chair of the Corporate Overview and Scrutiny Management Board or by the Director of Legal and Democratic Services if they consider it necessary or appropriate.
- (b) There shall be at least four meetings of each Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee may be called by the Chair of the relevant Committee or by the Director of Legal and Democratic Services if they consider it necessary or appropriate.
- (c) The Corporate Overview and Scrutiny Management Board and the Scrutiny Committees may set up ad hoc groups including non-voting co-opted members to carry out specific projects and report their findings to the appointing Board or Committee.
- (d) The Chair and Vice-Chair of the Corporate Overview and Scrutiny Management Board acting together shall be authorised to take urgent action in relation to the allocation of projects to a Scrutiny Committee or an ad hoc group following consultation with the appropriate Chair of a Scrutiny Committee.

## **6. Adults, Well-Being and Health Scrutiny Committee**

The Adults Well-Being and Health Scrutiny Committee shall have powers to deal with routine matters within its jurisdiction subject to reporting for information to the Corporate Overview and Scrutiny Management Board. The Committee shall have the enhanced review and scrutiny powers in line with provisions in Health and Social Care Act 2012, including power of referral to the Secretary of State for Health. In the event of a proposed referral to the

Secretary of State for Health, a report shall be submitted to the County Council for information, prior to submission.

## **7. Quorum**

The quorum for a Corporate Overview and Scrutiny Management Board or a Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

## **8. Who Chairs Overview and Scrutiny Committee meetings?**

- (a) There shall be a Chair and a Vice-Chair of the Corporate Overview and Scrutiny Management Board and each Scrutiny Committee.
- (b) In the absence of a Chair the Vice-Chair can exercise the powers of the Chair.
- (c) The Chair and the Vice-Chair of the Corporate Overview and Scrutiny Management Board shall be entitled to attend each Scrutiny Committee as an ex-officio member.

## **9. Work programme**

Each Scrutiny Committee will, following consultation with the Chair and Vice-Chair of the Corporate Overview and Scrutiny Management Board, set its own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

## **10. Agenda items**

- (a) Any Member of the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Director of Legal and Democratic Services that they wish an item relevant to the functions of the Board, Committee or Sub-Committee to be included on the agenda for the next available meeting of the Board, Committee or Sub-Committee. Seven working days notice of the item should be given to the Director of Legal and Democratic Services together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

On receipt of such a request, so long as it is an appropriate matter to be considered, the Director of Legal and Democratic Services will ensure that it is included on the next available agenda.

- (b) Any Member of the Authority shall be entitled to give notice to the Director of Legal and Democratic Services that they wish an item relevant to the functions of the Board, Committee or Sub-Committee to be included on the agenda for the next available meeting of the Board, Committee or Sub-Committee, providing that it is not an excluded matter. Seven working days' notice of the item should be given to the Director of Legal and Democratic Services together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

On receipt of such a request, so long as it is an appropriate matter to be considered, the Director of Legal and Democratic Services will ensure that it is included on the next available agenda.

- (c) The Corporate Overview and Scrutiny Management Board and the Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and/or the Executive to review particular areas of Council activity. Where they do so, the Corporate Overview and Scrutiny Management Board shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Corporate Overview and Scrutiny Management Board or Scrutiny Committee within one month of receiving it.

## 11. Policy review and development

- (a) The role of the Corporate Overview and Scrutiny Management Board in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Corporate Overview and Scrutiny Management Board may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) The Corporate Overview and Scrutiny Management Board and the Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers 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 that they reasonably consider necessary to inform their deliberations. 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.

## 12. Reports from the Corporate Overview and Scrutiny Management Board and Scrutiny Committees

- (a) All formal reports from Scrutiny Committees will be reported to the Corporate Overview and Scrutiny Management Board before submission to the Executive or the Council except in special circumstances with the agreement of the Chair and Vice-Chair of the Corporate Overview and Scrutiny Management Board.
- (b) Once it has formed recommendations on proposals for development, the Corporate Overview and Scrutiny Management Board will prepare a formal report and submit it to the Director of Legal and Democratic Services for consideration by the Executive (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).
- (c) If the Corporate Overview and Scrutiny Management Board cannot agree on one single final report to the Council or Executive as appropriate, one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (d) The Council or Executive shall consider the report of the Corporate Overview and Scrutiny Management Board within one month of it being submitted to the Director of Legal and Democratic Services.

## 13. Making sure that Overview and Scrutiny reports are considered by the Executive

- (a) The agenda for Executive meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. The reports of the Corporate Overview and Scrutiny Management Board referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Executive within two months, the Executive will give an explanation of the reasons to the Chair of the Corporate Overview and Scrutiny Management Board as soon as practicable.
- (b) The Corporate Overview and Scrutiny Management Board and the Scrutiny Committees will have access to the Executive's Notice of Key Decisions and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Corporate Overview and Scrutiny Management Board following a consideration of possible policy/service developments, the Board will

be able to respond in the course of the Executive's consultation process in relation to any key decision.

- (c) Where the Executive has delegated decision-making power to another individual member of the Executive the Corporate Overview and Scrutiny Management Board will submit a copy of their report to them for consideration. At the time of doing so the Corporate Overview and Scrutiny Management Board shall serve a copy on the Director of Legal and Democratic Services. The Member with delegated decision-making power must consider the report and respond in writing to the Corporate Overview and Scrutiny Management Board within four weeks of receiving it. A copy of their written response to it shall be sent to the Director of Legal and Democratic Services and the Leader. The Member will also attend a future meeting of the Corporate Overview and Scrutiny Management Board to present their response.

#### **14. Rights of the Corporate Overview and Scrutiny Management Board and Scrutiny Committee Members to documents**

- (a) In addition to their rights as Councillors, Members of the Corporate Overview and Scrutiny Management Board and the 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 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Management Board and the Scrutiny Committees as appropriate depending on the particular matter under consideration. Indeed, the aim will be to develop a positive and constructive relationship between the Executive and the Overview and Scrutiny function.

#### **15. Members and Officers giving account**

- (a) The Corporate Overview and Scrutiny Management Board and any 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 of the Executive, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
  - (i) any particular decision or series of decisions;
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performance



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

- (b) For this purpose, senior officer includes any chief officer, deputy chief officer, third tier officer and other appropriate senior officer. Where there are concerns about the appropriateness of the officer who should attend, the relevant chief officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- (c) Where any member or officer is required to attend the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee under this provision, the Chair of that Committee will inform the Director of Legal and Democratic Services. The Director of Legal and Democratic Services shall inform the member or officer, if necessary in writing, giving at least 7 working days' notice of the meeting at which they are required to attend (unless agreed otherwise). Any notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Board or Committee.

Where the account to be given to the Corporate Overview and Scrutiny Management Board or Scrutiny Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (d) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Corporate Overview and Scrutiny Management Board or Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

## 16. Attendance by others

The Corporate Overview and Scrutiny Management Board or a Scrutiny Committee may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

## 17. Call-in

- (a) The Corporate Overview and Scrutiny Management Board has the power to call in decisions made by the Executive (which term shall also include a Joint Committee) but not yet implemented. The purpose is to consider whether to recommend that a decision be reviewed by the Executive. This is a power which should only be used in exceptional



circumstances and cannot be used in respect of day-to-day management and operational decisions.

- (b) When a decision is made by the Executive, an individual member of the Executive with delegated powers or under joint arrangements, notice of the decision shall be published on the Council website normally within 2 working days of being made. All Overview and Scrutiny Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (c) 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 5 working days after the publication of the decision, unless the decision is called in under the provisions set out below.
- (d) Within that period:
  - (i) the Chair or, in their absence the Vice-Chair of the Corporate Overview and Scrutiny Management Board; or
  - (ii) any five members of the Corporate Overview and Scrutiny Management Board or the Scrutiny Committee within whose remit the decision falls

may sign a notice requesting that the decision is called in and submit the notice to the Director of Legal and Democratic Services. The notice should give reasons for the request for call-in, having regard to the principles of decision making set out in Article 10 of this Constitution.

- (e) On receipt of the notice the Director of Legal and Democratic Services will, as soon as possible, seek the views of the Chair or in their absence, the Vice-Chair of the Corporate Overview and Scrutiny Management Board, or in the absence of both, a Chair or Vice-Chair of another Scrutiny Committee.
- (f) The Chair or Vice-Chair to whom the request is referred will consider whether the request is reasonable. They will take account of whether a case has been made out for calling in the decision and whether delaying the implementation of the decision would be likely to cause significant damage to the Council's interests. They will have regard to the advice of the Monitoring Officer and Chief Finance Officer, where appropriate, in conjunction with the Scrutiny Officer, on this point.
- (g) If it is considered that the request for call-in is reasonable, the Director of Legal and Democratic Services will convene a meeting of the Corporate Overview and Scrutiny Management Board within 7 working

days, after consulting the Chair of the Board about the date. The Board will then proceed as in sub-paragraph (i) below.

- (h) If the Chair or Vice-Chair to whom the request is referred considers that the request is unreasonable the decision will not be called in. The decision of the Chair or Vice Chair will be communicated to the signatories to the Call-in request within 2 working days. The Director of Legal and Democratic Services will submit a report to the next available meeting of the Corporate Overview and Scrutiny Management Board giving details of the request and Chair's/Vice-Chair's reasons for refusing it.
- (i) Where the Corporate Overview and Scrutiny Management Board considers a call-in request, the format of the meeting will be as follows:-
- after the Chair opens the meeting the members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed;
  - on matters of particular relevance to a particular electoral division, electoral division members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Electoral division members will take no further part in the discussion or vote. Electoral division members must register their request to speak by contacting the Director of Legal and Democratic Services by 12 noon one working day prior to the relevant hearing;
  - the relevant portfolio holder (or holders if more than one is relevant) will then be invited to make any comments;
  - the relevant Corporate Director or their representative will advise the Board on the background and context of the decision and its importance to achieving Service priorities;
  - Board members will ask questions of members and officers in attendance;
  - the portfolio holder(s) will be invited to make any final comments on the matter.

The Board, after considering the evidence presented to the meeting, will make one of the following decisions:

- to take no further action, in which case the decision will take effect immediately;

- to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Board's concerns; the decision-maker must then re-consider the matter with a further 10 working days, taking into account the concerns of the Corporate Overview and Scrutiny Management Board, before making a final decisions;
  - to refer the matter to full Council, in which case paragraph (k) below will apply; or
  - to refer the matter to a sub group of the Board for further consideration and report back to the Board within a specified period not exceeding 14 days, in which case the Board will, at its reconvened meeting take one of the decisions set out above; if the Board does not reconvene within 14 days or does reconvene but does not refer the matter back to the decision maker or to the full Council, the decision will take effect on the date of the reconvened Board meeting or the expiry of that further 14 day period, whichever is the earlier.
- (j) If, following a request for call-in, the Corporate Overview and Scrutiny Management Board does not meet in the period set out above, or does meet but does not refer the matter back to the decision maker or to full Council, the decision will take effect on the date of the relevant Board meeting, or the expiry of that further 7 working day period, whichever is the earlier.
- (k) If the matter is referred 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, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision maker, together with the Council's views on the decision. That decision maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (l) If the Council does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

## 18. Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (a) that the Corporate Overview and Scrutiny Management Board may only call-in a maximum of 3 decisions per three month period;
- (b) that call-in can be invoked in respect of a decision only once;
- (c) that call in will not apply to individual decisions made by the Audit Committee, the County Planning Committee or Area Planning Committees, the Highways Committee, the Statutory Licensing Committee, the General Licensing and Registration Committee, the Appeals and Complaints Committee, the Chief Officers' Appointments Committee, the Standards Committee or the Human Resources Committee, or any Sub-Committee of those Committees.

## 19. Call-in and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by 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 whether in the opinion of the decision maker, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Council in consultation with the Chair of the Corporate Overview and Scrutiny Management Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair of the Council, the Vice-Chair's consent shall be required (again in consultation with the Chair of the Corporate Overview and Scrutiny Management Board). In the absence of both the Chair and Vice-Chair of the Council, the Chief Executive or their nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

## 20. Reports to the Local Authority where the key decision procedure is not followed

20.1 Where an executive decision has been made and:-

- (a) was not treated as being a key decision; and
- (b) a relevant overview and scrutiny committee are of the opinion that the decision should have been treated as a key decision,

that overview and scrutiny committee may require the executive which is responsible for the decision to submit a report to the relevant local authority within such reasonable period as the committee may specify.

20.2 A report under paragraph 22.1 must include details of:-

- (a) the decision and the reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if the executive of the relevant local authority are of the opinion that the decision was not a key decision, the reasons for that opinion.

## 21. Independence

The purpose of Overview and Scrutiny is to hold decision-makers to account. Members of the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee should, therefore, approach any Scrutiny process in an open manner irrespective of political allegiance.

## 22. Procedure at Overview and Scrutiny Committee meetings

- (a) The Corporate Overview and Scrutiny Management Board and Scrutiny Committees shall consider the following business:
  - (i) minutes of the last meeting;
  - (ii) declarations of interest;
  - (iii) consideration of any matter referred to the Board or Committee for a decision in relation to call in of a decision;
  - (iv) responses of the Executive to reports of the Overview and Scrutiny Board;
  - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Corporate Overview and Scrutiny Management Board or a Scrutiny Committee conduct investigations (e.g. with a view to policy development), the Board or Committees may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all Members of the Board or Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy;
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Board or Committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

### **23. Councillor Call for Action**

- (a) The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council, via the Scrutiny process.
- (b) Any Member may request that an item is placed on the agenda of the Corporate Overview and Scrutiny Management Board for consideration. The Member making that request does not have to be a member of the Overview and Scrutiny Management Board or any Scrutiny Committee.
- (c) The Call for Action should be an option of “last resort”. In considering whether to refer to a matter in accordance with these provisions, Members must have regard to relevant guidance issued by the Secretary of State. A Call for Action will only be included on the Corporate Overview and Scrutiny Management Board agenda if the Chair, in consultation with the Monitoring Officer, is satisfied that:
  - (i) the Member has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners; and
  - (ii) the issue of concern is a matter in respect of which the Council has a statutory power or duty and is not precluded by adopted Council policy or legislation; and
  - (iii) the issue of concern has a demonstrable impact on a part or the whole of the Member’s electoral division

and accordingly information to support the above matters should accompany the Call for Action request.

- (d) A Call for Action cannot, in any event, relate to:
  - (i) a planning decision;
  - (ii) a licensing decision;
  - (iii) any matter concerning an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
  - (iv) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Corporate Overview and Scrutiny Management Board.
  - (v) any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.
- (e) If the Chair rejects the Call for Action the Member who made the request shall be provided with reasons for the decision.
- (f) A valid Call for Action will be considered at the next ordinary meeting of the Corporate Overview and Scrutiny Management Board or at a special meeting of the Board within 14 days of validation whichever is the sooner. The Board may either decide to consider the matter itself or refer it to the appropriate Scrutiny Committee.
- (g) The subject matter of the Call for Action will be the subject of a report from the relevant Corporate Director, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Corporate Overview and Scrutiny Management Board or Scrutiny Committee meeting to provide that information, make representations and answer questions.
- (h) The Call for Action will be considered by the Corporate Overview and Scrutiny Management Board or Scrutiny Committee in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access to Information Procedure Rules of the Constitution.
- (i) The Member who referred the matter under sub-paragraph (b) above may address the Corporate Overview and Scrutiny Management Board or Scrutiny Committee in respect of the Call for Action for up to 10 minutes.
- (j) The Corporate Overview and Scrutiny Management Board or Scrutiny Committee may also consider representations from any residents of



the electoral division affected by the Call for Action, subject to the discretion of the Chair.

- (k) If the Call for Action concerns issues that fall within the remit of the Cabinet, the relevant Cabinet Portfolio Member shall also attend the Corporate Overview and Scrutiny Management Board or Scrutiny Committee to answer questions and make any representations.

## **24. Reports and Recommendations on Calls for Action**

- (a) Where the Corporate Overview and Scrutiny Management Board or Scrutiny Committee makes a report or recommendations to the Council or the Executive as a result of a reference under paragraph 22 above, the Corporate Overview and Scrutiny Management Board or Scrutiny Committee may publish the report, subject to the provisions of Part 5 of the Local Government Act 2000 (as amended) in relation to confidential or exempt information.
- (b) The Corporate Overview and Scrutiny Management Board or Scrutiny Committee will, by notice in writing to the Director of Legal and Democratic Services, require the Council or Executive:
  - (i) to consider the report or recommendations,
  - (ii) to respond to the Corporate Overview and Scrutiny Management Board or Scrutiny Committee indicating what, if any action the Council or Executive proposes to take,
  - (iii) if the Corporate Overview and Scrutiny Management Board or Scrutiny Committee has published the report or recommendations, to publish the response, subject to the provisions of Part 5 of the 2000 Act relating to confidential or exempt information,
  - (iv) if the Corporate Overview and Scrutiny Management Board or Scrutiny Committee provided a copy of its report or recommendations to the Member who referred the matter to the Board, to provide that Member with a copy of the response, subject to the provisions of Part 5 of the 2000 Act in relation to confidential or exempt information,

and to do so within two months of the date when the Council or Executive received the report or recommendations or (if later) the date when the Director of Legal and Democratic Services received the notice.

## 25. Scrutiny of Crime and Disorder Matters

- (a) The Safer and Stronger Communities Scrutiny Committee may make a report or recommendations to the Council with respect to any local crime and disorder matter in relation to a Member of the Council.

(NOTE - A local crime and disorder matter in relation to a Member means any matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment);
- the misuse of drugs, alcohol or other substances which affects all or part of the Member's electoral area (or any person who lives or works in that area)).

- (b) Any Member of the Council may give notice to the Director of Legal and Democratic Services that they wish an item which they consider to be a crime and disorder matter to be included on the agenda for discussion at the next meeting of the Safer and Stronger Communities Scrutiny Committee.
- (c) On receipt of the request, the Director of Legal and Democratic Services will ensure that the item is included on the next available agenda for consideration by the Safer and Stronger Communities Scrutiny Committee.
- (d) Sub-paragraphs (g) to (k) of paragraph 23 above shall apply to the consideration of a crime and disorder matter by the Safer and Stronger Communities Scrutiny Committee as they apply to the consideration of a Call for Action by the Corporate Overview and Scrutiny Management Board or relevant Scrutiny Committee.
- (e) If the Safer and Stronger Communities Scrutiny Committee decides not to make a report or recommendation to the Council in relation to the crime and disorder matter, it must notify the Member who referred the matter of its decision and the reasons for it.
- (f) Where the Committee makes a report or recommendations to the Council it must:
- (i) provide a copy of the report or recommendations to the Member who referred the matter to the Committee and
  - (ii) provide a copy of the report or recommendations to such of:

- the responsible authorities (within the meaning of Section 5 of the Crime and Disorder Act 1998); and
- the co-operating persons and bodies (i.e. those persons and bodies with which the responsible authorities have a duty to co-operate under Section 5(2) of the Crime and Disorder Act 1998);

as it thinks appropriate.

- (g) Where the Safer and Stronger Communities Scrutiny Committee makes a report or recommendations to the Council or provides a copy of a report or recommendations under sub-paragraph (f)(ii) above, the Committee must notify the Council, body or person to whom it makes or provides a copy of the report or recommendations that the Council, body or person must:
- (i) consider the report or recommendations;
  - (ii) respond to the Safer and Stronger Communities Scrutiny Committee indicating what (if any) action it proposes to take;
  - (iii) have regard to the report or recommendations in exercising its functions.
- (h) For the purpose of carrying out its functions under the Crime and Disorder (Overview and Scrutiny) Regulations, 2009, the Safer and Stronger Communities Scrutiny Committee will meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of the crime and disorder functions, no less than twice in every 12 month period.
- (i) Where the Safer and Stronger Communities Scrutiny Committee makes a report or recommendations to a responsible authority or to a co-operating person or body in accordance with section 19(8)(b) of the Police and Justice Act, 2006, the Committee shall review the responses received and monitor the action (if any) taken by the relevant authority, person or body in accordance with its powers under section 19(1) of the 2006 Act.

## **26. Consideration of requests to review how a petition has been dealt with under the Petitions process.**

- (a) Whilst there is no automatic right of review as to how a petition has been dealt with within the Council's petitions process, if a petitioner feels that we have not dealt with their petition properly, the petition organiser may

request that the Council's Corporate Overview and Scrutiny Management Board review the response to the petition. The request should be accompanied by a short explanation of the reasons why the Council's response is not considered to be adequate.

- (b) The Chair of the Corporate Overview and Scrutiny Management Board, in consultation with the Council's Monitoring Officer and Scrutiny Officer will determine if the request is believed to merit consideration at the Corporate Overview and Scrutiny Management Board or the appropriate Overview and Scrutiny Committee.
- (c) If the request to review the Council's determination of the petition is agreed the Corporate Overview and Scrutiny Management Board or the appropriate Overview and Scrutiny Committee will endeavour to consider the request at the next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.
- (d) Should the Board / Committee determine that we have not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council's Executive or referring the matter for consideration by full Council.
- (e) Once a request to review the petition response has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on the council's website.
- (f) Full details of the review mechanism can be found within the Council's petitions process, which can be found on the Council's website.