

## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. Arrangements for Overview and Scrutiny Committees**

The Council will have five Overview and Scrutiny Committees as set out in Article 6 and will appoint to them as it considers appropriate from time to time. The Council may also appoint up to 3 ad hoc overview and /or scrutiny panels for a fixed period, on the expiry of which they shall cease to exist. Such ad hoc panels will not have the power of call in but shall have all other powers of Overview and Scrutiny Committees.

The Council will be responsible for:

- (a) Approving the terms of reference, membership, chairman and duration of ad hoc scrutiny panels
- (b) Appointing members to the Overview and Scrutiny Committees and sub-committees, including substitute members.

The terms of reference of the Overview and Scrutiny Committees shall be as set out in Table 1.

### **2. Membership of Overview and Scrutiny Committees**

Overview and Scrutiny Committee will comprise up to 12 County Councillors with seats allocated to the Political Groups in proportion to the number of seats held by each Group on the Council as a whole, unless Full Council agrees otherwise following receipt of a recommendation signed by all Group Leaders.

All Councillors except members of the Cabinet may be members of an Overview and Scrutiny Committee. No member may be involved in scrutinising a decision in which he/she has been directly involved.

### **3. Co-optees**

Each Overview and Scrutiny Committee shall be entitled to appoint up to 3 people at any one time as non-voting co-opted members of the Committee. The Committee shall determine whether the co-options shall be effective for a specified period, for specific meetings or for specific items.

A Committee may not co-opt any person who is an active member of any political party. An active member is defined as any person who engages in political activities which would not be permissible if that person was an officer holding a Politically Restricted Post within the Council.

Co-options may only be made if the person co-opted has particular knowledge or expertise in the functions for which that Overview and Scrutiny Committee is responsible.

#### **4. Meetings of the Overview and Scrutiny Committees**

Overview and Scrutiny Committee meetings shall be held on dates and times as may be specified in the Council's calendar of meetings. Any variation to the published dates and times for meetings shall be agreed by the Committee Chairman or by the Committee itself.

In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman of the relevant Overview and Scrutiny Committee, by any 3 members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

#### **5. Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

#### **6. Chairmen of Overview and Scrutiny Committees**

The appointment of Overview and Scrutiny Committee Chairmen and Vice-Chairman will be determined by the Council at the annual general meeting, or at any subsequent meeting should the need arise; having regard to recommendations from the Leader of the Council.

#### **7. Work Programme**

The Overview and Scrutiny Committees will be responsible for setting their 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.

The Overview and Scrutiny Management Group (see below) will propose an annual work plan to the annual meeting of Council, including recommending the setting up of any ad hoc Panels.

#### **8. Management and Development of the Overview and Scrutiny Process**

An Overview and Scrutiny Management Group shall be established comprising the Chairmen of the five standing Overview and Scrutiny Committees and the Cabinet Overview and Scrutiny Liaison Member. Where this does not include a representative from a Political Group represented on the Council, the relevant Group Leader will be invited to appoint a representative to join the Overview and Scrutiny Management Group.

The Group will be responsible for advising on the management and development of overview and scrutiny processes, including making recommendations on:

- The content and co-ordination of work programmes
- The establishment of ad hoc scrutiny panels
- The training and development of members and officers involved in overview and scrutiny processes
- The Council's Constitution and other procedures as they relate to overview and scrutiny processes.

## 9. **Agenda Items**

Any member of the Council shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

The Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within two months of receiving it.

## 10. **Policy Review and Development**

- (a) The role of the Overview and Scrutiny Committees 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, Overview and Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) Overview and 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.

## 11. **Reports from Overview and Scrutiny Committees**

- (a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer 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).

- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee at its next ordinary meeting after being submitted to the Proper Officer.

## 12. **Consideration of Overview and Scrutiny reports by the Cabinet**

- (a) The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Overview and Scrutiny Committees'. The reports of Overview and Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations. The Cabinet shall provide a written response to each of the Overview and Scrutiny Committee recommendations, including reasons where recommendations are not accepted.
- (b) Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Proper Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet will have 3 weeks in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny Committee 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 proposals.
- (c) Overview and Scrutiny Committees will in any event have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any Key Decision.

## 13. **Rights of Overview and Scrutiny Committee Members to Documents**

- (a) In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

#### 14. **Members and Officers Giving Account**

- (a) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the overview and scrutiny role, it may require any member of the Cabinet, the Head of Paid Service 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) Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 3 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 committee. Where the account to be given to the 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.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

#### 15. **Attendance by Others**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 14 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.

Members of the public will be allowed to speak on items included on the agenda for meetings of Overview and Scrutiny Committees in accordance with a public speaking scheme agreed by the Overview and Scrutiny Management Group.

## 16. **Call-In**

### Pre-decision call in

- (a) Working in their Overview role, Overview and Scrutiny Committee are expected to review the Cabinet forward agenda plan on a regular basis. This will enable them to identify forthcoming Cabinet decisions that they wish to discuss and to programme them for consideration at their scheduled meetings.
- (b) However, in certain circumstances, for example if an item has been added to the Cabinet forward agenda plan at short notice, it may be necessary to arrange an additional meeting of an Overview and Scrutiny Committee to discuss an item prior to Cabinet decision. This will be known as pre-decision call-in.
- (c) A pre-decision call-in may be made by the Chairman or any three members of the relevant Overview and Scrutiny Committee or by any 15 members of Council. Those representatives co-opted to the Children and Young People Overview and Scrutiny Committee with voting rights are entitled to call in forthcoming decisions relating to the Council's education functions. Pre-decision call-in requests must be made in writing to the Proper Officer and must specify the reason(s) why the forthcoming decision is being called in.
- (d) Once a pre-decision call-in has been received, the Proper Officer will arrange a meeting of the Committee to discuss the call-in and to make recommendations to Cabinet.
- (e) Pre-decision call-in will not be allowed if there are 14 or fewer calendar days until the Cabinet meeting at which the relevant item is due to be discussed. In such circumstances, the Chairman of the Overview and Scrutiny Committee or a Committee representative will be invited to address the Cabinet when the item is discussed. If members still have concerns following the Cabinet meeting, the option of post-decision call-in as set out below will remain open to them.

### Post-decision call-in

- (f) 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 an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. Chairmen of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. Copies may be sent to other members of the Committees on request.

- (g) 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 an Overview and Scrutiny Committee objects to it and calls it in.
- (h) During that period, the Proper Officer shall call in a decision for scrutiny by the Committee if so requested by the Chairman or any 3 members of the Committee or 15 members of Council, and shall then notify the decision-taker of the call-in. Those representatives co-opted to the Children and Young People Overview and Scrutiny Committee with voting rights are entitled to call in decisions relating to the Council's education functions. The request for the call-in of a decision shall be conveyed in writing and shall specify the reason(s) why the decision is being called in. The decision called in will be referred by the Proper Officer to the next scheduled meeting of the Committee but if no meeting is scheduled within 18 working days of the decision to call in, he/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within 18 working days of the decision to call in.
- (i) If, having considered the decision, the Overview and Scrutiny Committee 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 considered not to be in accordance with the budget or policy framework. If referred to the decision maker they shall then reconsider within a further 30 working days (or 60 working days in the case of a decision by an area committee) amending the decision or not, before adopting a final decision.
- (j) If following an objection to the decision, the Overview and Scrutiny Committee 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, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of that further 5 working day period, whichever is the earlier.
- (k) If the matter was 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-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 as a whole or a committee of it, a meeting will be convened to reconsider within 15 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-making body or person, 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.
- (m) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, or the decision-making person or body, 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-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Committee or in his/her absence the Chairman of the Council 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 both, the Chief Executive 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 relevant Overview and Scrutiny Committee, together with the reasons for urgency.
- (n) 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.

## 17. **Procedure at Overview and Scrutiny Committee meetings**

- (a) Overview and Scrutiny Committees shall consider the following business:
  - i) minutes of the last meeting;
  - ii) declarations of interests (when each item is under consideration);
  - iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
  - iv) responses of the Cabinet to reports of the Overview and Scrutiny Committee;
  - v) in accordance with the Council's Petitions Scheme:
    - Receive petitions calling officers to account
    - Review the steps taken to respond to a petition [a Petition Review]; and
  - vi) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. to review the Council's performance with a view to policy development), the Committee 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 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; and
  - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.
- (d) Overview and Scrutiny Committees will conduct their business and act in accordance with the Expectations of Overview and Scrutiny set out in Part 5 of the Constitution.

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

- (a) Where an issue affecting more than one service is to be reviewed, the Overview and Scrutiny Management Group will decide which Overview and Scrutiny Committee will lead the review.
- (b) Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, then the Committee conducting the review shall invite the Chairman of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

## TABLE 1

### TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES

#### 1. INTRODUCTION

- 1.1 The role of the Overview and Scrutiny Committees is a powerful one: to ensure that the Council and its partners deliver services as effectively as possible for the residents of Cambridgeshire. The Overview and Scrutiny Committees set out below will hold to account not only the Council's Cabinet members and officers, but also a range of external partners and partnerships, including Cambridgeshire Together and any other partnership boards and their associated task and finish groups. The Overview and Scrutiny Committees may make recommendations to any of these bodies, as appropriate.

#### 2. ADULTS, WELLBEING AND HEALTH OVERVIEW AND SCRUTINY COMMITTEE

##### 2.1 Membership

- Up to 12 County Councillors, as appointed by Full Council in accordance with paragraph 2 of these Overview and Scrutiny Procedure Rules
- Five co-opted District Councillors, one from each District Council in Cambridgeshire. District Councils will be invited to nominate one member and one substitute. The usual rules for substitution as set out in the Council Procedure Rules will apply. District Councils will be asked to nominate members who belong to a Scrutiny Committee at District level, enabling these members to be co-opted with voting rights as specified in paragraph 9 (1) of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002
- Up to 3 non-voting co-optees.

##### 2.2 Terms of reference

- 1) To exercise the powers conferred by Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001 by co-ordinating the effective scrutiny of adult social care, health services and other related services and making reports to relevant local NHS bodies and local authorities.
- 2) To perform the overview and scrutiny role in relation to:
  - a) Functions that are the responsibility of the following officers:
    - Executive Director: Children and Young People's Services and Adult Social Care [as responsible for the two Service Directors listed below]
    - Service Director: Strategy and Commissioning (Adult Social Care)
    - Service Director: Operations (Adult Social Care)
    - Director of Public Health.
  - b) Partnerships and joint working directly linked to services that are the responsibility of the above officers.

## 2.3 Operating conventions

Councillors must take care to avoid any conflicts of interest that may arise from their involvement in the bodies or decisions that they are scrutinising, either as a member of a local authority executive or an NHS executive or as an employee. Councillors who are non-executive directors of NHS Trusts or Primary Care Trusts are not excluded from membership of the Adults, Wellbeing and Health Overview and Scrutiny Committee, but must follow the usual guidance regarding participation where there is a risk of conflict of interest or prejudicial interest.

The Chairman of the Adults, Wellbeing and Health Overview and Scrutiny Committee will be a County Councillor.

Only County Council members of the Adults, Wellbeing and Health Overview and Scrutiny Committee may exercise the power of call-in as described in paragraph 16 of the Overview and Scrutiny Procedure Rules for decisions taken by the County Council's Cabinet.

## 3. CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

### 3.1 Membership

- Up to 12 County Councillors, as appointed by Full Council in accordance with paragraph 2 of these Overview and Scrutiny Procedure Rules
- Up to 3 non-voting co-optees
- The follow representatives, who will be co-opted with voting rights:
  - 1 Church of England diocese representative
  - 1 Roman Catholic diocese representative
  - 2 parent governor representatives.

These representatives are entitled to vote (where eligible) only on those matters relating to the Council's education functions. They may speak but not vote on other matters.

The representatives of the Church of England and Roman Catholic dioceses shall each be entitled to appoint a substitute to fulfil their functions in their absence.

### 3.2 Terms of reference

- 1) To perform the overview and scrutiny role in relation to:
  - a) Functions that are the responsibility of the following officers:
    - Executive Director: Children and Young People's Services and Adult Social Care [as responsible for the four Service Directors listed below]
    - Service Director: Children's Enhanced and Preventative Services
    - Service Director: Children's Social Care
    - Service Director: Learning
    - Service Director: Strategy and Commissioning.

- b) Partnerships and joint working directly linked to services that are the responsibility of the above officers.

## **4. RESOURCES AND PERFORMANCE OVERVIEW AND SCRUTINY COMMITTEE**

### **4.1 Membership**

- Up to 12 County Councillors, as appointed by Full Council in accordance with paragraph 2 of these Overview and Scrutiny Procedure Rules
- Up to 3 non-voting co-optees.

### **4.2 Terms of reference**

- 1) To perform the overview and scrutiny role in relation to functions that are the responsibility of the following:
  - a) Functions that are the responsibility of the following:
    - Corporate Director: Customer Service and Transformation [excluding libraries, community engagement and community safety]
    - LGSS: Director of Finance
    - LGSS: Director of Legal
    - LGSS: Director of Human Resources and Organisational Development
    - LGSS: Director of Operations
  - b) Partnerships and joint working directly linked to services that are the responsibility of the above officers
  - c) Strategic issues affecting the Council as a whole that do not naturally fit into the remit of any single Committee.

## **5. ENTERPRISE, GROWTH AND COMMUNITY INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE**

### **5.1 Membership**

- Up to 12 County Councillors, as appointed by Full Council in accordance with paragraph 2 of these Overview and Scrutiny Procedure Rules
- Up to 3 non-voting co-optees.

### **5.2 Terms of reference**

- 1) To perform the overview and scrutiny role in relation to:
  - a) Functions that are the responsibility of the following officers:
    - Executive Director: Economy, Transport and Environment Services [excluding adult learning and culture]
    - Service Director: Infrastructure Management and Operations
    - Service Director: Strategy and Development

- b) Partnerships and joint working directly linked to services that are the responsibility of the above officers.

## **6. SAFER AND STRONGER COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE**

### **6.1 Membership**

- Up to 12 County Councillors, as appointed by Full Council in accordance with paragraph 2 of these Overview and Scrutiny Procedure Rules
- Up to 3 non-voting co-optees
- 1 non-voting Police Authority member, nominated by the Police Authority, for 'crime and disorder' overview and scrutiny items only.

### **6.2 Terms of reference**

- 1) To be the Council's designated 'crime and disorder committee', as required by Sections 19 and 20 of the Police and Justice Act 2006, as amended by section 126 of the Local Government and Public Involvement in Health Act 2007. In accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, the Committee will consider crime and disorder issues at least once a year and when so doing, will be able to require information and attendance by the relevant responsible authority or co-operating authority. This Committee will also receive Councillor Calls for action relating to crime and disorder and community safety issues in accordance with the Police and Justice Act 2006.
- 2) To perform the overview and scrutiny role in relation to
  - a) Functions that are the responsibility of the following officers:
    - Executive Director: Economy, Transport and Environment Services [as responsible for adult learning and culture]
    - Corporate Director: Customer Service and Transformation [as responsible for libraries and the Service Director listed below]
    - Service Director: Community Engagement (Fenland).
  - b) Partnerships and joint working directly linked to services that are the responsibility of the above officers.