

OVERVIEW AND SCRUTINY PROCEDURE RULES

*Drafting note: items in italics in [] are the Forest Heath/St Edmundsbury variations and the appropriate one will be inserted in the final version. Items in italic and **highlighted** are new or amended items which require a decision.*

Text in red is the recommendation of the Joint Constitution Review Group from its meeting on 13 March 2015.

A. OVERVIEW AND SCRUTINY COMMITTEE

1. WHAT WILL BE THE NUMBER OF AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES?

1.1 The Council will have one Overview and Scrutiny Committee as set out in Article 7 and will appoint to it annually. The Committee may appoint panels or 'task and finish' groups for fixed periods to consider specific issues.

1.2 The Committee will consist of a maximum of [10/16] Members of the Council. *The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Overview and Scrutiny Committee but it may resolve to vary this provision by unanimous vote at the Annual Meeting.*

At present FHDC does not have a politically balanced committee. The highlighted section allows for political balance to be restored or for other arrangements to be made, as the Councils see fit.

1.3 The terms of reference of the Overview and Scrutiny Committee will be:-

(a) the performance of all overview and scrutiny functions on behalf of the Council (explained in Article 7 of this Constitution) and as set out in section 9F of the Local Government Act 2000;

(b) to receive the draft West Suffolk Annual Report from the Leaders or representative(s) of Cabinet either prior to the commencement of each financial year or at its first meeting after each Annual Council Meeting. Should major developments such as a change of Leader occur following the Annual Meeting in May resulting in a change to the Cabinet's priorities, a revised report may be re-submitted at the Committee's first meeting in the civic year;

(c) to approve a rolling overview and scrutiny work programme, including the programme of any panels or groups it appoints, so as to ensure that the Committee's and panels' or groups' time is effectively and efficiently utilised;

(d) to put in place a system to ensure that referrals from Overview and Scrutiny to the Cabinet, either by way of report or for reconsideration, are managed efficiently;

(e) in the event of the volume of reports to the Cabinet creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made;

(f) to act as the crime and disorder committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly

(i) to scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself; and

(ii) to make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions.

(g) to consider local crime and disorder matters in accordance with the Councillor Call for Action Protocol;

(h) to work collaboratively, as may be appropriate, with the scrutiny function of other local authorities to fulfil the crime and disorder scrutiny function;

(i) to advise on the development of new policy in accordance with its agreed work programme;

(j) to advise, where appropriate, on corporate projects and strategies;

(k) to appoint informal member panels and 'task and finish' groups to assist the work of the Committee; and

(l) to review annually the work and Constitution of such Panels and Working Parties.

1.4 As a general principle for its work programme, wherever the subject matter is common and relevant to both Forest Heath and St Edmundsbury, the Committee will make invitations to and consider invitations from the other authority's Overview and Scrutiny Committee to carry out joint scrutiny reviews for West Suffolk.

2. WHO MAY SIT ON THE OVERVIEW AND SCRUTINY COMMITTEE?

All Councillors, except members of the Cabinet [and full members of the Performance and Audit Scrutiny Committee,]* may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he or she has been directly involved.

**The words in square brackets apply to SEBC only – as it has fewer councillors, FHDC does not have this limitation.*

3. CO-OPTees

The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees. Panels and working groups of the Committee may appoint non-voting co-optees to assist with specific reviews.

4. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE

4.1 The Committee shall have meetings programmed approximately every 6 weeks (i.e. normally, there will be up to 8 ordinary meetings of the Overview and Scrutiny Committee in each year).

4.2 Meetings will be conducted in accordance with the Committee Procedure Rules unless there are specific exceptions in these Overview and Scrutiny Procedure rules.

5. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE MEETINGS?

5.1 Following discussions between Group Leaders, the Chairman and Vice-Chairman of the Overview and Scrutiny Committee will be appointed by the Council. In the event that there is a majority group within the Council, it will be desirable for:-

- (a) the Overview and Scrutiny Committee to be chaired by a Member who is not a Member of the Majority group; and
- (b) the Vice-Chairman of the Overview and Scrutiny Committee to be a Member of the Majority group.

5.1 above appears in the SEBC constitution but the FHDC constitution has no equivalent. Views are sought on whether to apply it to both Councils.

The Group recommends that the above wording apply to both councils.

5.2 The Chairman and Vice-Chairman will hold office until:-

- (a) he/she resigns from the office of Chairman or Vice-Chairman; or
- (b) he/she is no longer a Councillor; or
- (c) the next annual meeting of the Council save that the Council may remove the Chairman or Vice-Chairman at an earlier date but only in the event of a change in the political control of the Council.

5.3 Upon the occurrence of a vacancy in the office of Chairman or Vice-Chairman, the Council shall fill the vacancy at the next ordinary meeting of the Council or, if the vacancy occurs as a result of the removal of the Chairman and/or Vice-Chairman in the event of a change in the political

control of the Council, at the meeting at which that resolution was passed. The person appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in 6.2 above.

6. WORK PROGRAMME

6.1 The Overview and Scrutiny Committee will be responsible for setting its own work programme and in doing so it shall take into account the wishes of members of the Committee.

~~6.2 The Committee must also take account of the internal and external audit programmes.~~

7. AGENDA ITEMS

7.1 Any Member of the Council shall be entitled to give notice to the Scrutiny Officer 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 Scrutiny Officer will ensure that it is included on the next available agenda. The request must be by way of the 'suggestion for scrutiny work programme' form, in order to ensure the Committee has all the information it needs to decide whether to take the issue forward.

7.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, the Cabinet, and the Performance and Audit Scrutiny Committee to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee at its next meeting.

8. POLICY REVIEW, SERVICE DEVELOPMENT AND PERFORMANCE MANAGEMENT

8.1 The role of the Overview and Scrutiny 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.

8.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within its terms of reference.

8.3 To fulfil its role, the Overview and Scrutiny Committee may hold enquiries and investigate the available options and may appoint advisers and assessors to assist it in this process. The Committee and any panel it appoints may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to form its deliberations. It 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.

9. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEE

9.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Scrutiny Officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

9.2 The Chairman, or in his/her absence, the Vice-Chairman of the Overview and Scrutiny Committee will normally be responsible for presenting the report to the Cabinet or the Council as appropriate. However, in the case of the report of a panel or working group, the report to the Cabinet and/or Council can also be made by the chairman or vice-chairman of the panel/working group.

9.3 If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

9.4 The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee at the next available meeting.

10. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET

10.1 Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Scrutiny Officer who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Scrutiny Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet must be given the opportunity to respond to the Overview and Scrutiny report before the Council meets to consider it. When the Council does meet to consider any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Overview and Scrutiny proposals.

10.2 The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. Any reports of the Overview and Scrutiny 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).

10.3 The Overview and Scrutiny Committee will in any event have access to the Cabinet's Decision Plan and timetable for decisions. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny 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.

11. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

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

11.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

12. MEMBERS AND OFFICERS GIVING ACCOUNT

12.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. 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 chief officer to attend before it to explain in relation to matters within its remit:-

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance

and it is the duty of those persons to attend, or send an appropriate substitute, if so required.

12.2 Where any member or officer is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of the Committee will inform the Scrutiny Officer. The Scrutiny Officer shall inform the member or officer in writing, giving at least 5 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

13.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of 10 working days from the date of the original request.

13. ATTENDANCE BY OTHERS

13.1 The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 12.1 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

14. CALL-IN

14.1 A key element of the scrutiny role of the new Committee concerns the arrangements for the "call-in" of a decision taken by or on behalf of the Cabinet. A decision by the Cabinet, or a key decision made by an officer with delegated authority from the Cabinet, may be "called in" by members of the Council submitting a request in writing on the call in request form to the Head of HR, Legal and Democratic Services within 5 working days of the publication of that decision. No action can be taken on an item called in for scrutiny.

14.2 Call-in should only be used in exceptional circumstances. These are where Members have evidence which suggests that the Cabinet decision was not taken in accordance with the principles set out in Article 12 (Decision Making). In order to ensure that call-in is not abused; nor causes unreasonable delay, certain limitations are to be placed on its use. These are:-

(a) a decision must be called-in by at least five Members of the Council ~~or the Leader of any political group on the Council which has five or more Members provided they have the agreement, by means of a signature, of three other Members of that Group*~~; and

** The highlighted words are in the SEBC constitution. Members are asked if they want to apply them to both councils, or only one, or neither.*

The Group recommends deletion of the highlighted wording.

(b) a decision on the same item may only be "called in" for scrutiny by the Committee on one occasion within a six months period. The six month period to commence from the date the "call-in" request is received by the Head of HR, Legal and Democratic Services;

(c) members who have called in a decision may withdraw their call-in at any time prior to the meeting taking place to hear the call-in, by giving notice in writing to the Scrutiny Officer.

14.3 The following arrangements for the call-in of decisions made by the Cabinet will apply:-

(a) when a decision is made by the Cabinet (or by any Members of the Cabinet with a delegated authority contained in Part 3 of this Constitution)

or a key decision is made by an officer with delegated authority from the Cabinet, the decision shall be published electronically. Normally, such publication will be on the Friday of the week in which the decision was taken. Notification of all such decisions will also be issued to all members within the same timescale by the person responsible for publishing the decision;

(b) the relevant notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called in;

(c) during that period, the Scrutiny Officer shall call-in a decision for scrutiny by the committee if so requested by members (in accordance with paragraph 14.1 above), and shall notify the decision-taker of the call-in. An item called in for scrutiny will normally be considered by the Overview and Scrutiny Committee at its next scheduled meeting. However, in consultation with the Chairman of the Committee, he/she may call an extraordinary meeting of the Committee on such date as he/she may determine (in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution);

(d) any Member considering calling in a Cabinet decision, or a Key Decision taken by an officer under delegated authority, first be required to make every effort to discuss the issue with the relevant Portfolio Holder or Leader of the Council;

(e) Members using the call-in arrangements have the right to address the Committee when it deals with the issue;

(f) normally, the Committee will complete its scrutiny of the issue at that meeting and report the outcome to the next meeting of the Cabinet. However, the Committee may consider that further time is required to consider the issue and would therefore need to recommend to the Cabinet that further work be carried out and that the Overview and Scrutiny Committee makes recommendations at a later date. In these circumstances, the Cabinet will decide whether or not the decision should be implemented, having regard to the urgency, if any, of the matter and the provisions of the Budget and Policy Framework Rules (see (i) below);

(g) if the Overview and Scrutiny Committee agrees with a called-in decision, the decision may be implemented immediately following the Overview and Scrutiny Committee meeting;

(h) if the Committee makes an alternative recommendation this will be considered by the Cabinet at its next meeting and no action should be taken until a final decision has been made by the Cabinet (or the full Council – see (i) below); and

(i) as set out in the Budget and Policy Framework Procedure Rules, called-in decisions which are deemed to be contrary to the policy framework, or

contrary to or not wholly consistent with the budget, may have to be referred to the full Council for a final decision.

14.4 Call-in and Urgency

14.4 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. 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 interest**. 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 Overview and Scrutiny Committee 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 of the Overview and Scrutiny Committee'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.

15. COUNCILLOR CALL FOR ACTION

15.1 Any Councillor may request that the Committee consider the inclusion of a Councillor Call for Action (CCfA) on its work programme, under the terms of the CCfA Protocol set out in ~~Part 5~~ of this Constitution. The operation of CCfA will be in full compliance with the Protocol and, as for call-in, will be used only in exceptional circumstances where all other possible avenues for resolution of the issue have been followed by the referring Councillor, and yet a problem still exists.

16. THE PARTY WHIP

16.1 For the purpose of this Section 16, reference to "the party whip" shall mean:-

"Any instruction 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 Council or any Committee or Sub-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."

16.2 The imposition of the party whip is regarded by the Council as incompatible with Overview and Scrutiny. The party whip should not therefore be imposed on any member of the Overview and Scrutiny Committee while engaged in the work of Overview and Scrutiny.

17. BUSINESS AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

17.1 The Overview and Scrutiny Committee shall consider the following business:

- (a) minutes of the last meeting;
- (b) public speaking in accordance with the Committee Procedure Rules;
- (c) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
- (d) responses of the Cabinet to reports of the Overview and Scrutiny Committee;
- (e) any recommendations or reports from the Committee's panels or task and finish groups;
- (f) consideration of the Decisions Plan; and
- (g) the business otherwise set out on the agenda for the meeting.

17.2 At every ordinary Overview and Scrutiny Committee meeting at least one member of Cabinet shall attend to give an account of his or her portfolio and answer questions from the committee. Each Cabinet member shall attend at least once a year in rotation. This attendance shall be in addition to any attendance required or invited by the committee in relation to specific items of business. The time set aside for presentation of each portfolio report and questions thereon shall be **at the discretion of the Chairman 15 minutes**.*

**This paragraph is inserted on the recommendation of members but there was no recommendation about the time to be allowed, therefore members' views on this are sought.*

17.3 Where the Overview and Scrutiny Committee conducts investigations, 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:-

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

17.4 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.

B. PERFORMANCE AND AUDIT SCRUTINY COMMITTEE

1. WHAT WILL BE THE ARRANGEMENTS FOR THE PERFORMANCE AND AUDIT SCRUTINY COMMITTEE?

1.1 The Council will have a Performance and Audit Scrutiny Committee as set out in Article 7 and will appoint to it annually.

1.2 The Committee will consist of a maximum of 10 members of the Council. *The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Performance and Audit Scrutiny Committee but it may resolve to vary this provision by unanimous vote at the Annual Meeting.*

1.3 The terms of reference of the Performance and Audit Scrutiny Committee will be:

(i) to monitor and scrutinise the performance of the Council's services by having regard to a variety of information, including performance indicators, financial information, reports from external inspections, audit reports and monitoring of action plans;

(ii) to consider means of improving and promoting the performance management and audit functions of the Council;

(iii) within its terms of reference as detailed in 1.3 (i) above, and as an integral part of its role as the Council's Audit Committee, to have reference to any or all of the following areas:

(a) Integration of the Audit role

To ensure that the principles of effective audit are integrated into the work of the Performance and Audit Scrutiny Committee and the Council generally.

(b) Risk Management

To provide assurance of the effectiveness of the corporate risk assessment process and monitor the effective development and operation of risk management policies in the Council, specifically including monitoring of the Risk Management Strategy and the Corporate Risk Register.

(c) Internal Audit and Governance

To provide an effective mechanism to monitor the control environment within the authority, ensuring the highest standards of probity and public accountability by:-

- (1) reviewing and approving of the Annual Audit Plan;
- (2) challenging and follow-up of internal audit recommendations;
- (3) reviewing internal audit performance;
- (4) reviewing of Code of Corporate Governance and Statement of Internal Control; and
- (5) reviewing the anti-fraud and corruption controls and arrangements.

(d) Financial Statements and Annual Accounts

To provide scrutiny of the authority's financial performance by scrutinising the:-

- (1) Budget Monitoring Reports;
- (2) Capital Programme Audited Accounts; and
- (3) any proposals for cost reductions or growth in the forward budget.

(e) Treasury Management

[SEBC only: A Treasury Management Sub-Committee will undertake the enhanced monitoring and scrutiny requirements of the revised Chartered Institute of Public Finance and Accountancy and will be responsible to the Committee for:-]

[FHDC: To be responsible for :-]

- (1) the Council's responses to changes in statutory and regulatory requirements and guidance;
- (2) the annual Treasury Management and Investment Strategy;
- (3) on-going revisions to treasury management strategies and policies;
- (4) the mid year treasury management review;
- (5) reports on treasury management performance; and
- (6) the annual report on treasury management performance, including the effects of the decisions taken and the transactions executed in the past year, and on the circumstances of any non-compliance with the Council's treasury management policy statements.

(f) External Audit

To maintain and develop a trusting and professional relationship with the Council's external auditors and ensure any issues arising from inspection are dealt with.

- (1) Annual audit and Inspection Plan and any resulting reports;
- (2) Annual Audit Letter; and
- (3) Statement of Auditing Standard (SAS) 610 Communications.

(g) Procurement

Formal reporting of procurement issues;

- (iv) to receive an annual work programme based around a quarterly performance management and risk and budget monitoring cycle; and

(v) to approve the Annual Statement of Accounts each year in good time to meet the statutory deadline for adoption.

1.4 It is not within the terms of reference of this Committee to carry out reviews, or to set up panels, although the Committee may from time to time carry out initial investigation into or scoping of an issue, which may lead to recommendations for further work by the appropriate scrutiny committee or Cabinet.

2. WHO MAY SIT ON THE PERFORMANCE AND AUDIT SCRUTINY COMMITTEE?

All Councillors, except members of the Cabinet [and full Members of the Overview and Scrutiny Committee] may be Members of the Performance and Audit Scrutiny Committee.

**The words in brackets apply to FHDC SEBC only.*

3. CO-OPTEEES

The Performance and Audit Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. MEETINGS OF THE PERFORMANCE AND AUDIT SCRUTINY COMMITTEE

4.1 There will be up to six ordinary meetings of the Committee each year, comprising four quarterly meetings based around a programme of performance management and risk and budget monitoring, and, as required, a meeting to approve the annual accounts, and a further meeting to scrutinise proposals for cost reductions and growth in the forward budget.

4.2 Meetings shall be held in accordance with the Committee Procedure Rules except where these Overview and Scrutiny Committee Procedure rules specify otherwise.

5. WHO CHAIRS PERFORMANCE AND AUDIT SCRUTINY COMMITTEE MEETINGS?

5.1 Following discussions between Group Leaders, the Chairman and Vice-Chairman of the Performance and Audit Scrutiny Committee will be appointed by the Council. In the event that there is a majority group within the Council, it will be desirable for:-

- (a) the Performance and Audit Scrutiny Committee to be chaired by a Member who is not a Member of the majority group; and
- (b) the Vice-Chairman of the Performance and Audit Scrutiny Committee to be a Member of the majority group.

This provision appears in the SEBC constitution but there is no equivalent for FHDC. Views are sought as to whether this provision should apply to both councils.

The Group recommends that the above should apply to both councils.

5.2 The Chairman and Vice-Chairman will hold office until:-

- (a) he/she resigns from the office of Chairman or Vice-Chairman; or
- (b) he/she is no longer a Councillor; or
- (c) the next annual meeting of the Council save that the Council may remove the Chairman or Vice-Chairman at an earlier date but only in the event of a change in the political control of the Council.

5.3 Upon the occurrence of a vacancy in the office of Chairman or Vice-Chairman, the Council shall fill the vacancy at the next ordinary meeting of the Council or, if the vacancy occurs as a result of the removal of the Chairman and/or Vice-Chairman in the event of a change in the political control of the Council, at the meeting at which that resolution was passed. The person appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in 5.2 above.

6. WORK PROGRAMME

6.1 The Committee will receive a rolling work programme based around a quarterly performance management and risk and budget monitoring cycle.

7. AGENDA ITEMS

7.1 Any Member of the Performance and Audit Scrutiny Committee shall be entitled to give notice to the Scrutiny Officer 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 Scrutiny Officer will ensure that it is included on the next available agenda. If the item is accepted by the Committee, the extent to which such an item is investigated by the Committee shall be only to the level of initial scoping, in order to ascertain whether further investigation of an issue by the appropriate scrutiny committee should be recommended.

7.2 Any five members of the Council who are not members of the Performance and Audit Scrutiny Committee may also give written notice to the Scrutiny Officer that they wish an item to be included on the agenda of the Committee. If the Scrutiny Officer receives such a notification, then he/she will include the item on the first available agenda of the committee for consideration by the committee. If the item is accepted by the committee, the extent to which such an item is investigated by the committee shall be only to the level of initial scoping, in order to ascertain whether further investigation of an issue by the appropriate scrutiny committee should be recommended.

7.3 The Performance and Audit Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, the Cabinet and the Overview and Scrutiny Committee to carry out such initial scoping investigations. Where it does so, the Performance and Audit

Scrutiny Committee shall report its findings and any recommendations back to the Overview and Scrutiny Committee, Cabinet and/or Council. The Overview and Scrutiny Committee, Council and/or the Cabinet shall consider the report of the Performance and Audit Scrutiny Committee at its next meeting.

8. PERFORMANCE MANAGEMENT AND AUDIT

8.1 The role of the Performance and Audit Scrutiny Committee in relation to its performance management and audit responsibilities is as set out in Paragraphs 1.3-1.4 above and Article 7 of this Constitution.

9. REPORTS FROM THE PERFORMANCE AND AUDIT SCRUTINY COMMITTEE

9.1 Once it has formed any recommendations, the Performance and Audit Scrutiny Committee will submit them to the Scrutiny Officer for consideration by the Overview and Scrutiny Committee, Cabinet and/or Council as appropriate.

9.2 The Overview and Scrutiny Committee, Council or Cabinet shall consider the recommendations of the Performance and Audit Scrutiny Committee at the next available meeting.

9.3 The agenda for Cabinet meetings shall, when applicable, include an item entitled 'Issues arising from the Performance and Audit Scrutiny Committee'. Any reports of the 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).

9.4 The Chairman, or in his/her absence, the Vice-Chairman of the Overview and Scrutiny Committee will normally be responsible for presenting the report to the Cabinet or the Council as appropriate. However, in the case of the report of a panel or working group, the report to the Cabinet and/or Council can also be made by the chairman or vice-chairman of the panel/working group.

10. ATTENDANCE BY OTHERS

10.1 members of the Cabinet will be entitled to attend meetings of the Performance and Audit Scrutiny Committee and speak on any matter under consideration.

10.2 Subject to the provisions of paragraph 1.4 above, the Committee may also invite members, officers and any other person to address its meetings, discuss issues of local concern and/or answer questions as part of its initial scoping or investigation of a matter. Attendance is of course entirely optional.

11. THE PARTY WHIP

11.1 For the purpose of this Section 12, reference to "the party whip" shall mean:-

"Any instruction 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 Council or any Committee or Sub-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."

11.2 As part of the overview and scrutiny function, the imposition of the party whip is regarded by the Council as incompatible with the Committee's terms of reference. The party whip should not therefore be imposed on any member of the Performance and Audit Scrutiny Committee while engaged in the Committee's work.

13. PROCEDURE AT PERFORMANCE AND AUDIT SCRUTINY COMMITTEE MEETINGS

13.1 The Performance and Audit Scrutiny Committee shall consider the following business:

- (a) minutes of the last meeting;
- (b) public speaking in accordance with the Committee Procedure Rules;
- (c) any decisions or reports of the Cabinet regarding the committee's work;
- (d) any previous recommendations or reports of the committee referred back to the committee by the Overview and Scrutiny Committee, Cabinet or full Council; and
- (e) the business otherwise set out on the agenda for the meeting.

13.2 The committee may also ask people to attend its meetings, which are to be conducted in accordance with the following principles:-

- (a) that all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting the Committee by giving evidence or offering opinions be treated with respect and courtesy; and
- (c) that the meeting be conducted so as to maximise the efficiency of the discussion, investigation or analysis.

13.3 Following scrutiny of any matter, the Committee shall prepare, if necessary, recommendations for submission to the Overview and Scrutiny Committee, Cabinet and/or Council as appropriate, and shall make its recommendations and any accompanying findings public.
