

# Appendix 2

## Article 10 - Overview and Scrutiny Committee

### 10.01 Membership

12 Members of the Council.

### Delegation of functions

See Scheme of Delegation (Part 7).

### Functions

The Committee will discharge the functions conferred by Section 21 of the Local Government Act 2000 ~~and Local Authorities (Committee System) (England) Regulations 2012/1020~~, ~~or Regulations under Section 32 of the Local Government Act 2000.~~

In addition the committee will:

- (i) assist the Council and the Cabinet in the development of its budget and policies, with particular responsibility for Treasury Management;
- (ii) challenge the boundaries of existing policies and think creatively about possible new policies or solutions to problems;
- (iii) conduct research, community and other consultation and to consider possible options;
- (iv) make a positive contribution to the improvement of services;
- (v) liaise with external organisations operating in the area, to ensure that the interests of local people are enhanced by collaborative working;
- (vi) ~~review and scrutinise the decisions made by and performance of the Cabinet or individual portfolio holders and by Council officers where decisions have been delegated, both in relation to individual decisions and over time;~~ review and scrutinise the decisions made or other action taken, in connection with the discharge of any functions of the authority;
- (vii) review and scrutinise the performance of the Cabinet in relation to the Council's policy objectives, performance targets and/or particular service areas;
- (viii) make recommendations to the Cabinet and/or the Council arising from the scrutiny process;
- (ix) to make reports or recommendations to the Cabinet and/or the Council on matters which affect the authority's area or the inhabitants of that area;

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- (xix) undertake the Council's statutory requirements to scrutinise the Crime and Disorder partnership, ~~and;~~ ~~and;~~
- (xi) consider any Councillor Call for Action (CCfA) submitted to it by the Democratic Services and Scrutiny Manager. If appropriate, the Committee will make recommendations to the Cabinet, in accordance with the procedures set out in the Council's CCfA Scheme (Part 5.09).

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## Overview and Scrutiny Procedure Rules

### **1. Appointment of the Overview and Scrutiny Committee, Sub-Committees and Task and Finish Groups**

- 1.1 The Council will appoint an Overview and Scrutiny Committee with the Terms of Reference set out in Article 10.
- 1.2 The Committee may appoint one or more sub-committees, and may arrange for the discharge of any of its functions by any such sub-committee. The Terms of Reference for each Sub-Committee will be agreed by the Overview and Scrutiny Committee.
- 1.3 Sub-Committees may appoint Task and Finish Groups to consider in detail a specific issue, or to review the effectiveness of a policy or delivery of a service within its Terms of Reference. There shall be no more than one Task and Finish Group per Sub-Committee at any one time.
- ~~1.4~~ 2 The Committee may appoint Task and Finish Groups to consider in detail a specific issue, or to review the effectiveness of a policy or delivery of a service within its Terms of Reference.

### **2. Membership of the Overview and Scrutiny Committee, Sub-Committees and Task and Finish Groups**

- 2.1 The Overview and Scrutiny Committee will comprise 12 members who will be appointed in accordance with the political balance rules.
- 2.2 All Councillors, except members of the Cabinet, may be members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.
- 2.3 The sub-committees appointed by the Overview and Scrutiny Committee will comprise of no more than eight members, and will reflect the political balance of the council. Membership of the sub-committees will be agreed by the Overview and Scrutiny Committee.
- ~~2.4~~ 3 The number of members on a Task and Finish Group ~~will be decided by the Overview and Scrutiny Committee, but~~ will not normally be less than 5 or more than 10.
- ~~2.5~~ 4 All non-executive Councillors will normally be invited to express an interest in being a member of a Task and Finish Group. The membership of each Task and Finish Group will then be ~~decided~~ agreed either by the Overview and Scrutiny Committee or by a mechanism agreed by the Committee. There is no requirement for Task and Finish Groups to be politically balanced.
- ~~2.6~~ 5 There is an expectation that most Task and Finish Groups will complete their work and submit a report to Cabinet within ~~3 to 6~~ three to six months. There will not, normally, be more than ~~three~~ 3 Task and Finish Groups active at any one time, including Task and Finish Groups commissioned by a sub-

~~committee. The number of Task and Finish Groups active at any one time is a matter for the Overview and Scrutiny Committee but will take into account the available resources in terms of Member and officer time. In view of financial constraints and capacity issues, it is expected that around 6 Task and Finish reviews will be undertaken each year.~~

### **3. Meetings of the Overview and Scrutiny Committee, Sub-Committees and Task and Finish Groups**

- 3.1** Ordinary meetings of the Overview and Scrutiny Committee will be programmed to take place at approximately ~~six~~<sup>6</sup> weekly intervals. Dates will be published by the Democratic Service and Scrutiny Manager at the beginning of each Council Year.
- 3.2** An additional Overview and Scrutiny Committee meeting may be called by the Chairman, by any ~~four~~<sup>4</sup> members of the Committee or by the Democratic Services and Scrutiny Manager.
- 3.3** If necessary or appropriate, a meeting of an Overview and Scrutiny Committee may be cancelled or re-arranged by the Democratic Services and Scrutiny Manager, in consultation with the Chairman.
- 3.4** Meetings of each Sub-Committee will be convened no more than quarterly by the Democratic Services and Scrutiny Manager.
- 3.5** Dates and times will be published by the Chief Executive in the Calendar of Meetings and agreed by Full Council.
- 3.6** An additional meeting of a sub-committee may be called by the Chair, by any three members or by the Democratic Services and Scrutiny Manager.
- 3.7** If necessary or appropriate a meeting of a Sub-Committee may be cancelled or re-arranged by the Democratic Services and Scrutiny Manager, in consultation with the Chair.
- 3.8**<sup>4</sup> Meetings of each Task and Finish Group will be convened by the Democratic Services and Scrutiny Manager in consultation with the Chairman of that Group. Task and Finish Groups will meet as frequently as necessary to complete their designated task within the proposed timescale.
- 3.9**<sup>5</sup> Each Task and Finish Group will decide whether its meetings will be held in public or in private. Final reports and, if necessary, interim reports will be submitted to the Overview and Scrutiny Committee and, unless they contain exempt or confidential information as specified in the Access to Information Procedure Rules, will be made public at that stage.

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### **4. Quorum**

- 4.1** The quorum for meetings of the Overview and Scrutiny Committee shall be ~~four~~<sup>three</sup> members.
- 4.2** The minimum number for a meeting of a Sub-Committee or -Task and Finish Group shall be three members.

## 5. **Chairman of the Overview and Scrutiny Committee**

- 5.1 The Chairman and Vice-Chairman of the Overview and Scrutiny Committee will be elected at the first meeting in each Council year, from among the members of the Committee with reappointments being made annually.

## 6. **Chairmen of Sub-Committees**

- 6.1 The Chairman will be elected from among members of the Overview and Scrutiny Committee and elected annually by the Sub-Committee.

## 7. **Chairmen of Task and Finish Groups**

- 7.1 The Chairman of each Task and Finish Group will be elected at the first meeting of the Group by the Overview and Scrutiny Committee, and may be from any political party.

## 8. **Work Programme**

- 8.1 A work programme, including both proposed Task and Finish Group reviews and key issues for consideration by the Committee, will be approved by the Overview and Scrutiny Committee.

- 8.2 The programme will be developed annually after taking into account the views of the Cabinet, the Management Team, members of the Committee and following consultation with all Councillors.

- 8.3 A work programme for each appointed Sub-Committee will be developed in consultation with officers and approved by the Sub-Committee.

- 8.4~~7.~~ When considering items for inclusion in the work programme, the Overview and Scrutiny Committee and its Sub-Committees will have regard to any criteria currently in place for choosing such items.

## 9. **Agenda Items**

- 9.1 Any Councillor shall be entitled to give notice to the Democratic Services and Scrutiny Manager that he/she wishes an item relevant to the functions of ~~an~~ Overview and Scrutiny to be included on the agenda for the next available meeting of the Committee or relevant Sub-Committee. On receipt of such a request, the Democratic Services and Scrutiny Manager will consult with the Chairman (or in his/her absence the Vice-Chairman) who will decide whether or not the item will be included on an Agenda for a meeting of the Committee. If an item is included on the agenda, the Councillor requesting it will be entitled to speak at that meeting.

- 9.2 The Overview and Scrutiny Committee and Sub-Committees will monitor and manage their ~~its~~ work programmes to ensure a suitable response can

be made to unforeseen activities or requests to carry out additional items of work. Where required to do so, the Overview and Scrutiny Committee and its Sub-Committees shall report their findings and any recommendations on such activities to the Cabinet and/or Council.

#### **109. Conduct of Reviews**

**109.1** The Overview and Scrutiny Committee, Sub-Committees or Task and Finish groups appointed by it may hold hearings and investigate available options. 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 any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

**109.2** Where the Overview and Scrutiny Committee, a Sub-Committee or a Task Group asks people to attend to give evidence the meeting should be conducted in accordance with the following principles:

- (a) all members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak; and
- (b) those assisting the Committee by giving evidence will be treated with respect and courtesy.

#### **1140. Reports from Task and Finish Groups to the Overview and Scrutiny Committee**

**1140.1** When a Task and Finish Group has completed a review, a report describing the method of the review, and setting out its findings, conclusions and recommendations, will be submitted to the Overview and Scrutiny Committee. If agreement on a final report cannot be reached, one minority report may be proposed and submitted to the Overview and Scrutiny Committee. Prior to consideration by the Committee of the report(s) the Council's Corporate Management Team will be given an opportunity to comment on any proposals or recommendations made, particularly on any legal or financial implications.

#### **124. Reports from Task and Finish Groups to the Overview and Scrutiny Sub-Committees**

**12.1** When a Task and Finish Group has completed a review, a report describing the method of the review and setting out its findings, conclusions and recommendations, will be submitted to the relevant Sub-Committee. Prior to the consideration by the Sub-Committee, the Corporate Management Team will be given the opportunity to comment on any proposals or recommendations made, particularly on any legal or financial implications.

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**12.2** If the Chair of the Sub-Committee agrees, the report can be submitted to the Overview and Scrutiny Committee for their consideration if it is deemed that the matter is urgent and cannot wait until the next scheduled meeting of the Sub-Committee.

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### **13. Reports from Overview and Scrutiny Sub-Committees to Cabinet**

**13.1** When a Sub-Committee has considered the report of a Task and Finish Group, it will forward the report to Cabinet with its endorsement of the recommendations made and any other comment it wishes to make. Cabinet will consider the recommendations and either accept or reject the recommendations.

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**13.2** A Sub-Committee may also submit recommendations to the Cabinet on issues considered by the Sub-Committee itself, without review by a Task and Finish Group.

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### **14. Report From the Overview and Scrutiny Committee to the Cabinet**

**11.1** When it has considered the report(s) of a Task and Finish Group the Committee will forward the report(s) to the Cabinet, with its endorsement of the recommendations made or any other comment it wishes to make.

**11.2** The Committee may also submit recommendations to the Cabinet on issues considered by the Committee itself, without a review by a Task Group.

**11.3** Reports will be submitted to the Cabinet under the name of both the Chairman of the Overview and Scrutiny Committee and, if relevant, the Chairman of the Task Group which has undertaken a review and they will be permitted to present the report to the Cabinet.

**11.4** The Cabinet's response to each of the recommendations made will be reported by the Democratic Services and Scrutiny Manager to the next meeting of the Overview and Scrutiny Committee.

**11.5** Any recommendations of the Overview and Scrutiny Committee which would have an impact on the budget or policy framework, which are accepted by the Cabinet will be submitted to the Council for consideration before any changes are implemented.

**11.6** The Chairman of the Overview and Scrutiny Committee will submit periodic reports on its activities to the Council, including the work of any appointed Sub-Committees.

### **15. Attendance by Members and Officers to Provide Information and Answer Questions**

**12.1** The Overview and Scrutiny Committee and Sub-Committees can ask any member of the Cabinet, the Chief Executive and/or any other senior Officer (Director/ Head of Service/Service Manager or an appropriate senior manager nominated by the Head of Service) 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.

**15.2.** Where, in exceptional circumstances, the relevant Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee and its Sub-Committees shall, in consultation with the Member or Officer, arrange an alternative date for attendance to take place as soon as possible.

**15.3.** The Overview and Scrutiny Committee may also invite a representative of an external organisation to provide information or to answer questions at a meeting (for example, representatives of Wyre's Community Safety Partnership, the Lancashire North Integrated Care Board, the Police and Crime Panel for Lancashire, and the council's representative on the Lancashire County Council Health and Adult Services Scrutiny Committee).

**15.4.** In addition to the provisions in paragraph 12.1 one member of the Cabinet will normally be invited to attend each ordinary meeting of the Overview and Scrutiny Committee, on a rota basis, to report progress on key objectives within their portfolio, to provide information on any forthcoming decisions within their area of responsibility (including those listed in the Schedule of Executive Decisions) and to answer questions from Members of the Committee.



**16.3. Call-In of Executive Decisions**

**16.3.1** When a decision is made by the Cabinet, or an individual member of the Cabinet, or a key decision is made by an Officer with delegated authority from the Cabinet, the decision shall be published, normally within two working days of being made. All members of Council will be sent copies, usually by email, of the records of all such decisions.

**16.3.2** That notice will include 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 clear working days after the publication of the decision, unless any four Members of the Council request that it be called in. During that period, the Democratic Services and Scrutiny Manager shall call in a decision for scrutiny by the Overview and Scrutiny Committee, if so requested by any four Members of the Council, and shall then notify the decision-maker of the call-in.

~~13.3 During that period, the Democratic Services and Scrutiny Manager shall call in a decision for scrutiny by the Overview and Scrutiny Committee, if so requested by any four Members of the Council, and shall then notify the decision maker of the call-in.~~

**16.3.3-4** The call-in request shall be submitted on a Call-In Request Form (attached as an Appendix to these procedure Rules), which shall be completed and received by the Democratic Services and Scrutiny Manager, in hard copy or by email, within the timescale specified in paragraph 13.2 above. The Call-In Request Form must include the names of the minimum of four supporters of the call-in, the councillor nominated as the spokesperson, the reasons for the call-in, the issues to be considered by the Overview and Scrutiny Committee and the desired outcomes. Any documents to be referred to at the meeting of the Overview and Scrutiny Committee should where possible be submitted to the Democratic Services and Scrutiny Manager in advance of the meeting.

**16.4.3-5** A meeting of the Overview and Scrutiny Committee will be called after consultation with the Chairman of the Committee, and if possible within ten days of the call-in being received, unless there is a scheduled meeting of the Overview and Scrutiny Committee within a reasonable timescale.

**The Call-In meeting**

~~16.5.3.6~~ While the call-in meeting is a meeting that is open to the public to attend (unless a resolution is passed excluding the press and public under Part 1 of Schedule 12(a) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Variation Order 2006), there is no provision for public representation or public speaking.

~~16.6.3.7~~ The spokesperson shall be invited to present the reasons for the call in as documented on the call-in form and any suggested actions to be taken by the committee.

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- ~~16.73~~  
8 The Portfolio Holder shall be invited to respond to the call in by addressing the points raised by the spokesperson as documented on the call-in form.
- ~~16.83~~  
9 The members of the Overview and Scrutiny Committee shall be given the opportunity to ask questions of the spokesperson and the Portfolio Holder. The spokesperson and the Portfolio Holder will have the opportunity to make any points of clarification.
- ~~16.93~~  
10 When they have done so, the spokesperson and the Portfolio Holder will be informed by the chairman that they will have no further opportunity to make comments or ask questions and they will be asked to vacate their place at the meeting table.
- ~~16.10~~  
3.11 Unless a resolution is passed to exclude the public and press because of the need to avoid the disclosure of exempt or confidential information for one of the reasons specified in Schedule 12A of the Local Government Act 1972 the committee will discuss the call in and decide what action to take in public.
- ~~16.11~~  
3.12 The committee shall either support or not support the call in and shall state reasons for the decision.
- ~~16.12~~  
3.13 If the Overview and Scrutiny Committee has agreed to support the call in it may refer the decision back to the decision making person or body for reconsideration setting out in writing the reasons for the committee's decision based on the evidence presented. The circumstances in which a call in will be reported to the Council and the process to be followed, if that occurs, are set out in the Budget and Policy Framework Procedure Rules. The decision maker shall then reconsider the matter within a further five working days, amending the decision or not, before adopting a final decision. In the case of Cabinet, unless there is a scheduled meeting within a reasonable timescale, an additional meeting of Cabinet will be convened at the earliest opportunity.
- ~~16.13~~  
3.14 If, following consideration of an objection to a decision, the Overview and Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny meeting.

#### **174. Urgent Decisions**

- ~~17.1~~  
4.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet or a Portfolio Holder is urgent. See Part 4.02, paragraph 16, General Exception and paragraph 17, special urgency. 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 interest. The record of the decision, and 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. The Mayor must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both the Mayor and the Deputy Mayor, the Chief Executive's or his/her 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.

## **18. The Party Whip**

**18.1** It is generally accepted good practice, that “the party whip” should be suspended in relation to the deliberations of all overview and scrutiny committees.

**18.2** However, if a member of the Overview and Scrutiny Committee is subject to the party whip on any issue, 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 whip imposed shall be recorded in the Minutes.

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3 What outcomes are you seeking to achieve by calling-in the decision and/or what alternative actions do you wish the decision maker(s) to take?

Would you like to make a statement or representation in respect of your objection-call-in at the meeting that considers the call-in?

Yes  No

**Names of objectors/councillors**

- 1. ....(Spokesperson)
- 2. ....
- 3. ....
- 4. ....
- 5. ....

Please note that any request to call-in a decision must be supported by at least four members of the Council.

If you wish to refer to any documents (apart from the Portfolio Holder/Cabinet report and the Cabinet Minute/Portfolio Holder Decision Notice) when the call-in is considered by the Overview and Scrutiny Committee you should, where possible, submit any such document(s) to the Democratic Services Team before the day of the meeting as soon as practically possible or by the publication of the agenda.

Please email this completed form to [democratic.services@wyre.gov.uk](mailto:democratic.services@wyre.gov.uk). Alternatively, you can return the form to the Democratic Services and Scrutiny Manager, Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU.

Field Code Changed

If you have any queries or difficulties regarding completion of the form, please contact the Scrutiny Officer on 01253 887606 or 887326.

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**For internal use only**

Date request received:  
Date committee meeting called:  
Date of meeting:  
Signature of the 'Proper Officer':

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