

OVERVIEW AND SCRUTINY PANELS – OPERATIONAL RIGHTS AND RIGHTS OF ACCESS TO INFORMATION

1. INTRODUCTION

- 1.1 This Chapter defines the operational rights and the rights of access to information to be afforded to the Overview and Scrutiny Panels. It is to be read in conjunction with and is supportive of other elements of the Council's Constitution.
- 1.2 For the purposes of this Chapter, the following definitions shall apply:-
- Council – means all Members of the Council acting together at formal meetings convened under the provisions of the Local Government Act 1972;
 - Committees – means the Planning Development Control Committee, the Audit Committee, the General Purposes and Licensing Committee and any other Committees comprising of only Councillors as voting Members established by the Council to undertake any of its functions.
 - Corporate Plans – means the Council's Corporate Plan and such other similar documents and policies as the Council may determine should be prepared;
 - Prepare – includes the initial preparation, review, amendment or any modification thereof, of any document or papers relating to Corporate Plans, policies or budgets;
 - Budgets – means the preparation of the annual budget of the Council which is to be used for the purposes of setting the Council Tax.
- 1.3 Where any review to be undertaken by a Panel affects one or more other Panels the Chairmen of the Panels shall agree which shall undertake the review and in the event of disagreement, the disagreement shall be referred to Council for determination.

2. AREAS OF ACTIVITY

2.1 The Panels shall have the right to be involved in and consulted on:-

- Policy Development
- Policy Review
- Budget Setting
- Service Scrutiny
- Reactive Reviews

3. TIMING OF INVOLVEMENT

3.1 The following principles shall apply:-

a. Policy Development

- Where the Executive decides to develop new policies, it shall after its initial consideration of any proposal, supply details to the relevant Panel prior to any recommendation being made to Council. Where the Council gives instructions to the Executive to undertake development of a new policy, it shall at the same time instruct the Executive to consult with the appropriate Panel during development of the new policy.
- Adequate time shall be allowed to Panels to respond to consultations from the Executive but, as a general principle, the period for response will not normally be less than one month.
- For topics included in any annual or other programme approved by the Council, target dates will be included within the programme.

b. Policy Review

- After initial consideration by the Executive and before any report by the Executive to Council details of the review will be supplied to the relevant Panel.
- As a general principle, this should always be determined having regard to the nature and complexity of topic but a minimum period of one month should normally be allowed.
- For topics included in the annual or other programme approved by Council, target dates will be set within the programme.

- Where a Member of a Panel has sought, and the Panel has agreed, to undertake a review of existing policy, the Panel shall set its own timetable for completion of the work details of which shall be reported to Council.

c. Budget Setting

- The Council at its meeting in July will prepare outline proposals identifying its revenue and capital financing strategy for the following financial year.
- The Overview and Scrutiny Panels will thereafter prepare draft budget proposals, complying with the financial strategy approved by the Council, for submission to the Executive in the autumn.
- The Executive will consider the draft budgets prepared by the Overview and Scrutiny Panels in the overall context of the Council's financial strategy and the effect of the draft budgets on the level of the Council Tax. The Executive will consult further with Overview and Scrutiny Panels by no later than January on the individual Portfolio Holder's draft budget the Executive proposes to submit to the Council for approval.
- Any views Panels or Committees might have on the draft budgets will be reported to the Executive for consideration before the Executive makes final detailed proposals for the adoption of the overall budget, the Council Tax and housing rent levels in February.

(Timing of February Council will need to take account of County Council Timetable and the arrangements for the resolution of any dispute between the Council and Executive)

d. Service Scrutiny

- Prior to 1 April in each year, each Panel shall produce a programme identifying the service reviews it proposes to undertake in the forthcoming year and shall submit such programme to the Council and the Executive.
- Within the annual programme, each Panel shall identify the full extent of the service reviews including the specific area of activity and the purpose of the review – together with a timetable showing the commencement and completion dates for such reviews.
- The annual programme shall identify the overall resources likely to be required for completion of the review.

- Upon receipt of the annual programme or at any time during the year, the Council or the Executive may request a Panel to undertake a specific service review. Upon making such request, the Council or the Executive shall identify the objective of the review and the timescales, which will normally not be less than one month, for completion of the review.
- Panels shall not include within their annual programme, or commence work on any service review under this paragraph where such service is also subject to a formal review agreed through the medium term financial plan process during that year, except where, with the agreement of the relevant Head of Service, the Panel considers that the review of part of a service would be beneficial or is necessary.

e. Reactive Reviews

- (i) Where any matter is referred to a Panel by a single Member under the call-in procedures at Chapter 8, the Panel shall at its next meeting follow the procedures in paragraph 5.1 of Chapter 8.
- (ii) Where any decision of the Executive is referred to a Panel by two Members of the Panel, the Panel shall follow the procedures in paragraph 5.2 of Chapter 8, or, where decision has been implemented under paragraph 7.1 of Chapter 8, the Panel shall follow the procedures in paragraph 7.2 of Chapter 8.

4. ACCESS TO INFORMATION

4.1 To enable Panels to undertake their duties under the terms of this Chapter, each Panel shall have timely access to:-

- All reports and supporting papers, including exempt information, considered by the Executive at a meeting or by a Portfolio Holder when making a decision;
- Supporting papers, including documents prepared or supplied by Officers which had an effect on the decision taken including any papers containing information about options rejected by the Executive.
- Such other information and reports as the Panel may request Heads of Service to supply or prepare, subject to the right of the Chief Executive to refer the need for such work to the Council for agreement.

- 4.2 Where documents or information are requested, they must be provided as soon as reasonably practicable, and in any case no later than 10 clear days after the request is received
- 4.3 Members of Panels shall respect the confidentiality of confidential and exempt information and shall not provide or disclose it to any person who is not a Councillor and in particular shall not discuss the information in the presence of non-voting Members of the Panel.
- 4.4 Paragraphs 4.1 and 4.2 above apply to reports and supporting papers taken into account by officers when making decisions under delegated powers, as well as to reports and supporting papers considered by Members.

5. ATTENDANCE OF EXECUTIVE COUNCILLORS AT PANEL MEETINGS

Call-in of Executive Decisions

- 5.1 In consideration of any decision taken by the Executive, Panels shall have the absolute right to require the decision-maker, or a Member of the Executive where the decision was taken in a Cabinet meeting, to attend any meeting called to review the decision of the Executive. Where it is not reasonable to expect an individual decision-maker himself or herself to attend the meeting:
- a. where the decision was made by a Portfolio Holder, another member of the Executive; or
 - b. where the decision was made by an officer, a member of the Executive or another officer to whom he decision-maker reports,
- shall attend on the decision-maker's behalf.
- 5.2 A decision of the Executive shall not be implemented until such time as the Member of the Executive or its representative has attended a meeting of the Panel or the Panel has reported on the decision to the full Council at its next ordinary meeting.
- 5.3 A Panel may request copies of information or documents to enable it to review a decision of the Executive. If such papers have not been supplied at least two days prior to the meeting of the Panel, the Executive's decision shall stand deferred to a further meeting of the Panel which shall be arranged as soon as practicable.

Other Matters that are the Responsibility of the Executive

- 5.4 To enable them to undertake their duties effectively, Panels shall also have the absolute right to require the appropriate Portfolio Holder to attend any Panel meeting in order to discuss any subject the Panel has raised with the Executive, subject to a minimum of two calendar weeks' notice being given to the Portfolio Holder.
- 5.5 Where the Portfolio Holder is unable to attend the meeting, the Panel Chairman may, at his or her discretion, decide to postpone consideration of the matter to a later programmed Panel meeting, or to a special Panel meeting.
- 5.6 Where 5.5 applies, and the Portfolio Holder is also unable to attend the subsequent meeting, or the Panel Chairman decides that consideration of the issue should not be postponed, another Executive member shall attend the Panel meeting on the Portfolio Holder's behalf.

- 5.7 A Portfolio Holder who is unable to attend a Panel meeting that he or she has been requested to attend must inform the Panel Chairman of this fact, and of his or her arrangements for alternative representation (if appropriate) no later than two days before the meeting.

6. ATTENDANCE OF OFFICERS AT PANEL MEETINGS

- 6.1 Each Panel shall be entitled to require any Officer to attend its meetings who:-
- (i) Took a decision on behalf of the Executive;
 - (ii) Was involved in providing information to enable a decision to be reached by another Officer or by the Executive or has some material information that will assist the Panel in reviewing the decision.
- 6.2 Where any Officer fails to attend a meeting of the Panel without good cause, he/she may be subject to action under the Council's disciplinary rules.
- 6.3 In determining which Officers to call to provide information, the Panel shall have due regard to the seniority of Officers and shall normally only invite those Officers to give evidence who hold supervisory and management posts.
- 6.4 Officers shall only be required to give evidence on questions of fact when called to attend meetings of Panels. They should not be expected, or required, to comment on the merit of any options considered by the Executive, except insofar as the decision being reviewed is that taken by the Officer.

7. ATTENDANCE OF OTHER PERSONS AT PANEL MEETINGS

- 7.1 Where a Panel considers it necessary to enable it to undertake a review of any matter coming before it, it shall:-
- (i) be entitled to call any person who is not a Councillor or Officer to provide information to assist in its deliberations;
 - (ii) make reasonable travel and subsistence payments to any such persons attending meetings to provide information.

8. ADDITIONAL SUPPORT

- 8.1 A Panel shall be entitled to appoint a Consultant, other person or organisation to undertake research or other tasks on its behalf subject to budget provision having been made for that purpose and the cost not exceeding £1000, or such other amount as may be agreed by Council.

9. VARIATION OF CHAPTER

- 9.1 This Chapter may be amended at any time by the Council upon a recommendation from the Executive following consultation with the Council's Overview and Scrutiny Panels and Committees.