

**SECTION 6  
THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE  
AND ITS COMMITTEES**

Ref	Contents	Page No.
	<b>Chapter 6.1 – Overview and Scrutiny Management Committee Terms of Reference</b>	
<a href="#">6.1.1</a>	Appointment of an Overview and Scrutiny Management Committee	<b>1</b>
<a href="#">6.1.2</a>	Membership of the Overview and Scrutiny Management Committee	<b>1</b>
<a href="#">6.1.3</a>	Policy Development and Review	<b>2</b>
<a href="#">6.1.4</a>	Terms of Reference	<b>2</b>
<a href="#">6.1.5</a>	Performing the Overview and Scrutiny Role	<b>4</b>
<a href="#">6.1.6</a>	Annual Report	<b>5</b>
<a href="#">6.1.7</a>	Proceedings of the Overview and Scrutiny Management Committee and Overview and Scrutiny Committees	<b>5</b>
<a href="#">6.1.8</a>	Finance	<b>5</b>
	<b>Chapter 6.2 – Overview and Scrutiny Committees Terms of Reference</b>	
<a href="#">6.2.1</a>	Appointment of Overview and Scrutiny Committees	<b>6</b>
<a href="#">6.2.2</a>	Children’s Services Overview and Scrutiny Committee Terms of Reference	<b>7</b>
<a href="#">6.2.3</a>	Community and Corporate Overview and Scrutiny Committee Terms of Reference	<b>9</b>
<a href="#">6.2.4</a>	Health Overview and Scrutiny Committee Terms of Reference	<b>11</b>
<a href="#">6.2.5</a>	Climate Emergency Overview and Scrutiny Committee Terms of Reference	<b>13</b>
<a href="#">6.2.6</a>	Changes to the Overview and Scrutiny Committee Structure	<b>15</b>
	<b>Chapter 6.3 – Overview and Scrutiny Procedure Rules</b>	
<a href="#">6.3.1</a>	Meetings of the Overview and Scrutiny Management Committee and Overview and Scrutiny Committees	<b>16</b>
<a href="#">6.3.2</a>	Joint Overview and Scrutiny Committee Meetings	<b>16</b>
<a href="#">6.3.3</a>	Public and Member Questions	<b>16</b>
<a href="#">6.3.4</a>	Petitions	<b>17</b>

<a href="#">6.3.5</a>	Quorum	<b>17</b>
<a href="#">6.3.6</a>	Procedure at Overview and Scrutiny Management Committee Meetings	<b>17</b>
<a href="#">6.3.7</a>	Procedure at Overview and Scrutiny Committees	<b>18</b>
<a href="#">6.3.8</a>	Who May Sit on the Overview and Scrutiny Management Committee, Scrutiny Committees and Task and Finish Groups	<b>18</b>
<a href="#">6.3.9</a>	Co-optees	<b>19</b>
<a href="#">6.3.10</a>	Education Representatives	<b>19</b>
<a href="#">6.3.11</a>	Who Chairs Meetings	<b>19</b>
<a href="#">6.3.12</a>	The Party Whip	<b>19</b>
<a href="#">6.3.13</a>	Speaking by Members other than Committee Members	<b>20</b>
<a href="#">6.3.14</a>	Appeals Against the Response Received to a Petition	<b>20</b>
<a href="#">6.3.15</a>	Rules of Debate	<b>18</b>
<a href="#">6.3.16</a>	Disturbance by the Public	<b>21</b>
<a href="#">6.3.17</a>	Duration of the Meeting	<b>21</b>
<a href="#">6.3.18</a>	Work Programme	<b>21</b>
<a href="#">6.3.19</a>	Agenda Items	<b>21</b>
<a href="#">6.3.20</a>	Policy Review and Development	<b>22</b>
<a href="#">6.3.21</a>	Involvement of the Relevant Executive Member	<b>22</b>
<a href="#">6.3.22</a>	Reports to be Considered by the Executive, Council or Wokingham Borough Wellbeing Board or Partner Authority	<b>23</b>
<a href="#">6.3.23</a>	Presentation of Reports at the Executive or Wokingham Borough Wellbeing Board	<b>24</b>
<a href="#">6.3.24</a>	Rights of Overview and Scrutiny Members to Documents	<b>24</b>
<a href="#">6.3.25</a>	Limit on Rights	<b>25</b>
<a href="#">6.3.26</a>	Report to the Council	<b>26</b>
<a href="#">6.3.27</a>	Members and Officers to Give Account	<b>26</b>
<a href="#">6.3.28</a>	Attendance by Others	<b>26</b>
<a href="#">6.3.29</a>	Call-in	<b>27</b>
<a href="#">6.3.30</a>	Publication of Executive Decisions and Procedure for Call-in	<b>28</b>
<a href="#">6.3.31</a>	Process for Requests for Information from Members of the Overview and Scrutiny Management Committee to Officers After a Decision Has Been Called-In	<b>29</b>
<a href="#">6.3.32</a>	Contact with Witnesses After a Decision Has Been Called-In	<b>29</b>
<a href="#">6.3.33</a>	Communicating Views After a Decision Has Been Called-in	<b>29</b>

<a href="#">6.3.34</a>	Exceptions	<b>30</b>
<a href="#">6.3.35</a>	Call-In and Urgency	<b>30</b>
<a href="#">6.3.36</a>	Dispute	<b>30</b>
<a href="#">6.3.37</a>	Statutory Scrutiny Officer	<b>30</b>
<a href="#">Appx A</a>	Review Topic Selection Criteria	<b>31</b>

## **CHAPTER 6.1 – OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE TERMS OF REFERENCE**

### **6.1.1 Appointment of an Overview and Scrutiny Management Committee**

It is a statutory requirement that the Council appoint an Overview and Scrutiny Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations under Section 32 of the Local Government Act 2000. The objectives in undertaking the functions of Overview and Scrutiny are:

- a) Holding the Executive to account;
- b) Policy Development and Review;
- c) Performance Monitoring; and
- d) External Scrutiny.

### **6.1.2 Membership of the Overview and Scrutiny Management Committee**

The Overview and Scrutiny Management Committee shall be comprised of non-Executive Members of the Council. The size of the Committee will be determined at, and the appointment of Committee members will take place at the Annual Council Meeting, subject to the rules of Political Balance. The Vice Chairmen of each of the Scrutiny Committees must either be a member of the Management Committee or one of its substitutes.

The Management Committee must include the Chairman and Vice Chairman of any Scrutiny Committee who will report back on the working of the relevant Committee. If the Chairman of a Scrutiny Committee is unable to attend a Management Committee meeting, then he/she may arrange for another member from the Committee to attend the Management Committee to provide feedback on the work of the Committee. This Member will be entitled to take part in discussions at the Management Committee but will not be entitled to any voting rights.

When considering Education related issues, representatives of the Church of England Diocese and Roman Catholic Diocese, together with Parent Governor Representatives will automatically be entitled to sit on the Management Committee, Overview and Scrutiny Committees, and/or Task and Finish groups as voting Members.

#### **6.1.2.1 Substitutes**

Substitute Members from each political group shall be appointed at Annual Council for the forthcoming Municipal Year. Each political group will be entitled to the same number of substitutes as it has Members on the Committee.

#### **6.1.2.2 Appointment of Substitute**

If any member of the Committee is unable to attend a meeting of that body they may appoint one of the nominated substitute members for the Committee to act in their place at the meeting. The appointment shall only take effect if the Member making the appointment, or in the Member's absence their Group Leader or Political Assistant, notifies the Democratic Services Manager, or their representative, no later than midday of the day of the meeting that they will be unable to attend the meeting and the name of the appointed substitute Member.

Once a substitute Member has been appointed to attend a specific meeting then the original Member cannot attend the meeting in a voting capacity.

If a substitute Member attends a meeting which is subsequently adjourned to a later date they should also attend the reconvened meeting.

When undertaking a scrutiny review membership of the body carrying out the review, i.e. the Overview and Scrutiny Management Committee or one of its Committees, should remain the same. Therefore substitutes will only be allowed at the beginning of a review provided they are able to carry out the substitute role throughout the review.

#### **6.1.2.3 Changing Substitutes**

A substitute may be changed during a Municipal Year provided that the Democratic Services Manager, or their representative, receives a written request from either the Leader of the appropriate Political Group or the relevant Political Assistant. Any such change will become effective at the next Committee meeting or within 14 days whichever is the later.

#### **6.1.2.4 Training**

Members who are appointed to the Overview and Scrutiny Management Committee or Committees, including substitutes will be expected to undertake appropriate training.

#### **6.1.3 Policy Development and Review**

The Overview and Scrutiny Management Committee itself or through the Overview and Scrutiny Committees shall:

- a) assist the Council and the Executive in development of its Budget and Policy Framework, in line with the Council's Vision and Priorities;
- b) examine whether existing policies and plans are being achieved and continue to meet the requirements of the Council's Vision and Priorities;
- c) conduct research and consultation within allocated resources in order to assist in the analysis of particular issues and possible options;
- d) consider and implement processes to encourage and enhance community participation in the development of policy options;
- e) question members of the Executive, Committees and appropriate Officers about their views on issues and proposals affecting the area;
- f) liaise with other external organisations and partner authorities operating in the area, (as defined in Part 5, Chapter 1, Section 104 of the Local Government and Public Involvement in Health Act) 2007, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### **6.1.4 Terms of Reference**

The Overview and Scrutiny Management Committee will:

- a) propose future amendments to the composition and terms of reference of Overview and Scrutiny Committees to the Council on the basis of political proportionality;

- b) manage and update the work programmes of the Overview and Scrutiny Committees as necessary, including considering any request from an Overview and Scrutiny Committee, or any Member thereof, to add an item to the work programme;
- c) itself or through an Overview and Scrutiny Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- d) develop a work programme of overview and scrutiny reviews, in consultation with the Executive and the Corporate Leadership Team;
- e) itself or through an Overview and Scrutiny Committee, investigate matters of concern referred to it by the Executive, Council or Council Committees;
- f) itself or through an Overview and Scrutiny Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations including the consideration of requests made as a “Councillor Call for Action” as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007;
- g) itself, or through an Overview and Scrutiny Committee:
  - i) review and/or scrutinise decisions made, or actions taken, in connection with the discharge of any of the Council’s functions;
  - ii) consider any matter affecting the Borough or its inhabitants;
- h) consider appeals that the Council’s response to a petition was not adequate or substantive;
- i) respond to petitions to call Officers to account;
- j) itself or through an Overview and Scrutiny Committee, review Executive decisions which have been ‘called-in’;
- k) itself or through an Overview and Scrutiny Committee enquire into forthcoming items on the Executive Forward Programme;
- l) advise the Executive or the Council, as appropriate, of the recommendations of those reviews carried out by the Overview and Scrutiny Management Committee referred to in (e), (f), (g), (i) and (j) above;
- m) itself or through an Overview and Scrutiny Committee receive and consider regular performance management;
- n) work with Officers to develop a specific training programme for all Members involved in Overview and Scrutiny;
- o) review the operation of the Council’s scrutiny function and recommend changes as necessary to the Council;

- p) itself or through an Overview and Scrutiny Committee exercise the Council's crime and disorder responsibilities as set out in Part 3 Section 19 of the Police and Justice Act 2006;
- q) itself or through an Overview and Scrutiny Committee exercise the Council's flood risk management responsibilities under Schedule 2, Part 1 of the Localism Act 2011.

### **6.1.5 Performing the Overview and Scrutiny Role**

In performing its role, the Overview and Scrutiny Management Committee, or Overview and Scrutiny Committees may:-

- a) question Members of the Executive and/or Committees and Officers of the Council about their decisions and/or performance in relation to particular decisions, initiatives or projects;
- b) make requests for information from external organisations and partner authorities, as defined in Part 5, Chapter 1, Section 104 of the Local Government and Public Involvement in Health Act 2007, as appropriate to the exercising of their functions;
- c) seek independent expert advice as appropriate to the exercising of their functions and / or appoint specialist advisors to support it in its work if required. Funding will be secured in advance of any appointment and financial commitment on a case by case basis;
- d) appoint non-voting co-opted members to the Management Committee, Overview and Scrutiny Committees and Task and Finish groups as necessary;
- e) assign Members of the Management Committee lead roles in relation to particular review topics or areas of expertise relevant to its terms of reference;
- f) gather information informally by working individually or in small Task and Finish groups, outside of the formal Committee process; and
- g) visit external organisations individually, or in small Task and Finish groups, as part of their information gathering role.

**6.1.5.1** In addition the Health Overview and Scrutiny Committee may:

- a) question NHS Chief Executives (or nominees) and representatives of responsible persons as defined in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, about their views, proposals and decisions on health-related issues and services in the Borough;
- b) conduct research and consultation on the analysis of health issues and proposals;
- c) undertake joint scrutiny with other local authorities where NHS services cover more than one local authority area;

- d) assign members of the Committee to lead roles in relation to particular health issues or health service providers;
- e) question the Local Healthwatch regarding their activities in the Borough.

#### **6.1.6 Annual Report**

The Overview and Scrutiny Management Committee must report to Council, normally at the Council meeting in March, on its work and that of the Overview and Scrutiny Committees. This report will then be published and copied to relevant organisations and placed on the Council's website.

#### **6.1.7 Proceedings of the Overview and Scrutiny Management Committee and its Overview and Scrutiny Committees**

The Overview and Scrutiny Management Committee or Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in [Chapter 6.3](#) of this Constitution and supporting Overview and Scrutiny Protocols.

#### **6.1.8 Finance**

The Overview and Scrutiny Management Committee may exercise overall responsibility for the finances made available to it or delegate responsibility to the relevant Overview and Scrutiny Committee.



## **CHAPTER 6.2 – OVERVIEW AND SCRUTINY COMMITTEES TERMS OF REFERENCE**

### **6.2.1 Appointment of Overview and Scrutiny Committees**

The Council shall establish the following Overview and Scrutiny Committees:

- a) Children’s Services Overview and Scrutiny Committee - size of which to be determined at Annual Council
- b) Community and Corporate Services Overview and Scrutiny Committee - size of which to be determined at Annual Council
- c) Health Overview and Scrutiny Committee - size of which to be determined at Annual Council
- d) Climate Emergency Overview and Scrutiny Committee – size of which to be determined at Annual Council

The Chairmen of the Overview and Scrutiny Committees must be members of the Overview and Scrutiny Management Committee in order that they can feed back the work of the Committees. If the Chairman of a Scrutiny Committee is unable to attend a Management Committee meeting, then he/she will arrange for another member from the Committee to attend the Management Committee to provide feedback on the work of the Committee. This Member will be entitled to take part in discussions at the Management Committee but will not be entitled to any voting rights.

Representatives of the Church of England Diocese and Roman Catholic Diocese, together with Parent Governor Representatives will automatically be entitled to be members of the Children’s Services Overview and Scrutiny Committee. When considering Education related issues these representatives will automatically be entitled to sit on the Overview and Scrutiny Management Committee and/or any of the other Committees or Task and Finish Groups and vote on such matters.

In accordance with [Rule 6.3.9](#) the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees and Task and Finish Groups established by the Committee or Committees may appoint non-voting co-opted members as necessary.

In addition to the standing membership of the Committees, the Chairman and Vice-Chairman of the Overview and Scrutiny Management Committee shall have the right to attend and take part in Overview and Scrutiny Committees but will not have voting rights.

Members will be appointed to the Overview and Scrutiny Committees at Annual Council on the basis of political proportionality.

#### **6.2.1.1 Substitutes**

Substitute members from each political group shall be appointed at Annual Council for the forthcoming Municipal Year. Each political group will be entitled to the same number of substitutes as it has Members on the Committee.

#### **6.2.1.2 Appointment of Substitute**

If any member of the Committee is unable to attend a meeting of that body they may appoint one of the nominated substitute members for the Committee to act in their place at

the meeting. The appointment shall only take effect if the Member making the appointment, or in the Member's absence their Group Leader or Political Assistant, notifies the Democratic Services Manager, or their representative, no later than midday of the day of the meeting that they will be unable to attend the meeting and the name of the appointed substitute member.

Once a substitute Member has been appointed to attend a specific meeting then the original Member cannot attend the meeting in a voting capacity.

If a substitute Member attends a meeting which is subsequently adjourned to a later date they must also attend the reconvened meeting.

When undertaking a scrutiny review membership of the body carrying out the review, i.e. the Overview and Scrutiny Management Committee or one of its Committees, should remain the same. Therefore, substitutes will only be allowed at the beginning of a review provided they are able to carry out the substitute role throughout the review.

### **6.2.1.3 Changing Substitutes**

A substitute may be changed during a Municipal Year provided that the Service Manager Democratic Services, or their representative, receives a written request from either the Leader of the appropriate Political Group or the relevant Political Assistant. Any such change will become effective at the next Committee meeting or within 14 days whichever is the later.

### **6.2.1.4 Training**

Members who are appointed as substitutes will be expected to have undertaken the same training as those Members of the relevant Committee.

## **6.2.2 Children's Services Overview and Scrutiny Committee Terms of Reference**

### **6.2.2.1 Role of the Committee**

The role of the Children's Services Overview and Scrutiny Committee will be to scrutinise, review and assist with the policy development of:

- a) those matters relating to the Children's Act 2004, "Every Child Matters" and any subsequent legislation relating to the delivery of Children's Services by the Council;
- b) those matters set out in Section 499 of the Education Act 1996 (as amended by Section 9 of the School Standards and Framework Act 1998) and all other legislation such as the Children Act 1989;
- c) services that support the Council's Vision and corporate priorities for children and young people including, amongst others, the following areas:
  - i) Schools;
  - ii) Early Years Settings and Children's Centres;
  - iii) Safeguarding and Child Protection;
  - iv) Looked After Children and Young People;
  - v) Family Support Services for Children and Young People;
  - vi) Services for Children with Special Educational Needs and Disabilities;
  - vii) Inclusion and Attendance;

- viii) School Transport; and
- ix) Youth Services.
- d) those matters that relate to the implementation of designated programmes within the Health and Wellbeing Strategy that relate to children and young people.

### **6.2.2.2 Terms of Reference**

In carrying out its role the Children's Services Overview and Scrutiny Committee shall:

- a) review and/or scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's Executive functions relating to services for children and young people;
- b) monitor and review performance indicators relating to services for children and young people and question the relevant Executive Member/s and senior Officer/s thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- c) review those areas, within the remit of the Committee, included in the Children and Young People's Plan, Corporate Plan, Health and Wellbeing Strategy and other major Council Plans and Policies where targets are not being met or progress is slow;
- d) review those areas, within the remit of the Committee, which have been identified for improvement through Ofsted and other formal external assessments or inspections that identify areas where targets are not being met or progress is slow;
- e) at the request of the Overview and Scrutiny Management Committee conduct scrutiny reviews or undertake projects from the corporately agreed work programme;
- f) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- g) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Overview and Scrutiny Management Committee, the Executive, Council or Council Committees;
- h) at the request of the Overview and Scrutiny Management Committee investigate matters of concern within the Committee's remit referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations, including the consideration of requests made as a "Councillor Call for Action" as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007;
- i) at the request of the Overview and Scrutiny Management Committee to review Executive decisions within the Committee's remit which have been 'called-in'

- j) at the request of the Overview and Scrutiny Management Committee exercise the Council's crime and disorder responsibilities in relation to children and young people as set out in Part 3, Section 19 of the Police and Justice Act 2006;
- k) constitute and appoint to Task and Finish Groups as necessary;
- l) prepare reports and recommendations concerning its activities for consideration by the Executive or partner authorities as set out within Part 5, Chapter 2, Section 122 of the Local Government and Public Involvement in Health Act 2007;
- m) scrutinise and review the relevant work of the Wokingham Borough Wellbeing Board's Partnership Groups.

### **6.2.3 Community and Corporate Services Overview and Scrutiny Committee Terms of Reference**

#### **6.2.3.1 Role of the Committee**

The role of the Community and Corporate Services Overview and Scrutiny Committee will be to scrutinise, review and assist with the policy development of:

- a) the Council's budget and policy framework;
- b) services that support the Council's vision and corporate priorities, excluding matters relating to Children and services which are covered by other scrutiny bodies;
- c) scrutinise and review the relevant work of the Wokingham Borough Wellbeing Board's Partnership Groups;
- d) exercise the Council's crime and disorder responsibilities as set out in Section 19 of the Police Justice Act 2006;
- e) exercise the Council's flood risk management responsibilities under Schedule 2, Part 1 of the Localism Act 2011.

#### **6.2.3.2 Terms of Reference**

In carrying out its role the Community and Corporate Overview and Scrutiny Committee shall:

- a) review and/or scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's Executive functions under its remit;
- b) monitor and review performance indicators related to Council services within the remit of the Committee, including the Council's revenue and capital budget, and to question the relevant Executive Member/s and senior Officer/s thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- c) review those areas, within the remit of the Committee, included in the Corporate Plan and other major Council Plans and Policies where targets are not being met or progress is slow;

- d) review and / or scrutinise the work of and decisions made by the Wokingham Borough Wellbeing Board's Partnership Groups;
- e) monitor and review any performance indicators that may be developed relating to the Wokingham Borough Wellbeing Board's Partnership Groups and to question the relevant Executive Member/s, Chairman of the Health and Wellbeing Board, senior Council Officer/s and representatives of partner authorities thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- f) review those areas, within the remit of the Committee, which have been identified for improvement through any formal external assessments or inspections that identify areas where targets are not being met or progress is slow;
- g) conduct scrutiny reviews or projects of a service specific nature or within the remit of the Committee, including those which are cross cutting or corporate wide, as may be allocated by the Overview and Scrutiny Management Committee from the corporately agreed work programme, including the preparation of reports and recommendations for consideration by the Executive;
- h) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- i) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Executive, Council or Council Committees;
- j) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations, including the consideration of requests made as a "Councillor Call for Action" as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011;
- k) at the request of the Overview and Scrutiny Management Committee review and/or scrutinise decisions made, or actions taken, in connection with the discharge of the Council's functions;
- l) at the request of the Overview and Scrutiny Management Committee to review Executive decisions within the Committee's remit which have been 'called-in';
- m) exercise the Council's crime and disorder responsibilities as set out in Part 3, Section 19 of the Police and Justice Act 2006;
- n) exercise the Council's flood risk management responsibilities under schedule 2, Part 1 of the Localism Act 2011;
- o) constitute and appoint to Task and Finish Groups as necessary;
- p) prepare reports and recommendations concerning its activities for consideration by the Executive or partner authorities as set out within Part 5, Chapter 2, Section 122 of the Local Government and Public Involvement in Health Act 2007;

## **6.2.4 Health Overview and Scrutiny Committee Terms of Reference**

### **6.2.4.1 Terms of Reference**

In carrying out its role the Health Overview and Scrutiny Committee shall:

- a) review or scrutinise within the following framework and in accordance with the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013:
  - i) arrangements made by local National Health Service (NHS) bodies to secure hospital and community health services for the inhabitants of Wokingham Borough;
  - ii) the provision of such services to those inhabitants;
  - iii) the provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services to ensure that they are high quality, prompt, reliable and cost effective;
  - iv) the public health arrangements in the area;
  - v) the planning of health services including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population;
  - vi) the arrangements made by relevant NHS bodies for consulting and involving patients and the public under the duty placed on them by Section 242 of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012);
  - vii) proposals by NHS bodies for “significant variation and significant development” in services; and
  - viii) social care services and other health related services jointly commissioned by the Council and local health bodies;
  - ix) review the Quality Accounts of local relevant health service providers and make comment.
- b) review or scrutinise any other issues related to health or social care as they affect the population of Wokingham Borough;
- c) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by the Executive, Council or Council Committees;
- d) at the request of the Overview and Scrutiny Management Committee investigate matters of concern referred to it by non-Executive Members of the Council, Corporate Leadership Team, members of the public, external organisations or a responsible person, including the consideration of requests made as a “Councillor Call for Action” as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011;
- e) comment on the NHS Health Check programme;
- f) review or scrutinise the work of the Local Healthwatch;

- g) make reports and recommendations to a responsible person, the Overview and Scrutiny Management Committee, the Council's Executive and other relevant bodies on any matter reviewed or scrutinised by the Committee in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, and a responsible person includes:
- i) NHS England;
  - ii) a Clinical Commissioning Group which arranges the provision of services to persons residing in the area of the authority;
  - iii) an NHS trust or NHS foundation trust which provides services to persons residing in the area of the authority.
  - iv) a body or person, other than an NHS trust or NHS foundation trust, which provides any relevant services to persons residing in the area of the local authority.

This includes providers of services commissioned by NHS England, Clinical Commissioning Groups and local authorities.

- h) request information from the Care Quality Commission and to make reports to the Care Quality Commission on local health and social care providers/services as appropriate.
- i) conduct scrutiny reviews or undertake projects under the remit of the Committee as may be allocated by the Overview and Scrutiny Management Committee from the corporately agreed work programme;
- j) at the request of the Overview and Scrutiny Management Committee undertake Policy Development and Review functions as set out in [Rule 6.1.3](#);
- k) at the request of the Overview and Scrutiny Management Committee to review Executive decisions which have been 'called-in';
- l) constitute and appoint to Task and Finish Groups as necessary;
- m) monitor and review any performance indicators that may be developed relating to the Wokingham Borough Wellbeing Board's Partnership Groups and to question the relevant Executive Member/s, Chairman of the Wokingham Borough Wellbeing Board, senior Council Officer/s and representatives of partner authorities thereon, reporting to the Overview and Scrutiny Management Committee where necessary.

#### **6.2.4.2 Proposals by a Relevant Person for Substantial Variation and Substantial Development in local health services**

When a responsible person proposes a substantial development of the health service in the local authority's area, or a substantial variation in the provision of such service it must consult the local authority.

The form of consultation and the process that the local authority has to follow is set out in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

## **6.2.5 Climate Emergency Overview and Scrutiny Committee Terms of Reference**

### **6.2.5.1 Role of the Committee**

The role of the Climate Emergency Overview and Scrutiny Committee will be to scrutinise, review and assist with policy development relating to:

- a) the Council's commitment to play as full a role as possible to reduce the Borough's carbon footprint to be Net Zero by 2030;
- b) implementation of the Council's Climate Emergency Action Plan, including the annual progress report to Council;
- c) progress against recommendations, agreed by the Executive, from the Climate Emergency Task and Finish Group and the Overview and Scrutiny Committee itself;
- d) examples of Climate Emergency "best practice" from other local authorities and public/private sector organisations.

### **6.2.5.2 Terms of Reference**

In carrying out its role the Climate Emergency Overview and Scrutiny Committee will:

- a) review and/or scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's functions under its remit;
- b) monitor and review performance indicators related to Council services within the remit of the Committee and question the relevant Executive Member/s and senior Officers thereon, reporting to the Overview and Scrutiny Management Committee where necessary;
- c) review those areas, within the remit of the Committee, included in the Climate Emergency Action Plan, Council Plan and other Plans and Policies where targets are not being met or progress is slow;
- d) conduct scrutiny reviews or projects of a service specific nature or within the remit of the Committee, including those which are cross-cutting or corporate-wide, as may be allocated by the Overview and Scrutiny Management Committee from the corporately agreed work programme, including the preparation of reports and recommendations for consideration by the Executive;
- e) at the request of the Overview and Scrutiny Management Committee, undertake Policy Development and Review functions as set out in Rule 6.1.3;
- f) at the request of the Overview and Scrutiny Management Committee, investigate matters of concern referred to it by the Executive, Council or Council Committees;
- g) at the request of the Overview and Scrutiny Management Committee, investigate matters of concern referred to it by Non-Executive Members of the Council, Corporate Leadership Team, members of the public, or external organisations, including the consideration of requests made as a "Councillor Call for Action" as defined in Section 119 of the Local Government and Public Involvement in Health Act 2007 and the Localism Act 2011;



- h) at the request of the Overview and Scrutiny Management Committee, review Executive decisions within the remit of the Committee which have been “called-in”;
- i) constitute and appoint to Task and Finish Groups as necessary

### **6.2.6 Changes to the Overview and Scrutiny Committee Structure**

The Overview and Scrutiny Management Committee may request that the Council discontinue any Overview and Scrutiny Committee and/or constitute alternative or additional Committees.

The Overview and Scrutiny Management Committee may propose future amendments to the terms of reference of the Overview and Scrutiny Committees to the Council.

## **CHAPTER 6.3 – OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **6.3.1 Meetings of the Overview and Scrutiny Management Committee and Overview and Scrutiny Committees**

The Overview and Scrutiny Management Committee shall determine the number of scrutiny committee meetings that will be held within a Municipal Year and these will be scheduled in the Timetable of Meetings, agreed by Council.

Meetings will be held at the Council's main offices or at another location agreed by the Chairman of the Committee. Meetings will be held in public and the Access to Information Rules in Chapter 3.2 of this Constitution set out the requirements covering public meetings.

Extraordinary meetings of the Overview and Scrutiny Management Committee or an Overview and Scrutiny Committee may be called at any time by the Chairman or, in his/her absence, the Vice Chairman of the Committee, by any three Members of the Committee or by the Chief Executive if he/she considers it necessary or appropriate. The business to be conducted at an extraordinary meeting of the Overview and Scrutiny Management Committee shall usually be a single item only and there shall be no consideration of previous minutes.

Consideration of key decisions made by the Executive, an individual Executive Member or Officers which have been 'called in' will normally be considered at one or more Extraordinary meetings.

Task and Finish Groups created by the Overview and Scrutiny Management Committee or its Committees shall determine the frequency and time of their own meetings.

### **6.3.2 Joint Overview and Scrutiny Committee Meetings**

If the Overview and Scrutiny Management Committee decides that because of its nature a review or a particular item of business, should be undertaken by more than one Overview and Scrutiny Committee then a joint Committee meeting can be convened.

A joint meeting shall have the combined powers and functions of its constituent Committees.

The Chairman of any joint meeting will be agreed at the meeting from the membership of the relevant Scrutiny Committee.

Minutes of joint meetings will be approved at the next scheduled meeting of the Committees involved and any changes put forward by one Committee will be agreed in advance of the meeting with the Chairman of the other Committee.

### **6.3.3 Public and Member Questions**

Public and Member questions can be asked at ordinary meetings of the Overview and Scrutiny Management Committee or the Overview and Scrutiny Committees in accordance with the requirements set out in Chapter 4.2 of this Constitution.

At extraordinary meetings of the Overview and Scrutiny Management Committee and Overview and Scrutiny Committees, Public or Member questions will only be accepted if they relate to the item(s) due to be discussed at that meeting.

At the meetings of the Health Overview and Scrutiny Committee after each main presentation, members of the public present will be allowed to ask questions (through the Chair). Any questions from the floor must be relevant to the item or presentation just received, and not relate to personal cases. Question time will be limited to 5 minutes per item at the discretion of the Chairman.

Meetings of Task and Finish Groups will normally be held in private, but may meet in public at the discretion of the Task and Finish Group Chairman.

#### **6.3.4 Petitions**

Petitions can be submitted to the Overview and Scrutiny Management Committee subject to the requirements of the Council's Petition Protocol described in Chapter 3.5 of this Constitution.

Petitions may not be submitted at other Overview and Scrutiny Committee or Task and Finish Group meetings or extraordinary meetings of the Overview and Scrutiny Management Committee.

#### **6.3.5 Quorum**

The quorum of a meeting of the Overview and Scrutiny Management Committee or an Overview and Scrutiny Committee will be one quarter of the whole number of Members or three, whichever is the greater.

#### **6.3.6 Procedure at Overview and Scrutiny Management Committee Meetings**

- a) The following items must be included in the Agenda of all scheduled Overview and Scrutiny Management Committee meetings:
  - i) Minutes of the last meeting;
  - ii) Apologies for absence;
  - iii) Declarations of interest or party whip;
  - iv) Questions from members of the public and Members;
  
- b) The following items should also be included if there are items of business to consider:
  - i) Consideration of matters of concern referred to it and Councillor Calls for Action;
  - ii) Consideration of any appeals that the Council's response to a petition was not adequate or substantial;
  - iii) Consideration of a petition to Call an Officer to account;
  - iv) Consideration of any decisions that have been called in;
  - v) Responses of the Executive, Council Committees, Officers or external organisations to reports of the Committee;
  - vi) Consideration of Performance Management Information;
  - vii) Update Reports from the Chairman or nominated Member of the Overview and Scrutiny Committees;
  - viii) Consideration of the Executive's Forward Plan;
  - ix) Consideration of the Management Committee Work Programme and Work Programme of the Overview and Scrutiny Committees;

Meetings of the Overview and Scrutiny Management Committee will normally be held in public, but the Committee may decide to exclude the public if the consideration of an item would involve the disclosure of exempt information.

### **6.3.7 Procedure at Overview and Scrutiny Committees**

Overview and Scrutiny Committees will support the objectives of the Overview and Scrutiny Management Committee in seeking to develop less formal approaches to meetings.

- a) The following items must be included in the Agenda of all scheduled Overview and Scrutiny Committee meetings:
  - i) Minutes of the last meeting;
  - ii) Apologies for absence;
  - iii) Declarations of interest or party whip;
  - iv) Questions from members of the public and Members;
  
- b) The following items should also be included if there are items of business to consider:
  - i) Consideration of Executive decisions that have been 'called in' and which have been delegated by the Overview and Scrutiny Management Committee to an Overview and Scrutiny Committee;
  - ii) Performance Management Information relating to matters that have been delegated to the Committee;
  - iii) Matters of concern or requests from the Overview and Scrutiny Management Committee that the relevant Scrutiny Committee undertake a review;
  - iv) Consideration of review reports prior to their submission to the Executive relevant committee or partner authorities;
  - v) Requests to the Overview and Scrutiny Management Committee that the work programme of the Committee be amended.
  
- c) In addition the Health Overview and Scrutiny Committee will consider:
  - i) national and local policy developments;
  - ii) reports of Lead Members assigned to particular health issues or health service providers.

### **6.3.8 Who May Sit on the Overview and Scrutiny Management Committee, Scrutiny Committees and Task and Finish Groups?**

All Councillors except Members of the Executive and the Audit Committee may be Members of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees and/or one or more time limited Task and Finish Groups created by the Management Committee or Scrutiny Committees.

All appointments will reflect the principles of political balance.

Appointments to Task and Finish Groups made by the Overview and Scrutiny Management Committee or one of its Committees will normally reflect the principles of political balance.

### **6.3.9 Co-optees**

The Overview and Scrutiny Management Committee, Overview and Scrutiny Committees and Task and Finish Groups established by the Committee or Committees may appoint non-voting co-opted members as necessary. Such members will be subject to the Local Code of Conduct for members set out in Chapter 9.2 of this Constitution.

The Overview and Scrutiny Management Committee and its Committees may also co-opt members from external organisations to Task and Finish Groups.

### **6.3.10 Education Representatives**

The Children's Services Overview and Scrutiny Committee shall include in their membership the following representatives (if appointed by the relevant group)

- a) One Church of England diocese representative;
- b) One Roman Catholic diocese representative; and
- c) Two Parent Governor representatives.

The above mentioned representatives shall have voting rights only in connection with matters relating to education functions.

If the Overview and Scrutiny Management Committee, its Committees or Task and Finish Groups are discussing education matters then the above mentioned representatives shall be able to attend, take part in the debate and have voting rights in connection with those matters.

If the Overview and Scrutiny Management Committee, its Committees or Task and Finish Groups are dealing with other matters, those representatives shall not vote on those other matters, though they may attend and be invited to take part in debate at the Chairman's discretion.

When considering Education issues, consideration should be given to the involvement and possible co-option of other faith and denominational groups. Such co-optees would have non-voting rights unless granted by the Secretary of State.

### **6.3.11 Who Chairs Meetings**

Chairmen of the Overview and Scrutiny Committees will be appointed at the first meeting of each Committee but must be a Councillor who is also a Member of the Overview and Scrutiny Management Committee. Vice-Chairmen of the Scrutiny Committees will also be appointed at the first meeting of each Committee.

If neither the Chairman nor Vice Chairman is present a Chairman will be elected for that meeting.

### **6.3.12 The Party Whip**

The Council views the use of the Party Whip as incompatible with the aims of Overview and Scrutiny. When considering any matter in respect of which a Member of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committee or Task and Finish Group is subject to a party whip the Member must declare it, before commencement of the Committee's deliberations on the matter and detail of the whipping arrangements shall be recorded in the minutes of the meeting.

### **6.3.13 Speaking by Members other than Committee Members**

Members of Council who are not Members or Co-opted Members of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committees may at the discretion of the Chairman also address the Committee.

A Member addressing the Overview and Scrutiny Management Committee by virtue of presenting a Councillor Call for Action will have an automatic right to address the Committee.

### **6.3.14 Appeals Against the Response Received to a Petition**

Appeals that the Council's response to a petition was not adequate or substantive will be considered subject to the enactment of necessary legislation and in accordance with such guidance as may be issued by the Department for Communities and Local Government

### **6.3.15 Rules of Debate**

Debates at the Overview and Scrutiny Management Committee or Overview and Scrutiny Committees shall take place in accordance with the procedure rules laid down in Chapter 4.2, but Members should be mindful of the need to adopt a less formal approach where possible.

### **6.3.16 Disturbance by the Public**

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

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

### **6.3.17 Duration of the Meeting**

As set out in Chapter 4.2, unless the majority of Members present vote to continue, any meeting of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees or Task and Finish Groups that have not concluded by 10.30pm will adjourn immediately. If, once a motion to continue has been proposed and seconded, the majority of Members present vote to continue, the meeting will continue for a further period not exceeding 30 minutes.

Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date the remaining business will be considered at the next ordinary meeting of the Committee, Committee or Task and Finish Group.

### **6.3.18 Work Programme**

The Overview and Scrutiny Management Committee will normally consider and set its work programme and that of the Overview and Scrutiny Committees annually taking into account matters referred to it by:

- a) the Executive;
- b) Council and Council Committees;
- c) Corporate Leadership Team;

- d) A Member of the Overview and Scrutiny Management Committee or other Non-Executive Member of the Council,
- e) members of the public; and
- f) external organisations or relevant partner authorities.

In addition the Health Overview and Scrutiny Committee will take into account matters referred to it by:

- g) the Local Healthwatch organisation or Local Healthwatch contractor in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Social Care Act 2012);
- h) local NHS Foundation Trusts;
- i) responsible persons;
- j) the Wokingham Borough Wellbeing Board's Partnership Groups.
- k) Care Quality Commission;
- l) NHS England.

In setting its work programme and that of the Committees, the Overview and Scrutiny Management Committee will apply a Review Topic Selection Test to potential items. The purpose of the review selection criteria, which is set out in Appendix A, is to help the Overview and Scrutiny Committees and Committees to select appropriate and manageable scrutiny topics. The setting of the work programme will be considered annually.

The Overview and Scrutiny Management Committee will at each meeting review its work programme and that of the Overview and Scrutiny Committees

Task and Finish Groups appointed by the Overview and Scrutiny Management Committee or Overview and Scrutiny Committees will be set up with specified terms of reference to scrutinise and review in depth particular issues arising from the work programme and at that time the reporting mechanism will be agreed.

### **6.3.19 Agenda Items**

Members of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committees shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the Committee's or Committee's functions to be included on the agenda for the next available meeting. The notice must clearly state how the item is related to the functions of the Committee or Committee and why the item should be considered by the Committee or Committee. Whilst, there will be a presumption in favour of the inclusion of Agenda items, the final decision on inclusion will be at the discretion of the Chairman.

If the item would involve an addition or amendment to the work programme of the Overview and Scrutiny Management Committee it will be considered by the Committee at the next available meeting on the basis of the Review Topic Selection Test.



If the item would involve an addition or amendment to the work programme of an Overview and Scrutiny Committee it will be considered by the Committee at the next available meeting of the Committee, prior to final consideration by the Overview and Scrutiny Management Committee. The request shall be considered on the basis of the Review Topic Selection Test.

This rule however does not negate Members' rights under the Councillor Call for Action.

#### **6.3.19.1 Referral of Matters from the Local Healthwatch**

The Local Healthwatch shall be entitled to give notice to the Proper Officer that they wish an item relevant to their and the Health Overview and Scrutiny Committee's functions relating to the planning, provision and operation of the health service in its area to be included on the agenda for the next available meeting of the Committee.

The Committee will

- a) acknowledge receipt of the referral within 20 working days beginning with the date on which the referral was made;
- b) keep the Local Healthwatch organisation informed of the Committee's actions in relation to the matter;
- c) decide whether or not any of its powers are exercisable in relation to the matter;
- d) decide whether to exercise any of its powers in relation to the matter;
- e) in exercising any of its powers in relation to the matter, take into account any relevant information provided by the Local Healthwatch organisation.

The Health Overview and Scrutiny Committee will receive the annual report of the Local Healthwatch organisation on its activities.

#### **6.3.20 Policy Review and Development**

The Executive has overall responsibility for the development and implementation of policy. However, the Overview and Scrutiny function does have a role in developing policy and scrutinising policy outcomes. Overview and Scrutiny is a key mechanism by which the views of residents and other organisations can be represented to the Executive and Council and hence those views should be taken into account.

The individual role and functions of the Health Overview and Scrutiny Committee in scrutinising the NHS and social care will also mean that the Committee may, by recommendation, give its opinion of possible policy developments within the NHS.

#### **6.3.21 Involvement of the Relevant Executive Member**

Once a review topic has been agreed by the Overview and Scrutiny Management Committee the relevant Executive Member and Director will be informed of the terms of reference of the review.

In addition to any involvement in a review as a witness, the relevant Executive Member and Director will be invited to attend the Overview and Scrutiny Management Committee or Committee meeting when the final review report is to be considered.

There is an entitlement to speak at the meeting but the amount of time allocated is at the discretion of the Chairman.

When a review report is approved by the Management Committee or a Committee for submission to the Executive or Council the relevant Executive Member and Director shall be invited to submit to the Executive or Council their comments on the report, including which recommendations that they accept and which they do not accept. For each recommendation that is accepted they shall state when and how it will be implemented. For those that are not accepted, the relevant reasons must be set out.

Once those comments have been added, the report shall be submitted for formal consideration by the Executive or the Council.

If any recommendations would require a departure from or a change to the agreed Budget and Policy Framework these must be considered by Council.

The Council or Executive shall consider the report within two months of the date of receipt of the report.

Details of the decision of Executive or Council in relation to the report should be circulated to all Members of the Council.

#### **6.3.22 Reports to be Considered by the Executive, Council, Wokingham Borough Wellbeing Board or Partner Authority**

Once the Overview and Scrutiny Management Committee or relevant Committee has agreed the report and recommendations arising from a particular review, it will be submitted directly for consideration by the Executive, the Council, the Wokingham Borough Wellbeing Board or if applicable, a relevant Partner Authority.

By exception, a Committee may decide to submit a report for consideration by the Overview and Scrutiny Management Committee prior to submission to the Executive, the Council, the Wokingham Borough Wellbeing Board or relevant Partner Authority if it is felt appropriate or the appropriate responsible person in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. If a report is submitted to the Executive, the Council, the Health and Wellbeing Board or a relevant Partner Authority by a Committee direct, a copy of the report shall at the same time be supplied to the Chairman of the Overview and Scrutiny Management Committee and a Member of the opposing Political Group.

If the Overview and Scrutiny Management Committee or an Overview and Scrutiny Committee cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration by the Executive, Health and Wellbeing Board or the Council with the majority report.

In considering reports and recommendations the Executive must respond to the Overview and Scrutiny Management Committee or relevant Committee indicating what, (if any) action the authority or the Executive propose to take.

In accordance with the Local Democracy, Economic Development and Construction Act 2009 a relevant Partner Authority must have regard to an Overview and Scrutiny report in the exercise of its functions.

### **6.3.23 Presentation of Reports at the Executive or the Wokingham Borough Wellbeing Board**

The Chairman of the Overview and Scrutiny Management Committee, relevant Committee or Member nominated by him or her may attend an Executive Meeting or Wokingham Borough Wellbeing Board meeting in order to briefly present the recommendations of a report.

The author of a minority report, or a Member nominated by the author, may attend an Executive Meeting or Wokingham Borough Wellbeing Board Meeting in order to briefly present the recommendations of their report.

The Member presenting the report should report back to Overview and Scrutiny Management Committee at its next meeting as to which recommendations which were accepted and which were not.

#### **6.2.23.1 Consideration of Health Overview and Scrutiny Committee Reports by a Responsible Person**

The Committee may make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised, relating to the planning, provision and operation of the health service in its area.

Under the provisions of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 where the Health Overview and Scrutiny Committee requests a response from a responsible person to whom it has made a report or recommendation, that person must respond in writing within 28 days of the request.

Reports will include:

- a) an explanation of the matter reviewed or scrutinised;
- b) a summary of the evidence considered;
- c) a list of the participants involved in the review or scrutiny; and
- d) an explanation of any recommendations on the matter reviewed or scrutinised.

If the recommendations of a Health Overview and Scrutiny Committee report refer to a responsible person, a copy of the report will be supplied to the appropriate responsible person as soon as the report is agreed by the Health Overview and Scrutiny Committee.

#### **6.3.24 Rights of Overview and Scrutiny Members to Documents**

In addition to their rights as Councillors, as set out in Chapter 3.2 of the Constitution, Members of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees and Task and Finish Groups have additional rights to documents and to notice of meetings.

Subject to [Rule 6.3.25](#) below, the Members of the Overview and Scrutiny Management Committee, Overview and Scrutiny Committees or Task and Finish Groups will be entitled to copies of any document which is in the possession or under the control of the Executive or its Committees and which contains material relating to:

- a) any business that has been transacted at a public or private meeting of the Executive or its Committees;
- b) any decision taken by an individual Member of the Executive or by an Officer in accordance with Executive arrangements;

Documents must be provided as soon as reasonably practicable and in any case no later than 10 clear days after the Executive receives the request.

### **6.3.25 Limit On Rights**

Whilst there should be a general presumption in favour of openness, the Overview and Scrutiny Committee, Overview and Scrutiny Committees or Task and Finish Groups will not be entitled to have access to:

- a) any document that is in draft form;
- b) any part of a document that contains exempt or confidential information, unless that information is relevant to:
  - i) an action or decision it is reviewing or scrutinising; or
  - ii) a review which is contained in any programme of work; or
- c) that part of any document which contains advice provided by a political adviser.

Where the Executive determines not to provide a copy of a document, or any part of a document, for a reason set out in [Rules 6.3.24](#) and [6.3.25](#) it must provide the Overview and Scrutiny Management Committee with a written statement setting out the reasons for that decision.

Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Management Committee or the Overview and Scrutiny Committees or Task and Finish Groups as appropriate depending on the particular matter under consideration.

#### **6.3.25.1 Rights of Health Overview and Scrutiny Committee Members to Information from a Responsible Person**

In addition to their rights to Council documents, Members of the Health Overview and Scrutiny Committee have additional rights to information from a responsible person.

Subject to Rule 6.3.25.2 below, the Members of the Health Overview and Scrutiny Committee will be entitled to information about the planning, provision and operation of health services in the area.

#### **6.3.25.2 Exempt Information Relating to Health Services**

The Health Overview and Scrutiny Committee will not be entitled to information that is exempt under the provisions of Section 246 of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

### **6.3.26 Report to the Council**

Under Rule 5.4.14 of the Constitution the Overview and Scrutiny Management Committee may require a report to be presented to it if it believes a Key Decision has been taken contrary to the Executive Procedure Rules.

### **6.3.27 Members and Officers to Give Account**

As well as reviewing documentation, in fulfilling the Scrutiny role, the Overview and Scrutiny Management Committee, an Overview and Scrutiny Committee or a Task and Finish Group may require any Member of the Executive, the Chairman of the Wokingham Borough Wellbeing Board, the Head of Paid Service and/or any first or second tier officer to attend to explain in relation to matters within their remit:

- a) any particular decision or series of decisions;
- b) the extent to which actions taken implement Council policy;
- c) their performance; or
- d) a review topic being considered.

It is the duty of those persons to attend if so required.

The Overview and Scrutiny Management Committee, Overview and Scrutiny Committee or Task and Finish Group may also invite any other Officer of the Council to attend for similar purposes. In relation to those Officers, they shall be entitled to attend with their Manager present.

Where any Member or Officer is required to attend an Overview and Scrutiny meeting under this provision, the Chairman of that Committee or Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing of the date and time 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 or 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 five working days notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Proper Officer shall, in consultation with the Chairman of the Committee or Committee and the Member or Officer, arrange an alternative date for attendance (to take place within a maximum of 14 days from the date of the original request).

### **6.3.28 Attendance by Others**

The Overview and Scrutiny Management Committee or Overview and Scrutiny Committees may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, partners, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

Overview and Scrutiny Committee members are entitled to attend Overview and Scrutiny Management Committee meetings and speak at the discretion of the Chairman, unless they are attending on behalf of a Scrutiny Committee Chairman in which case they have a right to speak but not vote.

#### **6.3.28.1 Member or Employee of a Responsible Person Giving Account**

As well as reviewing documentation, in fulfilling the health scrutiny role the Health Overview and Scrutiny Committee or a Task and Finish Group may require a member or employee from a local responsible person to attend before the Health Overview and Scrutiny Committee subject to the exemptions set out under the provisions of Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Members or employees of a responsible person will be entitled to sufficient notice of a request to attend and given an indication of the issues to be considered and potential lines of enquiry.

#### **6.3.28.2 Consultations**

If the Health Overview and Scrutiny Committee is consulted on a matter which requires a response before the next scheduled meeting of the Committee, an extraordinary meeting may be called. If an extraordinary meeting is not possible or appropriate, the Chairman, or a Member nominated by him/her, can respond to the consultation on behalf of the Committee.

#### **6.3.29 Call-In**

Call-in should only be used in exceptional circumstances. These are where non-Executive Members have evidence that suggests that the Executive did not take the decision in accordance with the principles set out in Chapter 1.4 (Decision Making).

These are:

All decisions of the Council will be made in accordance with the following principles:

- a) proportionality (i.e. the action must be proportionate to the desired outcome);
- b) due consultation and the taking of professional advice from Officers;
- c) human rights will be respected and considered at an early stage in the decision making process;
- d) a presumption in favour of openness;
- e) clarity of aims and desired outcomes; and
- f) when decisions are taken by the Executive, details of the options which were taken into account and the reasons for the decision will be recorded.

### **6.3.30 Publication of Executive Decisions and Procedure for Call-In**

- a) When a decision is made by the Executive, an individual Member of the Executive or a Committee of the Executive, or a Key Decision is made by an Officer with delegated authority from the Executive or under joint arrangements, as soon as reasonably practicable the decision shall be published and shall be available at the Council Offices and on the website. The Chairman of the Overview and Scrutiny Management Committee will be sent copies of the records of all such decisions, within the same timescale, by the person responsible for publishing the decision.
- b) That notice will bear the date on which it is published and will specify the date that the decision will come into force, and may then be implemented. The decision will come into force on the expiry of five working days after the publication of the decision, unless the decision is 'called in'.
- c) During that period, the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Management Committee if so requested in writing by any five non-Executive Members of the Council, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Overview and Scrutiny Management Committee after consultation with the Chairman of the Committee (or Vice Chairman should the Chairman be unavailable). In any case the meeting shall be held within 20 working days of the decision to call-in an item unless the agreement of the Chairman of the Management Committee has been received that there are exceptional circumstances which mean that this cannot be achieved.
- d) If after consultation with the Proper Officer and Lead Opposition Group Member, the Chairman of the Overview and Scrutiny Management Committee determines that it would be more appropriate for a 'call-in' to be considered directly by an Overview and Scrutiny Committee he/she may direct that the relevant Committee consider the issue.
- e) If, having considered a decision, the Overview and Scrutiny Management Committee or a Scrutiny Committee still holds concerns about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or, and only if the matter is contrary to the Policy Framework or contrary or not wholly in accordance with the Budget, it may refer the matter to the Council. If referred to the decision maker, they shall then reconsider within a further 20 working days, amending the decision or not, before adopting a final decision.
- f) The Overview and Scrutiny Management Committee or Overview and Scrutiny Committees cannot overturn the decision which it is reviewing but may either concur with the decision in which case it will take immediate effect or refer it back to the Executive for further consideration, including any recommendations that the Management Committee or Committee had agreed.

- g) If following an objection to the decision, the Overview and Scrutiny Management Committee or Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect either on the date of the relevant Scrutiny meeting, or the expiry of that further 20 working day period, whichever is the earlier
- h) If the matter was contrary to the Budget and Policy Framework and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object then the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of it, a special meeting will be convened to reconsider within 20 working days of the Council request.

Where the decision was made by an individual, the individual will reconsider within 20 working days of the Council request.

- i) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

#### **6.3.31 Process for Requests for Information from Members of the Overview and Scrutiny Management Committee to Officers After a Decision Has Been Called-In**

In the period between the call-in of an Executive decision and a meeting of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committee taking place, all members of the Management Committee or Overview and Scrutiny Committee shall only submit questions to the author of the report being called in through Democratic Services. Prior to the meeting to consider the call-in, copies of all information requested will be circulated to the Members of the Management Committee or Overview and Scrutiny Committees by Democratic Services to ensure all Members have the same information before them when considering the call-in.

The same process shall apply in the event of an adjournment.

Requests for information from non Committee members will be actioned at the discretion of the Chairman of the Overview and Scrutiny Management Committee or relevant Overview and Scrutiny Committee.

#### **6.3.32 Contact with Witnesses After a Decision Has Been Called In**

In the period between the call-in of an Executive Decision and a meeting of the Overview and Scrutiny Management Committee or Overview and Scrutiny Committee there should not be any communication between Members of the Committee or Committees with those individuals called as witnesses. Any contact shall only be through Democratic Services.

The same process shall apply in the event of an adjournment.



### **6.3.33 Communicating Views After a Decision Has been Called In**

In the period between the call-in of an Executive Decision and the conclusion of the Scrutiny call-in process members of the Overview and Scrutiny Management Committee or relevant Overview and Scrutiny Committee should not communicate their views, either to the press or members of the public, about the matter so as not to prejudice the outcome of the review by appearing to have already made up their mind. The scrutiny call-in process shall be deemed to have concluded once a resolution from the Management Committee or relevant Overview and Scrutiny Committees has been forwarded to the maker of the Executive Decision for consideration.

### **6.3.34 Exceptions**

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are placed on its use. These are:

- a) five non-Executive Members of the Council are needed for a decision to be called in;
- b) once a Member has signed a request for call-in under [Rule 6.3.30](#) (Call-in) above, he/she may not do so again until a period of two calendar months has expired;
- c) no matter which involves information or a decision relating to an individual may be called in; d) no decision taken by the Council or due to be referred to Council for final approval e.g. Budget may be called in;
- e) no decision taken by the Planning Committee, the Licensing and Appeals Committee, the Audit Committee or the Standards Committee may be called in;
- f) in relation to decisions taken by Officers under delegated powers, only Key Decisions are subject to the call-in process; and
- g) no item that has been previously considered by the Overview and Scrutiny Committees or Committees, or has been the subject of a review undertaken by a Task and Finish Group, within the preceding six months may be called in.

### **6.3.35 Call-in and Urgency**

The call-in procedure set out in [Rule 6.3.30](#) above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would:

- a) have serious financial implications for the Council as assessed by the Chief Finance Officer; or
- b) seriously prejudice the Council's or the public's interests.

The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor 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 Mayor, the Deputy Mayor'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.

### **6.3.36 Dispute**

The Council's Monitoring Officer or Section 151 Officer will be the final arbiter of whether an item does not qualify for 'Call-in' because of an exception or on the grounds of urgency.

### **6.3.37 Statutory Scrutiny Officer**

Under the Localism Act 2011 the Council is required to designate an Officer to undertake the following statutory functions:

- a) Promote the role of the Council's Overview and Scrutiny Committees;
- b) Provide support to the Council's Overview and Scrutiny Committees and the members of those bodies;
- c) Provide support and guidance to Members and Officers of the Council and the Executive on the functions of its Overview and Scrutiny Committees.

The Statutory Scrutiny Officer is:

Neil Carr  
Democratic and Electoral Services Specialist  
Wokingham Borough Council.

**Tel** 0118 974 6058  
**Email** [neil.carr@wokingham.gov.uk](mailto:neil.carr@wokingham.gov.uk)

## WOKINGHAM BOROUGH COUNCIL

### REVIEW TOPIC SELECTION CRITERIA

(as agreed by the Scrutiny Committee on 5 December 2006)

	<b>Criteria</b>	<b>Tick</b>	<b>Comments</b>
1	Of local, and preferably current, concern.		
2	Linked to the Council's corporate objectives.		
3	Not being reviewed elsewhere.		
4	Capable of being influenced by the committee.		
5	Of manageable scope – not too wide-ranging and yet of sufficient size to warrant a scrutiny review.		
6	Resources available to support the scrutiny review.		

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