
JOINT OVERVIEW AND SCRUTINY PROCEDURE RULES

1.0 ARRANGEMENTS FOR THE JOINT OVERVIEW AND SCRUTINY COMMITTEE

- 1.1 The Councils will have a Joint 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 Joint Overview and Scrutiny Committee will comprise 8 Elected Members from Adur District Council and 8 Elected Members from Worthing Borough Council and shall not include Members of either Executive.

2.0 TERMS OF REFERENCE

- 2.1 The general terms of reference of the Joint Overview and Scrutiny Committee are as set out in the Joint Committee Agreement, which says that the Joint Overview and Scrutiny Committee shall exercise the Scrutiny function of both Councils in relation to all matters except those to be determined by the individual Executives. (Separate arrangements are in place for the scrutiny function relating to those matters determined by the individual Executives and reference should be made to the Worthing Borough Council Overview and Scrutiny Procedure Rules).

3.0 MEMBERSHIP OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 Any Members (except Members of the Executive) may be Members of the Joint 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 Joint Overview and Scrutiny Committee, its Sub-Committee or Working Group, 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. A Committee or Sub-Committee of the Joint 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.

4.2 Co-opted Unelected Members

Subject to 4.3 below, the Joint Overview and Scrutiny Committee, or its Sub-Committee or Working Group, 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. A Committee or Sub-Committee of the Joint 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.

- 4.3 Where the matter relates to the Adur Housing Revenue Account, terms and conditions of tenancies or leaseholds, leasehold service charges and any other matter directly affecting housing tenants or leaseholders which do not have a general effect on other residents, the Adur Consultative Forum appointed co-optee shall be co-opted onto the Committee, Sub-Committee, or Working Group.

5.0 MEETINGS OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE

- 5.1 There shall be at least four Ordinary Meetings of the Joint Overview and Scrutiny Committee in each municipal year.
- 5.2 In addition, Extraordinary Meetings may be called from time to time as and when appropriate. An Extraordinary Meeting of the Joint Overview and Scrutiny Committee may be called by the Joint Chairpersons, in agreement, requesting in writing that the Director for Communities call an Extraordinary Meeting; or by any four Committee Members, being at least one from each Authority, signing a requisition, and presenting it to the Joint Chairpersons, 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.
- 5.3 Working Groups may go on site visits, carry out evidence gathering, investigations and write reports, for the approval of Joint Overview and Scrutiny Committee or any Sub-Committee. Reports of a Working Group shall be submitted under cover of an Officer report and will be included in the Agenda for the meeting, and must comply with the Access to Information Procedure Rules.
- 5.4 Meetings of Working Groups do not have to meet in public as they are informal non-decision making meetings, unlike meetings of the Joint Overview and Scrutiny Committee or any Sub-Committee.

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 Joint Overview and Scrutiny Committee selected when establishing the Terms of Reference under paragraph 6.1 above.

Membership can be a mixture of Members from both Councils with a preference of at least one Member from each Council. 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 District or Borough of the matter under review;
- (d) As resolved by the Joint 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 Councils 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 of Joint Overview and Scrutiny to assist it for a particular meeting. Any change to the permanent membership of a Working Group should be approved by the Joint Overview and Scrutiny Committee.

7.0 QUORUM

- 7.1 The quorum for the Joint Overview and Scrutiny Committee shall be determined in accordance with the Joint Committee Agreement.

8.0 CHAIRING OF THE JOINT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

- 8.1 The Chairpersons and Vice-Chairpersons of the Joint Overview and Scrutiny Committee are appointed by each Annual Council each year.

- 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 WORK PROGRAMME

- 9.1 The Joint Overview and Scrutiny Committee will be responsible for proposing their own draft work programme and in doing so they shall take into account the wishes of all Members on that Committee, regardless of political group.

When determining whether to include an item on the Joint Overview and Scrutiny draft Work Programme, Members should be guided by:

- (a) The Councils' Strategic objectives;
 - (b) the ability of the Committee to have influence and/or add value on the subject;
 - (c) the PAPER criteria: Public Interest (P), Ability to Change (A), Performance (P), Extent (E) and Replication (R). (See Appendix 1 to these Procedure Rules).
- 9.2 Approval of the Joint Overview and Scrutiny Work Programme is the responsibility of the Council. It will be considered and determined by each Council at the April meeting each year, for the following municipal year.
- 9.3 During the Municipal year, items may be added to the Joint Overview and Scrutiny Committee Work Programme, where appropriate. Requests for additional matters to be included in the Work Programme will initially be considered by the Joint Chairpersons in accordance with the criteria set out in paragraph 9.1 above, who will make their recommendations to the next Joint Overview and Scrutiny Committee for consideration and determination, following receipt of the Officer report. Consideration should also be given to capacity of the Committee and resources available. Any changes to the Work Programme should be reported to Council mid municipal year for noting.
- 9.4 The Director for Digital and Resources will consult with the Joint Chairpersons of the Joint Overview and Scrutiny Committee throughout the year to monitor the Work Programme, and will report to the Committee on a regular basis.
- 9.5 After consideration of an Officer report, the Joint Overview and Scrutiny Committee will be responsible for setting the scope of the work of any Sub-Committee or Working Group established to assist the Joint Overview and Scrutiny Committee in carrying out its functions and responsibilities. The scope of the work should include timeframes, objectives, membership, resources and final reporting.

10.0 AGENDA ITEMS

- 10.1 A Member of the Joint Overview and Scrutiny Committee shall be entitled to request that an item be added to the Work Programme in accordance with the provisions of paragraph 9.3 above. Should the Chairpersons fail to include the item on the agenda, at the next available meeting (in accordance with the Access to Information Procedure Rules), the Member may give written notice to the Director for Communities that they wish an item relevant to the functions of the Committee to be considered by the Committee. On receipt of

such a request, the Director for Communities will include the item in an agenda to be discussed at a meeting of the Committee (unless the matter is an Excluded Matter as defined in Regulation 3 of the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012). An excluded matter is a local crime and disorder matter within the meaning of the Police and Justice Act or any matter relating to a planning or licensing decision, or where a person has a right of recourse to a review or appeal, or where the matter is vexatious, discriminatory or not reasonable.

- 10.2 Any Member of the Council who is not a Member of the Joint Overview and Scrutiny Committee may, on a maximum of four occasions in any municipal year, give written notice to the Director for Communities that they wish an item to be included on the agenda for the Committee. If the Director for Communities receives such a notification, then they will consult with the Joint Chairpersons of the Committee who will follow the procedure set out in paragraph 9.3 above. Should the Chairpersons fail to put the item on the agenda for the next available meeting (in accordance with Access to Information Procedure Rules) then the Member may ask the Director for Communities to put it on the agenda and they shall do so. The Committee will then consider the agenda item and determine whether it will be included on the Work Programme of the Joint Overview and Scrutiny Committee or not. If the Committee decide not to include the item in their Work Programme, the Member will be notified of the reasons. This procedure rule is to be taken in conjunction with the Council's Protocol on Councillor Call for Action in Part 5 of this Constitution.
- 10.3 The Council or its Committee may request that the Joint Overview and Scrutiny Committee undertake scrutiny or development work on their behalf. The Joint Overview and Scrutiny Committee shall respond, as soon as their Work Programme permits, to requests from the Council and, if it considers it appropriate, the Executive to review particular areas of Council activity. Where the Joint Overview and Scrutiny Committee does so, it shall report its findings and any recommendations back to the commissioning body. The commissioning body shall consider the report of the Joint Overview and Scrutiny Committee at their next available (in accordance with Access to Information Procedure Rules) meeting.
- 10.4 A member of the public may request that an item be added to the Agenda of the Joint Overview and Scrutiny Committee. Any such request shall be considered by the Joint Chairpersons, and unless inappropriate to do so, shall be dealt with in accordance with paragraph 9.3 above.

11.0 POLICY REVIEW AND DEVELOPMENT

- 11.1 The Joint 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.
- 11.2 The Joint Overview and Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. Such advisers 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.

12.0 REPORTS FROM THE JOINT OVERVIEW AND SCRUTINY COMMITTEE

- 12.1 Once it has formed recommendations, the Director for Digital and Resources will prepare a formal report incorporating the views of the Joint Overview and Scrutiny Committee and submit it to the relevant body.
- 12.2 The Council(s), the Executive(s) or the Committee shall consider any report of the Director for Digital and Resources submitting the views of Joint 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.
- 12.3 Alternatively the minute from a meeting of Joint 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 Joint Overview and Scrutiny Committee a draft minute shall be prepared by the Director for Communities in consultation with the relevant Joint Chairperson prior to the meeting of the Executive(s), Committee(s) or Council(s).

13.0 CONSIDERATION OF JOINT OVERVIEW AND SCRUTINY REPORTS

- 13.1 The Joint Overview and Scrutiny Committee will take advice from the Director for Communities as to the appropriate body to consider recommendations.

14.0 RIGHTS OF JOINT OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- 14.1 In addition to their rights as Councillors, Members of the Joint 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.

15.0 MEMBERS AND OFFICERS GIVING ACCOUNT

- 15.1 Subject to paragraph 10.1 above, Joint Overview and Scrutiny Committee or Sub-Committee or Working Group may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions, unless prohibited elsewhere in this Constitution or by statute, for example in relation to quasi-judicial matters. 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:-

- (a) any particular decision or series of decisions;

(b) the extent to which the actions taken implement Council policy;

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, the Joint Overview and Scrutiny Committee should have regard to the extent/number of the requests and the capacity of Officers and Members to attend. Sufficient notice of the meeting should be provided to them as referred below.

15.2 Where any Member or Officer is required to attend the Joint Overview and Scrutiny Committee under this provision, the Joint 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 item 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.

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

16.0 ATTENDANCE BY OTHERS

16.1 The Joint 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. 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.

17.0 CALL-IN OF A DECISION

17.1 When a decision is:

- (a) a decision of the Joint Strategic Committee;
- (b) a Joint Individual Executive Member decision; or
- (c) a decision made by an Officer with delegated authority from the Executive in relation to a joint service;

and the decision has been published on the Councils' 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.

(In respect of a decision made by:

- (a) an Individual Executive;
- (b) an Individual Executive Member in respect of a single service; or

- (c) an Officer with delegated authority from the Executive in relation to a single service;

a separate call-in procedure exists and is set out in the Overview and Scrutiny Procedure Rules for ADC and WBC).

17.2 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.

17.3 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.

17.4 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 in total, being of either Council, 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 both Chairpersons, or Vice-Chairpersons 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 Joint 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 Joint Chairpersons, call a meeting of the Joint 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.
- (e) If the Monitoring Officer, following consultation with the Joint Chairpersons of the Joint Overview and Scrutiny Committee, rejects the request for call-in, they shall provide a report to the Joint Overview and Scrutiny Committee providing details of the request for call-in of a decision and reasons given for the request being rejected. Such report will be received by the next Joint Overview and Scrutiny Committee meeting, following the determination of the request for call-in, or if that is impracticable, then to

the following meeting.

17.5 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.

17.6 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 either Council incurring significant additional expenditure or loss of significant additional income; or
- (b) be highly likely to result in significant damage to either Council's reputation; or
- (c) prevent either 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, of a Chairperson of the Joint 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 both Chairpersons of the Joint Overview and Scrutiny Committee, a Vice-Chairperson's consent shall be required. In the absence of both Chairpersons and Vice Chairpersons, the consent of a Civic Head (Council Chairman or Mayor) 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 Joint Chairpersons of Joint 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 each Full Council.

17.7 Having considered the decision, the Joint 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.

17.8 Once the reconsidered decision is published following the call-in procedure, the decision cannot be called in again and may be implemented immediately.

18.0 PROCEDURE AT THE JOINT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

18.1 The Joint Overview and Scrutiny Committee and Sub-Committees shall

consider the following business:

- (a) Declarations of disclosable pecuniary and personal interests;
- (b) Substitute Members;
- (c) Public questions in accordance with Council Procedure Rule 11;
- (d) Minutes of the last meeting;
- (e) Agreement of any procedure relevant for the meeting;
- (f) Consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
- (g) Response of the Executives to reports of the Joint Overview and Scrutiny Committee;
- (h) Any business otherwise set out on the Agenda for the Meeting.

18.2 Joint Overview and Scrutiny Committee meetings are to be conducted in accordance with the following principles:

- (a) That the scrutiny be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) That those assisting the meeting by giving evidence be treated with respect and courtesy; and
- (c) That the meeting be conducted so as to maximise efficiency.
- (d) to be constructive and positive, adopting non-confrontational and inquisitorial techniques.

18.3 Following any meeting, the Committee or Sub-Committee shall prepare recommendations for the Officer report, to be submitted to the Executive, Council or Committee as appropriate, and shall make its findings public, subject to Access to Information Procedure Rules.

19.0 COMMUNICATIONS STRATEGY FOR THE JOINT OVERVIEW AND SCRUTINY COMMITTEE

19.1 Subject to Access to Information Procedure Rules, for each meeting of the Joint Overview and Scrutiny Committee, an appropriate communications strategy should be developed in consultation with the Joint Chairpersons and Head of Communications to promote the Work Programme of Joint Overview and Scrutiny, the meeting itself and to explain the function and purpose of Scrutiny.