

### Policy and Scrutiny Procedure Rules

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1. **What will be the number and arrangements for Overview (Policy) and Scrutiny Committees?**

The Council will have the Policy and Scrutiny Committees set out in Article 6. Such Committees may appoint **Sub-Committees** or Task Groups on **either a formal or informal basis**. Policy and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

The Westminster Scrutiny Commission is responsible for overseeing and co-ordinating the activities of Policy and Scrutiny Committees generally and resolving any disputes between them.

2. **Who may sit on Policy and Scrutiny Committees?**

All Councillors except members of the Cabinet may be Members of a Policy and Scrutiny Committee, **Sub-Committee** or a Task Group. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

3. **Education representatives**

Each relevant Policy and Scrutiny Committee or Task Group dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative ; and
- (c) 2 parent governor representatives .

A relevant Policy and Scrutiny Committee/Task Group in this paragraph is an Policy and Scrutiny Committee, Sub-Committee or Task Group of a local education authority, where the Committee or Task Group functions relate wholly or in part to any education functions which are the responsibility of the authority's executive. If the Policy and Scrutiny Committee/Task Group deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak with the permission of the Chairman.

The Council has agreed to include additionally in the membership of the Children and Young People Policy and Scrutiny, Committee two Headteachers of Westminster maintained schools as non-voting co-opted Members.

4. **Meetings of the Policy and Scrutiny Committees (including the Westminster Scrutiny Commission)**

Each Policy and Scrutiny Committee shall be responsible for deciding how many times it meets during the year. Extraordinary meetings may be called from time to time as and when appropriate. A Policy and Scrutiny Committee meeting may be called by the Chairman of the relevant Policy and Scrutiny Committee in consultation with the Vice-Chairman (if any) and the Minority Party spokesperson on the Committee and by any three members of the committee or by the proper officer if he/she considers it necessary or appropriate.

5. **Quorum**

The quorum for an Policy and Scrutiny Committee shall be 3 voting Members of the Committee as set out in the Council Procedure Rules in Part 4 of this Constitution.

6. **Who Chairs Policy and Scrutiny Committee Meetings?**

Chairmen of Policy and Scrutiny Committees will be drawn from among the Councillors sitting on the Committee, and subject to this requirement the Committee may appoint such a person as it considers appropriate as Chairman. The Leader of the Council shall be entitled to nominate a member of the Committee as its Chairman for approval by the Committee/Sub-Committee.

7. **Work Programme**

- (i) The Policy and Scrutiny Committees/Task Groups will be responsible for implementing 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.
- (ii) Each Policy and Scrutiny Committee shall at its June/July Meeting each year receive a report submitted jointly by the relevant Chief Officers and Cabinet Members setting out those areas which it would like the respective Policy and Scrutiny Committee to scrutinise. The Policy and Scrutiny Committee shall then decide which, if any, of these shall be included in the Committee's Work Programme.
- (iii) The Westminster Scrutiny Commission has responsibility for the allocation of tasks not included in a Committee's terms of reference to the most appropriate Policy and Scrutiny Committee. In the event of the allocation of the task being urgent and requiring allocation before the next meeting of the Commission the Head of Legal Services shall allocate the task in consultation with the Chairman or Vice-Chairman (if any) of the Commission.

8. **Call for Action - Rights of Members to Request the Inclusion of Agenda Items**

Any member of the Council **irrespective of whether or not they are a member of the relevant Policy and Scrutiny Committee or Sub-Committee** shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Task Group. On receipt of such a request the proper officer will inform the Chairman of the relevant Policy and Scrutiny Committee or Task Group and ensure that it is included on the agenda for the next practicable meeting. **The protocol relating to Councillor Calls for Action is attached as Appendix A.**

9. **Policy Review and Development**

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

10. **Reports from Policy and Scrutiny Committee**

- (a) Once it has formed recommendations on proposals for development or concluded a scrutiny, the Policy and Scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the Cabinet or relevant Cabinet Member (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) The Council or Cabinet or relevant Cabinet Member, as appropriate, shall consider the report of the Policy and Scrutiny Committee at the earliest practicable opportunity.

**11. Making sure that Policy and Scrutiny Reports are considered by the Executive**

In the event that a request from a Policy and Scrutiny Committee is not included on the agenda for a Cabinet or Cabinet Committee meeting or considered by the relevant Cabinet Member within 3 months of its submission to the Proper Officer, the Chairman of the relevant Policy and Scrutiny Committee may require the report to be submitted to full Council.

**12. Rights of Policy and Scrutiny Committee Members to Documents**

- (a) In addition to their rights as Councillors, members of Policy 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 Policy and Scrutiny Committee as appropriate depending on the particular matter under consideration.

**13. Members and Officers Giving Account**

- (a) Any Policy and Scrutiny Committee or may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the 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 a Policy 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 10 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 Policy and Scrutiny Committee shall in consultation with the Member or officer arrange an alternative date for attendance.

#### **14. Attendance by Others**

A Policy and Scrutiny Committee may invite people other than those people referred to in paragraph 13 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.

#### **15. Task Groups**

- (a) ***Each Policy and Scrutiny Committee will have the ability to establish Task Groups to scrutinise issues within their terms of reference. The Constitution and terms of reference of any Task Group, shall be determined by the relevant Policy and Scrutiny Committee. It will be possible to establish single member scrutiny where appropriate but otherwise the Minority Party will be entitled to a seat on all Task Groups but proportionality generally will apply .***
- (b) ***Task Groups will operate on an informal basis and will not be subject to the formal requirements relating to meetings in respect of the issue of agendas, minutes and notice of meetings etc. However, meetings will, at the discretion of the Task Group usually, be open to members of the public except where the normal rules on confidentiality apply.***
- (c) ***Every Task Group will report on a regular basis to the parent Committee in the case of a prolonged or ongoing scrutiny. In other cases a formal report should be submitted for consideration by the Parent Committee once the investigations have been completed.***
- (d) ***It will be possible to establish joint Task Groups comprising Members from more than one Policy and Scrutiny Committees in order to deal with cross-cutting issues.***
- (e) **A Policy and Scrutiny Committee may hold a special meeting or establish a formal Sub-Committee to conduct a scrutiny or any other of its business should it consider this desirable.**

#### **16. Call-in**

- (a) When a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 5 working days of being made. All the Members of the relevant Policy and

Scrutiny Committee(s) and all relevant Ward Members will be sent copies of the records of such decisions within the same timescale, by the person responsible for publishing the decision.

- (b) That notice will bear the date on which it is published and will (save where an exception under (h) below applies 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 (c) below applies. (Where an exception under (h) below applies the decision will come into force as soon as it is made).
- (c) During that period (if applicable), the proper officer shall call-in a decision for scrutiny by the Committee if so requested by any 3 Members of the Committee entitled to vote on the subject matter of the decision and/or, in relation to a decision affecting a single ward by all 3 members of that ward and shall then notify the decision-taker of the 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 5 working days of the decision to call-in. Where call-in is requested by all three members of a ward, those Members will be invited to the relevant meeting. In circumstances where one of the Ward Members is the decision taker or otherwise unable to act the ward call-in can be activated by the remaining two Ward Members.
- (d) If, having considered the decision, the Policy 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 referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, adopting a final decision.
- (e) If following an objection to the decision, the Policy and Scrutiny committee does not meet in the period set out in paragraph (c) 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.
- (f) If the matter is referred to the full Council the Proper Officer shall include it on the agenda of the next possible meeting. If 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 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.

- (g) If the Council 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.

### **Exceptions**

- (h) 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:
  - (i) that a Policy and Scrutiny committee may refer back or to the Council only one decision in any three month period;
  - (ii) only decisions involving expenditure or reductions in service over a value of £100,000 may be called in;
  - (iii) a majority of the Members of an Policy and Scrutiny Committee are needed for a decision to be referred back to the decision maker or to full Council;
  - (iv) the call in procedure may not be used where the decision is in accordance with the recommendations of the relevant Policy and Scrutiny Committee.
  - (v) in the case of Ward Member call-in (referred to in (c) above), a maximum of four such call-ins a year per ward will be permitted.

### **Call-in and Urgency**

- (i) The call-in procedure set out above shall not apply where the decision being taken 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 Chief Executive, in consultation with the Leader of the Council, must agree to the decision proposed being treated as a matter of urgency. In the absence of the Chief Executive, a Deputy Chief Executive's consent shall be required. In the absence of both, Monitoring Officer 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.
- (j) 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 Policy and Scrutiny Committee Meetings**

- (a) Policy and Scrutiny Committees and Sub-Committees shall consider the following business:
  - i) minutes of the last meeting;
  - ii) declarations of interest
  - 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 or Cabinet Members to reports of the overview and scrutiny committee; and
  - v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Policy and Scrutiny Committee conducts investigations (e.g. 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/Sub-Committee shall prepare a report for submission to the Cabinet, Cabinet Member, Committee or full Council as appropriate and shall make its report and findings public save where this would involve the disclosure of exempt or confidential information within the meaning of the Local Government Act 1972.

## **18. Matters within the Remit of More than One Policy and Scrutiny Committee**

### **INVITATION OF CHAIR OF OTHER COMMITTEE TO PARTICIPATE**

- (a) Where a Policy and Scrutiny Committee wishes to conduct a review or scrutinise a matter which also falls (whether in whole or in part) within the remit of another Policy 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.



- (b) Where a matter for consideration by a Policy and Scrutiny Committee/Task Group also falls within the remit of one or more other Policy and Scrutiny/Task Group, the decision as to which Policy and Scrutiny/Task Group will consider it will be resolved by the Westminster Scrutiny Commission.

## **19. Resources**

The allocation of resources, within the Policy and Scrutiny research/consultancy budget shall be within the responsibility of the Westminster Scrutiny Commission. From time to time it may be necessary to authorise the release of funds urgently between meetings of the Commission. In these circumstances the release of these funds shall be authorized by the Head of Legal Services in consultation with the Chairman or Vice-Chairman (if any) of the Commission.

## **20. Suspension of Procedural Requirements**

A procedural requirement of these rules may be suspended to the extent that the Monitoring Officer advises is strictly necessary to meet a legal requirement.