

**PART 6 – PROCEDURE RULES (OTHER)  
(SECTION 2 - SCRUTINY)**

**Part 6 is set out in eight sections as follows:**

- Section 1**     Decision Notices
- Section 2**     Scrutiny
- Section 3**     Budget and Policy Framework
- Section 4**     Access to Information
- Section 5**     Financial Rules
- Section 6**     Standing Orders – Purchasing,  
Procurement, Contracts and Disposals
- Section 7**     Officer Employment
- Section 8**     Corporate Complaints

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**1.0 WHO MAY SIT ON THE OVERVIEW SELECT COMMITTEE?**

- 1.1 All Councillors, except Members of the Cabinet and the Chairman of the Council, will be eligible for appointment as Members of the Overview Select Committee or any of its Working Parties. The Committee has 15 Members and is to be apportioned in accordance with the political balance of the Council. The Chairman and Vice-Chairman will be appointed by Full Council on an annual basis.
- 1.2 No Member may be involved in scrutinising a decision in which they have been directly involved.

**2.0 CO-OPTEEES**

**3.0 MEETINGS OF THE OVERVIEW SELECT COMMITTEE**

- 3.1 There will normally be six ordinary meetings of the Overview Select Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. Meetings may be called by the Chairman or Vice-Chairman of the Committee, by any five Members of the Committee or by the Group Head of Policy if he/she considers it necessary or appropriate.
- 3.2 Where a Member of the Council wishes the Overview Select Committee to investigate a matter affecting his or her ward but there is no Councillor for that ward on the Committee, then such a Member may act as one of the five Members referred to in Rule 3.1 for the purposes of calling a meeting. The Member may speak but not vote at any subsequent Overview Select Committee meeting called to deal with the issue.

**4.0 QUORUM**

The Quorum for the Overview Select Committee shall be one third of the total membership of the Committee.

**5.0 WORK PROGRAMME**

- 5.1 The Chairman and Vice Chairman for the year will be responsible for presenting a report annually to Full Council setting out the work programme of the Overview Select Committee and in doing so they shall take into account the wishes of Members on that Committee who are not Members of the largest political group on the Council. The Work Programme shall be set in

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consultation with Group Head of Policy and taking into account available resources.

- 5.2 Subject to prior consultation with the Group Head of Policy, and taking into account available resources, the Overview Select Committee can, by resolution, vary its work programmes during the year and will report any change to the work programme to the next available meeting of Full Council for information.

**6.0 AGENDA ITEMS**

- 6.1 Any Member of the Overview Select Committee shall be entitled to give notice to the Group Head of Policy that he/she wishes an item relevant to the functions of the Committee to be included on the Agenda for the next available meeting of the Committee. On receipt of such a request the Group Head of Policy will ensure that it is included on the next available Agenda.

- 6.2 Any five Members of the Council who are not Members of the Overview Select Committee may give notice to the Group Head of Policy that they wish an item to be included on the Agenda of the Committee. If the Group Head of Policy receives such a notification, then he/she will include the item on the first available Agenda of the Committee.

- 6.3 The Overview Select Committee shall also respond to requests from the Council and, if it considers it appropriate, the Cabinet to review particular areas of Council activity. Where they do so, the Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Committee as soon as practicable after receiving it.

**7.0 POLICY REVIEW AND DEVELOPMENT**

- 7.1 The role of the Overview Select Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.

- 7.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview Select Committee may make proposals to the Cabinet for developments insofar as they relate to matters within the Terms of Reference of the Overview Select Committee.

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7.3 The Overview Select Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist it in this process. The Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. The Committee may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so after having proper regard to the financial implications of this.

**8.0 REPORTS FROM THE OVERVIEW SELECT COMMITTEE**

8.1 Once it has formed recommendations on proposals for development, the Overview Select Committee will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet (if the proposals are consistent with the existing Budgetary and Policy Framework), or the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

8.2 If the Overview Select Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then a report expressing minority views may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

8.3 The Council or Cabinet shall consider the report of the Overview Select Committee as soon as practicable after it has been submitted to the Chief Executive.

**9.0 MAKING SURE THAT OVERVIEW SELECT COMMITTEE REPORTS ARE CONSIDERED BY THE CABINET**

9.1 The Agenda for the Cabinet meetings shall include an item entitled 'Issues arising from scrutiny'. The reports of the Overview Select Committee referred to the Cabinet shall be included at this point in the Agenda unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the Agenda, within two months of the Overview Select Committee completing its report/ recommendations.

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- 9.2 Where the Overview Select Committee prepares a report for consideration by the Cabinet in relation to a matter where the decision-making power has been delegated to an individual Member of the Cabinet, then the Committee will submit a copy of their report to him/her for consideration. At the time of doing so, the Committee shall serve a copy on the Chief Executive, Leader and all Cabinet Members. The Member with delegated decision-making power must consider the report and respond in writing to the Committee within four weeks of receiving it, or a shorter period specified by the Committee where there is urgency identified by the Committee. A copy of his/her written response to it shall be sent to the Chief Executive and the Leader. The Cabinet Member/Leader will also attend a future meeting of the Committee to present their response.
- 9.3 The Overview Select Committee will in any event have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview Select Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

**10.0 RIGHTS OF OVERVIEW SELECT COMMITTEE MEMBERS TO DOCUMENTS**

- 10.1 In addition to their rights as Councillors, Members of the Overview Select Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 6 of this Constitution.
- 10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview Select Committee as appropriate depending on the particular matter under consideration.

**11.0 MEMBERS AND OFFICERS GIVING ACCOUNT**

- 11.1 The Overview Select Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within the terms of reference of the Committee. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any relevant Director, Director or Group Head to attend before it to explain in relation to matters within their remit:
- any particular decision or series of decisions and
  - the extent to which the actions taken implement Council policy and it is the duty of those persons to attend if so required.

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- 11.2 Where any Member or Officer is required to attend the Overview Select Committee under this provision, the Chairman of the Committee will inform the Chief Executive. The Chief Executive shall inform the Member or Officer in writing giving at least seven 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.
- 11.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview Select Committee shall in consultation with the Member or Officer arrange an alternative date for attendance within a month.

**12.0 ATTENDANCE BY OTHERS**

The Overview Select Committee may invite people other than those people referred to in Rule 11 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 may invite such people to attend.

**13.0 CALL IN**

- 13.1. Call-in should be used in exceptional circumstances. These are where Members of the Overview Select Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making). Call-in does not apply to decisions of:
- Committees reporting to the full Council,
  - Member Panels,
  - Joint Area Committees unless exercising executive functions and
  - Officers.
- 13.2. When a decision is made by the Cabinet or an individual Member of the Cabinet or an Area Committee or under joint arrangements, the decision shall be published, and shall be available at the Arun Civic Centre, Littlehampton, Bognor Regis Town Hall, and, where concerning an Area Committee, a copy will be sent to the County Council at County Hall, Chichester. The decision shall be treated as published as soon as it is available in writing to the public within the Council offices and upon the Council's website. All Members will be sent notice of all such decisions by the proper officer responsible for publishing the decision.

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- 13.3. The notice to Members will bear the date on which it is published and will specify the date upon which the decision will take effect (“the effective date”). The effective date will be 10.00 a.m. on the day after the expiry of five clear working days from the publication of the decision. The day of publication, Saturdays, Sundays and Bank Holidays are not days for the purposes of this Rule. Under current arrangements, the effective date is:
- For decisions of an Individual Cabinet Member made on a Thursday and published on a Thursday, 10.00 a.m. on the second following Friday,
  - For Cabinet decisions made on a Monday and published on a Tuesday, 10.00 a.m. on the second following Wednesday.
- 13.4. If a request for a call-in is received by the Group Head of Policy within the period between the publication of the decision and the effective date, he/she shall call-in the decision for scrutiny by the Committee. For it to be valid, the request must be:
- in writing and identify the lead Member of the call-in,
  - specify the relevant decision which is to be the subject of the call-in,
  - satisfy at least one of the criteria set out in paragraph 13.8, and
  - be supported by any five Members of the Council who do not have pecuniary interests with regards to the subject of the call-in PROVIDED that the Members represent more than one political party.
- 13.5. The request for the call-in must be signed by one of the Members referred to in 13.4 (fourth bullet point) but need not be signed by all, provided that those Member(s) signing the request are able to assure the Group Head of Policy if called upon to do so that they had written or verbal assurances of support from each supporting Member prior to the request for the call-in being submitted.
- 13.6. Alternatively, the request for a call-in may be made by email from one Member referred to in 13.4 to the Chief Executive provided that it is preceded by a verbal notification to him/her.
- 13.7. If the Chairman and Vice Chairman of the Overview Select Committee is one of the five Members requesting the Call-In, he or she will not chair the Overview Select Committee meeting when the Call-in is considered.
- 13.8. The Members referred to in paragraphs 13.4 (fourth bullet point) must first consider whether any one or more of the following criteria for or against call-in apply prior to exercising the call-in:

<b>1.</b>	<b>Is the Cabinet Decision within existing policy?</b>
(i)	The Decision appears to be contrary to the Budget or one of the Policy Framework plans or strategies
(ii)	The Decision appears to be inconsistent with any other form of policy approved by Full Council, Cabinet or Regulatory Committees
(iii)	The Decision appears to be inconsistent with recommendations

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	previously made by Overview Select Committee, accepted by Full Council or Cabinet
<b>2.</b>	<b>Is the Cabinet Decision well founded?</b>
(i)	The Cabinet appears to have failed to consult ward councillors, relevant stake holders or other interested persons before arriving at its decision
(ii)	The Cabinet appears to have overlooked a principle in Article 13.2 or some other relevant consideration in arriving at its decision
(iii)	The Cabinet appears to have failed to give adequate reasons for the Decision
(iv)	The Decision has already generated particular controversy amongst those likely to be affected by it or is likely to do so
(v)	There is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview Select Committee to hold the Cabinet to account and/or add value to the work of the Council
<b>3.</b>	<b>Has the Cabinet Decision been properly taken?</b>
(i)	The Decision appears to give rise to significant legal, financial or property issues
(ii)	The notification of the Decision does not appear to have been in accordance with Council Procedures
<b>4.</b>	<b>Does the Cabinet Decision particularly affect a ward or community?</b>
(i)	The Decision appears to give rise to significant issues in relation to a particular ward or community and those issues do not appear to have been considered

13.9. In receiving a Call-In request the Group Head of Policy will consult with the Chairman and Vice-Chairman of the Overview Select Committee and the Group Head of Council Advice & Monitoring Officer or Chief Executive (as appropriate) to review the basis of the call-in against the criteria in Paragraph 13.8 and the evidence provided in the officer report, decision notice and background papers before determining its validity. Another Member from the Overview Select Committee should be selected to undertake this review in the absence of the Chairman or Vice-Chairman or in the event that the Chairman or Vice-Chairman is one of the call-in councillors or has a Pecuniary Interest regarding the subject of the call-in. Where appropriate additional evidence may be sought from the report author, Cabinet Member and call-in councillors.

13.10. If a call-in is determined to be invalid, the Group Head of Policy shall notify the call-in councillors and the decision taker of the reason for this determination, together with Members of the Overview Select Committee, and remaining Members of the Council.

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- 13.11. Upon receiving a valid request for a call-in, the Group Head of Policy shall notify the decision-taker of it and no further steps shall then be taken towards implementation of the decision until the steps outlined in this call-in procedure have been completed. The Group Head of Policy shall call a meeting of the Committee on such a date as he/she shall determine, where possible after consultation with the Chairman of the Committee. The Group Head of Policy shall advise all Members of the call-in.
- 13.12. At the call-in Members identified under Paragraph 13.4 shall be entitled to speak and call appropriate witnesses when invited to do so.
- 13.13. In deciding whether or not to refer a decision back the Overview Select Committee shall have regard to:
- any further information which may have become available since the decision was made,
  - the implications of any delay,
  - whether reconsideration is likely to result in a different decision,
  - the importance of the matter raised and the extent to which it relates to the achievement of the Council's priorities,
  - whether there is any evidence that the decision-making rules in the Constitution have been breached,
  - whether the agreed consultation processes have not been followed
  - whether a decision or action proposed or taken is not in accordance with a policy agreed by the Council,
  - what other avenues may be available to deal with the issue and the extent to which the Councillor submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Member, the complaints procedure, enquiry to the Chief Executive or Director, Council question etc).
- 13.14. If, having considered the decision, the Overview Select Committee is still concerned about it, it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision-maker they shall then reconsider the concerns amending the decision or not, before adopting a final decision.
- 13.15. If within six weeks from the request for the call-in, the Overview Select Committee does not meet, or does meet but does not refer the matter back to the decision making-person or body, or to the Full Council, the decision shall take effect on the date of the Overview Select Committee meeting or on the expiry of the six week period, whichever is the earlier.
- 13.16. If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of a

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Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case the Council will refer any decision to which it objects back to the decision making-person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a meeting will be convened to reconsider within 14 working days of the Council request. When the decision was taken by an individual, he/she will reconsider within 14 working days of the Council request.

13.17. If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person within six weeks of the referral of the decision to it, the decision will become effective.

13.18. The call-in procedure set out above shall not apply where the decision being taken is urgent as set out in:

- Rule 4 of Part 6, Section 3 of the "Budget and Policy Framework Procedure Rules" entitled "Urgent Decisions outside the Budget or Policy Framework" in this part of the Constitution.
- Rule 4 of Part 6, Section 1 of the "Decision Notices Procedure Rules" entitled "Urgent Decisions".

13.19. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

13.20. The operation of the provisions relating to call-in and urgency shall normally be monitored annually, and a report submitted to Council with proposals for review if necessary.

**14.0 THE PARTY WHIP**

14.1 For the purposes of this Rule a "Party Whip" includes any instructions given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before the Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner.

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14.2 When considering any matter in respect of which a Member of the Overview Select Committee is subject to a Party Whip the Member must declare the existence of the Whip, and the nature of it before the commencement of the Committee’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

**15.0 PROCEDURE AT OVERVIEW SELECT COMMITTEE MEETINGS**

15.1 The Overview Select Committee shall consider the following business:

- minutes of the last meeting,
- declarations of Interest (including Whipping Declarations)
- consideration of any matter referred to the Committee for a decision in relation to call-in of a decision
- responses of the Cabinet to reports of the Scrutiny Committee and
- the business otherwise set out on the Agenda for the meeting.

15.2 Where the Overview Select Committee conducts investigations (e.g. with a view to Policy Development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- that investigations be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak
- that those assisting the Committee by giving evidence be treated with respect and courtesy and
- that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

15.3 Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public, save in respect of any confidential or exempt information.

**16.0 PROCEDURE AT OVERVIEW SELECT COMMITTEE MEETINGS IN RESPECT OF DECISIONS CALLED IN**

16.1 The following shall be the procedure at the Overview Select Committee meetings in respect of decisions called in. The procedure may be amended by a motion put to the meeting by the Chairman.

1.	The Group Head of Policy [or nominated representative] to introduce the report before the Committee and any recommendations.
2.	The Chairman to introduce the call-in Members, Cabinet Members and officers.
3.	The lead Member for the call-in or their representative to outline why the decision has been called in based on the original request and any

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	subsequent written evidence provided [up to 6 minutes].
4.	The remaining 4 call-in Members be invited to speak in support of their request [up to 3 minutes each].
5.	Statements from members of the public [3 minutes per person] for up to 30 minutes, with the Chairman of the Committee having discretion to extend this on the basis of: <ol style="list-style-type: none"> <li>a. Members of the public giving notice of their wish to speak to the Group Head of Policy by 10am on the day before the meeting.</li> <li>b. Members of the Committee asking a speaker to clarify a point raised or provide additional information.</li> </ol>
6.	The relevant Cabinet Members and/or Leader of the Council to present the background to the decision and any subsequent written evidence provided [up to 6 minutes]
7.	Witnesses may be called by the Committee to give evidence, to be questioned in turn by the Members of the Committee, the lead call-in Member, and then by Members of the Cabinet.
8.	Witnesses may be called by the relevant Cabinet Member or any Member(s) of the Cabinet to give evidence, to be questioned in turn by the Members of the Cabinet, the lead call-in Member, and then by Members of the Committee. The lead call-in Member and the Committee may also ask questions of the Cabinet Members.
9.	Witnesses may be called by the lead Member of the call-in to give evidence, to be questioned in turn by the lead call-in Member, by Members of the Cabinet and then by Members of the Committee. The Cabinet Members and the Committee may also ask questions of the lead call-in Member.
10.	Members of the Council who are not Members of the Committee may speak with the agreement of the Committee.
11.	The lead Member for the call-in to be invited to make a concluding statement [up to 6 minutes].
12.	The Cabinet Member and/or Leader to be invited to make a concluding statement [up to 6 minutes].
13.	The Chairman to open the debate by the Committee and seek any motions from Members of the Committee to be proposed, seconded, and debated in accordance with the Committee Procedure Rules. During the debate, Members of the Committee may: <ol style="list-style-type: none"> <li>a. put further questions to the Cabinet Member and/or Leader of the Council to respond to in their concluding statement</li> <li>b. put further questions to the lead Member for the call-in to respond to in their concluding statement</li> <li>c. seek clarification from either side on minor points during the course of the debate.</li> </ol>
14.	Should an amendment be made to a motion before the Committee, the relevant Cabinet Member and/or Leader of the Council and the lead Member for the call-in may make a statement with the agreement of the Chairman, but shall otherwise make any remarks in their concluding statement.

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15. The seconder (if he/she has reserved the right) and then the proposer of any motion to be invited to speak.
16. The Chairman to conclude the debate and put any motion to the vote.
17. If any further motion is put, then steps 11 to 16 would be repeated.
18. The Chairman to confirm the decision of the Committee.

- 16.2 If any Member, officer or member of the public proposes to refer to any written material at the meeting, they must provide a copy to the Group Head of Policy no later than three clear days [clear days excludes the day of receipt and the day of the meeting] before the date of the meeting so that copies can be provided to Members of the Committee, the call-in Members, and Cabinet Member/Leader of the Council in advance of the meeting.
- 16.3 The Deputy Leader of the Council may take the place of the Leader of the Council in their absence.
- 16.4 Should a call-in request be based on a confidential matter then the Chairman, in consultation with the Group Head of Council Advice & Monitoring Officer, may propose an alternative procedure for the meeting.