

## Committee Procedure Rules

### 1. Application of these Rules

1.1 These Rules are made up of the following sections:

1.1.1 Rules 1 to 27 apply to all committees, sub-committees and panels of the Council. These are currently:

1.1.1.1 Governance, Audit, Risk Management and Standards Committee

1.1.1.2 Licensing and General Purposes Committee and its panels: Chief Officers' Employment Panel, Licensing Panel, Personnel Appeals Panel and Social Services Appeals Panel

1.1.1.3 Planning Committee

1.1.1.4 Overview and Scrutiny Committee, its Performance and Finance, Health & Social Care and Call-In Sub-Committees

1.1.1.5 Pension Fund Committee

1.1.1.6 Pension Board

1.1.1.7 Chief Officers' Disciplinary Panel

1.2 **Rules 28 to 29** set out additional rules which apply to the Planning Committee.

1.3 **Rules 30 to 49** and Appendix 1 set out additional rules that apply to the Overview and Scrutiny Committee and its sub-committees.

1.4 These Rules do not apply to the procedure of Council or the Executive, which have their own Procedure Rules.

### 2. Establishment of Committees

2.1 The Council at its Annual Meeting will:

2.1.1 decide which Committees to establish for the Municipal Year;

- 2.1.2 decide the size and terms of reference of these Committees;
- 2.1.3 decide the allocation of seats on these Committees to the political groups in accordance with the rules on political proportionality;

Note: These Rules do not apply to Advisory Panels of the Executive.

- 2.2 The number and names of Members, independent members and co-optees appointed to each Committee and the details of any sub-committees and panels established by Committees can be found in Part 3 of the Constitution (Allocation of Responsibilities).

### 3. **Appointment of Reserves to Committees and Sub-Committees and Panels**

#### 3.1 **Allocation**

The Council will allocate seats on Committees and sub-committees and panels for members and Reserves.

#### 3.2 **Number**

- 3.2.1 For each Committee, sub-committee or panel, the Council will normally appoint the same number of reserves in respect of each political group as that group holds ordinary seats on that Committee or sub-committee or panel. If a group has an entitlement of fewer than three Members they may appoint three reserve Members on the Committee or sub-committee or panel.

#### 3.3 **Powers and Duties**

- 3.3.1 Reserve Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are reserving.

## 3.4 **Reserving**

3.4.1 Reserve Members may attend meetings in that capacity only:

3.4.1.1 to take the place of an ordinary Member for whom they are a reserve;

3.4.1.2 where the ordinary Member will be absent for the whole of the meeting;

3.4.1.3 where the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve; and

3.4.1.4 if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

3.4.2 For the purposes of section 3.4.1.2 only, a meeting adjourned to another day shall be treated as a new meeting.

3.4.3 If a Reserve Member is in attendance at a meeting the ordinary member for whom they are substituting shall not be entitled to attend that meeting and take part as an ordinary member of that body.

## 4. **Attendance of Members at Committees, Sub-Committees and Panels**

### 4.1 **No right to speak**

4.1.1 Any Member of the Council may attend meetings of Committees, sub-committees and panels. Subject to 4.2 below, Councillors who are not ordinary members and attending Reserve Members of the Committee, sub-committee or panel may not speak at meetings unless the Committee, sub-committee or panel agrees that the Member concerned may speak, or, the Member has been invited to the Committee, sub-committee or panel to speak.

## **4.2 Motions referred to Committee, Sub-Committees or Panels**

4.2.1 A Member of the Council who has proposed a motion which has been referred to a particular Committee or sub-committee, shall be given at least three clear working days notice of the meeting at which the motion will be considered, by the Monitoring Officer. If the Member attends the meeting but is not an ordinary Member or attending Reserve member of that Committee, sub-committee or panel, he or she shall have an opportunity to explain the motion to the Committee, sub-committee or panel.

## **5. Appointment of Sub-Committees and Panels**

5.1 Committees of the Council may establish sub-committees and panels with such terms of reference and delegated powers, as they consider necessary for the proper discharge of the functions of the Committee.

5.2 Committees may appoint ordinary and reserve Members to sub-committees and panels in accordance with the rules on political proportionality, pursuant to section 15 of the Local Government and Housing Act 1989 and subordinate legislation. Committees may also appoint non-voting co-opted members to sub-committees and panels.

## **6. Nominated Members**

Minority groups shall nominate from amongst their Members on Committees and sub-committees, a Member to be consulted by Chief Officers in the exercise of delegated powers relating to the urgency procedure. (The Urgency Procedure is set out in Part 4 of the Constitution). Nominated members must be full Members of the Committee concerned.

## **7. Chairing Committees, Sub-Committees and Panels**

### **7.1 Election of a Chair of a Committee**

7.1.1 The Chairs of Committees of the Council will be appointed by the Council under Rule 1 of the Council Procedure Rules. If the Council fails to appoint a Chair for any Committee then that Committee shall appoint a Chair as the first item of business at its first meeting following the Annual Council.

## **7.2 Election of Chair of Sub-Committee or Panels**

7.2.1 Where any Committee establishes a sub committee or panel the Committee shall appoint the Chair of the sub-committee or panel. If a Committee fails to appoint a Chair to a sub-committee or panel then the sub-committee or panel shall appoint a Chair as the first item of business.

7.2.2 The Committee, sub-committee or panel shall appoint a Vice Chair at its first meeting following the Annual Council.

## **7.3 Absence of Chair at Meetings of Committees, Sub-Committees and Panels**

7.3.1 In the absence of the Chair, the Vice-Chair shall preside.

7.3.2 If after 15 minutes since the identified start time of the Committee, Sub-Committee or Panel neither the Chair nor Vice-Chair are present then the meeting shall elect a Chair for that meeting as its first order of business.

7.3.3 Where the Chair and Vice-Chair have both submitted apologies in advance of the meeting to the Monitoring Officer then, without the delay mentioned in 7.3.2 above, the first order of business shall be to elect a Chair for the meeting.

## **8. Business not on the Agenda**

8.1 Business not on the agenda may only be considered where:

8.1.1 the Access to Information Procedure Rules in Part 4G of the Constitution have been complied with; or

8.1.2 a member of the Committee or any Statutory Officer has requested that an item be placed on the agenda for the meeting at any time before the start of the meeting and the Chair agrees to the item being included on the grounds of urgency and the Committee agreeing to consider that item of business. The grounds of urgency and the circumstances giving rise to the request must be recorded in the minutes of the meeting.

## 8.2 **Late Reports**

8.2.1 If there is a request to add an agenda item to an agenda after the statutory deadline for publication, that item may only be considered if the Chair agrees subject to consultation with nominated members (if reasonably practicable) and the Committee agreeing to consider that item of business, by virtue of the special circumstances set out either in the report or on the supplemental agenda, that the item should be considered as a matter of urgency and specified in the minutes of the meeting.

For meetings of Advisory Panels/Consultative Forums, the Panel/Forum rather than the Chair shall decide at the start of the meeting whether an item should be considered as a matter of urgency.

## 9. **Time and Place of Meetings**

9.1 Meetings of Committees, sub-committees and panels shall take place at the Civic Centre at 7.30 pm, except for meetings of the Planning Committee (see Rule 28.2) and the Pension Fund Committee which shall commence at 6.30 pm or such time as stated on the agenda for the meeting. Following consultation with the nominated Members and subject to compliance with the Access to Information Rules, the Chair shall have the power to alter the venue, day and time if he/she believes it to be appropriate for the conduct of the business of the Committee, sub-committee or panel.

9.2 For those sub-committees or panels not having scheduled meetings, the date, time and place of meetings will be set by the Monitoring Officer after consultation with the Chair and nominated Members of the sub-committee or panel.

## 10. **Cancellation of Meetings**

10.1 The Head of Paid Service and or the Monitoring Officer may cancel a meeting of any Committee, sub-committee either before or after the agenda for the meeting has been issued provided that reasons for the cancellation are given.

## **11. Calling of Special Meetings**

### **11.1 Calling Special Meetings**

11.1.1 Those listed below may request the Monitoring Officer to call Committee, sub-committee or panel meetings in addition to ordinary scheduled meetings:

11.1.1.1 the Committee, sub-committee or panel by resolution;

11.1.1.2 the Chair of the Committee, sub-committee or panel. In relation to the Overview and Scrutiny Committee or relevant Scrutiny sub-committee, the Chair must, before requesting the Monitoring Officer to call a special meeting, consult with the nominated members of each of the political groups represented on the Overview and Scrutiny Committee or Scrutiny sub-committee, and, in the case of the Overview and Scrutiny Committee, with the four voting co-opted members mentioned in paragraph 34.2;

11.1.1.3 at least one-third of the members of the Committee, sub-committee or panel, if they have signed a requisition presented to the Chair of the Committee, sub-committee or panel and he/she has refused to call a meeting or has failed to call a meeting within five clear working days of the presentation of the requisition;

11.1.1.4 in relation to the Standards Committee only, an independent member of that Committee.

### **11.2 Business**

11.2.1 Business at special meetings of Committees, sub-committees and panels shall be restricted to:

11.2.1.1 the election of a person to preside if the Chair or Vice Chair is absent;

11.2.1.2 any item of business specified by the Committee, sub-committee or panel, Chair or Monitoring Officer when calling the meeting or specified in the requisition

presented by at least one-third of the members of committee, sub-committee or panel;

- 11.2.1.3 any deputations relating to items of business on the agenda which the Chair agrees to hear.

## 12. **Notice of and Summons to Meetings**

- 12.1 The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules set out in Part 4G of the Constitution. At least five clear working days before a meeting, the Monitoring Officer will send an agenda by post to every member of the Committee, sub-committee or panel or leave it at his or her usual place of residence. The agenda will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by all relevant reports.

## 13. **Quorum**

- 13.1 The quorum of a meeting will be at least one quarter or three Members, whichever is the greater, of the whole number of members of the Committee, sub-committee or panel, with the exception of the Overview and Scrutiny Committee.
- 13.2 The quorum for the Overview and Scrutiny Committee, the Scrutiny sub-committee and the Call-In sub-committees will be one quarter or three members, whichever is the greater of the whole number of Members (including co-opted voting members) AND where there are appointed co-opted voting members, the quorum shall be calculated on the total number inclusive of such co-optees but the quorum shall refer to the elected councillors
- 13.3 If, after 15 minutes from the advertised time of the start of the meeting, or such other longer period as the Chair may decide, a quorum is not present, the meeting will not take place. The Chair may announce the time and date that the meeting will be convened.
- 13.4 During any meeting, if the Chair counts the number present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair.



If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Committee, sub-committee or panel.

## **14. Duration of Meetings**

### **14.1 Commencement and Closure**

Meetings of Committees, sub-committees and panels will commence at 7.30 pm, except for meetings of the Planning Committee (see Rule 28.2) and the Pension Fund Committee which shall commence at 6.30 pm or such other time as stated on the agenda, and close at 10.00 pm, except as determined under Rule 14.2.

### **14.2 Varying the Closure Time**

14.2.1 Meetings of Committees, sub-committees or panels shall terminate in the manner set out in Rule 14.3 unless:

14.2.1.1 the business of the meeting has been completed before 10.00 pm; or

14.2.1.2 by resolution passed before the closure time, the Committee, sub-committee or panel resolves to extend the meeting beyond that time, in one of the following ways, which must be specified by resolution:

(a) to continue in the normal manner and complete the business remaining on the agenda; or

(b) to determine a later time by when the meeting must close and, if the business is not completed by that later time, resolve that it be then put to the vote without debate or deferred to another meeting, as appropriate.

(c) Neither (a) nor (b) above shall be utilised in respect of meetings of the Planning Committee so as to extend these beyond a final closure time of 11.00 pm.

For the avoidance of doubt, a meeting may use the provisions within 14.2.1.2 (b) more than once in any meeting, provided that the motion to extend the closure time is moved before the time for the closure of the

meeting or before the end of the period by which the meeting has already been extended.

In considering whether (a) or (b) above are expedient, the Committee, sub-committee or panel must have regard to not prejudicing third party rights or interests affected by the remaining business on the agenda.

### **14.3 Determining Business Upon Closure**

- 14.3.1 At the time of closure the Chair will advise the Committee, sub-committee or panel that the procedure to terminate the meeting is to be applied;
- 14.3.2 Any speech commenced and then in progress shall be concluded;
- 14.3.3 The Chair will put any motion or recommendation then under consideration to the vote without further discussion;
- 14.3.4 All remaining business before the Committee, sub-committee or panel, including recommendations, and amendments that have already been moved, shall be put to the vote without discussion or further amendment.

## **15. Petitions**

### **15.1 Presentation of Petitions**

15.1.1 Petitions relating to a function of a Committee or sub-committee shall be dealt with in accordance with the Council's Petition Scheme (at Appendix A to the Council Procedure Rules) and will usually be presented to the appropriate meeting of the Committee or sub-committee. If the petitioners request that the petition be presented at a meeting of a Council Committee or sub-committee this can be done in the following ways:

- 15.1.1.1 a representative of the petitioners may attend, at the time stated for the start of the Committee or sub-committee meeting, and request to read the petition to the meeting;

15.1.1.2 the petitioners may approach a Councillor and ask the Councillor to read the petition on their behalf;

15.1.1.3 the petitioners may send the petition to the Monitoring Officer who will arrange for the Chair to read the petition.

15.1.2 The person presenting the petition may only read the terms of the petition and may not make any further comments. That person will have one minute to read the terms of the petition unless the Chair determines that this time limit should be extended or reduced.

## 15.2 **Notice and Consideration of Petitions**

15.2.1 There is no need for any advance notice to be given of the wish to present a petition to a Committee or sub-committee.

## 16. **Deputations**

16.1 This Rule does not apply to the Planning Committee, when considering planning applications (See Rule 29), nor to Licensing applications which have specific rules which are available at meetings of the Licensing Panel and to applicants, nor to the Overview and Scrutiny Committee.

16.2 Any committee, sub-committee or panel of the Council other than those excluded from the application of this Rule may receive a deputation on any matter appearing on the relevant agenda.

16.3 Requests for deputations must be in writing and supported by the signatures of at least 10 residents or representatives of local organisations or businesses in Harrow. The signatories must clearly state their names and addresses/qualifying business address. The request must explain why a deputation is required.

16.4 The request must be given to the Monitoring Officer at least two clear working days before the day of the meeting, although the Committee or sub-committee on the grounds of urgency can waive this requirement.

16.5 The deputation to the meeting must consist of not more than four people. Those persons nominated to speak should also be signatories to the original written request to make a deputation. All may speak but the total length of the speeches from the deputation must not exceed 10 minutes.

- 16.6 The time allowed for questioning of the deputation by Members will be 10 minutes.
- 16.7 The deputation shall be heard immediately before the relevant item on the agenda. The Chair has complete discretion to move any items that are subject to a deputation on the agenda.
- 16.8 Committees shall receive no more than two deputations per meeting.
- 16.9 No deputation shall be received by a Committee or sub-committee within 6 months after a deputation has appeared before it on the same or a similar subject.
- 16.10 Members of the Council, co-optees and advisers (in that capacity) shall not be signatories to, lead or form part of any deputation.
- 16.11 Members of staff may lead or join deputations only in their capacity as local electors and on issues other than those affecting their employment with the Council.

## **17. Public Questions**

### **17.1 General**

17.1.1 Members of the public may question Chairs of Council Committees or sub-committees at meetings. Questioners will not be allowed to address the Committee or sub-committee generally on a matter, they may only ask questions relating to matters within the terms of reference of the Committee or sub-committee. Questions relating to individual cases and/or matters relating to staffing and conditions of service and relating to individual planning applications at the Planning Committee meetings will not be permitted.

### **17.2 Time Limit for Questions**

17.2.1 There will be a total limit of 15 minutes for the asking and answering of public questions. Once this time limit has been reached, no further questions can be asked but a questioner can complete a question or a supplemental question and the respondent can complete a reply. Unless the Chair permits otherwise, a reply to a question shall not exceed three minutes. If the Councillor answering

believes that a longer response is necessary an oral summary will be given and a full reply shall be completed in writing.

### **17.3 Order and Notice of Questions**

- 17.3.1 Questions will be asked in the order notice of them was received, except that the Chair may group together similar questions.
- 17.3.2 A question may only be asked if notice has been given in writing, by fax or by electronic mail to the Monitoring Officer at [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) no later than 3.00 pm two clear working days before the day of the meeting. Each question must be submitted by the questioner, identifying their name, address, and where appropriate email address, and give the name of the Chair of the Committee or sub-committee to whom it is to be put.
- 17.3.3 Without prejudicing 17.3.2 above, where a report is circulated after the normal Committee despatch by supplemental agenda a question may be asked, if notice has been given in writing, by fax or by electronic mail to the Monitoring Officer at [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) no later than 3.00 pm ONE clear working day before the day of the meeting. Each question must be emailed from the questioner's email address, give the name and address of the questioner and name of the Chair of the Committee or sub-committee to whom it is to be put.
- 17.3.4 The Chair of a Committee or sub-committee to whom any question is put may arrange for another Member of the Council to answer on his or her behalf.
- 17.3.5 The Council takes no responsibility for questions which are sent and fail to reach the correct e-mail address, postal address or fax number.

### **17.4 Number of Questions**

- 17.4.1 At any one meeting no person may submit more than one question. A questioner will be allowed to ask a supplementary question directly relating to the content of the answer given to the written question. The Chair may reject a supplemental question if it falls within any of the categories in paragraph 17.5 below.

## **17.5 Scope of Questions**

17.5.1 The Monitoring Officer may reject a written question if it:

17.5.1.1 would risk defamation of an individual or is frivolous or offensive; or

17.5.1.2 does not relate to a matter to which the Council has powers or duties; or

17.5.1.3 does not relate to a matter which affects the London Borough of Harrow; or

17.5.1.4 would require the disclosure of confidential or exempt information; or

17.5.1.5 is substantially the same as a question which has been put at any meeting of the Committee in the last six months.

17.5.1.6 is within the invalid categories referred to at 17.1 above.

No invalid questions will be circulated.

## **17.6 Record of Public Questions**

17.6.1 The Monitoring Officer will enter each written question in a document open to public inspection and will immediately send a copy of the written question to the Councillor to whom it is to be put. If a question is rejected, reasons for rejection will be given to the questioner by the Monitoring Officer.

17.6.2 Copies of all valid questions will be circulated to all Members of the committee, sub-committee or panel, and made available to the public at the meeting.

## **17.7 Asking the Question at the Meeting**

17.7.1 The Chair will invite the questioner to put the question and will respond to the question unless another Member has been nominated to answer on his or her behalf.

17.7.2 If a questioner, who has submitted a written question, is unable to be present, they may ask the Chair to put the question on their behalf.

17.7.3 The Chair may either:

17.7.3.1 ask the question on the questioner's behalf; or

17.7.3.2 indicate that a written reply will be given; or

17.7.3.3 decide, in the absence of the questioner, that the question will not be dealt with.

## 17.8 **Written Answers**

17.8.1 Any written question, which cannot be dealt with during public question time because of lack of time, will be dealt with by written answer. A copy of any written answer shall be given to the Monitoring Officer who will send it to the questioner and all Members of the Committee, sub-committee or panel.

## 17.9 **Reference of a Question to another Body**

17.9.1 Unless the Chair decides otherwise, no discussion will take place on any question, but any Member may propose that a matter raised by a question be referred to the Executive, Advisory Panel, Portfolio Holder or other appropriate Committee, sub-committee or panel. Such a proposal will be voted on without discussion.

## 18. **Confidential Business**

18.1 All reports, other documents, information, discussions and proceedings of a Committee, sub-committee or panel which are marked Exempt under Schedule 12A of the Local Government Act 1972, or Confidential must be treated as such by all Members of the Committee, sub-committee or panel. Members of the public will not have access to these papers and discussions. Confidential or exempt items will be marked as such and the relevant part of Schedule 12A will be specified on the document. Confidential and/or exempt items will be discussed in 'Part II' of the Committee, sub-committee or panel meeting following a resolution to exclude the press and public.

## **19. Voting**

### **19.1 Majority**

19.1.1 Unless Statute or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and seated in the room at the time the question was put. Voting shall be by a show of hands.

### **19.2 Chair's Casting Vote**

19.2.1 If there is an equal number of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

### **19.3 Individual Recorded Vote and Explanation for Vote**

19.3.1 If, immediately before the vote is taken, any Member present at the meeting requests that his or her vote be recorded as voting for or against or not voting, it shall be so recorded in the minutes.

19.3.2 A recording of a vote or abstention in the minutes of the meeting shall be made without explanation save that in cases where it is necessary for the avoidance of ambiguity a brief note may be added at the Member's request explaining that Member's reason for voting or not voting.

### **19.4 Recorded Vote by Roll Call**

19.4.1 If immediately before an ordinary vote is taken three Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

### **19.5 Voting on Appointments**

19.5.1 If there are more than two people nominated for any position to be filled by a Committee, sub-committee or panel and of the votes given there is not a majority in favour of one person, the name of the person having the least numbers of votes shall be disregarded and a fresh vote shall be taken and so on until a majority of votes is given to one person.



## 20. **Minutes**

### 20.1 **Signing the Minutes of Committees, Sub-Committees and Panels**

20.1.1 The Chair will sign the minutes of the proceedings at the next meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that may be discussed is their accuracy.

### 20.2 **Minutes of Decisions of Committees, Sub-Committees and Panels**

20.2.1 Minutes of Committees, sub-committees and panels shall be published on the Council's intranet and website.

### 20.3 **Production of Minutes**

20.3.1 Minutes of the meetings of Committees, sub-committees, and panels will normally be published within five clear working days of the date of the meeting.

## 21. **Record of Attendance**

21.1 All Members present during the whole or part of a meeting must, before the conclusion of every meeting, sign their names in the attendance document provided.

## 22. **Exclusion of the Public**

22.1 Members of the public and press may only be excluded either in accordance with Rule 11 of the Access to Information Procedure Rules in Part 4G of this Constitution or under Rule 24 (Disturbance by the Public).

## 23. **Members' Conduct**

### 23.1 **Precedence of Chair**

23.1.1 When the Chair speaks during a debate, any Member speaking at the time must stop speaking. The meeting must be silent.

## **23.2 Member not to be heard further**

23.2.1 If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further during the consideration of that item of business. If seconded, the motion will be voted on without discussion.

## **23.3 Member to leave the Meeting**

23.3.1 If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

## **23.4 General Disturbance**

23.4.1 If there is a general disturbance, making business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

## **24. Disturbance by the Public**

### **24.1 Removal of Member of the Public**

24.1.1 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

### **24.2 Clearance of Part of a Meeting Room**

24.2.1 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

### **24.3 Adjournment**

24.3.1 Following an order by the Chair for one or more members of the public to leave the meeting room, if he/she deems it necessary in the interests of public safety and for the safety of Members and officers present, the Chair may adjourn the meeting for as long as he/she thinks necessary.

24.3.2 If it is considered expedient so to do, the Chair with the agreement of the Members present may adjourn the meeting for such duration as is considered appropriate.

## **25. Suspension and Amendment of Committee Procedure Rules**

### **25.1 Suspension**

25.1.1 All of these Committee Procedure Rules except the Rules on Reserving (3.4), Individual Recorded Vote and Explanation for Vote (19.3), Exclusion of the Public (22), Suspension and amendment of Committee Procedure Rules (25), reserve members for Overview and Scrutiny Sub-Committees (32.10), may be suspended by motion on notice or without notice if at least one half of all members of the committee are present and where such a motion is carried by a majority of those present. Suspension may be for one or more items of business during the course of the meeting when the suspension is agreed but may not extend beyond that meeting.

### **25.2 Amendment**

25.2.1 The Committee Procedure Rules may only be changed by the Council.

## **26. Ruling of the Chair on Interpretation of these Rules**

26.1 The Chair's ruling on the interpretation or application of any of the Committee Procedure Rules is final.

## **27. Membership of the Planning Committee and Licensing & General Purposes Committee**

27.1 The requirements set out in this Procedural Rule shall apply to Members and substitute or replacement Members serving on the Planning and/or Licensing & General Purposes Committee.

27.2 In nominating Members to serve on the Planning and/or Licensing & General Purposes Committee the political Groups will have regard to those Members of Council who have received the relevant training in the statutory roles of the Committee. A register of those Members who have completed the Training Course shall be kept by the Monitoring Officer and updated periodically by him/her as future Members are trained.

27.3 In a Borough Election Year Members who are not trained to serve on the Planning and/or Licensing & General Purposes Committee may be nominated to serve nonetheless for an initial period of up to six months from the date of the first appointments in that Municipal Year to allow them to receive the required training within that period. Training shall be provided by the Council within this period. Failure to undertake and complete satisfactorily the training within that six month periods will preclude the Member from membership of the Planning and/or Licensing & General Purposes Committee and require the political Group to nominate a replacement Member who has been trained. Members are required to renew this training at not more that 4 year intervals; failure to do so shall preclude the Member from membership of the Planning and/or Licensing & General Purposes Committee.

27.4 In respect of any serving Planning and/or Licensing & General Purposes Committee Member who has not completed the training satisfactorily within the six month period the relevant political Groups will be requested to nominate a replacement Member of Council who has so completed the training satisfactorily, failing which any such place on the Committee shall remain vacant pending the nomination of a trained Member.

## 28. **Additional Rules for the Planning Committee**

28.1 Rules 28 to 29 are rules specific to the Planning Committee. They apply to the Planning Committee (or any committee otherwise named to which has been delegated the exercise of the functions of the Council as a local planning authority under the relevant statutory provisions).

28.2 Meetings of the Planning Committee shall take place at the Civic Centre at 6.30 pm or such time as stated on the agenda for the meeting.

28.3 Meetings of the Planning Committee shall close at 10.00 pm unless determined under Rule 14.2 but Rule 14.2 may not be used to extend the closure time of a meeting of the Planning Committee beyond 11.00 pm.

## 29. **Information on the rights of Applicants and Objectors to speak in relation to Applications at the Planning Committee**

29.1 This procedure applies only to the following applications, which are to be determined by the Planning Committee:

- 29.1.1 Applications for planning permission, which are being recommended for grant or approval by the Chief Planning Officer.
- 29.1.2 Applications for prior approval of the siting and appearance of telecommunications development where the Chief Planning Officer is recommending that prior approval be not required OR that prior approval be required and granted.
- 29.1.3 Applications for the modification or discharge of section 106 agreement obligations.
- 29.2 Where the recommendation of the Chief Planning Officer is to refuse an application Applicants and Objectors have no right to speak.
- 29.3 No later than 5.00 pm on the working day before the meeting, objectors should give notice to the Monitoring Officer of their wish to speak at the Planning Committee.
- 29.4 Subject to 29.5, only one objector will be permitted to address the Planning Committee in respect of each relevant application, and any group of objectors should therefore nominate a spokesperson.
- 29.5 In exceptional circumstances, the Planning Committee may by motion agree to allow a maximum of two objectors to address the Planning Committee.
- 29.6 The applicant may only make representations after any objector has addressed the Planning Committee (i.e. if there is no objector to an application the applicant will not be permitted to speak).
- 29.7 Objectors and applicants may speak for a maximum of three minutes each. Where the Planning Committee allows two objectors to address them under Rule 29.5, each objector may speak for a maximum of three minutes. In exceptional circumstances concerning significant applications the Planning Committee may agree to increase the length of time for representations to a maximum of five minutes each.
- 29.8 Where an application is recommended for refusal by the Chief Planning Officer but the Planning Committee is minded to approve ('grant') the application, the application will be deferred to the next meeting of the Planning Committee to enable re-notification to take place and give an opportunity for objectors to the application to attend the subsequent meeting and make representations.

29.9 The deputation procedure referred to in Rule 16 applies to all other business on the Planning Committee agenda.

30. **Additional Rules for Overview and Scrutiny**

30.1 Rules 30 to 49 are specific to the Overview and Scrutiny Committee.

31. **Membership of the Overview and Scrutiny Committee**

31.1 All Councillors except members of the Executive may be Members of the Overview and Scrutiny Committee and any Scrutiny sub-committees.

31.2 No member may be involved in scrutinising a decision in which he/she has been directly involved. In particular, Portfolio Holder Assistants shall not participate or vote on the scrutiny of matters within their identified remit, as approved by Cabinet.

31.3 The Overview and Scrutiny Committee will comprise such members as the Council shall determine, including the Chairs of the Scrutiny sub-committees and will also include two voting parent governor representatives and two voting “church” representatives.

31.4 Members of the Overview and Scrutiny Committee will be appointed by Council in accordance with the rules on political proportionality.

31.5 The Overview and Scrutiny Committee may appoint non-voting advisers, who will not be members of the Committee.

31.6 Subject to Rule 31.7, Members of the Overview and Scrutiny Committee and its sub-committee, who are not members of the Authority, are not entitled to vote.

31.7 Appointed representatives of the “church” and parent governors shall be voting members of the Overview and Scrutiny Committee. They are entitled to vote on any matter relating to an education function of the Authority. They are entitled to speak but not vote on any other matter.

31.8 “Church” and parent governor representatives are only eligible to Chair meetings of the Overview and Scrutiny Committee when education issues are being discussed, and, if chairing, may exercise a casting vote.

## 32. **Scrutiny Sub-Committees**

- 32.1 The Overview and Scrutiny Committee will appoint a Performance and Finance Sub-Committee and a Health and Social Care Scrutiny Sub-Committee as set out below, and two Call-In sub-committees as outlined in Rule 33. Subject to Council approval, the Overview and Scrutiny Committee may discontinue any of these sub-committees and/or appoint alternative sub-committees. The Overview and Scrutiny Committee may also amend the terms of reference of the sub-committees as appropriate, such changes to be reported to the next Council meeting for ratification.
- 32.2 Where the Overview and Scrutiny Committee seeks to discontinue or appoint sub-committees other than as set out in Rule 32.1, it should consult interested parties as appropriate.
- 32.3 Any change in sub-committees will be reported to the next Council meeting by the Chair of the Overview and Scrutiny Committee.
- 32.4 The Scrutiny Performance and Finance Sub-Committee and the Health and Social Care Scrutiny Sub-Committee will comprise such Councillors as the Overview and Scrutiny Committee shall determine.
- 32.5 The terms of reference of the sub-committees are set out in the Allocation of Responsibilities in Part 3 of the Constitution.
- 32.6 Membership of the sub-committees will be subject to the political proportionality rules.
- 32.7 The appointment of parent governor representatives to the Overview and Scrutiny Committee will be carried out in accordance with the requirements of the Parent Governor Representatives (England) Regulations 2001.
- 32.8 The appointment of “church” representatives to the Overview and Scrutiny Committee will be carried out in accordance with the requirements of Local Government Act 2000.
- 32.9 The sub-committees may appoint advisers to the sub-committees. Such advisers will not be members of the sub-committees and cannot vote.
- 32.10 The Overview and Scrutiny Committee may also appoint Reserve Members to these sub-committees on the following conditions:

- 32.10.1 Reserve Members cannot be Members of the Executive.
- 32.10.2 The reserves shall have the same powers and duties of any ordinary member of the Committee.
- 32.10.3 Co-opted voting members on the Overview and Scrutiny Committee may not have reserves.
- 32.10.4 Subject to paragraphs 34.10.1 to 34.10.3 above, the provisions of Rule 3.4 shall apply to Reserve Members of the Overview and Scrutiny Committee and any sub-committees appointed by it.

### **33. The Call-In Sub-Committees**

- 33.1 The Overview and Scrutiny Committee will appoint a Call-In Sub-Committee and a Call-In Sub-Committee (Education) to consider and comment on decisions of the Executive and to process matters “called-in”.
- 33.2 The Call-In Sub-Committee will comprise five Members of the Overview and Scrutiny Committee and the Call-In Sub-Committee (Education) will comprise nine Members including two voting parent governor representatives and two voting “church” representatives and will be subject to the rules on political proportionality.
- 33.3 The Overview and Scrutiny Committee may also appoint Reserve Members to these sub-committees. Reserve Members cannot be Members of the Executive. The reserves shall be subject to the Rules in 3.4 and 32.10 above.
- 33.4 At a meeting of the Call-In Sub-Committee (Education), the “church” and parent governor representatives will have attendance, speaking and voting rights.
- 33.5 The Rules for call-in are detailed in Rule 47 below and Appendix 1.

### **34. Meetings of the Overview and Scrutiny Committee and its Sub-Committees**

- 34.1 There shall be eight scheduled meetings of the Overview and Scrutiny Committee, three scheduled meetings of Performance and Finance Sub-Committee, and three scheduled meetings of Health and Social Care Sub-



Committee in each municipal year. The Call-In Sub-Committees shall be convened as and when required.

- 34.2 Following consultation with the nominated members of each of the political groups (and in the case of the Overview and Scrutiny Committee, with the four voting co-opted members) the relevant Chair shall have the power to alter the venue, day and time of the meeting or to cancel a meeting if he or she believes it to be appropriate for the conduct of the business of the Committee or sub-committee. The Access to Information Procedure Rules must still be adhered to.
- 34.3 The dates of meetings of the Overview and Scrutiny Committee and Scrutiny sub-committees will be as determined in the annual calendar of meetings or determined by the Monitoring Officer and notified in the agenda of all meetings.

### 35. **Work Programme**

- 35.1 The Overview and Scrutiny Committee will consider its outline work programme, and that of the Scrutiny sub-committees, at its first meeting following the Annual Meeting of Council, except in years where there are whole borough elections, where the work programme will be considered at the first suitable meeting.
- 35.2 In setting the outline work programme, account will be taken of the need to scrutinise forthcoming policy, for example, the budget, whilst leaving flexibility to commence new scrutiny reviews during the year in response to new requests for scrutiny.
- 35.3 The Overview and Scrutiny Committee will report the agreed outline work programme to the first available ordinary meeting of the Council.

### 36. **Setting the agenda for meetings**

- 36.1 The Chair of the Overview and Scrutiny Committee or the relevant Scrutiny sub-committees will be responsible for approving the agenda for each meeting.
- 36.2 The Chair of the meeting will decide on all matters of order, relevance and interpretation of these procedures.

- 36.3 The Chair will have the power to vary the order of business to give precedence to any item of business.
- 36.4 Any voting member of the Overview and Scrutiny Committee or the relevant Scrutiny sub-committees is entitled by giving at least six clear working days notice before the meeting to the Monitoring Officer, that he/she wishes an item relevant to the functions of the Committee or sub-committees to be included on the agenda. The Monitoring Officer will ensure that the matter is included on the agenda.
- 36.5 The Overview and Scrutiny Committee shall consider whether it is appropriate to respond to requests from the Council and the Executive, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee or Scrutiny sub-committees will report their findings and recommendations back to the Executive or Council who must consider the report within 8 weeks of receiving it, or at the next meeting, whichever is the sooner.

### **37. Policy Development and Review**

- 37.1 The role of the Overview and Scrutiny Committee and Scrutiny sub-committees in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules in Part 4C of this Constitution.
- 37.2 In relation to the development of the Council's policy on matters which do not form part of the budget and policy framework, the Overview and Scrutiny Committee and/or Scrutiny sub-committees may make proposals to the Executive or the Council for developments in so far as they relate to matters within their terms of reference.
- 37.3 The Overview and Scrutiny Committee and Scrutiny sub-committees may hold reviews and investigate the available options for future direction in policy development.
- 37.4 The Overview and Scrutiny Committee and Scrutiny sub-committees may appoint advisors and assessors to assist them in this process. They may arrange site visits, conduct public surveys, hold public meetings, commission research and do all the other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend and discuss any matter under consideration by the Committee or sub-committees.

37.5 The Overview and Scrutiny Committee and Scrutiny sub-committees may pay advisors, assessors and witnesses a reasonable fee and expenses for attending meetings to provide evidence and/or advice.

**38. Reports from Overview and Scrutiny Committee**

38.1 Once it has formed proposals for policy development, the Overview and Scrutiny Committee or Scrutiny sub-committees will prepare a formal report and submit it:

38.1.1 to the Executive, if the proposals are consistent with the existing budgetary and policy framework, or

38.1.2 to the Executive and to the Council, if the recommendations would require a departure from or change to the agreed budget and policy framework.

38.2 If the Overview and Scrutiny Committee or Scrutiny sub-committees cannot agree on one single final report, then any two Members of the relevant committee may prepare a minority report to be submitted for consideration by the Executive or Council together with the majority report.

**39. Consideration of Overview and Scrutiny reports by the Executive and/or the Council**

39.1 The Council or Executive (as appropriate) shall consider a report of the Overview and Scrutiny Committee or Scrutiny sub-committees within 8 weeks of it being published, or at its next meeting, whichever is the sooner.

39.2 Where reports are sent to the Executive from the Overview and Scrutiny Committee or Scrutiny sub-committees the Executive will have 8 weeks from the date of the reference for them to respond to the Overview and Scrutiny Committee or Scrutiny sub-committees, and (if the report was referred in accordance with paragraph 38.1.2 above to both Executive and Council) the Council shall **not** consider the report within that period. The exception to this Rule is during summer recess, when the Executive may respond to such a report within 10 weeks.

39.3 When the Council meets to consider a matter referred from the Overview and Scrutiny Committee or Scrutiny sub-committees under Rule 38.1.2 above, it shall also consider any response of the Executive to the proposals of the Overview and Scrutiny Committee or Scrutiny sub-committees.

## **Consideration of reports by individual Executive members**

- 39.4 Where the Overview and Scrutiny Committee or a Scrutiny sub-committee prepares a report for consideration by the Executive in relation to a matter where decision-making power has been delegated to an individual member of the Executive, the Overview and Scrutiny Committee or Scrutiny sub-committees will submit their report to the relevant Executive Portfolio Holder for consideration. At the same time, a copy of the report shall be given to the Monitoring Officer.
- 39.5 The Executive Portfolio Holder with delegated decision making power must consider a report submitted to him/her under Rule 39.4 and, if accepting their report, respond in writing to the Overview and Scrutiny Committee or Scrutiny sub-committees within 4 weeks of receiving it. A copy of his/her response shall be sent at the same time to the Monitoring Officer.
- 39.6 Where a report is submitted to an Executive Portfolio Holder under Rule 39.4 above, the Portfolio Holder will also attend a future meeting of the Overview and Scrutiny Committee or Scrutiny sub-committees to discuss the report and his/her response.
- 39.7 In respect of reports dealt with under Rule 39.4, if the Executive Portfolio Holder with delegated decision-making power does not accept any or all of the recommendations of the Overview and Scrutiny Committee, he/she must refer the matter to the next available meeting of the Executive for decision.
- 39.8 Following a debate on a matter by the Executive under rule 39.7, the Executive Portfolio Holder will respond to the report of the Overview and Scrutiny Committee or Scrutiny sub-committees in writing. This response must be with the Overview and Scrutiny Committee or Scrutiny sub-committees within eight weeks of receipt of the report submitted under Rule 39.4.

## **40. Power to respond to Consultation**

The Overview and Scrutiny Committee or Scrutiny sub-committees will, in any event, have access to the Executive'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 and Scrutiny Committee or Scrutiny sub-committees, following consideration of possible service/policy developments, the Overview and Scrutiny Committee or Scrutiny sub-

committees will be able to respond in the course of the Executive's consultation process in relation to any key decisions.

#### **41. Rights of Overview and Scrutiny Committee Members to Documents**

41.1 Members of the Overview and Scrutiny Committee and Scrutiny sub-committees have additional rights to documents, and to notices of meetings as set out in Rule 22 of the Access to Information Procedure Rules in Part 4G of this Constitution.

41.2 In some circumstances it may be appropriate for more detailed information sharing to take place between the Overview and Scrutiny Committee or the Scrutiny sub-committees and the Executive. Nothing in this paragraph prevents ad hoc arrangements from being agreed by Members if appropriate.

#### **42. Holding Members to Account**

42.1 Within their particular terms of reference, the Overview and Scrutiny Committee or Scrutiny sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function.

42.2 In fulfilling the scrutiny role, the Overview and Scrutiny Committee and Scrutiny sub-committees may require the Leader of the Council and any other member of the Executive to attend before the Committee to explain:

42.2.1 any particular decisions or series of decisions;

42.2.2 the extent to which the actions taken implement Council policy; and/or

42.2.3 their performance.

42.3 Where required to attend in compliance with Rule 42.2, it is the duty of that Member to do so.

42.4 Where any Member is required to attend the Overview and Scrutiny Committee or a Scrutiny sub-committee under Rule 42, the Chair of that Committee or sub-committee will inform the Monitoring Officer. The Monitoring Officer will inform the Member, giving at least 10 clear working days notice in writing of the meeting at which he or she is required to attend

to give account, and whether papers are required for the Committee or sub-committee.

42.5 Where the account to be given to the Committee or sub-committee will require the production of a report, the Member concerned will be given sufficient notice to allow for the preparation of that documentation.

42.6 Where, in exceptional circumstances, the Member is unable to attend on the required date, the Monitoring Officer, in consultation with the Chair and the Member concerned, shall arrange an alternative date for attendance.

### 43. **Holding Officers to Account**

43.1 The Overview and Scrutiny Committee or Scrutiny sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within their particular terms of reference.

43.2 In fulfilling that scrutiny role, the Overview and Scrutiny Committee and Scrutiny sub-committees may require a Chief Officer (see Rule 43.7) to attend before the Committee or sub-committee to explain:

43.2.1 any particular decisions or series of decisions;

43.2.2 the extent to which the actions taken implement Council policy;  
and/or

43.2.3 their performance.

43.3 Where required to attend in compliance with Rule 43.2, it is the duty of that officer to do so.

43.4 Where an officer (see Rule 43.7) is required to attend the Overview and Scrutiny Committee or a Scrutiny sub-committee under Rule 43, the Chair of that Committee or sub-committee will inform the Monitoring Officer. The Monitoring Officer will inform the officer, giving at least 10 clear working days notice in writing of the meeting at which he or she is required to attend to give account, and whether papers are required for the Committee or sub-committee.

43.5 Where the account to be given to the Committee or sub-committee will require the production of a report, the officer concerned will be given sufficient notice to allow for the preparation of that documentation.

43.6 Where, in exceptional circumstances, the officer is unable to attend on the required date, the Monitoring Officer, in consultation with the Chair and the officer concerned, shall arrange an alternative date for attendance.

43.7 Under normal circumstances, the Corporate Director or Director responsible for the area in question will attend the Committee or sub-committee to be held to account. It may sometimes be appropriate for another officer to attend to discuss the issue. The decision about who should attend and be held accountable is entirely one for the Corporate Directors or Director concerned, in consultation with his or her staff.

#### 44. **Attendance at the Overview and Scrutiny Committee and Scrutiny Sub-Committees**

44.1 The Overview and Scrutiny Committee and Scrutiny sub-committees may invite any other person (not referred to in Rules 42 and 43) to address the Committee or sub-committees. It may, for example, wish to discuss issues of local concern with residents, partners, Members and officers from other public sector or private sector organisations.

44.2 The Overview and Scrutiny Committee or Scrutiny sub-committees may invite any person to attend, but attendance (except for Chief Executives of Health Authorities) is entirely optional.

44.3 People attending the Overview and Scrutiny Committee or Scrutiny sub-committees under this Rule will be entitled to receive travelling and other appropriate payments as may be determined by the Council from time to time.

#### 45. **Call-in**

45.1 Call-in is the process whereby a decision of the Executive, Portfolio Holder or Officer (where the latter is taking a Key Decision) or any Joint Committee (where it has taken a decision delegated to it by the Executive) taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation. They may recommend that the Executive reconsider the decision. For the avoidance of doubt a decision may only be subject to the call-in procedure once.

## 45.2 The process for call-in

45.2.1 Six Members of the Council can call in a decision of the Executive, which has been taken but not implemented. In relation to Executive decisions on education matters only the number of Members required to call in a decision which has been made but not implemented shall be six Councillors or, in the alternative, six persons comprising representatives of the voting co-opted members and at least one political group on Overview and Scrutiny Committee. Only decisions relating to Executive functions, whether delegated or not, may be called in.

45.2.2 150 Members of the public (defined as anyone registered on the electoral roll of the Borough) can call in a decision of the Executive, which has been taken but not implemented.

45.3 Decisions of the Executive shall not be implemented for 5 clear working days following the publication of the decision and a decision can only be called in during this period. This Rule does not apply to urgent decisions (see Rule 48 below). The notice of the decision will state the date on which the decisions may be implemented if not called in.

45.4 Call-in must be by notification to the Monitoring Officer in writing or by fax:

45.4.1 signed by all six Members or, in the alternative, the voting co-optees requesting the call-in. A request for call-in by e-mail will require a separate e-mail from each of the six Members concerned.

45.4.2 signed by all 150 members of the public registered on the electoral roll, and stating their names and addresses.

## Requirement to Give Reasons

45.5 A notice seeking to invoke the call-in procedure must state at least one of the following grounds in support of the request for a call-in of the decision:

45.5.1 inadequate consultation with stakeholders prior to the decision;

45.5.2 the absence of adequate evidence on which to base a decision;

45.5.3 the decision is contrary to the policy framework, or contrary to, or not wholly in accordance with the budget framework;



45.5.4 the action is not proportionate to the desired outcome;

45.5.5 a potential human rights challenge;

45.5.6 insufficient consideration of legal and financial advice.

### **Referral to the Call-In Sub-Committees**

45.6 Subject to 46.1 below, once a notice invoking the call-in procedure has been received the decision may not be implemented until the designated members (as defined in Appendix 1) have considered the guidance outlined in Appendix 1 and if required, the Call-In Sub-Committee has considered the decision. The Monitoring Officer shall in consultation with the Chair arrange a meeting of the Call-In Sub-Committee to be held within seven clear working days of the receipt of the request for call-in.

45.6.1 Where the Call-In Sub-Committee fails to meet within seven clear working days of the call-in request being received by the Monitoring Officer, the decision may be implemented on the day following twelve clear working days from the date the decision was published.

45.6.2 Where the Call-In Sub-Committee meets within seven clear working days of the receipt of notification of a call-in request, but fails to refer the matter back to the Executive, Portfolio Holder, officer (if a key decision) or Joint Committee, the decision may be implemented on the day following the Call-In Sub-Committee meeting.

45.6.3 No Member who has signed a call-in notice in accordance with Rule 45.4 may sit as a member of the Call-In Sub-Committee which considers that call-in notice.

### **Process for Consideration of Called-in Items at the Call-In Sub-Committee**

45.7 The Call-In Sub-Committee will consider the decision and the reasons for call-in. The Sub-Committee may invite the Executive decision-taker and a representative of those calling in the decision to provide information at the meeting.

45.8 The Sub-Committee may come to one of the following conclusions:

45.8.1 that the challenge to the decision should be taken no further and the decision may be implemented;

- 45.8.2 that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget framework, and should therefore be referred to the Council. In such a case the Call-In Sub-Committee must set out the nature of its concerns for Council; or
- 45.8.3 that the matter should be referred back to the decision taker (i.e. the Portfolio Holder, Executive or Joint Committee, whichever took the decision) for reconsideration. In such a case the Call-In Sub-Committee must set out the nature of its concerns for the decision taker/Executive.

### **Referral - Back under Rule 46.8.3**

- 45.9 In the event of a referral-back under Rule 45.8.3, the Executive or Portfolio Holder must reconsider the decision within ten clear working days of that referral. The original decision may be then be confirmed or amended in the light of the comments of the Call-In Sub-Committee.

### **Referral to Council under Rule 45.8.2**

- 45.10 In the event that the Call-In Sub-Committee refers the matter to Council under Rule 45.8.2 above, the decision shall be discussed at the next ordinary meeting of Council, provided that the next scheduled meeting is within 20 clear working days of the decision of the Call-In Sub-Committee, which referred the matter.
- 45.11 If the next scheduled meeting of the Council is more than 20 clear working days after the decision of the Sub-Committee, the Mayor will decide, in consultation with the Leaders of the political parties, whether an extraordinary meeting of the Council is expedient.
- 45.12 The Council when considering the matter may conclude:
- 45.12.1 that the challenge to the decision should be taken no further and the decision may be implemented;
- 45.12.2 that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget and cannot therefore be implemented; or

45.12.3 that the matter should be referred back to the Executive, Portfolio Holder, officer or Joint Committee for reconsideration. In such a case the Council must set out its reasons for the referral; or

45.12.4 acknowledge that the decision is contrary to the policy framework, or contrary to or not wholly in accordance with the budget framework, but approve an amendment to the particular policy or budget to allow the decision to be implemented.

### **In the event of a referral back to the Executive decision-taker**

45.13 In the event of 45.12.3 above, the Executive must reconsider the decision at its next meeting (consideration should be given to the holding of a special meeting if the issue is considered to now be sufficiently urgent); or as the case may be the Portfolio Holder or officer must reconsider the decision within five clear working days of the date of the Council meeting. The decision-taker can either:

45.13.1 confirm the original decision and report back to the next meeting of the Overview and Scrutiny Committee;

45.13.2 amend or alter the decision in the light of the comments of the Call-In Sub-Committee and report back to the next meeting of the Overview and Scrutiny Committee.

In the case of either 45.13.1 or 45.13.2, the decision may be implemented as soon as the original Executive decision is confirmed or amended by the decision taker.

## **46. Call-in and Urgency**

46.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is an urgent decision. 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.

46.2 The record of the decision, and notice by which it is made public, shall state that the matter is considered one of urgency, and will thus not be subject to call-in.

- 46.3 The Chair of the Overview and Scrutiny Committee must agree that the decision proposed is reasonable in the circumstances and should be treated as a matter of urgency.
- 46.4 In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Mayor is required.
- 46.5 In the absence of both the Chair of the Overview and Scrutiny Committee and the Mayor, the consent of the Deputy Mayor is required.
- 46.6 Decisions taken, as a matter of urgency must be reported by the Monitoring Officer to the next available meeting of the Council, together with the reasons for urgency.
- 46.7 The operation of the provisions for call-in and urgency shall be monitored annually and a report submitted by the Head of Paid Service to Council with proposals for review if necessary.

**47. Procedure at Overview and Scrutiny Committee and Scrutiny Sub-Committee Meetings**

- 47.1 The Overview and Scrutiny Committee shall consider the following business:
  - 47.1.1 Minutes of the last meeting;
  - 47.1.2 Declarations of interest and any dispensations granted by the Standards Committee;
  - 47.1.3 Petitions;
  - 47.1.4 Deputations;
  - 47.1.5 Public Questions;
  - 47.1.6 Responses from the Executive and Council to reports from the Committee;
  - 47.1.7 The business otherwise set out on the agenda for the meeting;
  - 47.1.8 Check on progress from the Scrutiny sub-committees to ensure reviews are on track.
- 47.2 The Scrutiny sub-committees (other than the Call-In Sub-Committees – see Rule 50.3 below) shall consider the following business:

- 47.2.1 Minutes of the last meeting;
  - 47.2.2 Declarations of interest;
  - 47.2.3 Petitions;
  - 47.2.4 Deputations;
  - 47.2.5 Public Questions;
  - 47.2.6 Consideration of any matter referred to the sub-committee by the Overview and Scrutiny Committee;
  - 47.2.7 Responses from the Executive and Council to reports from the sub-committee;
  - 47.2.8 The business as otherwise set out on the agenda for the meeting.
- 47.3 The Call-In Sub-Committees shall consider the following business:
- 47.3.1 Minutes of the last meeting;
  - 47.3.2 Declarations of interest;
  - 47.3.3 The Call-In request(s) for which the meeting is convened.
- 48. The Conduct of Reviews**
- 48.1 In conducting reviews, the Overview and Scrutiny Committee and Scrutiny sub-committees may also ask people to attend to give evidence at their meetings as outlined in Rules 43-44 above.
  - 48.2 Reviews will be carried out in accordance with the principles set out in the Protocol on Councillor/Officer Relations in Part 5 of the Constitution.
  - 48.3 Following any review, the Committee or sub-committees shall prepare a report for submission to the Executive and/or Council as appropriate and shall also make its report and findings public subject to any confidentiality requirements (See Rule 18).

49. **Matters within the remit of Overview and Scrutiny Committee and the Scrutiny Sub-Committees**

Where a matter for consideration falls within the remit of the Overview and Scrutiny Committee and the Performance and Finance Sub-Committee, the Overview and Scrutiny Committee will decide which of them will lead the scrutiny process.

## Overview and Scrutiny Sub-Committees Call-In Procedure: Guidance

### The Spirit of Co-operation

This Guidance is written for all members to consider when calling in a decision made by the Executive. The Guidance has been prepared to prevent abuse of the call-in process, and to promote the efficient use of the Council's resources.

The Overview and Scrutiny Committee shall delegate authority to the designated Members (see below) to consider requests for Call-In received in accordance with the Council's constitution, except where either or both of the designated Members have signed the call-in notice (see below).

In the event that the designated Members fail to reach agreement on whether a request should be called in, the request for a Call-In shall automatically pass to the Call-In Sub-Committee for consideration.

#### (1) Call in by Members of Council and by members of the public – Rule 45.2

The Guidance will be relied upon by the Chair and Vice Chair of the Overview and Scrutiny Committee. These Members will be the designated Members for the purpose of this Guidance<sup>1</sup> when considering a request for call in by Members of the Council or by members of the public. If either of the designated Members has signed a call-in notice in accordance with Rule 45.4 they will not take part in the consideration of the request for call-in and it will be considered by the other Member alone. If both designated Members have signed a call-in notice the request for a Call-in shall automatically pass to the Call-In Sub-Committee for consideration.

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<sup>1</sup> When the Chair and Vice-Chair of the Overview and Scrutiny Committee belong to the same political group, the designated members for the purposes of this Guidance only shall be the Chair or Vice-Chair of the Call-In Sub-Committee and the lead or nominated member on the Call in Sub Committee from the next largest political group.

## **Reasons for refusal**

The designated Member(s) must ensure that the requirement to give reasons under Rule 45.5 of the Committee Procedure Rules (“the Rules”) as contained in the Council’s Constitution is met. In the event that the requirements of Rule 45.5 are met, the following guidance shall be used when considering a request for call-in to the Call-In Sub-Committee:

1. Time limit - A decision may only be called-in during the period of 5 clear working days from the date of publication of the executive decision.
2. Financial implications - Only decisions involving expenditure or risk of a value over £50,000 may be called-in, where expenditure is the primary purpose of the decision. This factor in particular should be considered in light of the other factors in this guidance.
3. Political implications - Does the decision have an impact on 1 or more of the wards in Harrow? Or will the decision have an effect on the wider interests of the inhabitants of the area?
4. Duplication - The Call-In Sub Committee should not be used when another forum or route is available to deal with concerns about an Executive decision, such as Challenge Panels, Standards Committee or Regulatory Panels e.g. Traffic, Development Management etc.
5. Relevance - The Call-in request must be of direct relevance to the Decision being called-in.
6. Public Call-in - The Call-in request must make out a prima facie case.
7. Process -
  - (a) Have the requisite 6 Members requested the call-in? The Members who make the call-in should be Members of the Council or, as the case



may be representatives of the voting co-opted members and one political group on Overview and Scrutiny Committee.

- (b) Have the requisite 150 members of the public requested the call-in?  
The 150 members of the public must be registered on the electoral roll and have given their name and address.

- 8. Vexatious Requests – Can the request be reasonably construed as vexatious having regard to tone, content, language, persistence etc.

The list above is not exhaustive and occasionally additional and different reasons may be relied upon to reject a request for a call in. If this is the case, a review of this Guidance will be carried out to ensure that it remains up to date and of assistance to members.

The designated Member(s) should consider each of the above factors fully when considering a request for call-in, and in the event of refusal, reasons shall be provided which refer to the above categories.