

PART B of APPENDIX 1

Commences from page 124 of the Council's Constitution

E - OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Arrangements for overview and scrutiny

The Council will have an overview and scrutiny committee as set out in Article 6 of the Constitution and will appoint to it as it considers appropriate from time to time. The Overview and Scrutiny Committee will appoint the select committees, Business Panel, Education Business Panel and any task and finish groups as set out in Article 6. The Council may also establish and appoint joint select committees in accordance with Article 6. The Council may amend its overview and scrutiny arrangements from time to time in accordance with that Article.

2. Constitution and terms of reference

The constitution and terms of reference for the overview and scrutiny committee and its select committees and Business Panel will comply with the law and will be as set out in Article 6 or as amended from time to time. At its first meeting the overview and scrutiny committee will establish those select committees and Business Panels set out in Article 6. The Overview & Scrutiny Committee may appoint task and finish groups in accordance with Article 6 at any time.

3. Who may sit on overview and scrutiny committee?

All councillors except members of the Executive may sit on the overview and scrutiny committee. However, any member who is appointed by the Mayor to serve on the Executive for any part of a year may not serve as a member of Overview and Scrutiny Committee or its Sub Committees thereafter during that year. No member may be involved in scrutinising a decision which he/she has been involved in making.

4. Co-optees

Save for the Safer & Stronger Communities Select Committee, the Council's arrangements for overview and scrutiny do not currently provide that co-optees may be appointed to its overview and scrutiny committee, its select committees or Business Panel. Subject to legislation to the contrary, co-optees on any overview and scrutiny committee or sub-committee or Business Panel, may not vote, unless the Council approves a scheme permitting co-optees to vote in accordance with paragraphs 11 of Schedule A1 Local Government Act 2000 as amended or other relevant legislation in force from time to time.

Diocesan and governor representatives are appointed to the Education Business Panel and the Children & Young People Select Committee. By law they have voting rights.

Voting co-optees (where appointed in accordance with a scheme) and the education and parent representatives on Education Business Panel and the Children and Young People Select Committee may not chair those bodies.

The Council will secure the involvement of the local community and other stakeholders by other means such as taking evidence from them, and by a variety of consultative methods. The Council may amend its arrangements to provide for co-optees to be appointed at any time.

5. Education representatives

The Council will appoint to its Children & Young People Select Committee, the Education Business Panel and to any relevant overview and scrutiny body dealing with education matters the voting representatives set out in the table appearing in Article 6.3 of the constitution

6. Meetings – where and when

There will be at least 1 meeting of the main overview and scrutiny committee per year, and generally at least 3 and no more than 5 meetings of the select committees per year. Meetings will take place at such times and locations as the proper officer thinks fit. Meetings of the overview and scrutiny committee, a select committee, Business Panel and the Education Business Panel or a task and finish group may be called by:-

- (a) The chair of that committee, select committee or Business Panel
- (b) Any five members of the relevant committee, select committee, task and finish group, or Business Panel by request in writing to the proper officer
- (c) The Head of Paid Service, Chief Finance Officer or Monitoring Officer

7. Quorum

The quorum for an overview and scrutiny committee, select committee, Business Panel or Education Business Panel is one quarter of the entire membership or three, whichever is the larger.

8. Who chairs overview and scrutiny committees

At the first meeting in the municipal year, the Overview and Scrutiny Committee will appoint a Chair to preside at its meetings for the coming year, and that person shall also chair the Business Panel and the Education Business Panel. The Committee will also appoint a Vice-Chair who will

preside in the absence of the Chair. The Vice-Chair will also be Vice Chair of the Business Panel and the Education Business Panel.

The Chairs and Vice Chairs of the Overview and Scrutiny Select Committees will be allocated in accordance with the proportion of seats held by the political groups on the Council.

In the absence of the Chair and Vice Chair at any meeting of the Overview and Scrutiny committee, its select committees or the Business Panels, the meeting will appoint a Chair for that meeting from amongst those members present.

Neither the Speaker nor the Deputy Speaker, education and parent/representatives nor any co-optee may chair the overview and scrutiny committee, a select committee or the Business Panels.

9. Work programme

- (a) At the beginning of the municipal year, each select committee will draw up a draft work programme for that year. In doing so it will specifically take into account the views of members of that select committee who are not members of the largest political group. The select committee will submit the draft to the Business Panel for consideration normally by the end of May each year.
- (b) The Business Panel will then consider the proposed work programmes of each of the select committees and devise a co-ordinated overview and scrutiny work programme which avoids duplication of effort and facilitates the effective conduct of business. The Business Panel may amend the work programme of any of the select committees but will not normally do so unless it is necessary to ensure the effective conduct of Council business. Once the Business Panel has approved the select committee work programme, the select committee will implement it.

10. Agenda items

(a) Members of the Committee/Sub-Committee/Business Panel

Each member of the Overview and Scrutiny Committee, select committees and Business Panels is entitled to refer a matter relevant to the work of that committee/sub-committee or Business Panel to be placed on the agenda for, and discussed at, a meeting of the overview and scrutiny committee/select committee/Business Panel of which they are a member. Requests for items to be placed on the relevant agenda should be made to the proper officer, who will comply.

(b) The Council and/or the Executive

The Council and/or the Executive may request that an overview and scrutiny committee/select committee or Business Panel investigate and/or

review and/or report on any particular area of Council activity or matter of concern to local people. The overview and scrutiny committee, select committee or Business Panel will respond to such requests as soon as their work programme permits. Where the overview and scrutiny committee/select committee/Business Panel produces a report to the Executive and/or the Council, the Council and/or the Executive will consider the report within 2 months of receiving it.

- (c) Local Assemblies may ask the overview and scrutiny committee to address issues of concern in their locality. Where they do so, the matter will be referred by the Business Panel to the appropriate select committee for response if the Business Panel considers that it is appropriate to do so.
- (d) Members who are not members of the Overview and Scrutiny Committee/Sub-Committee/Business Panel - The Councillor Call for Action

Any member may refer to an overview and scrutiny select committee or Business Panel of which they are not a member, any matter relevant to its work, provided it is not an excluded matter. In deciding whether to do so, the member must first have regard to any guidance issued by the Secretary of State.

For the purpose of this paragraph, excluded matters are those:-

- (a) relating to Planning decisions;
- (ii) relating to Licensing decisions;
- (iii) relating to a matter in respect of which the person has a right of recourse to review or a right of appeal under any enactment;
- (iv) which are vexatious, discriminatory or not reasonable to be included on the agenda, or discussed at, a meeting of the overview and scrutiny committee/sub-committee/Business Panel.
- (v) A local crime and disorder matter (which is subject to separate provisions see paragraph 22 below).

However where the matter consists of an allegation that a Council function has not been discharged at all, or that the Council has failed/is failing on a systemic basis, it is not an excluded matter notwithstanding that it relates to a Planning or Licensing decision, or a decision where there is a right of recourse to review or a right of appeal under any enactment.

11. Councillor Call for Action procedure

- (a) In deciding whether to exercise its powers in relation to a referral under paragraph 10(d) above, the overview and scrutiny committee/select

committee/Business Panel may have regard to any powers exercisable by the member under Section 236 Local Government and Public Involvement in Health Act 2007 (exercise of functions by councillors) and any representations by the member as to why it is appropriate for the committee/sub-committee/Business Panel to exercise its powers.

- (b) If the committee/sub-committee/Business Panel decides not to exercise its power in relation to the matter, it must notify the member of its decision and the reasons for it.
- (c) Subject to the provisions relating to confidential and exempt information in place from time to time, the committee/sub-committee/Business Panel must give the referring member a copy of any report/recommendations it provides to the Council/Executive.

12. Duty of Executive/Council to respond to Councillor Call for Action

- (a) When the overview and scrutiny committee or a select committee or Business Panel makes a report and/or recommendations to the Council or to the Executive under the Councillor Call for Action, the overview and scrutiny committee/select committee/Business Panel may publish its report and/or recommendations and must give notice in writing to the Council or the Executive requiring the Council or the Executive, within 2 months of receipt by the Council or Executive of the report/recommendations, or (if later) the notice:-
 - 1) to consider the report or recommendations
 - 2) to respond to the overview and scrutiny committee/sub committee/business panel indicating what (if any) action it intends to take
 - 3) if the overview and scrutiny committee/sub committee/business panel has published its report/recommendations to publish its response, and
 - 4) if the overview and scrutiny committee/sub committee/business panel provided a copy of its report/recommendations to a member referring a matter to it, to provide a copy of the response to that member.
- (b) It shall be the duty of the Executive or Council served with a notice to respond to comply with the notice within 2 months of receipt of the report/recommendations or if later, the notice.
- (c) Requirements in relation to publication in this paragraph are subject to the provisions relating to confidential/exempt information in place from time to time.
- (d) The Secretary of State may amend the requirements relating to the referral of matters to the Executive or Council by overview and scrutiny bodies, and the publication of reports and responses. Where such amendments

are made, they shall supersede the provisions of the Constitution and shall be deemed to be incorporated into it.

- (e) There are specific provisions relating to referral made under Section 19 and 20 Police and Justice Act 2006

13. Confidential and exempt information in overview and scrutiny reports and responses

This paragraph applies to

(1) the publication of any document which is:-

- an overview and scrutiny committee/select committee report/business panel and/or recommendations to the Executive and/or the Council, or
- the Executive and/or Council response to that report/recommendations

(2) the provision of any such document to

- a member who referred the matter to the overview and scrutiny committee committee/select committee/Business Panel,; or
- the provision of such a document to a partner authority.

The overview and scrutiny committee/select committee/business panel or Council/Executive in publishing the document or providing it to a partner authority must exclude confidential information and may exclude exempt information.

If information is excluded on the grounds that it is confidential or exempt, the overview and scrutiny committee/select committee/ business panel/Council may replace so much of the document as has been excluded with a summary which does not disclose that information, and must do so if as a consequence of excluding the information the published document would be misleading or not reasonably comprehensible.

For the purpose of this paragraph 13, exempt and confidential information have the meaning set out in Section 100A and 100I and Schedule 12A Local Government Act 1972 as amended.

14. Information from and reports concerning partner authorities

- 14.1 The overview and scrutiny committee, select committees and the Business Panel may request in writing such information of relevant partner authorities as is reasonably required to discharge their functions in relation to the area and its inhabitants. Subject to certain exceptions set out by law from time to time, the relevant partner authority must respond.

- 14.2 The overview and scrutiny committee, its select committees and/or Business Panel may make a report/recommendations to the Council/Executive about the functions of a relevant partner authority exercisable in the area or in relation to its inhabitants.
- 14.3 Where it does so, the overview and scrutiny committee/select committee/Business Panel may give written notice to the partner authority requiring it to have regard to the report/recommendations in exercising its functions. Such notice must be accompanied by a copy of the report/recommendations and it will be the duty of the partner authority to comply with the notice.
- 14.4 'Relevant partner authority' means any person which is a partner authority for the purposes of Chapter 1 Part 5 Local Government and Public Involvement in Health Act 2007 other than a chief officer of police.
- 14.5 Paragraph 14.2 does not apply to a health body (ie NHS Trust, NHS foundation trust or a primary care trust) if the report has been given to that body under provisions relating to the scrutiny of health (see paragraph E23 below).
- 14.6 This paragraph 14 does not apply to a report/recommendations about a crime and disorder matter under Section 19 Police and Justice Act 2006 about which there are separate provisions applying to overview and scrutiny (see E 22 below).

15. Policy review and development

- (a) The role of the overview and scrutiny committee and its select committees and the Business Panel in relation to the development of the Council's budget and policy framework is set out in detail at Section F of this Part IV, the Budget and Policy Framework Procedure Rules.
- (b) The overview and scrutiny committee, or as appropriate its select committees and/or the Business Panel may also make proposals to the Executive for development of strategic policy matters that do not form part of the policy and budget framework in so far as they relate to matters within their terms of reference.
- (c) Overview and scrutiny select committees and the Business Panel may make enquiries and investigate the options for future direction in policy development and may appoint advisors and assessors to assist them in that process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things they reasonably consider to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and pay advisors, assessors and witnesses a reasonable fee and expenses for doing so.
- (d) Once the overview and scrutiny select committee or Business Panel has formed recommendations for development of policy, it will submit that report

to the Executive for consideration. As soon as reasonably practicable after receiving the report (usually within 6 weeks) the Executive will consider the report together with a report from the relevant Executive Director(s), or their nominee(s), setting out officers' comments on the recommendations or proposals and their proposed response to the select committee or Business Panel. The referring Select Committee or Business Panel will be advised at their next meeting of the date upon which the Executive is programmed to consider the proposed response. The formal response approved by the Executive will then be referred back to the next available meeting of the Select Committee or Business Panel. If the recommendations would entail a change to the policy framework or the budget, then those changes can only be effected with the approval of Council.

- (e) The agenda for each Executive meeting will include an item "Issues referred by Overview and Scrutiny". Reports from the select committees and/or the Business Panel will be included at this point, unless they have been considered in relation to a substantive item on the agenda within one month of the receipt of the report from overview and scrutiny.
- (f) If the Mayor has not delegated powers in relation to the matter which is the subject of an overview and scrutiny report, or where he/she has delegated power to the Executive acting collectively, a committee of the Executive or to an individual Executive member, then the report will be submitted to the Mayor and the relevant Executive member(s) and to the proper officer. The relevant individual member(s) / the Mayor will consider their response in accordance with the Mayoral scheme of delegation, taking appropriate advice including service, legal and financial advice and will respond to the report in writing, copies of which will be given to the proper officer and reported to the Executive.
- (g) The overview and scrutiny committee will in any event have access to the Executive's key decision plan in accordance with Rule G 17. Even where an item has not been the subject of a detailed review, a select committee and/or Business Panel may have views which it wishes to express on an up and coming matter. Where this is the case, a copy of those views will be given to the proper officer at least 10 days before the Executive is due to make a decision on the matter in question. The proper officer will ensure that those views are brought to the attention of the decision maker before the decision is made. The record of the decision will specifically deal with the decision maker's response to the overview and scrutiny comments.

16. Rights of overview and scrutiny committee members to documents

- (a) In addition to their rights as councillors, members of the overview and scrutiny committee have additional rights to documents, and to notice of meetings set out in the Access to Information Rules at part G.
- (b) Nothing in these Rules prevents liaison between the Executive and select committees/Business Panels as appropriate.

17. Members and officers giving account

(a) The overview and scrutiny committee, its select committees and Business Panel may scrutinise and review decisions made or actions taken in connection with the discharge of Council functions within their overview and scrutiny remit. They may review documentation and may require the Mayor, Deputy Mayor and any other member of the Executive, ward member exercising delegated decision making powers, or the Chief Executive and/or any Executive Director to attend before it to explain in relation to matters within their remit:-

- any particular decision or series of decisions
- the extent to which actions taken implement Council policy
- their performance

and it is the duty of those persons, if requested, to attend.

(b) In addition, those officers listed in the Council's Petition Scheme (appearing at Appendix 2 to the Constitution) may also be required to attend before a relevant overview and scrutiny committee, sub-committee or Business Panel in accordance with that scheme.

(c) Where a member or officer is requested to attend under this rule, the relevant Chair will inform the proper officer. The proper officer will inform the person concerned in writing giving at least 7 working days notice of the meeting at which they are asked to attend. The notice will give detail of the item on which they are required to attend and whether any papers are required for the committee. If the account to be given requires the production of a report, then the member or officer required to attend will be given enough time to prepare it.

(d) Where exceptionally the member or officer is unable to attend as required, an alternative date will be arranged.

(e) The overview and scrutiny select committees and the Business Panels may invite people other than members and officers to address them on matters of local concern and/or answer questions. It may, for example, wish to hear from other service providers, local residents and stakeholders, and may invite them to attend.

18. Call In

(a) Executive decisions made at a meeting of the Executive; and

Executive decisions made by an individual member:

will be deemed to have been made only when made in the presence of either the Head of Paid Service, Chief Finance Officer, Monitoring Officer or their

duly authorised nominees and the decision has been recorded and published.

(b) When an executive decision is made by

- the Mayor
- the Executive
- a committee of the Executive
- an individual member of the Executive
- an individual ward member
- an officer (if it is a key decision)
- an area committee
- joint arrangements

the decision will be published by the proper officer on the Council's website, including where possible by electronic means, and will in any event be available at the Council's main offices, within two days of being made. Copies of the decisions will be sent to all members of the Council's Business Panel within the same timescale by the proper officer. If the decision relates wholly or partly to an education function of the Executive such notice will be sent to all Members of the Education Business Panel. The requirements of this paragraph shall however not apply to decisions taken by Council officers relating to the provision of services to individual service users, (for example when a service user goes into residential care or child into a residential special school)

(c) The notice will bear the date on which it is published and will specify that the decision will come into force on the expiry of seven working days after the publication of the decision unless the relevant Business Panel objects to it and within that period resolves to ask the decision maker to re-consider (call in). However if the decision has been taken in accordance with Rule 19 below, it will be effective on publication of notice that it has been made.

(d) The proper officer shall convene a meeting of the relevant Business Panel to take place normally once every 15 working days. He/she will refer executive decisions to the next meeting for consideration if so requested in writing by the Chair or Vice Chair of the relevant Business Panel, any three members of it, or any five members of the overview and scrutiny committee. All such requests must be received by the proper officer by noon on the working day before the meeting. If no such request is made then the arranged meeting of the Business Panel or Education Business Panel will be vacated unless there is other business to be conducted at it. The proper officer will notify members of any vacated meeting by electronic means and arrange for the publication of a cancellation notice on the Council website and at the Council's main offices. Decisions that are not referred to the relevant Business Panel will automatically become effective on the expiry of the seven working day period. The Mayor (or other decision maker) will be entitled to attend the meeting of the Business Panel at which a decision made by them is under consideration for call in.

(e) If an executive decision is called in within the seven day period, then the decision shall not be implemented pending the conclusion of the call in procedure.

(f) When the relevant Business Panel considers the Executive decision it may either:-

- Take no action, in which case the decision becomes effective on the conclusion of the Business Panel meeting at which it was considered; or
 - Refer the matter back to the decision maker for reconsideration.
 - If the Business Panel does not wish the decision maker to reconsider but nonetheless wishes to make comments to the decision maker which fall short of a request to reconsider, it may do so. However the referral of such comments to the decision maker will not require them to reconsider their original decision which will be effective at the close of the Business Panel meeting.
 - Refer the matter to full Council, if it appears that the decision which the Executive has taken is contrary to the policy framework, or contrary to or not wholly consistent with the budget.
- (g) When the Business Panel meets to consider whether to call in an executive decision it may request the decision maker to attend to explain the decision. Wherever possible, the decision maker will attend.
- (h) Where the relevant Business Panel refers the matter back to the decision maker for reconsideration or to the Council, it must set out its reasons for doing so in writing. The proper officer will ensure that these reasons are brought to the attention of the Council or the decision maker when they consider the matter.
- (i) If the matter is referred back to the decision maker for reconsideration, they will then reconsider their decision usually within seven working days of the date on which it is referred back to them in writing by the proper officer. The decision maker may amend the decision or not, before adopting a final decision. The final decision will be recorded by the proper officer and published. This decision is not subject to call in. The Chair (or in his/her absence the Vice-Chair) of the Business Panel calling in any decision will be entitled to attend and speak at any meeting of the Mayor and Cabinet at which the original decision is being re-considered. If the decision was made by the Mayor acting alone, or by an individual member of the Mayor and Cabinet, or an individual officer, the Chair (or in his/her absence the Vice-Chair) of the relevant Business Panel may attend when that person reconsiders their decision, to address them before their further decision is made.
- (j) If the matter is referred to Council, then:-
- the Council must meet within 10 working days of the decision of the relevant Business Panel to refer it to Council, to consider the matter. If the Council does not meet, then the decision becomes effective on expiry of the 10 day period, unless the Monitoring Officer advises that the decision would be ultra vires, in which case the decision will not be effective until the Executive has formally considered the advice of the Monitoring Officer.

- If, when the Council meets, it does not object to a decision made by the Executive, (either because it is of the view that the original decision was consistent with the budget and policy framework or it has amended the budget and/or policy framework to accommodate it,) the decision will become effective immediately on the conclusion of the Council meeting at which it is considered
 - If, when the Council meets, it does object to the Executive decision, but it is not contrary to the policy framework or contrary to or wholly inconsistent with the budget, the Council has no power to change the Executive's decision. It must refer the matter back to the decision maker with its comments in writing. The decision will not be effective pending reconsideration by the decision maker, who may or may not amend the original decision in the light of Council comments before making a final decision.
- (k) The Council will put in place call-in arrangements in relation to executive decisions made by area committees if the Council appoints such bodies and the Mayor decides to delegate to them, and those call-in arrangements once agreed will form part of this Constitution.

19. Call In and Urgency

- (a) The call in procedure set out in Rule 18 above shall not apply where the decision being taken is urgent. A decision will be urgent if the delay likely to be caused by the call in process would seriously prejudice the interests of the Council or the public. The Speaker, and in his/her absence the Deputy Speaker, must agree in writing both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Speaker and Deputy Speaker, the consent of the Chief Executive, or his/her nominee is required. Decisions taken as a matter of urgency under this Rule must be reported to the next ordinary meeting of the Council together with the reason for urgency.
- (b) The operation of these provisions relating to call in and urgency shall be monitored annually and a report submitted to the Council with proposals for review if appropriate.

20. The party whip

When considering any matter in respect of which a member of the overview and scrutiny committee is subject to a party whip, members must declare the existence of the whip and the nature of it before the commencement of the deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

21. Procedure at overview and scrutiny meetings

- (a) The business to be conducted at meetings of the overview and scrutiny committee, its select committees and the Business Panels will be:-

- Minutes of last meeting
 - Declarations of interest (including whipping declarations)
 - Responses of the Executive to reports from that committee, select committee or panel
 - The business set out in the agenda for the meeting.
- (b) In addition the Business Panels will consider, immediately after the declarations of interest, any matters referred to it for call in.
- (c) When the select committees or a Business Panel conduct investigations (for example with a view to policy development), the select committee/Business Panel may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:-
- The investigation will be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees and to contribute and speak;
 - Those assisting the committee/select committee/panel will be treated with respect and courtesy;
 - The investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

22. Overview & Scrutiny of Crime and Disorder Issues

22.1 Definitions

For the purposes of these procedure rules:-

“responsible authority” means those defined as such by S5 of the Crime and Disorder Act 1998 and any amendments thereto from time to time, including the Council and the police; and

“co-operating person or body” means those defined as such by S 5 and 38 of the Crime and Disorder Act 1998 and any person prescribed as such by the Secretary of State from time to time (currently the probation service)

22.2 Remit

The Council appoints an overview and scrutiny committee or sub committee to fulfil the overview and scrutiny function in relation to the discharge by responsible and co-operating persons/bodies of their crime and disorder functions, as required by S19 Police & Justice Act 2006 as amended from time to time, and all other relevant legislation. The overview and scrutiny select committee with these functions is the Safer Stronger Communities Select Committee (see art 6.6).

22.3 Co-optees

The Safer Stronger Communities Select Committee may co-opt additional members to serve on that select committee. Any such co-optee is not entitled to vote on any particular matter unless the Select Committee so decides and it may only do so in accordance with a co-option scheme agreed by the Council. A co-optee's membership may be limited to the exercise of the select committee's powers in relation to a particular matter or type of matter.

22.4 Withdrawal of co-option

Membership of a person co-opted to serve on the Safer Stronger Communities Select Committee may be withdrawn at any time by the select committee.

22.5 Request for information

The Safer Stronger Communities Select Committee may make a written request to a responsible body or co-operating person or body for information relating to

- (a) the discharge, or decisions made or other action taken in connection with the discharge of their crime and disorder functions, or
- (b) local crime and disorder matters in respect of which the select committee has overview and scrutiny functions by virtue of s19 of the Police and Justice Act 2006.(see para 22.10 below)

22.6 Supply of information

Where a written request is made for information, the responsible authority/co-operating person or body must provide the requested information. It should be supplied no later than the date indicated in the request, but if some or all of the information cannot reasonably be provided by such date, it must be provided as soon as reasonably possible.

22.7 Nature of information to be provided

The information provided

- (a) must be de-personalised unless the identification of an individual is necessary or appropriate to enable the Safer Stronger Communities Select Committee to properly exercise its powers; and
- (b) shall not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating person or bodies.

22.8 Attendance

The Safer Stronger Communities Select Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions. The select committee will give reasonable notice of the intended date of attendance. In the absence of reasonable notice, the person will not be required to attend.

22.9 Reports and Recommendations

If the Safer Stronger Communities Select Committee makes a report or recommendation to a responsible authority or to a co-operating person/body, that person or body must respond to the report/recommendation in writing within 28 days of the date of making the report/recommendation, or if this is not reasonably possible, as soon as reasonably possible after that.

22.10 Agenda Items

- (a) Any member of the Council may refer a local crime and disorder matter to the Committee for inclusion on the agenda and for discussion at a meeting of the select committee.
- (b) In deciding whether to exercise its powers in response to the referral, the select committee will have regard to any powers available to the referring member by virtue of Section 236 Local Government in Health Act 2007 (exercise of functions by councillors) and any representations made by the referring member as to why it would be appropriate for the select committee to exercise its powers.
- (c) If the select committee decides not to exercise its powers it will inform the referring member and give reasons for its decision.
- (d) Where the select committee makes a report/recommendations, it must supply a copy to the referring member and a copy to the responsible authorities and co-operating bodies/persons as it considers appropriate. It must inform those authorities/bodies that they must respond indicating what action (if any) they intend to take and that they must have regard to the report/recommendations in exercising their functions. A response must be made within 28 days or if that is not possible as soon as is reasonably possible thereafter.
- (e) For the purposes of paragraph 22.9, a “local crime and disorder matter” means a matter concerning crime and disorder, in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment or the misuse of drugs, alcohol or other substances affecting all or part of the ward for which the member was elected or any person who lives or works in that area.

23 Scrutiny of health matters

- 23.1 The Council has appointed the Healthier Communities Select Committee to carry out, among other things, the scrutiny of health bodies under the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and other relevant legislation in place from time to time.
- 23.2 The Healthier Communities Select Committee may review and scrutinise any matter relating to the planning, provision and operation of health services in the area.
- 23.3 If a matter is referred to it by Local Healthwatch, or a local Healthwatch organisation, the Select Committee must invite interested parties to comment and consider the matter having regard to relevant information, including that provided to it by Healthwatch. The Council will acknowledge the referral within 20 days and keep the referrer informed of action taken.
- 23.4 The Healthier Communities Select Committee may make reports and recommendations to local NHS bodies and to the Council/Executive on any matter reviewed or scrutinised by it. Such reports will contain an explanation of the matter reviewed, a summary of the evidence considered, a list of participants involved in the review and any recommendations made.
- 23.5 The Healthier Communities Select Committee may request a response from the NHS body to whom it has made a report and the NHS body is under a duty to provide one within 28 days of the request.
- 23.6 NHS bodies must, subject to certain exceptions, consult the Healthier Communities Select Committee about any proposal for substantial variation in, or substantial development of, a service in the area, and where consulted the Select Committee is entitled to comment, and in appropriate cases the Select Committee may make referrals to the Secretary of State under the 2013 Regulations
- 23.7 The Healthier Communities Select Committee may require a local NHS body to provide such information about the planning, provision and operation of health services in the Borough as the Select Committee reasonably requires and the NHS body is under a duty to provide it subject to certain exceptions set out in regulation.
- 23.8 Subject to any directions made by the Secretary of State, the Healthier Communities Select Committee may require an officer of a local NHS body to attend before it to answer questions, and it shall be the duty of such an officer to comply, provided reasonable notice of the requirement to attend has been given.
- 23.9 The Council may from time to time appoint joint committees to discharge the overview and scrutiny function in relation to local health bodies and may delegate relevant overview and scrutiny functions to another authority's overview and scrutiny committee where it considers that that other authority would be better placed to undertake the function and that other Council agrees to do so.

24. Task and Finish Groups

24.1 The conduct of meetings at task and finish groups shall be a matter for the Chair of the task and finish group, subject to:-

- i) any legal requirements; and
- ii) provisions and principles set out in paragraph E 21(c) which shall also apply to the conduct of task and finish groups

24.2 When the task and finish group completes an investigation it shall produce a report detailing its findings and any recommendations which it shall refer to Mayor & Cabinet and/or an appropriate Council decision making body for consideration.

24.3 The Mayor & Cabinet and/or other appropriate Council decision making body, shall refer their response back to the full Overview & Scrutiny Committee