
WORTHING OVERVIEW AND SCRUTINY PROCEDURE RULES

1.0 ARRANGEMENTS FOR THE WORTHING OVERVIEW AND SCRUTINY COMMITTEE

- 1.1 The Council will have an Overview and Scrutiny Committee, as set out in Article 6, and will appoint Members to it on an annual basis.
- 1.2 The Committee may appoint such Sub-Committees or Working Groups as it sees fit.
- 1.3 The Overview and Scrutiny Committee will comprise 15 Elected Members from Worthing Borough Council and shall not include Members of the Executive.

2.0 TERMS OF REFERENCE

- 2.1 The general terms of reference of the Overview and Scrutiny Committee are as set out in Part 3 of the Council's Constitution. The Worthing Borough Council Overview and Scrutiny Committee shall exercise the scrutiny function of the Council in relation to all matters reserved to Worthing Borough Council, as opposed to those included within the remit of the Joint Committee Agreement which are scrutinised by the Adur and Worthing Joint Overview and Scrutiny Committee.

3.0 MEMBERSHIP OF THE WORTHING OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 Any Member (except Members of the Executive) may be a Member of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which they have been directly involved, for example as a decision-maker or advisor.

4.0 CO-OPTED MEMBERS

- 4.1 Co-opted Elected Members

Subject to 4.3 below, the Overview and Scrutiny Committee shall be entitled to co-opt non-voting Elected Members to the membership of the Committee, to assist on a particular matter. A Co-opted Member may not sit as a Co-opted Member on both an Executive and a Scrutiny Committee when considering the same matter. The Overview and Scrutiny Committee may appoint no more than two non-voting Co-opted Members to any particular Meeting.

4.2 Co-opted Unelected Members

Subject to 4.3 below, the Overview and Scrutiny Committee shall be entitled to co-opt non-voting unelected persons to the membership of the Committee, to assist on a particular matter. A Co-opted Member may not sit as a Co-opted Member on both an Executive and a Scrutiny Committee when considering the same matter. The Overview and Scrutiny Committee may appoint no more than two non-voting Co-opted Members to any particular Meeting. A Working Group is not limited to these numbers.

5.0 MEETINGS OF THE WORTHING OVERVIEW AND SCRUTINY COMMITTEE

5.1 The Committee will meet to consider call-ins relating to decisions of the Worthing Executive in relation to a matter reserved to the Executive of Worthing Borough Council.

5.2 In addition, Extraordinary Meetings may be called from time to time as and when appropriate. An Extraordinary Meeting of the Worthing Overview and Scrutiny Committee may be called by the Chairperson, requesting in writing that the Director for Communities call an Extraordinary Meeting; or by any four Committee Members, signing a requisition, and presenting it to the Chairperson, who if they have failed to call a meeting within 7 calendar days, may provide notice in writing to the Director for Communities, who shall then call such an Extraordinary Meeting.

6.0 WORKING GROUPS

6.1 Working Groups may be established as:

- (a) A standing Working Group for a particular topic - for example budget monitoring or holding the Executive to account.
- (b) As a task and finish Working Group based on an agreed scoping report, likely to involve external attendees, site visits or gathering evidence over time.
- (c) A time-limited Working Group based on an agreed scoping report, likely to be a review of an internal Council service.

6.2 Membership

The Working Group shall consist of at least four Members of the Worthing Overview and Scrutiny Committee selected when establishing the Terms of Reference under paragraph 6.1 above.

The overriding criterion shall be the following:

- (a) The subject under discussion;
- (b) The skill set of the Members selected;
- (c) The location in the Borough of the matter under review;
- (d) As resolved by the Overview and Scrutiny Committee;
- (e) Availability and time commitment as outlined in the scoping report.

6.3 Officer Attendance at Working Groups

The Working Group may invite Officers of the Council to attend meetings of the Working Group as consultees or specialist advisors.

6.4 Quorum

There is quorum of two for a Working Group meeting or site visit.

6.5 Chairing

Each Working Group will select its own Chairman.

6.6 Substitutes

Substitutes are not allowed, although the Working Group may invite other Members from the Worthing Overview and Scrutiny Committee to assist it for a particular meeting. Any change to the permanent membership of a Working Group should be approved by the Worthing Overview and Scrutiny Committee.

7.0 QUORUM

7.1 The quorum for the Overview and Scrutiny Committee shall be determined in accordance with Council Procedure Rule 9.

8.0 CHAIRING OF THE WORTHING OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

8.1 The Chairperson and Vice-Chairperson of the Overview and Scrutiny Committee are appointed by the Council at their Annual Council Meeting.

8.2 It is for each Sub-Committee or Working Group to decide who should Chair those meeting(s). In the event of a dispute, reference should be made to Council Procedure Rule 8.

9.0 AGENDA ITEMS

9.1 Agendas will be published in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution by the Director for Communities, in consultation with the Chairman of the Committee.

10.0 POLICY REVIEW AND DEVELOPMENT

10.1 The Worthing Overview and Scrutiny Committee or any Sub-Committees may make proposals to the Council, its Committees or the Executive for policy development, in so far as they relate to matters within that body's terms of reference.

10.2 The Worthing Overview and Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. Such advisors may or may not be appointed as Co-opted Members, subject to the provisions of paragraph 4.0 above. The Committee may go on site visits,

conduct public meetings, commission research and do all things that it reasonably considers necessary to inform their deliberations. It may ask witnesses to attend (see below) to address it on any matter under consideration and may, subject to available resources, pay to any advisors, assessors and witnesses a reasonable fee to cover their expenses for doing so.

11.0 REPORTS FROM THE WORTHING OVERVIEW AND SCRUTINY COMMITTEE

- 11.1 Once it has formed recommendations, the Director for Digital and Resources will prepare a formal report incorporating the views of the Worthing Overview and Scrutiny Committee and submit it to the relevant body.
- 11.2 The Council, the Executive or the Committee shall consider any report of the Director for Digital and Resources submitting the views of Worthing Overview and Scrutiny Committee at their next Ordinary Meeting (subject to Access to Information Rules), after it has been submitted to the Director for Communities for placing on the Agenda.
- 11.3 Alternatively the minute from a meeting of Worthing Overview and Scrutiny Committee may be referred to the Council, its Executive or a Committee. In cases where the minutes of the previous meeting have not been agreed by the Worthing Overview and Scrutiny Committee a draft minute shall be prepared by the Director for Communities in consultation with the Chairperson prior to the meeting of the Executive, Committee or Council.

12.0 RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- 12.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

13.0 MEMBERS AND OFFICERS GIVING ACCOUNT

- 13.1 As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member, Head of Paid Service, Chief or Deputy Chief Officer to attend before it to explain in relation to matters within their remit in connection to a call-in of a decision and it is the duty of those persons to attend if so required. Questions for those being requested to attend should be pre-submitted no later than two working days in advance of the meeting.

When requesting Officers and Members of the Council to attend, sufficient notice of the meeting should be provided to them as referred below.

- 13.2 Where any Member or Officer is required to attend the Overview and Scrutiny Committee under this provision, the Chairperson of the Committee will inform the Director for Digital and Resources, who shall inform the Member or Officer in writing, giving at least 5 working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the call-in on which he/she is required to attend to give account and whether any papers are

required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

- 13.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

14.0 ATTENDANCE BY OTHERS

- 14.1 The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions in connection with the call-in relevant to the meeting. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

15.0 CALL-IN OF A DECISION

- 15.1 When a decision is made, in respect of a matter reserved to the Executive of Worthing Borough Council, by:

- (a) Worthing's Executive as a whole body;
- (b) an Individual Executive Member; or
- (c) an Officer with delegated authority from the Executive;

and the decision has been published on the Council's website and made available at the main offices of the Council, as set out in the Access to Information Procedure Rules in Part 4 of this Constitution, subject to the provisions of this paragraph it is subject to call-in.

- 15.2 The Record of Decision will bear the date on which it is published and, subject to general exceptions, will specify the date on which the decision will come into force, and may then be implemented unless the decision is called in.

- 15.3 A decision may be called in:

- (a) if it conflicts with Council policy;
- (b) If it conflicts with the Council's Budget Strategy;
- (c) where there is evidence to suggest the principles of decision-making (as set out in Article 12 of this Constitution) have not been complied with, for example the absence of appropriate consultation.

No decisions other than Executive decisions may be called in.

- 15.4 During the period between the decision being made and coming into force:

- (a) The Monitoring Officer shall call-in a decision for scrutiny if any three Members of Worthing Borough Council, in total, submit to the Monitoring Officer in writing, by email to monitoringofficer@adur-worthing.gov.uk, a request for a matter to be called in. Such a request is to be made by

5.00pm on the fifth clear working day, from the day on which the Record of Decision is published. The request must include the reasons for the call-in.

- (b) Upon receipt of the request, the Monitoring Officer shall consult with the Chairperson, or Vice-Chairperson in their absence, and shall determine whether or not the call-in is in accordance with the requirement of these rules. The Monitoring Officer shall notify the Members who made the request, the Director for Communities, and the Decision-maker, or Chairperson of Decision Making body, of the determination, within 2 clear working days of the request being received.
- (c) If the call-in is accepted, the decision will be put on hold pending referral to the Overview and Scrutiny Committee.
- (d) The Director for Communities shall, within 10 clear working days of the call-in being accepted, after consultation with the Chairperson, call a meeting of the Overview and Scrutiny Committee. Such meeting is to be held on such date as the Director for Communities shall determine, but to be held as soon as is reasonably practicable.

15.5 The Monitoring Officer will provide a report for the Meeting in respect of the call-in which will include the procedure for the call-in hearing.

15.6 Prevention of Call-in Procedure

The call-in procedure set out above shall not apply where the decision relates to a matter which is urgent and cannot reasonably be deferred.

A decision will relate to a matter which is urgent if any delay caused by the call-in process would:-

- (a) be highly likely to result in the Council incurring significant additional expenditure or loss of significant additional income; or
- (b) be highly likely to result in significant damage to the Council's reputation;
or
- (c) prevent the Council from meeting its legal obligations.

The agreement must be obtained in writing in advance of making the decision, by way of completion of a Notice, by the Director for Communities, or Chairperson of the Overview and Scrutiny Committee, that it is reasonable in all the circumstances to treat the decision to be made as one which is urgent and therefore not subject to call-in. In the absence of the Chairperson of the Overview and Scrutiny Committee, the Vice-Chairperson's consent shall be required. In the absence of the Chairperson and Vice Chairperson, the consent of the Chairman of the Council shall be required.

The Record of Decision and Notice that the decision is exempt from call-in, shall state that in the opinion of the Chairperson of the Overview and Scrutiny Committee the decision is one which is urgent, with reasons, and therefore not subject to call-in.

Decisions taken in accordance with this Procedural Rule must be reported to the next available Meeting of Worthing Borough Council.

- 15.7 Having considered the decision, the Overview and Scrutiny Committee may refer the decision back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns. The decision-making person or body must reconsider the decision within a further 5 clear working days, and may or may not amend the decision.
- 15.8 Once the reconsidered decision is published following the call-in procedure, the decision cannot be called in again and may be implemented immediately.