

HERTFORDSHIRE COUNTY COUNCIL
COUNTY COUNCIL
TUESDAY, 21 MARCH 2017 at 10.00AM

Agenda Item no.

14

COUNTY COUNCIL CALL IN PROCEDURE

Report of the Chief Legal Officer

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Executive Member: R Gordon, Leader of the Council

1. Purpose of report

- 1.1 To seek Council's approval to changes to the Council's Constitution to clarify the Council's procedure for calling in Executive decisions.

2. Summary

- 2.1 Following a review of the Council's procedure for calling in Executive decisions it has been identified that the Council's Constitution could be amended to make the process clearer.
- 2.2 Group Leaders and the Chairman and Vice-Chairmen of Overview and Scrutiny Committee have been consulted on the revisions to the Council's Constitution as set out in this report.
- 2.3 The Constitution provides that changes to the Constitution need approval by the full Council after consideration of a report from the Chief Legal Officer.

3. Recommendations

- 3.1 If Council are minded to change to the Constitution as set out in this Report then the following are suggested recommendations:-
- (a) That the revision to Annexe 4 (Access to Information Rules) to the Constitution set out in Appendix 1 to the Report and the revised Annexes 7 (Standing Orders for the Executive), 9 (Standing Orders for Scrutiny Committees) and 9A (Guidelines for Scrutiny) attached at the Appendices 2,3 and 4 respectively to the report, be approved and incorporated into the County Council's Constitution as Annexes 4, 7, 9 and 9A to the Constitution; and
- (b) That the Chief Legal Officer be authorised to make any consequential amendments as may be necessary to the Constitution to give effect to the decision at (a) above

4. Background

- 4.1 The Local Government Act 2000 (s9F(4)) (the '2000 Act') provides that overview and scrutiny committees have the power when reviewing executive decisions made but not yet implemented to:
- (a) recommend that the decision is reconsidered by the person who made it; or
 - (b) recommend that the full council consider whether that person should reconsider the decision
- 4.2 The 2000 Act is silent, however, on the procedural arrangements for calling in executive decisions. Statutory Guidance was issued by the Secretary of State in 2001 but to a large extent the detail of what should be included in call in arrangements is for each individual authority to determine.
- 4.3 Having reviewed the Council's Constitution the Chief Legal Officer's view is that:
- (a) the Constitution must be revised to include the ability as specified in the 2000 Act for the Overview and Scrutiny Committee to refer called-in decisions for consideration by full Council;
 - (b) consideration needs to be given to amending the Constitution to clarify the process by which decisions can be called in and the procedure to be followed if a decision is called in.
- 4.4 Discussions have taken place with Group Leaders about the proposed revisions set out in this Report. The Chairman and Vice-Chairmen of Overview and Scrutiny have also been consulted.

5 Proposed Amendments to the Constitution

- 5.1 The proposed amendments to the Constitution are attached as an Appendices to this Report and would amend the following Annexes to the Constitution:
- 4 (Access to Information Rules) – to provide for a record of officer key decisions to be sent to all members on a weekly basis (see paragraph 5.2(b) below)
 - 7 (Standing Orders for the Executive) – amendments relating to publication of an Executive Decision sheet immediately following the meeting of the Executive (see paragraph 5.2(a) below)
 - 9 (Standing Orders for Scrutiny Committees) – inclusion of provisions relating to call in (see paragraphs 5.3 to 5.8 below) and other minor amendments
 - 9A (Guidelines for Scrutiny) – supplemental practical steps consequent on receiving a notice calling in a decision

In the following paragraphs of this section the principal amendments are summarised.

Publication of decisions

- 5.2 There are no provisions currently in the Council's Constitution relating to the time period within which a decision to call in should be made. It is the usual practice in authorities to specify a time period linked to publication of the decisions/minutes of the Executive. In order to balance the need to have an effective call-in mechanism with the requirement not to impede the efficient running of the authority it is suggested that:
- (a) a record of Executive decisions should be published as soon as practicable after the decision has been taken. In the case of Cabinet a record of the decisions made at the Cabinet meeting will be circulated to all Members as soon as practicable after the relevant meeting. [This will simply be a record of the decisions made. Formal Minutes of the Cabinet meeting including reasons for decisions/alternative options considered will still be produced in the normal way and published on the Council's website.]
 - (b) with regards to key executive decisions made by officers members will be notified on a weekly basis of all officer key decisions made in the preceding week. Officers are required already to produce a record of key decisions as soon as reasonably practicable after the decision has been taken and this should be sent through to Democratic Services for publication. It is proposed that Democratic Services will produce on a weekly basis a record of all key decisions that have been made in the preceding week and circulate this to members. Officers will not be able to implement any key decision prior to the circulation to members of the weekly record of decisions by Democratic Services – the only exceptions will be if the Chief Executive has consented to the decision being implemented. Once the decision record of officer key decisions has been circulated then the call in provisions will apply and the decision will not be able to be implemented during the call in period unless it falls into one of the exceptions listed in paragraph 5.7 below.

Timing of decision to call –in

- 5.3 Members will have the ability to call in a decision (with exceptions – see paragraph 5.7 below) within the period commencing on publication of the Executive decision sheet or the weekly record of Officer Key Decisions and expiring at 5pm on the fifth working day after such publication. The call in provisions will apply both to Cabinet decisions and to key decisions taken by officers.
- 5.4 If a decision is called in then implementation of the decision (whether Cabinet or a key officer decision) is suspended until the later of (i) consideration of the call in by OSC or (ii) re-consideration of the decision by

the decision maker or (iii) consideration by full Council (if OSC refer the matter to full Council).

Call in Notice

- 5.5 It is proposed that a notice requiring a decision to be called in should:
- (a) be submitted to the Chief Legal Officer by at least 3 members of the Council from at least 2 political groups or 5 members
 - (b) specify the decision which is to be called in – i.e. date and title of the decision
 - (c) set out the reason(s) why the members wish to call the decision in – these reasons can be revised/supplemented prior to the OSC meeting
 - (d) be submitted by 5pm on the 5th working day after the date of notification of the relevant Executive decision sheet or officer key decision record

Consideration by Overview and Scrutiny Committee

- 5.6.1 A meeting of OSC will be held within the period of 10 working days after receipt of the call-in notice.
- 5.6.2 It will be for OSC to decide how to consider the call in notice and one of the members who submitted the call-in notice would be expected to address the committee on behalf of all those who submitted the call-in notice and the relevant Executive Member would respond on behalf of the Executive.
- 5.6.3 Possible decisions following consideration at the OSC meeting are:
- (a) the called-in decision can proceed to be implemented;
 - (b) the called in decision is referred back to the decision maker for reconsideration – in this case the decision then remains suspended until reconsideration by the decision maker;
 - (c) if OSC consider that the called in decision is contrary to the policy framework or to the budget then the called in decision can be referred to full Council for consideration – again the decision will then remain suspended until reconsideration by full Council.

Exceptions from call in

- 5.7 So as to ensure in particular that urgent decisions can proceed to be implemented it is proposed that there be exceptions from call-in. As it may be difficult to anticipate all 'urgent' decisions it is suggested that the wording for exceptions is general and comprises the following:
- (a) where the decision is a decision taken under the Special Urgency provisions in Annex 4

- (b) where the Chief Executive certifies that implementation of the decision is critical for service delivery
- (c) where the Chief Legal Officer certifies that the Council would be likely to suffer legal prejudice from a delay in implementation of the decision resulting from the decision being called in;
- (d) where the Director of Resources certifies that the Council would be likely to suffer financial prejudice from a delay in implementation of the decision resulting from the decision being called;
- (e) where the Chief Legal Officer certifies that a delay in implementation of the decision resulting from the decision being called in would result in the decision being incapable of implementation or meaningful implementation;
- (f) where the decision results from consideration of a recommendation or report from the OSC or any sub-committee or Topic Group of the OSC;
- (g) where the decision results from a reference back decision under 5.6.3(b) above; or
- (h) where the decision is a recommendation to Full Council;
- (i) where the call in period has expired

6. Next Steps

- 6.1 If members agree the changes to the Constitution referred to in this Report awareness raising and training will be given to officers so that the new arrangements for notifying members of decisions will be in place for May 2017.

7. Financial Implications

- 7.1 There are no financial implications arising from this report.

Background Information

New Council Constitutions: Guidance to English Authorities

Proposed amendments to Annex 4 of the Constitution

Insert a new paragraph 15.5 as follows:

- 15.5 The Chief Legal Officer will on a weekly basis send to every member of the Council a record of all key executive decisions made by officers in the preceding week (the 'Record of Officer Key Decisions'). No such officer key decision can be implemented prior to publication of the record of officer key decisions without the consent of the Chief Executive. Following the publication of the record of officer key decisions the provisions of Standing Order 8 of Annex 9 (Standing Orders for Scrutiny Committees – Call-In) shall apply.

Please note that the proposed amendments to Annex 7 are shown in bold italics below

ANNEX 7 - STANDING ORDERS FOR THE EXECUTIVE

1. Meetings

1.1 The Executive shall meet when determined by the Leader.

1.2 The Executive's meetings are subject to the Access to Information Rules set out in Annex 4 in relation to attendance by the public and access to documents.

2. Quorum

The quorum for a meeting of the Executive is 3.

3. Person Presiding

The Leader, if present, presides at a meeting of the Executive. In the Leader's absence another member of the Executive chosen by the Executive shall preside.

4. Decision Sheet and Minutes

4.1 As soon as practicable after every meeting of the Executive a Decision Sheet setting out the decisions taken at the meeting ("the Executive Decision Sheet") shall be sent to every member of the Council.

4.2 The Executive Decision Sheet shall be marked with the date on which it is issued.

4.3 The Executive Decision Sheet shall not replace the formal minutes of the meeting and, in the case of any discrepancy between the content of the Decision Sheet and the minutes, the minutes shall prevail.

4.4 Minutes of each meeting shall be sent to every member of the Council as soon as practicable after the meeting and in any event no less than 3 clear days before the next meeting.

4.5 Minutes shall be kept in a book which shall be signed at the next meeting by the Leader/person presiding.

4.6 Minutes of the previous meeting shall be taken as read and no discussion shall take place except as to their accuracy.

5. Agendas

The Chief Legal Officer shall at least 5 clear days before the meeting send an agenda with full reports to executive members and any other members who have requested them. At the same time the agenda and reports will be put on the Council's website for access by other members.

The Agenda for each meeting of the Executive is as determined by the Leader, but the following may require an item to come before the Executive:

- a) the full Council
- b) the Overview and Scrutiny Committee
- c) the Standards Committee
- d) the Head of Paid Service, Monitoring Officer or Chief Finance Officer.

In the circumstances mentioned in the Council's Petitions Scheme a petition could also be presented to a meeting of the Executive.

6. Procedure

- 6.1 The conduct of the meeting shall be under the control of the Leader/person presiding whose ruling on a point of order shall be final.
- 6.2 Any question before the meeting on which a decision is required shall be determined by a show of hands. In the event of the votes cast being equal, the Leader/person presiding shall have a casting vote.
- 6.3 Where the Executive is considering a report which includes recommendations arising from a scrutiny of a policy the Chairman of the Overview and Scrutiny Committee (or the Chairman of a Topic Group) shall be entitled to attend the meeting and to address the Executive in order to present the report and any recommendations, and to answer any questions.
- 6.4 There shall be an opportunity at each Cabinet meeting for members of the Council to ask questions of any Executive members. A member wishing to ask a question shall give written notice of it to the Chief Legal Officer at least 5 clear days before the meeting, stating to whom the question is to be put. Questions will be answered at the meeting in the order in which notice was received. The members asking the question may ask one supplementary question. The person responding may choose to answer such a supplementary question, or promise a written reply within 7 days. The period allotted for questions shall not exceed 15 minutes. Any questions remaining after that period has elapsed shall be answered in writing within 7 days.
- 6.5 Where a petition is presented, in accordance with the Petitions Scheme, the Petition Organiser may address the Executive for no more than three

minutes on the subject of the petition but thereafter shall not have the right to speak further.

7. Interests

Members of the Executive must observe the provisions of the Code of Conduct for Members set out in Annex 18 while attending meetings, and shall, when required by the Code, declare an interest and if it is a Disclosable Pecuniary Interest not participate in any discussion or vote on the matter at the meeting unless a dispensation has been granted by the Standards Committee.

Please note that the proposed amendments to Annex 9 are shown in italics

ANNEX 9 - STANDING ORDERS FOR THE OVERVIEW AND SCRUTINY AND THE HEALTH SCRUTINY COMMITTEES

In these Standing Orders:-

“Chairman” means the person presiding at the meeting.

“the Committees” means the OSC and the Health Scrutiny Committee.

“Group Spokesmen” means the opposition spokesman and the spokesman for any other Group represented on the Committee

“the OSC” means the Overview and Scrutiny Committee

STANDING ORDER SC.1 - Constitution and Membership

- (1) The composition and remits of the Committees are as set out in Annex 8.
- (2)
 - (a) The Council appoints the Committees at its annual meeting every year (but in years not being the year of the full Council election, members remain in office for the ensuing year unless there is a resolution to the contrary).
 - (b) The Chief Legal Officer fills casual vacancies
- (3) The Committees shall establish time-limited Topic Groups for particular purposes.

STANDING ORDER SC.2 – Chairman and Vice-Chairmen

- (1) The Chairman and Vice-Chairmen of the OSC and the Chairman and Vice-Chairman of ***the*** Health Scrutiny ***Committee*** shall be appointed by the Council at the Annual Meeting of the Council each year. Casual vacancies shall be filled by the Council at their first meeting after the occurrence of the vacancy.
- (2) The Chairman if present shall preside. In the case of the OSC, if the Chairman is absent, one of the Vice-Chairmen shall preside (as determined by the OSC). If the Chairman and both Vice-Chairmen are absent then another member chosen by the members present shall preside. In the case of the Health Scrutiny Committee, if the Chairman is absent, the Vice-Chairman shall preside. If both are absent, then another member, chosen by the members present, shall preside.
- (3) The Chairman and Vice-Chairmen may require a briefing by Officers on the business of the meeting.

STANDING ORDER SC.3 - Meetings

- (1) The date, time and place of meetings of the **Committees** shall be published in the County Diary.

The date and place of Topic Group meetings shall be set either by the Group or by the Chairman of the Group as far ahead as possible and notified to members.

- (2) The Chairman may, after consultation with the Vice-Chairmen, cancel a meeting because of lack of sufficient business. The Chairman may (after consultation) rearrange the time or date of a meeting if there is a genuinely pressing need.
- (3) Meetings are all held at County Hall unless otherwise notified and the exact venue is identified on the agenda.
- (4) Any three County Council members of **either of** the Committees may summon a special meeting **the Committee of which they are members** at any time, by notice in writing to the Chief Legal Officer.
- (5) The summons for a special meeting shall state the business to be considered and no other business shall be considered.
- (6) Members of the Executive have the right to attend relevant meetings and to speak thereat.
- (7) All members of the Council may attend the Committees even if they are not members and may speak, subject to the Chairmen's responsibility to control the business of the Committees.
- (8) The Committees may require members of the Executive, and officers to attend meetings to answer questions; any such member or officer shall attend if required.

STANDING ORDER SC.4 – Quorum

No business shall be transacted at **either of the** Committees unless at least one quarter of the members, or three members whichever is greater, are present in the meeting.

STANDING ORDER SC.5 - Agendas

- (1) (a) The **OSC** and the Health Scrutiny Committee shall determine their own programmes of scrutiny work.
(b) Agendas shall consist of items allocated in accordance with the programme of scrutiny work.
- (2) Any member of the Council may refer a "local government matter" to the **OSC**, i.e. a matter relating to the Council's functions which affects their

electoral division. If the OSC decide not to scrutinise the matter they must inform the member of the reason.

- (3) A member of the **OSC** may require an item to appear in the **OSC's** agenda. The **OSC** shall consider what action to take and advise the member accordingly.
- (4) Officers shall prepare reports on all items.
- (5) Members shall not have the right to veto items off an agenda nor to alter the reports of officers.
- (6) The Chief Legal Officer will, at least 10 days before the meeting send an agenda with full reports to all members of the **OSC or, as the case may be, the Health Scrutiny** Committee and any other members who have requested them.

These documents will only be sent out less than 10 days in advance with the agreement of the Chief Executive.

- (7) Officers shall notify local members of agenda items particularly affecting their division.

STANDING ORDER SC.6 - Voting

- (1) **The** Committees will conduct their business in a flexible manner and will attempt, as far as possible, to reach their conclusions by consensus. If it is necessary for there to be a formal vote, the question shall be determined by a show of hands by a majority of members present and voting.
- (2) If the result of any vote is equal, the Chairman shall have a second (casting) vote.

STANDING ORDER SC.7 – Reports

- (1) **OSC**, and any Topic Group on **OSC's** behalf, may report with recommendations, on any matter it has considered, to
 - a) the Executive and/or an Executive Member
 - b) a Chief Officerand such reports and recommendations shall be published on the Council's website. Upon receipt of a report with recommendations the person or body concerned shall respond within two months and the response shall be published on the Council's website.
- (2) The OSC shall report regularly to the Council on the Scrutiny Programme; and shall include in that report any recommendations made to Council by Topic Groups. The Health Scrutiny Committee shall report direct to the Council.

- (3) ***Both of the Committees may refer any issue before them as a recommendation to the Full Council.***

STANDING ORDER SC.8 – Call-In

- (1) ***After the publication date of the Executive Decision Sheet under Standing Order 4.1 of the Standing Orders for the Executive in Annex 7 or the publication of the Record of Officer Key Decisions made by an officer under paragraph 15.5 of Annex 4 (each a “publication date”) any 3 members of the Council from at least 2 different political groups or any 5 members of the Council may, subject to Standing Order SC.8(11) below, within a period ending at 5 p.m on the fifth working day after the publication date (“the call-in period”) by written notice to the Chief Legal Officer (a “call-in notice”), require that any decision contained in the Decision Sheet or in the Record of Officer Key Decisions be referred to the OSC for consideration before the decision is implemented.***
- (2) ***A call-in notice shall state the reason(s) for the calling in of the decision and the reason(s) may be supplemented subsequently.***
- (3) ***Where a call-in notice is received by the Chief Legal Officer under (1) above and the Chief Legal Officer is satisfied that the call-in notice has been validly given in accordance with these Standing Orders, the Chief Legal Officer shall give written notification that the call-in notice has been received and of the decision to which the call-in notice relates (“the called-in decision”) to the following:***
- The Executive Leader;***
The Chairman of the OSC;
The Chief Executive;
The Director of the Department with responsibility for implementation of the called-in decision ;
The decision taker (if not the Executive or the Director of the Department)
- (4) ***Where written notification that a call-in notice has been received has been given under (3) above, the called-in decision may not be implemented except in accordance with Standing Orders SC.8 (5) to (10) below.***
- (5) ***The called-in decision shall be referred to a meeting of the OSC held within 10 working days of the date on which the call-in notice was received (“the specified period”) and, if the OSC is not scheduled to meet within the specified period, a special meeting shall be convened for the purpose.***

- (6) *The OSC shall, at a meeting held within the specified period, consider the called-in decision and take one of the following decisions:*
- (a) *that the OSC have no objection to the called-in decision being implemented (“a no objection decision”); or*
 - (b) *that the called-in decision be referred back to the Executive or the officer (as the case may be) for re-consideration, giving the OSC’s reasons for requiring the Executive or the officer (as the case may be) to re-consider the decision (“a reference back decision”); or*
 - (c) *if, and only if, the OSC consider that the called-in decision is one which has been taken in breach of the Council’s Policy Framework or Budget framework, that the called-in decision be referred to a meeting of Full Council, with the OSC’s reasons for referring the called-in decision to Full Council, for consideration before the called-in decision is implemented (“a Full Council reference”).*
- (7) *Where the OSC take a no objection decision the called-in decision may be implemented immediately.*
- (8) *Where the OSC take a reference back decision:*
- (a) *the called-in decision may not be implemented until the called-in decision has been re-considered by the Executive or by the officer (as the case may be);*
 - (b) *the Executive or by the officer (as the case may be); are not bound to change their decision or to accept any recommendation of the OSC;*
- (9) *Where the OSC make a Full Council reference:*
- (a) *the called-in decision shall be referred to the next available meeting of the Full Council or, if the Chairman of the Council agrees, to a special meeting of the Full Council convened for the purpose;*
 - (b) *Standing Orders SC.8 (6)(with the exception of Standing Order SC.8(6)(c)), SC.8 (7) and SC.8(8) shall apply to the consideration of a called in decision by the Full Council as they apply to a consideration of a called-in decision by the OSC.*
- (10) *Notwithstanding anything contained in Standing Orders SC.8 (1) to (9), nothing shall prevent a called-in decision being implemented with the approval of the Executive Leader after the end of the specified period.*

(11) *The provisions of Standing Order s SC.8 (1) to(9) shall not apply to a decision of the Executive or an executive decision taken by an officer in any of the following cases:*

- (a) *where the decision is a decision taken under the Special Urgency provisions in Annex 4***
- (b) *where the Chief Executive certifies that implementation of the decision is critical for service delivery***
- (c) *where the Chief Legal Officer certifies that the Council would be likely to suffer legal prejudice from a delay in implementation of the decision resulting from the decision being called;***
- (d) *where the Director of Resources certifies that the Council would be likely to suffer financial prejudice from a delay in implementation of the decision resulting from the decision being called;***
- (e) *where the Chief Legal Officer certifies that the delay in implementation of the decision resulting from the decision being called in would result in the decision being incapable of implementation or meaningful implementation;***
- (f) *where the decision results from consideration of a recommendation or report from the OSC or any sub-committee or Topic Group of the OSC;***
- (g) *where the decision results from a reference back decision under Standing Order SC.8 (6)(b);***
- (h) *where the decision is a recommendation to Full Council; or***
- (i) *where the call-in period has expired.***

STANDING ORDER SC.9 – Minutes

- (1) Minutes of each meeting shall be sent to every member of the Council as soon as practicable after the meeting and in any event at least 3 clear days before the next ordinary meeting.**
- (2) Minutes of meetings shall be kept in a book which shall be signed at the next meeting by the Chairman. The book shall be open for inspection by any member of the Council.**
- (3) Minutes of the previous meeting shall be taken as read and no motion shall be put or discussion take place except upon their accuracy.**

STANDING ORDER SC.10 - Procedure and Conduct

- (1) The Order of Business shall be as indicated in the agenda or otherwise as the Chairman shall prescribe.
- (2) The Chairman shall control the conduct of the meeting and the ruling of the Chairman on any point of order shall be final and not be questioned during the meeting.
- (3) All speeches shall be concise and relevant to the matter in hand.
- (4) Questions relating to matters on the agenda shall be asked when that matter is discussed and may be addressed to the Chairman or to an officer, who may answer orally or may undertake to provide a written reply within seven days.
- (5) Officers will offer to the Chairmen and Vice-Chairmen a pre-Committee briefing. Members may choose to have these briefings separately or jointly. The briefing with the Chairman may include procedural issues.
- (6) Group briefings will be confidential unless the members concerned indicate otherwise.

STANDING ORDER SC.11 - Meetings Open to the Public

- (1)* All meetings shall be open to the public except to the extent that they are excluded under (3) below and of the safe capacity of the room where the meeting is being held.
- (2) ***Any person present at a meeting of the Committee shall, while that meeting is open to the public, be entitled to report on the meeting (including filming, photographing, making an audio recording of the proceedings, providing commentary on the proceedings and using any other means for enabling persons not present to see or hear the proceedings as they take place or later) and shall be afforded reasonable facilities for that purpose, provided that no person present shall be entitled to report orally or make an oral commentary on the meeting as it takes place.***
- (3) If the business to be transacted includes confidential or exempt information as defined in Sections 100A(3) and 100 I respectively of the Local Government Act 1972, the Chairman shall move a motion under Section 100A(2) or (4) of the Local Government Act 1972.
- (4) Smoking is prohibited.

STANDING ORDER SC.12 - Public Petitions (Health Scrutiny Committee Only)

- (1) Following confirmation of the minutes, there shall be an opportunity for any member of the public being resident in or a registered local

government elector of Hertfordshire to present a petition relating to a matter with which the **Health Scrutiny** Committee are concerned, containing 100 or more signatures of residents or business ratepayers of Hertfordshire. The person named in the notification referred to in (2) below may then address the **Health Scrutiny** Committee for no more than three minutes on the subject of the petition, but thereafter shall not have the right to speak further. If the subject matter of the petition is not the subject of a report on the agenda of the meeting concerned, the petition will be referred to the next appropriate meeting, or to officers for consideration and report to the local member and Group Spokesmen.

- (2) Notification of intent to present a petition must be given in writing to the Chief Legal Officer at least 5 clear days before the meeting where an item relating to the subject matter of the petition does not appear on the agenda for the meeting and at least three clear days before where the item is the subject of a report.
- (3) Not more than two petitions shall be presented at any one meeting of the **Health Scrutiny** Committee unless the Chairman so allows. The order of notification under (2) above shall govern priority subject to (4) below.
- (4) The Chief Legal Officer shall have authority to amalgamate within the first received petition other petitions of like effect on the same subject.

STANDING ORDER SC.13 - Disorder

- (1) If a member persistently disregards the ruling of the Chairman, behaves in a disorderly manner or wilfully obstructs the business of the meeting, the Chairman may require that the member be silent or that the member leave the meeting. If the member does not comply or otherwise persists in misconduct, the Chairman may order that the member be removed.
- (2) If a member of the public interrupts the meeting or behaves in a disorderly manner the Chairman shall give a warning. If the warning is disregarded, the Chairman may order that the member of the public be removed and may adjourn or suspend the meeting for so long as seems fit.
- (3) In the case of general disturbance by members of the public the Chairman may order that all or part of the room be cleared and may order that members of the public be removed from all or any part of the building where the meeting is being held.
- (4) Members, and members of the press and public, shall ensure that their mobile phones are switched off or otherwise silenced during the meeting. A person whose mobile phone sounds during the meeting may be warned by the Chairman; if the person's phone sounds again during the meeting after such a warning has been given the Chairman may ask that person to leave the meeting.

STANDING ORDER SC.14 - Disclosure

A member shall not disclose to any person except a member of the Council any Committee papers indicated to be confidential unless:-

- (a) the **OSC or, as the case may be, the Health Scrutiny Committee** expressly consent;
- (b) the Council has taken steps to make that business public; or
- (c) the law requires.

STANDING ORDER SC.15 - Variation and Suspension

These Standing Orders shall only be revoked or varied by the Council and may not be suspended by **either of the** Committees.

Please note that the proposed amendments to Annex 9A are shown in bold italics below

Guidelines for Scrutiny

1 Introduction

These guidelines are designed to help Members and Officers operate Scrutiny effectively. They supplement the provisions of the Constitution covering the membership and remit of Scrutiny Committees (Annex 8), Standing Orders for Scrutiny Committees (Annex 9) and Guidelines for Topic Groups (Annex 10).

2 Role of Scrutiny

- 2.1 The focus of the Scrutiny process is the effectiveness of existing policies and practices. Development of new policy is a matter for the Cabinet and its panels.
- 2.2 The Overview and Scrutiny Committee may establish Topic Groups to scrutinise any aspect of the Council's business; or to scrutinise any issue which affects the County or its residents
- 2.3 The Health Scrutiny Committee has a specific role in relation to the National Health Service and may establish Topic Groups to scrutinise health issues.

3 Role of Chairmen and Vice-Chairman

- 3.1 The Overview and Scrutiny Committee has a Chairman appointed from the majority group and two Vice-Chairmen appointed from each of the next two largest Groups.
- 3.2 The Health Scrutiny Committee has a Chairman appointed from the Majority Group and a Vice-Chairman appointed from the next largest Group.
- 3.3 The Chairman and Vice-Chairmen have important roles outside meetings:
 - To discuss and agree an outline work programme to submit to the Committee
 - Agree the size of Topic Groups (if not agreed by the Committee) and identify members to be appointed to them and their Chairman/Vice Chairman for appointment at the first meeting.
 - Monitor progress against the work programme and recommend any necessary action to the Committee
 - Resolve issues by agreement; (where they cannot reach agreement on any issue it will need to be resolved by the Committee).

4 Developing the work programme

- 4.1 Both Overview and Scrutiny Committee and the Health Scrutiny Committee will adopt an annual work programme to be delivered by Topic Groups. Overview and Scrutiny Committee may itself carry out a scrutiny where the issue is urgent (as agreed by Chairman and Vice-Chairmen); where it is required by law to do so; or where it is considered appropriate for scrutiny by the whole Committee. In addition, Overview and Scrutiny Committee will scrutinise the proposed budget before it is put to the full Council at the February meeting.
- 4.2 The Health Scrutiny Committee may include in its work programme one-off scrutinies to be carried out by the Committee itself.
- 4.3 Both Committees must ensure that their work programmes are manageable given the resources available. Subject to this, there is a presumption in favour of scrutinising items put forward.

5 Adding items to the Work Programme

- 5.1 A request to add an item to the work programme of either the Overview and Scrutiny Committee or the Health Scrutiny Committee should be made to the Head of Scrutiny who will consult with the Chairman and Vice-Chairmen. It will then be included as a work programme item for the relevant Committee to consider.
- 5.2 A member of each Committee has a legal right to require an item to appear on the agenda of a meeting. The meeting will consider the item and decide whether any further scrutiny is required.
- 5.3 A member of the Council has a legal right to put an item on a committee agenda if it concerns a local government matter in their electoral division.
- 5.4 A member wishing to exercise their rights under 5.2 or 5.3 should refer the item to the Head of Scrutiny.
- 5.5 If 3 or more members of the Committee believe that an item requires urgent consideration before the next scheduled meeting of the Committee they have power under Standing Orders to requisition a special meeting.

6 Officer Support

- 6.1 Overview and Scrutiny Committee and the Health Scrutiny Committee are supported by the Head of Scrutiny/ Scrutiny Officer and a Democratic Services Officer.
- 6.2 Each piece of Scrutiny work has allocated to it a senior officer from a relevant service department, together with the Head of Scrutiny or a Scrutiny Officer, and a Democratic Services Officer.

7 Reports

- 7.1 Reports to Committees and Topic Groups are prepared by officers and discussed with the Chairman and Vice-Chairmen at briefing meetings..
- 7.2 A final report for a Topic Group will be drafted by the Head of Scrutiny or Scrutiny Officer, checked for accuracy by the Service Department Officer allocated to the work, then sent in draft to all members of the Topic Group and to the Chairman and Vice-Chairmen of Overview and Scrutiny Committee for comment. The report, with recommendations, will then go to the relevant Chief Officer and Executive Member or to Cabinet. For Health Scrutiny Committee the report, with recommendations, will go to the lead officer and appropriate Chief Officer.
- 7.3 Each meeting of Overview and Scrutiny Committee will receive a copy of the recommendations of any of its Topic Groups whose work has concluded since the last Committee meeting. Each meeting of Health Scrutiny Committee will receive a copy of the recommendations of any of its Topic Groups whose work has concluded since the last Committee meeting.
- 7.4 In the case of Topic Groups commissioned by the Overview and Scrutiny Committee, the Chief Officer/Executive Member is required to respond to a report and recommendations within 2 months. The response will be sent to the Head of Scrutiny who will copy it to Topic Group members and Chairman and Vice-Chairmen of Overview and Scrutiny. For Health Scrutiny Committee Topic Groups, it has been agreed that the Trust Chief Executive will respond to a report and recommendations within 2 months.
- 7.5 The Head of Member Services will ensure that Scrutiny final reports with recommendations and the responses are logged in a public register and are published on the website.

8 Involving the Public

The Scrutiny process needs to involve the public, services users and stakeholders if it is to be effective. The Chairman and Vice-Chairmen of Committees and Topic Groups will ensure that such involvement is properly planned in advance of meetings. The Chairman of a meeting retains responsibility for deciding who to call to speak at the meeting and when.

9 Outcomes

The outcome of the Scrutiny process should be improved services to the public. Both Committees will adopt processes to ensure that the implementation of recommendations is monitored, and that lessons are learnt from Scrutiny exercises to improve the process for the future.

10. Call In

- 10.1** *Once notice of a call-in has been received which the Chief Legal Officer (CLO) considers has been validly given in accordance with SCO 8(1), it will be acknowledged by the CLO who will then notify the Leader of the Council, the Chairman of Overview and Scrutiny Committee, the relevant Executive Member/s, the Chief Executive, the Relevant Chief and Service Officer/s, the Head of Scrutiny and the Democratic Services Manager (DSM).*
- 10.2** *If the CLO considers that the call in notice has not been validly given the CLO will inform the members who signed the call in notice that that is the CLO's opinion and the reasons why.*
- 10.3** *The DSM will liaise with the Democratic Services Officer (DSO) for OSC, the Head of Scrutiny/Scrutiny Officer, relevant Chief/Service Officer/s, the Executive Member/s, the Chairman, Vice-Chairmen and Members of the Committee, to identify a date for the OSC to meet to consider the decision called-in. The Committee meeting must be held within 10 working days of the date that the call in notice was received.*
- 10.3** *Once identified, all Members of the Committee and of the County Council shall be notified of the date, time and venue for the meeting. SMB, DSOs, Scrutiny Officers, and Members' Support should be copied in.*
- 10.4** *The Head of Scrutiny/DSO will liaise with the Chairman and Vice-Chairmen of OSC to determine how the Committee should consider the called –in decision.*
- 10.5** *The DSO will contact the relevant Chief/Service Officers on the preparation of a report for the Committee to consider in respect of the called in decision. The DSO will advise the report author/s of the deadline for their report/papers.*
- 10.6** *The members who signed the call in notice will appoint one of their number to explain to the Committee why they called in the decision.*
- 10.7** *The DSO/Head of Scrutiny should communicate the decision/s reached by the Committee to the Leader of the Council, relevant Executive Member/s, relevant Chief/Service Officers, the CLO, Head of Scrutiny, DSM, all Members of the Committee and Council immediately after the meeting.*

[The DSM will liaise with the CLO to ensure immediate action is taken in respect of any decision of the Committee to refer a matter back to Cabinet or an officer for re-determination or on to Council for consideration and decision].