

Subject:	Proposal for OSC Urgency Sub-Committee and Constitutional Matters		
Date of Meeting:	10th July 2012		
Report of:	Monitoring Officer		
Contact Officer:	Name: Mark Wall	Tel: 29-1006	
	E-mail: mark.wall@brighton-hove.gov.uk		
Key Decision:	No		
Wards Affected:	All		

For General Release

1. SUMMARY AND POLICY CONTEXT

- 1.1 To provide information on the committee's terms of reference and related matters including the appointment of its urgency sub-committee.

2. RECOMMENDATIONS

- 2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted; and
- 2.2 That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Council meeting on 26 April 2012 agreed the new constitution for the City Council. The new constitution came into force at the conclusion of the Annual Council meeting on 17 May.
- 3.2 Article 6 of the constitution, incorporates a schedule of all the Committees/Sub-committees established in the new constitution together with a summary of their respective functions.

The Overview and Scrutiny Committee – Terms of Reference

- 3.3 The terms of reference of the Overview and Scrutiny Committee were agreed by Council on the 26th April when adopting the new constitution. This Committee is primarily a commissioning body, co-ordinating the Overview and Scrutiny Work programme and also undertaking limited direct scrutiny of services relating to Place, Communities, Resources and Finance.

- 3.4 A copy of the terms of reference for the committee is attached in Appendix A. These should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the constitution.

Membership

- 3.5 The membership of the committee is set at 10 Members of the council.
- 3.6 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, as set out in the Council Procedure Rules 18 to 24, apply to meetings of the Overview and Scrutiny Committee.

Programme Meetings

- 3.7 Following agreement at 16 July OSC there have been changes to the scheduled dates of ordinary meetings during 2012/13. Ordinary meetings of the Overview and Scrutiny Committee now are scheduled to take place on the following dates:

Monday 10 September 2012

Monday 5 November 2012

Monday 28 January 2013

Monday 22 April 2013

- 3.8 Meetings of the Committee will normally be held at Hove Town Hall and will start at 2.00 p.m, instead of 4pm as previously scheduled.

Urgency Sub-Committee

- 3.9 The Constitution states that 'each Committee of the Council except the Audit & Standards Committee may appoint an Urgency Sub-Committee to exercise its powers. The Membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups. Under current allocations this would mean an urgency sub-committee will consist of one Member from each of the three political groups on the Council.
- 3.10 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.'

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 All Members considered and approved the new constitution on the 26th April 2012.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no specific financial implications arising from this report. It is expected that the overall effect of the introduction of the new constitution will be cost neutral.

Finance Officer Consulted: Name Anne Silley Date: 23/05/12

Legal Implications:

- 5.2 The Council's constitution complies with the requirements of the Localism Act 2011, the Local Government Act 2000, the Local Authorities (Constitutions) Direction and relevant guidance.

- 5.3 There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: Elizabeth Culbert Date: 23/05/12

Equalities Implications:

- 5.4 There are no equalities implications arising from the report.

Sustainability Implications:

- 5.5 There are no sustainability implications arising from the report.

Crime & Disorder Implications:

- 5.6 There are no crime & disorder implications arising from the report.

Risk and Opportunity Management Implications:

- 5.7 There are no risk or opportunity management implications arising from the report.

Public Health Implications:

- 5.8 There are no public health implications arising from the report.

Corporate / Citywide Implications:

- 5.9 There are no corporate or city wide implications arising from the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The council's constitution provides for the appointment of the sub-committees and urgency sub-committees and it is for the Committee to determine this

action and it could decide not to make such appointments. However, this would be contrary to the wishes of the council and is not therefore regarded as a viable alternative option.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The recommendations are being put forward in line with the requirements of the constitution.

SUPPORTING DOCUMENTATION

Appendices:

1. (A) Overview and Scrutiny Committee Terms of Reference.

Background Documents

1. The Constitution

PART 5 OVERVIEW AND SCRUTINY TERMS OF REFERENCE AND PROCEDURE RULES

1. The number and arrangements for Overview and Scrutiny Committees

- 1.1 The Council will appoint an Overview and Scrutiny Committee and a Health & Wellbeing Overview and Scrutiny Committee.
- 1.2 The Overview and Scrutiny Committee will primarily be a commissioning body, co-ordinating the Overview and Scrutiny work programme through the establishment of time limited Scrutiny Review and Policy Review Panels. The Overview and Scrutiny Committee will also undertake limited direct scrutiny of services relating to Place, Communities, Resources and Finance.
- 1.3 The Health & Wellbeing Overview and Scrutiny Committee will perform the overview and scrutiny function in relation to the health service pursuant to the National Health Service Act 2006 and associated Regulations. It will also have a remit to scrutinise social care and education issues relating to both adults and children.

2. Terms of Reference of Committees

2.1 Overview and Scrutiny Committee

- 2.1.1 To co-ordinate the work of Overview and Scrutiny as set out under “Functions” below.
- 2.1.2 To be the designated Crime and Disorder Committee as required under the Police and Justice Act 2006.
- 2.1.3 To undertake the scrutiny of flood and coastal erosion plans as required by the Localism Act 2011.
- 2.1.4 To review and scrutinise matters, decisions and service provision relating to the following Council functions and services:-

- Resources and Finance;
- Place;
- Communities.

(The full list of functions under each area is set out in Part 6 of this Constitution under the Scheme of Officer Delegations).

- 2.1.5 To commission time-limited ‘task and finish style’ Scrutiny Review Panels and Policy Review Panels to:
 - Scrutinise specific issues of concern (Section 4 below)
 - Undertake policy review and development work (Section 5 below)
- 2.1.6 To review and scrutinise any other Council function not otherwise addressed by any other Overview and Scrutiny Committee.

2.2 The Health and Wellbeing Overview and Scrutiny Committee

2.2.1 To exercise powers with regard to the scrutiny of health services pursuant to the National Health Service Act 2006 and in particular:-

- To scrutinise matters relating to the health of the Authority's population and contribute to the development of policy and service to improve health and reduce health inequalities;
- To scrutinise matters relating to public health;
- To undertake all the statutory functions of the health scrutiny committee in accordance with the National Health Service Act 2006;
- To review and scrutinise the impact of the Authority's own services and of key partnerships on the health of its population;
- To encourage the Council as a whole to take into account the implications of their policies and activities on health and health inequalities;
- To make reports and recommendations to the National Health Service, the Council, the committees and sub-committees, and to other relevant bodies and individuals;
- To monitor and review the outcomes of its recommendations.

In all of the above, to liaise with other bodies that represent patients' views in order to seek and take account of the views of the local populations.

2.2.2 To perform the Overview and Scrutiny function in relation to all matters, decisions and service provision connecting to Adult Social Care.

2.2.3 To perform the Overview and Scrutiny function in relation to all matters, decisions and service provision connecting to Children and Young People and in particular:

- the provision, planning and management of children's social services
- the provision, planning and management of education
- the health of the authority's children and young people, including contribution to the development of policy and service to improve health and reduce health inequalities, all in accordance with the principles of section 244 National Health Services Act 2006
- all of the functions of the Council as an education authority

2.2.4 To establish time-limited Scrutiny Review and Policy Review Panels in relation to its terms of reference to:

- Scrutinise specific issues (Section 4)
- Undertake policy development work for council committees (Section 5)

3. Functions of Overview and Scrutiny Committees

3.1 The Overview and Scrutiny Committee and the Health and Wellbeing Overview and Scrutiny Committee will:

- a) Approve an overview and scrutiny work programme, to ensure that there is efficient use of scrutiny resources and that the potential for duplication of effort is minimised;
- b) Receive requests from Councillors and partner organisations, and suggestions from officers of the council, for particular topics to be scrutinised and determine the appropriate action;
- c) Receive requests for particular pieces of policy work to be undertaken and determine the appropriate action;
- d) Have the power to call-in and review policy committee decisions, or key decisions made by an officer with delegated authority, as set out in the procedures in these Rules;
- e) Undertake initial explorations on requests/proposals for panel reviews and recommend appropriate action;
- f) Receive proposals for the appointment of task-orientated, time limited scrutiny and policy review panels to review in-depth, investigate and report on a particular topic;
- g) Co-ordinate training and development arrangements for Overview and Scrutiny Committee members and co-optees;
- h) Identify good practice in relation to the overview and scrutiny role and develop common practices for all committees that reflect good practice;
- i) Have responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies;
- j) Establish and maintain constructive working relationships with the Policy Committees;
- k) Help ensure positive working relationships with partnerships and external bodies;
- l) Monitor and review the outcomes of its recommendations.
- m) Promote the work of scrutiny, including through the local media;
- n) Receive internal and external inspection reports on the services and challenge the action plans drawn up in response to problems that have been identified; monitor progress in implementing the action plans;
- o) Ensure that the communities of Brighton & Hove and specific users of services are able to be involved in and inform the work of the committees;

4. Scrutiny Review Panels

4.1 The Overview and Scrutiny Committee and the Health & Wellbeing Overview and Scrutiny Committee may appoint Scrutiny Review Panels to carry out short, sharply focused pieces of scrutiny work. Scrutiny Review Panels investigate areas of concern and the 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.

- 4.2 Scrutiny Review Panels will not have Sub-Committee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply, but they will normally be established on a cross-party basis.
- 4.3 Membership of the Scrutiny Review Panels will be sought from the political groups, taking into account the expertise and experience of available Members, and that no Member may be involved in scrutinising a decision in which he/she has been involved.
- 4.4 There should not normally be provision for substitute Members to attend meetings of Scrutiny Review Panels.
- 4.5 The Overview and Scrutiny Committee and the Health and Wellbeing Overview and Scrutiny Committee shall ensure that the number of Scrutiny Review Panels which it appoints does not exceed the capacity of the Member and Officer resources available to support their work.
- 4.6 In considering whether or not any matter should be agreed for a Scrutiny Review Panel, the Overview and Scrutiny Committees will have regard to:
- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
 - Whether there is evidence that the decision-making rules in the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
 - The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services;
 - What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.);
 - The proposed overview and scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests;
 - The resources available to support the work as set out at paragraph 4.5 above.

5. Policy Review Panels

- 5.1 The Overview and Scrutiny Committee and the Health and Wellbeing Overview and Scrutiny Committee may appoint Policy Review Panels to carry out short, sharply focused pieces of policy development work.

- 5.2 Policy Review Panels undertake in-depth policy review and development work. 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.
- 5.3 Policy Review Panels will not have Sub-Committee status and the political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply, but they will normally be established on a cross-party basis.
- 5.4 Membership of the Policy Panels will be sought from the political groups, initially from the membership of the parent policy committee, taking into account the expertise and experience of available Members.
- 5.5 There should not normally be provision for substitute Members to attend meetings of Policy Review Panels.
- 5.6 Each Overview and Scrutiny Committee shall ensure that the number of Policy Review Panels which it appoints does not exceed the capacity of the Member and Officer resources available to support their work.
- 5.7 In considering whether or not any matter should be agreed for a Policy Review Panel, the Overview and Scrutiny Committees will have regard to:
- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
 - The potential benefits of a review especially in terms of possible improvements to future policies and procedures and/or the quality of Council services;
 - The proposed overview and scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests;
 - The resources available to support the work as set out at paragraph 5.6 above.

6. Membership of Overview and Scrutiny Committees and Panels

- 6.1 Any Councillor may sit on an overview and scrutiny committee or panel. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- 6.2 The membership of the overview and scrutiny committees will reflect the political composition of the Council and be subject to section 15 of the Local Government and Housing Act 1989.

7. Co-optees

- 7.2 The Health & Wellbeing Overview and Scrutiny Committee will include non voting co-opted members from the Older People's Council, the Youth Council

and LINK/Healthwatch. It may also appoint voting Education Representatives where these are required by legislation.

- 7.3 The Overview and Scrutiny Committees may agree the appointment of non voting co-optees for each Policy or Scrutiny Review Panel. In appointing co-opted Members to review panels, regard will be given to both the expertise of the individual and the representative nature of the position.

8. Meetings of the Overview and Scrutiny Committees

- 8.1 The Overview and Scrutiny Committee will meet on a quarterly basis. The Health & Wellbeing Overview and Scrutiny Committee will meet six times per annum. In addition, an extraordinary meeting may be called by the Chair or the Chief Executive at any time if they consider it necessary or desirable.
- 8.2 Scrutiny Review and Policy Review Panels shall meet as many times as necessary to successfully carry out their investigations, they shall however be time limited in nature.

9. Quorum

- 9.1 The quorum for overview and scrutiny meetings shall be as set out for committees and sub-committees in the Council Procedure Rules in Part 3 of this Constitution.

10. Chairs of Overview and Scrutiny Committees/Panels

- 10.1 The Council will appoint the Chair of Overview and Scrutiny Committees. The Chair of the Health & Wellbeing Overview and Scrutiny Committee shall also be a member of the Overview and Scrutiny Committee.
- 10.2 Each Overview and Scrutiny Committee will appoint the Chair of Scrutiny Review and Policy Review Panels it establishes.
- 10.3 If the Overview and Scrutiny Committee fails to appoint a Chair the Review Panel will make the appointment at its first meeting.
- 10.4 The Chair of the Overview and Scrutiny Committee shall be the lead scrutiny Member.

11. Work programme

- 11.1 The Overview and Scrutiny Committee will be responsible for setting its own work programme.
- 11.2 The Health & Wellbeing Overview and Scrutiny Committee will be responsible for setting its own work programme.

11.3 The Chairs of the Scrutiny Committees will meet periodically on an informal basis to plan and co-ordinate the process of scrutiny.

12. Agenda items

12.1 Agenda items shall be set by the Committee identifying issues which they wish to consider.

12.2 Any Member of the Council may notify the Head of Scrutiny that s/he wishes an item relevant to its functions to be included on the agenda for the next available meeting.

13. Submission of reports from Overview and Scrutiny

13.1 Once it has formed recommendations on any matter, an Overview and Scrutiny Committee will prepare a formal report and submit it to the Chief Executive of the Council or relevant organisation for consideration at the relevant decision-making body.

13.2 If an Overview and Scrutiny Committee cannot agree on one single final report then up to one minority report may be prepared and submitted for consideration by the Policy Committee meeting with the majority report.

13.3 The Policy Committee shall consider the report within eight weeks of it being submitted to the Chief Executive or at its next scheduled meeting, whichever is the later, and shall prepare a response to the recommendations detailing whether each recommendation is agreed or not agreed.

13.4 The Chair of the Policy or Scrutiny Review Panel or relevant Overview and Scrutiny Committee shall be invited to the Committee meeting at which the report is considered.

13.5 For Scrutiny and Policy Review Panel reports, the report, together with the Policy Committee response, shall be reported to full Council for information.

14. Annual report

14.1 The Overview and Scrutiny Committee will report annually to full Council on the work of scrutiny and make recommendations for future work programmes and amended working methods if appropriate.

15 Distribution of reports by the Overview and Scrutiny Committee when exercising the functions of the Crime and Disorder Committee

15.1 Where the Crime and Disorder Committee makes a report or recommendations to the Council with respect to the discharge by the

responsible authorities* of their crime and disorder functions, it shall provide a copy to:

- (a) each of the responsible authorities, and
- (b) each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under the relevant legislation.

[* 'Responsible authorities' are defined in the relevant legislation.]

15.2 Where the Crime and Disorder Committee makes a report or recommendation to the Council with respect to any local crime and disorder matter referred to it by a Member, it must:

- (a) provide a copy of the report or recommendations to that Member, and
- (b) provide a copy of the report or recommendations to such of –
 - (i) the responsible authorities, and
 - (ii) the co-operating persons and bodies as it thinks appropriate.

16. Councillor Call for Action

16.1 The "Councillor Call for Action" (CCfA) as set out in Section 119 of the Local Government and Public Involvement in Health Act 2007 and amended by the Localism Act 2011 enables any member of the council to refer to an overview and scrutiny committee any local issue which directly affects their ward.

16.2 The CCfA is an additional means for Councillors, as community leaders, to raise issues of local community concern, for consideration by the Council's overview and scrutiny function, on behalf of residents.

16.3 A CCfA should only be raised where other means of resolving the matter have been exhausted. Any Member of the Council may raise a CCfA, which should be sent to the Head of Scrutiny. In seeking to raise a CCfA a Councillor needs to:

- State why they consider the issue should be looked at by the Overview and Scrutiny Committee;
- Give a brief synopsis of what the main areas of concern are;
- Supply evidence in support of the CCfA;
- Indicate areas or groups affected by the CCfA;
- Summarise mediation and attempts at resolution undertaken;
- Indicate deadlines associated with the CCfA of which the Overview and Scrutiny Committee needs to be aware.

16.4 Upon receipt of a CCfA, the relevant Overview and Scrutiny Committee will use the following criteria to decide whether or not to take the matter further:

- Is the committee satisfied that all reasonable attempts have been made to resolve the issue by the ward councillor? Do the responses received by the referring councillor demonstrate that the matter is not being progressed?

- Has the committee considered a similar issue recently – if yes, have the circumstances or evidence changed?
 - Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing.
 - Relevant time pressures on resolving the CCfA should be taken into account.
 - Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the councillor received?
 - Does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring member's ward?
 - Is the matter an excluded matter, as set out in paragraph 16.12 of these rules?
- 16.5 In considering the CCfA, the Overview and Scrutiny Committee will invite the relevant Members and officers to discuss the issue with the Overview and Scrutiny Committee and answer any questions, if the committee considers this relevant.
- 16.6 If the committee decides not to accept the CCfA referral it must inform the Councillor and provide reasons. If the committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme.
- 16.7 Overview and Scrutiny Committees in considering a CCfA may undertake any of the activities as outlined in the Overview and Scrutiny Procedure Rules.
- 16.8 The power to refer a matter is available only where the matter is of direct concern to the ward which the Councillor represents. A Councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for Councillors in multi-member wards to agree – any of them may refer a matter.
- 16.9 It is important to recognise that CCfA is not guaranteed to solve a given problem. CCfA can provide a method for discussing such problems and, through discussion, trying to overcome them.
- 16.10 The following matters are excluded from referral as a CCfA:
- Individual complaints concerning personal grievances or commercial issues.
 - Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
 - Planning and licensing applications and appeals;
 - Council Tax/Housing Benefits complaints and queries;
 - Issues currently under dispute in a court of law.

- Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of an Overview and Scrutiny Committee or any of its Panels.

17. Call-in

- 17.1 Call-in is a process by which Overview and Scrutiny Committees can recommend that a decision made by a Policy Committee but not yet implemented be reconsidered by the body which made the decision, or recommend that the full Council consider whether that body should reconsider the decision.
- 17.2 Call-in does not provide for the Overview and Scrutiny Committee or the full Council to substitute its own decision, but merely to refer the matter back to the decision-maker. A decision maker can only be asked to reconsider any particular decision once.
- 17.3 Call-in should only be used in very exceptional circumstances – for example where Members have evidence that a decision was not taken in accordance with Article 11 of the constitution. Day to day management and operational decisions taken by officers may not be called-in.
- 17.4 Any decision made by Policy Committee, or a key decision made by an officer under delegated powers shall be published by means of a notice at the main offices of the Council and where possible by electronic means, normally within 2 working days of being made. All Members will be sent, if possible by electronic means, copies of all such decision notices at the time of publication.
- 17.5 Any decision made by the Policy Committee, or a key decision made by an officer under delegated powers may be called in up to five working days from the date of the meeting at which the decision was taken.
- 17.6 During this period, any five Members of the Council, from a minimum of two political groups may request that a decision be called-in for Scrutiny by the relevant Overview and Scrutiny Committee.
- 17.7 Such a request shall be made in writing to the Chief Executive and shall include the reason(s) for the request and any alternative decision proposed. The Chief Executive may refuse to accept a request which in his/her opinion is frivolous, vexatious or defamatory, or where no reason is given.
- 17.8 If the Chief Executive accepts the request he/she shall call-in the decision. This shall have the effect of suspending the decision coming in force and the Chief Executive shall inform the decision maker e.g. Committee Members, or officer and the relevant Chief Officer(s) of the call-in. The Chief Executive shall then call a meeting of the relevant Overview and Scrutiny Committee as appropriate to scrutinise the decision, where possible after consultation with the relevant Chair, and in any case within 7 working days of accepting the call-in request, unless a meeting of the appropriate Committee is already scheduled to take place within this period.

- 17.9 In deciding whether or not to refer a decision back, the relevant Overview and Scrutiny Committee shall have regard to:
- any further information which may have become available since the decision was made
 - the implications of any delay; and
 - whether reconsideration is likely to result in a different decision.
 - The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities,
 - Whether there is evidence that the decision-making rules in the constitution have been breached;
 - that the agreed consultation processes have not been followed;
 - or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
 - What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.)
- 17.10 If, having scrutinised the decision, the relevant Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns. If it considers the decision is contrary to the policy framework or budget agreed by the Council, the matter may be referred to the full Council to determine whether or not it should be referred back to the decision making body.
- 17.11 If the relevant Overview and Scrutiny Committee does not meet within 7 working days of the Chief Executive accepting a call-in request, or does meet but does not refer the matter back to the decision making body or to the Council, the decision shall take effect on the date of the Overview and Scrutiny meeting, or the expiry of the period of 7 working days from the call-in request being accepted, whichever is the earlier.
- 17.12 If the decision is referred back to the decision making body, that body shall then reconsider, either at its next programmed meeting or at a special meeting called for the purpose, whether to amend the decision or not before reaching a final decision and implementing it.
- 17.13 If the relevant Overview and Scrutiny Committee refers the matter 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, the Council will refer any decision to which it objects back to the decision making body, together with the Council's views on the decision. In this case the decision making body shall consider, either at its next programmed meeting or at a special meeting convened for the purpose, whether to amend the decision or not before reaching a final decision and implementing it.

17.14 If the Council does not meet within two weeks of the matter being referred to it, or if it does meet 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 that two week period, whichever is the earlier.

18. Call-in and urgency

18.1 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 if in the opinion of the decision making body the decision is an urgent one and subject to the agreement of the Chief Executive, or in his/her absence the officer acting for him, such a decision shall not be subject to call-in.

18.2 The Chief Executive or the Officer acting on his/her behalf shall consult the leaders of the Political Groups before agreeing to the exemption. Any decision to which the call-in process does not apply for reasons of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

18.3 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to the Overview and Scrutiny Committee with proposals for review if necessary.

19. Call In and Joint Committees

19.1 The principle of call in applies to decisions made by Joint Committees on which the Council is represented. The detailed arrangements relating to call in of Joint Committee decisions shall be agreed between the constituent authorities and included in the Constitution of the Joint Committee.

20. Matters excluded from Scrutiny

20.1 Overview and Scrutiny Committees should not normally scrutinise individual decisions made in respect of development control, licensing, registration, consents and other permissions. In particular they are not an alternative to normal appeals procedures. However, they may make reports and recommendations on such functions as part of wider scrutiny reviews.

20.2 The scrutiny process is not appropriate for issues involving individual complaints or cases, or for which a separate process already exists e.g. personnel/disciplinary matters, ethical matters or allegations of fraud.