

PART 4E - OVERVIEW AND SCRUTINY PROCEDURE RULES

1. What will be the number and arrangements for overview and scrutiny committees?

1a – Overview and Scrutiny Committee

The Council will have an Overview and Scrutiny Committee, with a remit as set out in section 6.02 of Article 6 of the Newcastle Charter. And a Health Scrutiny Committee, with a remit as set out in section 6.3 of Article 6 of the Newcastle Charter.

1b - Scrutiny Sub-Committees

Overview and Scrutiny Committee may appoint sub-committees to help it carry out the Council's scrutiny functions. It will set out the delegations and terms of reference of these sub-committees when and if it decides to appoint them.

1c – Scrutiny Standing and task & finish groups

The Overview and Scrutiny Committee may appoint standing and task & finish groups, either on a permanent basis or for a fixed period to carry out scrutiny work as follows:

- **Task & finish groups** may be appointed to carry out a review or specific piece of work. The Overview and Scrutiny Committee will agree the remit and set a timescale for the work to be completed. The remit and timescale shall not be significantly altered except by agreement of the Overview and Scrutiny Committee.
- **Standing groups** may be set up to look at issues which need to be reviewed or considered on a regular basis.
- Small groups of members may be tasked to carry out specific, one off pieces of work related to the work of a committee or a sub-committee's approved work programme, and report back. e.g. interviewing people, or making a site visit (Note: in the case of sub-committees this does not require separate approval from the Overview and Scrutiny Committee).

In considering whether to set up a standing or task & finish group the Overview and Scrutiny Committee should be mindful of the need to ensure the proposed group is not duplicating other work and that there are adequate resources available to support it.

The Overview and Scrutiny Committee should monitor and manage the work of any standing and task & finish groups it appoints. It should ensure that standing and task & finish groups make good progress with the work they have been set up to do. Standing and task & finish groups should be wound up if they fail to make progress or if they are no longer considered a priority. At their first meeting in each

municipal year the Overview and Scrutiny Committee should review any existing standing and task & finish groups and decide whether they are still required. They may wish to consult with Health Scrutiny Committee, members of the group or of the relevant scrutiny sub-committee(s) before making a decision on the future of any working group.

The Overview and Scrutiny Committee will have the final say in all matters relating to standing and task & finish groups and may withdraw any approval, or delegation they have given to any working group, at any time.

Standing and task & finish groups will normally be informal in order to allow them flexibility in their working methods.

2. Who may sit on scrutiny committees?

Any councillor except members of the Cabinet and Deputy Cabinet Members if any have been appointed by the Leader may be appointed to be members of Overview and Scrutiny Committee, Health Scrutiny Committee, or any sub-committees, standing or task & finish groups the Overview and Scrutiny Committee may appoint. However, no member may be involved in scrutinising a decision which he/she has been directly involved with. (See Part 5.2A - Code of Conduct for Members para 11)

3. Advisors

Overview and Scrutiny Committee and Health Scrutiny Committee may appoint advisers to assist the committee, sub-committee, standing or task & finish group with their work. The role of the advisers will be defined by the committee but they will not be voting members and will not count toward the quorum of the sub-committee or working group.

4. Education representatives

In accordance with the requirements of the Local Government Act 2000, Overview and Scrutiny Committee is the committee that principally deals with education matters which are the responsibility of the Authority's executive. The committee shall, when considering education matters, include in its membership the following voting representatives:

- (a) one Church of England diocese representative (statutory requirement: at least one);
- (b) one Roman Catholic diocese representative (statutory requirement: at least one); and
- (c) two parent governor representatives (statutory requirement: between 2 and 5).

These representatives will only be able to vote on education matters although they may attend and speak on other matters. They will be notified when education matters are to be discussed by the committee. The Overview and Scrutiny

Committee may appoint these representatives to serve on any sub-committees, standing or task & finish groups it appoints.

5. Meetings of the scrutiny committees

The committees shall determine their own cycle of meetings. The Chair, or in their absence the Vice-Chair may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the committee's work programme.

In the case of sub-committees appointed by Overview and Scrutiny Committee or Health Scrutiny Committee the committee may set the meeting cycle for that sub-committee.

A meeting of any scrutiny committee may be called by the Chair (or in his or her absence the Vice-Chair), by any 5 members of the committee or by the Proper Officer if he/she considers it necessary or appropriate.

6. Quorum

The quorum for scrutiny committees and any formal scrutiny sub-committees shall be as set out for committees in Standing Order 32 of the Council Procedure Rules in Part 4A of this Constitution - currently at least one-third of the whole number of members of the committee provided that in no case shall the quorum of any committee or sub-committee be less than two members (in which case one of those two shall be the Chair or Vice-Chair of that committee or sub-committee).

When education matters are considered by the Overview & Scrutiny Committee or any sub-committee to which the Education representatives have been appointed, the statutory education representatives must be included in the membership for the purpose of calculating the quorum.

7. Who chairs scrutiny committee meetings?

The Council shall appoint a chair and a vice-chair for the Overview and Scrutiny Committee and Health Scrutiny Committee.

In the case of sub-committees, the chair and vice-chair shall be appointed by the Overview and Scrutiny Committee from membership of the Overview and Scrutiny Committee.

The Chair of standing and task & finish groups shall be appointed by the Overview and Scrutiny Committee and will be drawn from membership of the Overview & Scrutiny Committee. The Committee may, if it chooses allow standing and task & finish groups to appoint their own Vice-Chairs.

8. Work programme

Sub-committees and standing and task and finish groups will be responsible for preparing their own work programmes which will be submitted to the Overview and Scrutiny Committee and Health Scrutiny Committee, for matters relating to health

and wellbeing, so that any areas of potential duplication, overlap or omission can be identified and considered.

The Overview and Scrutiny Committee will discuss the sub-committees' and standing and task and finish groups' work programmes on a regular basis to ensure that they avoid duplication and that they are manageable within the resources available.

9. Agenda items

Any member of a scrutiny committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of that committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

The Overview and Scrutiny Committee or the Health Scrutiny Committee shall consider any requests from City Council, or Cabinet to review particular areas of Council activity. If they decide to carry out the work requested their findings and any recommendations should be reported back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider their report.

Under section 9FC of the Local Government Act 2000, any member of Council may refer for consideration by a relevant scrutiny committee:

- Any local government matter which affects all or part of their ward; or
- Any local crime and disorder matter

This process is known as the Councillor Call for Action. The procedure and guidance for making and considering Councillor Calls for Action is set out in Appendix 2 to Part 4E.

10. Policy review and development

Policy review and development is a key role for scrutiny.

- (a) The role of scrutiny in relation to the development of the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules (Part 4C).
- (b) 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 the Health Scrutiny Committee and any sub-committees, may make proposals to the Cabinet on any issues that fall within their terms of reference, subject to the procedure for reporting set out above. Standing or task and finish groups must refer any final reports or recommendations to the Overview and Scrutiny Committee and the Health Scrutiny Committee if appropriate.

- (c) Scrutiny committees may hold inquiries and investigate the available options for future directions in policy development and may appoint advisers to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay advisers or witnesses a reasonable fee and expenses for doing so.

11. Reports and recommendations from the scrutiny committees and standing and task and finish groups

- (a) Scrutiny committees may submit comments on reports or decisions that are to be considered by Cabinet, committees or sub-committees of Cabinet, Cabinet members or officers acting under delegation. In the case of Cabinet, committees and sub-committees such comments may be incorporated into the report or circulated as an appendix or as a separate report. In the case of Cabinet members or officers taking decisions comments may be submitted to them by e mail or letter.
- (b) Where a scrutiny committee, sub-committee, standing or task & finish group is contributing to ongoing work, for example policy development or commenting on a draft report, comments may be made to the appropriate officers or members at the committee, sub-committee or task and finish group meeting or submitted in writing as appropriate. The final report should acknowledge scrutiny's input and outline whether or not their comments have been accepted and if not, why not.
- (c) In the case of recommendations which do not relate specifically to a report that is on the Cabinet agenda for consideration, scrutiny committees, sub-committees, standing or task & finish groups should prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet in accordance with the reporting arrangements set out above (if the proposals are consistent with the existing budgetary and policy framework), or to Council (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework), or Constitutional Committee or any other committee or body, as appropriate.
- (d) If a committee cannot agree on one single final report to the Council or Cabinet (or other appropriate committee or body) then one minority report may be prepared and submitted for consideration by the Council or Cabinet alongside the majority report. Alternatively a single report may be submitted offering a range of options for consideration.
- (e) The Council or Cabinet (or other appropriate committee or body) shall consider the report or recommendations of the committee, sub-committee, standing or task and finish group as soon as reasonably practicable, and in any case within two months of written notice being given to the Proper Officer requiring Council or Cabinet (or a committee or sub-committee of the Cabinet) to consider the report or recommendations and respond unless the

Chair of the Overview and Scrutiny Committee and the relevant Cabinet Member agree to defer it.

- (f) In the case of reports or recommendations on crime and disorder matters from the statutory crime and disorder committee (i.e. Overview and Scrutiny Committee), a written response must be submitted to the committee within 28 days of the date of the report or recommendations or if this is not possible, as soon as reasonably possible thereafter.
- (g) In the case of scrutiny review reports, the report will normally be accompanied by a response from the relevant Cabinet member, which will be considered alongside the scrutiny report. The Cabinet Member's response may, at their discretion, include comments from appropriate officers. The response may be an interim response setting out what steps will be taken to respond fully and the timescale for preparing a final response, which is required by section 9FE of the Local Government Act 2000, to be provided and published within two months .
- (h) The same rules will apply to the reports of any sub-committees or standing and task and finish groups appointed by Overview and Scrutiny Committee.

12. Rights of scrutiny members to documents

- (a) In addition to their rights as councillors, members of the scrutiny committees have the additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4B of this Constitution (See Part 4B Section 23).
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and scrutiny committees as appropriate depending on the particular matter under consideration.

13. Members and officers giving account

Scrutiny of decisions made by the Council's Cabinet is the responsibility of the Overview and Scrutiny Committee or Health Scrutiny Committee, in relation to health and wellbeing decisions.

- (a) The Overview and Scrutiny Committee, Health Scrutiny Committee, for health & wellbeing related decisions, any sub-committee, standing or task & finish group appointed by the Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions falling within its remit. As well as reviewing documentation it may require any member of the Cabinet, a Deputy Cabinet Member if any have been appointed by the Leader, the Head of Paid Service and/or any senior officer (Head of Service and above) to attend before it, to explain matters relating to their remit, including:
 - i) any particular decision or series of decisions;
 - ii) the extent to which the actions taken implement Council policy; and/or

iii) their performance

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

- (b) Where any member or officer is required to attend a committee under this provision, the Chair of that committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 7 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 requires the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that.

- (c) If, in exceptional circumstances, the member or officer is unable to attend on the required date, the committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

14. Attendance by others

A committee may invite people other than those people referred to in paragraph 13 above to address it, discuss and/or answer questions on any issues that fall within the committee's remit. It may for example wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend as it sees fit.

Health Scrutiny Committee has the power to require any member or employee of a responsible organisation to attend to answer questions necessary for discharging its scrutiny function.

15. Call-in

a) The power of call-in enables either:

- (i) 7 non-executive members (which may include the statutory education representatives if the matter being called in is an education matter on which they would be entitled to vote), or
- (ii) the Chair and Vice-Chair of the Overview & Scrutiny Committee or the Health Scrutiny Committee or a relevant scrutiny sub-committee and one other non-executive member,

to request that an executive decision (about which they have reasonable concerns) be discussed at a relevant committee and, if the committee agrees, referred back to the decision-maker for reconsideration. However, it is important that the call-in mechanism is not abused or used unduly to delay decisions or slow down the process of decision-making.

- b) The power of call-in applies to the following **executive** decisions ("decisions subject to call-in"):

- (i) Decisions of the Cabinet or Committees or Sub-committees of the Cabinet (see Part 3.4 of the Charter).
- (ii) Decisions made by Cabinet members acting under delegation.
- (iii) Executive decisions under joint arrangements (see Part 3.12).
- (iv) Key Decisions made by Delegated Officers (see Part 3.13).

Notes:

Guidance on Key Decisions can be found at Annex A of Part 4B -Access to Information Procedure Rules;

- i. Call-in does not apply to certain types of decisions, as set out in paragraph f (procedures for dealing with urgent decisions)
 - ii. Decisions subject to call-in shall not be implemented except in accordance with these provisions, as set out in paragraph 15.
- c) The Proper Officer will publish details of all decisions subject to Call-In. They will normally be published within 2 working days of the decision being made by sending details to all Council members electronically.

The notices under paragraphs (b) shall identify:

- (i) Those decisions that are not subject to call-in (specifying the reason);
 - (ii) The deadline for requesting call-in. This is 10 am on the fifth working day after the date of publication (not counting the day of publication); and
 - (iii) The committee that would consider the call-in. The Proper Officer shall decide which is the relevant committee if there is any uncertainty.
 - (iv) The date and time on which a call-in meeting would take place if the decision is called in (see Para (e) below)
- d) The process for Call-in is:
- (i) A request shall be made in writing on the agreed call-in request form to the Proper Officer before the deadline expires. Electronic versions of the form submitted by email will be acceptable for this purpose.

The completed call-in request form must indicate on what basis the decision is being called in. If this is not provided, the request will not be valid and the Proper Officer will notify the members making the request and inform them that they must indicate on what basis the decision is being called in **before** the deadline expires. If they fail to do so the request will not be valid. The Proper Officer after consulting the Monitoring Officer will determine whether the call-in request is valid.

- (ii) If a valid request is not made in respect of any decision, the decision may be implemented after the deadline expires. If a valid request for call-in is made, the implementation of the decision shall be further delayed (unless the request is withdrawn by all the members who made the request).
- (iii) Where a valid request for call-in is made, a meeting of the relevant committee shall be convened by the Proper Officer. The meeting will be held at 5:00 pm on the 7th working day after the call-in deadline (the first day is the first working day after the call in deadline).
- (iv) The date and time of the meeting may be altered by mutual agreement between the Chair(s) (or in his/her absence, the Vice-Chair) of the relevant committee(s) and the relevant Cabinet Member(s) (or in his/her absence the Leader of the Council or any other Cabinet member). The agreement will specify the date and time at which the meeting must take place. If they are unable to agree an alternative date the meeting must go ahead at 5:00 pm on the 7th working day after the call-in deadline.
- (v) If the scrutiny committee holds a quorate meeting to consider the call-in within the deadline, the meeting may be adjourned to allow additional information to be obtained or for additional witnesses to attend, provided that the Chair presiding at the meeting and the relevant Cabinet member agree. This should only happen in exceptional circumstances, every effort should be made to deal with the call-in in one meeting. If a meeting is adjourned a date for the meeting to continue must be specified and if the committee does not hold a quorate meeting on that date the call-in will be ended on that day and the decision may be implemented on the following day.
- (vi) The responsibility for consideration of Call-ins will rest with the Overview and Scrutiny Committee or Health Scrutiny Committee, in relation to decisions of health and wellbeing. They may consider call-ins themselves or delegate the responsibility for considering call-ins to a sub-committee appointed for that purpose or to a sub-committee with the relevant remit. If the Overview and Scrutiny Committee or Health Scrutiny Committee decide to delegate consideration of call-ins they must take a formal decision to put in place delegations to delegate them to one or more formal sub-committees with fixed memberships.
- (vii) Call-ins may not be dealt with on an ad-hoc basis. In the absence of such a decision any call-ins will be considered by a special meeting of the Overview and Scrutiny Committee or Health Scrutiny Committee, convened for that purpose. If responsibility for consideration of call-ins is delegated the whole process must be delegated.
- (viii) The Service Manager Democratic Services and the Monitoring Officer shall determine which committee or sub-committee will consider the

call-in, in the event that there is any uncertainty. In deciding this they will have regard to the nature of the decision being called in and of the issues raised in the call-in request. In the event that consideration of call-ins is delegated to more than one committee a call-in may not be separately considered by the two or more committees or sub-committees

- (ix) If a particular decision has significant impact on the remits of more than one committee a joint meeting of the committees may be held to consider it. This should only happen in exceptional circumstances. In the event that a joint meeting is called, the quorum shall be calculated from the combined membership of the committees. The Chair shall be elected by the members present at the meeting and should normally be the Chair or Vice-Chair of one of the committees. The meeting cannot proceed until a chair has been elected. Voting will be on the basis of a majority of the members present. The meeting shall be conducted as a single meeting and will make a single decision at the end. The committees may not consider the matter separately and may not make separate decisions.
- (x) The members making the call-in request will be invited to attend the meeting which considers the call-in.
- (xi) The decision maker shall be given the opportunity to provide additional written information to the committee in advance of the meeting, in response to the points raised in the call-in request.

The procedure to be followed by any committee considering a call-in is set out in Appendix 1A

- e) The matter shall proceed as follows:
 - (i) If the committee fails to hold a quorate meeting on the 7th working day after the call-in deadline, or by such later date as may have been agreed in accordance with paragraph (f) above, the decision may be implemented on the following day.
 - (ii) If the committee meets and decides not to request the decision-maker to reconsider the decision, the decision may be implemented on the day after the meeting. The committee may ask Cabinet (or a committee or officer) to consider issues arising from their consideration of the call in.
 - (iii) If the committee meets within the period of 7 working days (or within any longer period of time agreed) and decides to request the decision-maker to reconsider the decision, the decision-maker shall reconsider the decision taking into account the views expressed by the committee. The decision-maker may then implement, not implement or vary the decision as he/she decides. The decision shall not be subject to further call-in. The decision-maker shall report to the next convenient meeting of the committee the outcome of their reconsideration.

- (iv) If the committee meets within the period of 7 working days (or within the period of time specified) and decides to ask the City Council to consider whether to request the decision maker to reconsider the decision, the implementation of the decision shall be further delayed to allow City Council to consider the matter.
- (v) The matter will then proceed as follows:
 - The matter will be considered at the next ordinary meeting of the City Council summoned after the meeting of the committee (or if two members of the Cabinet require, at an earlier or an extraordinary meeting of the Council). The procedure to be followed at the Council meeting when the matter is considered is set out in Appendix 1B.
 - If City Council decides not to request the decision-maker to reconsider the decision, the decision may be implemented on the day after the meeting.
 - If City Council decides to request the decision-maker to reconsider the decision, the decision-maker shall reconsider the decision taking into account the views expressed by City Council. The decision-maker may then implement or not implement or vary the decision as it/he/she decides. The decision shall not be subject to further call-in. The decision-maker shall report to the next convenient meeting of the committee the outcome of its/his/her reconsideration.

Call-in Exceptions

- f) Call-in will not apply to the following decisions:
 - (i) non-executive decisions, e.g. individual planning decisions
 - (ii) executive decisions made by Ward Committees
 - (iii) executive decisions made by Appeal Committees
 - (iv) decisions already called-in once
 - (v) non-key decisions made by delegated officers
 - (vi) urgent decisions made in accordance with paragraph 16 of the Access to Information Rules (special urgency in respect of matters not included in the Forward Plan). This should be indicated in the record of the decision. Details will be reported to Council in accordance with paragraph 17.3 of the Access to Information Procedure Rules (Part 4B).
 - (vii) decisions where the decision-maker (or if the decision is to be made by the Cabinet or a committee, a senior officer) indicates either before

or when the decision is made that either: a) the decision is urgent because any delay likely to be caused by a call-in would seriously prejudice the Council's or the public's interest; or b) there is substantial risk of significant prejudice to the Council because of the increased risk of public disclosure of highly sensitive confidential information arising from the call-in process.

- g) The decision-maker must, before making the decision, obtain the agreement of the Chair (or in their absence the Vice-Chair) of the Overview and Scrutiny Committee or Health Scrutiny Committee, to the matter being exempt from call-in for one of those two reasons. If the Chair or Vice-Chair is not available, agreement must be obtained from two members of the Overview and Scrutiny Committee or Health Scrutiny Committee if none of those are available agreement must be obtained from the Chair, or in their absence the Vice-Chair, of the Council (i.e. the Lord Mayor or the Sheriff).
- h) When a request to exempt a decision from call-in is considered the following questions should be considered:
- What would actually happen, or fail to happen, as a result of the delay that would occur if the decision was called in?
 - Would the effect of the delay caused by the call-in process be detrimental to the Council's or the public's interest and if so how?
 - Is the potential detriment to the Council's or the public's interest sufficient to justify exempting the matter from call-in?
- i) If the decision maker believes that the refusal of the Chair to exempt a matter from call-in is likely to seriously prejudice the Council's or the public's interests they may ask the Chair, or in their absence the Vice-Chair, of the Council, to review such refusal.
- j) The reviewer should consult with relevant members and senior officers before taking a decision. The reviewer will decide who should be consulted and in taking this decision they should be mindful of the need to deal with the matter without undue delay. The officer(s) asking for the exemption and the scrutiny chair (or members) who refused the exemption should be given an opportunity to put their cases (if they fail to respond the decision should not be delayed). The reviewer should also consider taking advice from other appropriate sources, including the following:
- The Leader of Council
 - Relevant Cabinet member(s)
 - Chief Executive
 - Director of Resources
 - Monitoring Officer

- Other senior officers
- k) If, after review, the reviewer is satisfied that the delay, which may be caused by a call-in, would be seriously prejudicial to the Council's or the public's interests, they may override the decision not to exempt the matter from call-in, in which case it will be exempt from call-in.
- l) The decision maker's reasons for requesting an exemption from call-in, together with the Chair's reasons for agreeing or refusing to agree to the exemption from call-in, must be stated in the record of the decision. Details of any such decisions exempt from call-in will be notified to the Leader of the Opposition and will be reported to the next convenient meeting of the Overview & Scrutiny Committee and/or Health Scrutiny Committee.
- m) Detailed guidance on the call-in process for both members and officers, including how exemptions from call-in should be sought has been issued. A copy of that guidance can be found on the intranet and is also available from the Proper Officer.

16. The party whip

If a member of a scrutiny committee is subject to a party whip in respect of an issue to be considered by the committee the member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17. Procedure at scrutiny meetings

- (a) Scrutiny committees shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest (including whipping declarations);
 - iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - iv) responses of the Cabinet to reports of the committee; and
 - v) the business otherwise set out on the agenda for the meeting.
- (b) A committee, sub-committee, standing or task & finish group may ask people to attend to give evidence or answer questions about any items on the agenda.

Meetings should be conducted in accordance with the following principles:

- i) that the business be conducted fairly and all members of the committee, sub-committee, or group be given the opportunity to ask questions of attendees, and to contribute and speak;

- ii) that those assisting the committee, sub-committee or group by giving evidence be treated with respect and courtesy; and
 - iii) that the meeting be conducted as efficiently as possible.
- (c) A committee, sub-committee, standing or task & finish group may make comments or recommendations to Officers, Cabinet Members or other people present at the meeting, or they may do so in writing either in the form of a letter or email, or in the form of a report, for submission to the Cabinet or City Council or any other committee or body or officer(s). Comments made at the meeting will be recorded in the minutes of the meeting. Written reports and recommendations will be made public.

18. Matters within the remit of more than one scrutiny committee

Where a matter for scrutiny consideration falls within the remit of both scrutiny committees, the decision as to which committee will consider it will be resolved by agreement between the respective chairs.

Appendix 1A to Part 4E

Procedure for the Consideration of Call-in Requests by Scrutiny Committees.

Once a valid call-in request has been received, a meeting of the appropriate committee must be held to consider the matter. The procedure shall be as follows:

Agenda:

- 1) The agenda for the meeting shall include a report, or a set of reports, which will include the following:
 - a) The procedure to be followed, including an explanation of the courses of action open to the committee.
 - b) A copy of the valid call-in request form and any additional written material the members making the call-in wish to submit for consideration.
 - c) Details of the decision, which shall include:
 - A copy of the original report or other papers considered by the Cabinet (or other decision maker) when the decision was made.
 - A clear explanation of what decision was made.
 - Any additional information which the call-in signatories or committee members have requested.
 - d) A copy of any written information provided by the decision maker, in response to the points raised in the call-in request.

Procedure to be followed in the meeting:

- 1) Once the Chair has opened the meeting, a note will be taken of the members present at the meeting. Any member who arrives after the call-in signatories have started their presentation may not vote on the call-in, although they may take part in the discussion. If there is a very low turnout, or if the Chair has been made aware that other members are on their way but have been delayed, he or she may, at their discretion, delay the start of the meeting to allow time for members to arrive.
- 2) It should be noted that no party whip should be applied to call-in meetings and any member who has been subject to a party whip in respect of the matters being considered must declare it in accordance with Paragraph 16 of the Scrutiny Procedure Rules.
- 3) The members who called-in the decision will then be asked to explain why they have done so and what they feel should be reviewed. The members making the call-in shall be allowed up to 10 minutes in total to present their case. It shall be up to them to determine how they wish to use their time, they may ask one speaker to speak or share the time among several speakers as they see fit. After their

presentation the committee shall be allowed up to 15 minutes in total to discuss the points raised and ask questions of clarification

- 4) 10 minutes shall be allowed to respond on behalf of the decision maker(s). A relevant Cabinet member must speak first (unless the decision that has been called in was made by an officer under delegation), The Cabinet member may then call on officers to deal with matters of detail. After their presentation the committee shall be allowed up to 15 minutes in total, to discuss the points raised and ask questions of clarification.
- 5) Once both sides have given their presentations the Chair may allow members of the public, or other people who are not members of the committee to give short presentations of up to 5 minutes each. Requests to speak should be made to the Chair before the meeting. It shall be up to the Chair to decide whether to allow people to speak and how many speakers will be allowed.
- 6) The decision maker will then be given up to 5 minutes in total to make any final comments.
- 7) After all of the presentations have concluded, the call-in signatories will be given up to 5 minutes in total to make any final comments on the matter.
- 8) The Chair should then clearly indicate that the floor is open for debate and invite members to discuss and examine the main issues. Members may ask further questions of the members making the call-in or the decision makers, or any other people present at the meeting, during the debate. The members making the call-in and the decision maker will not normally speak during the debate, except to answer questions, unless they are also members of the committee.
- 9) When the Chair considers that the matter has been debated for a reasonable length of time, the Chair will invite the committee members to vote on whether the decision should be referred back and what the reasons for this are. The committee may also agree any comments or recommendations it would like the decision maker (or City Council) to consider.
 - a) If members vote not to refer the decision back at this stage, the call-in is ended. The matter will not be referred back and the original decision may be implemented.

Even though members have decided not to refer the decision back for reconsideration they may still decide to refer issues of concern arising from the call-in to the Cabinet, officers, a committee, or City Council, or any other body they consider appropriate, for consideration.

- b) If members vote in favour of referring the matter for reconsideration, the decision will normally be referred directly back to the decision maker. If the committee feel strongly that the issues raised in the call-in would benefit from debate at City Council, (for example because the committee are fundamentally opposed to the original decision or because the matter is one that has generated substantial public interest) they may refer it to City

Council to decide whether the decision should be referred back to the decision maker.

In making this decision the committee should have regard to the reasons for referring the matter back and consider which option would best help achieve their objectives.

The Chair shall ask members to vote in favour of either:

(i) Reference directly back to the original decision-maker;

OR

(ii) Reference to City Council for them to decide whether the matter should be referred back to the decision maker.

c) If members of the committee vote to refer the matter to City Council, they must then decide on the following matters:

i) They may nominate members to move and second the matter at the Council meeting on behalf of the committee. They need not be members of the committee (they may for example nominate one of the signatories to the call-in request who is not a member of the committee). If they do not make any alternative arrangement, the matter will be moved by the Chair or Vice-Chair of the relevant committee in the normal way.

ii) Whether to request that any officers should be available to respond to questions at the Council meeting. If they do wish officers to be available, they should specify which officers they wish to be present to answer questions. They may not request any officer below the level of Head of Service to appear before Council. If members do wish officers to appear, the report to Council may include a recommendation that Council resolve itself into committee to enable members to speak more than once. This may make it easier to question officers and comment on their answers.

Appendix 1B to Part 4E

Procedure for Consideration of Call-ins at City Council Meetings

Agenda:

- 1) The Council agenda should contain a report or set of reports which shall include the following:
 - a) A description of the procedure to be followed.
 - b) The scrutiny committee's reasons for referring the call-in to City Council and any recommendations or issues the committee has asked City Council to consider.
 - c) A copy of the minute of the committee's consideration of the call-in.
 - d) A copy of the original report or other papers considered by the decision maker when the decision was made.
 - e) A clear explanation of what decision was made including any relevant minute.
 - f) A list of the signatories to the original call-in request.
 - g) A written response to the issues raised from the relevant senior officer(s) or Cabinet member(s), if they wish to make a written submission.
- 2) The report may also include the following if the scrutiny committee referring the call-in to Council considers it appropriate:
 - a) A recommendation that Council considers whether to resolve itself into a committee in accordance with Standing Order 27 so that members may speak more than once during the consideration of the report.
 - b) A request from the committee for senior officers or other relevant persons to be present for questioning and a request that Council pass the appropriate resolution in accordance with Standing Order 30(b) to allow these people to be heard.

Procedure at the Council Meeting:

- 1) The report will be moved and seconded by the members nominated to do so by the committee sending the report. If they have not nominated members to move the report, it will be moved by the Chair or Vice-Chair of the committee in the usual way.
- 2) If the committee has requested that Council resolve itself into committee for the consideration of their report the mover and seconder of the report should move a motion that the Council resolve itself into committee, which should be voted on once the report has been moved and seconded.

Council may put a time limit on the overall period for which it will sit as a committee. If Council does not resolve into committee, the matter will proceed in accordance with the normal rules for dealing with Council business.

- 3) If the committee requested that officers (or other persons) should be available for questioning a motion that they be allowed to speak in accordance with Standing Order 30(b) must be moved and seconded and agreed in order to allow this to happen.
- 4) Officers will not be questioned unless prior notice has been given. Officers below the level of Head of Service shall not be questioned.
- 5) When the time allowed for the debate has elapsed, or if no time limit was set, when the Lord Mayor considers that the matter has been adequately debated or when an appropriate closure motion has been carried, Council will reconvene and the matter will move to decision.
- 6) The Lord Mayor will invite the mover of the report to respond to the debate.
- 7) Members may propose amendments to the report in accordance with the normal rules of debate. Any motion or amendment should clearly state whether the matter will be referred back to the decision maker or not if the motion is carried.
- 8) Once any amendments have been disposed of, the Lord Mayor will ask the meeting to vote on the motion before them.
- 9) If the matter is not referred to the decision maker for reconsideration, the call-in procedure ends and the original decision may be implemented on the day after the meeting.

Appendix 2 to Part 4E

Councillor Call for Action (CCfA) – Procedure and Guidance

1. The powers and duties relating to CCfA derive from two separate pieces of legislation: (a) the Local Government Act 2000 (section 9FC) and (b) the Police and Justice Act 2006 (section 19). The Calls for Action under the Police and Justice Act 2006 relate to local crime and disorder matters, other local government issues come under the 2000 Act. The provisions of the two Acts are similar and the procedure below will cover both types of Councillor Call for Action (except that under the 2006 Act there are no 'excluded matters' in the same way as there are under section 9FC of the 2000 Act).

What is a Councillor Call for Action (CCfA)?

2. The CCfA is a process designed to help councillors resolve issues and problems on behalf of residents. It is part of the range of tools available to Councillors to help them in their role as local representatives and community leaders.
3. Government guidance suggests that CCfA should be used as a last resort to try to resolve issues which have not been resolved by other methods.
4. Most of the issues ward councillors deal with can be dealt with by other means, as they have been in the past. What the CCfA offers, is an additional step to be used once those other methods are exhausted. It offers the opportunity to raise the profile of a problem and enlist the help of overview and scrutiny in seeking to resolve it.
5. Once a CCfA is made and accepted, the Overview and Scrutiny Committee or Health Scrutiny Committee will look into the CCfA and decide how the matter should be progressed to try and identify a solution. It should be borne in mind that the purpose of the CCfA is to try to resolve problems. Thus, any opportunities to resolve the problem during the process should be pursued. A CCfA can be ended at any stage of the process if a satisfactory solution is found.

What type of issues can be dealt with through a CCfA?

6. Any "matter which is relevant to the functions of the" Overview and Scrutiny Committee or Health Scrutiny Committee and is not an 'excluded matter'" may be the subject of a call for action.
7. CCfA's may also be made in respect of "any local crime and disorder matter" which is defined as a matter concerning, if the Overview and Scrutiny Committee delegate the role of Crime and Disorder Committee to a sub-committee consideration of crime and disorder calls for action will also be delegated to that sub-committee:
 - a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
 - b) the misuse of drugs, alcohol or other substances which affects all or part of the electoral area for which the member is elected (i.e. his or her ward) or anyone who lives or works there.

Excluded Matters

8. The following matters are specifically excluded by legislation:

- a) “Any matter relating to a planning decision”
- b) “Any matter relating to a licensing decision”
- c) “Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or a right of appeal conferred by or under any enactment”

The above exclusions however do not apply if the matter “consists of an allegation that a function for which the Authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis”

- d) Matters that are “vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee”–
 - Vexatious - This is a matter of judgement - the key question to be considered is whether the request is likely to cause distress, disruption or irritation without proper or justified cause. This is not intended to exclude issues which are politically contentious. It is important to focus on the content of the request, not the manner in which it is made, in deciding if a request is vexatious.
 - Discriminatory requests – The relevant definitions of discrimination are those contained in the Equality Act 2006 and other anti discrimination legislation. A discriminatory request might be one that calls for one group of people to be treated better or worse than others on the grounds of their race, sex, gender, sexual orientation or religion, or that calls for the Council or other agencies to breach their statutory obligations or equal opportunities policies.
 - Matters that are “not reasonable to be included in the agenda for, or to be discussed at a meeting of” a scrutiny committee, sub-committee, standing or task & finish group – this is a matter for judgment - a matter may be considered to be not reasonable because it is vexatious or discriminatory. Other reasons may include an issue that is being raised repeatedly or that has recently been considered or one where there is little or no prospect of consideration being able to achieve a result.

Note: Strictly, these exclusions do not apply to ‘crime and disorder matters’ which are referred under the CCfA powers.

Other Issues for Consideration

9. In considering how to deal with a CCfA, committees may wish to consider the following issues which are taken from the statutory guidance issued by Government:
- a) CCfAs must relate to “Local Government matters” or “Crime and Disorder” matters. The Guidance suggests that this should be given a broad interpretation which includes issues relating to partner organisations, so it may for example include community safety, health services and other public services. In considering whether to look at some of these issues committees should consider whether consideration by an overview and scrutiny committee, sub-committee, standing or task & finish group is likely to be able to help resolve the problem.
 - b) The Guidance suggests that CCfAs should focus on genuine community concerns (i.e. not individual complaints which can be pursued through the complaints procedure). Issues may be raised with a Councillor by an individual but to be pursued as a CCfA they should be issues of concern to a significant number of people in the affected community. If complaints are received from several different people this would suggest that there may be a community concern, as may a petition. If an issue is raised by one person the councillor may wish to talk to other people in the area to see if they share the concern. The Councillor might also raise it at a ward committee meeting to see whether other local people agree that the issue is of concern to them. They might talk to officers or other agencies working in the area to see if they have also received similar complaints. In considering this scrutiny committees should bear in mind their role in voicing and championing community concerns and the need to focus on issues where they can make a difference.
 - c) Whether other methods of resolving the problem have been fully explored. Before a CCfA is considered by a scrutiny committee the member or members bringing the CCfA should generally be able to demonstrate that they have tried to resolve the issue by other means. If a committee believes that there are other steps that should be tried, they may wish to refer the matter back to the Councillor who made it requesting that they explore those avenues and only bring the matter back to the committee if they fail to resolve it. The appropriate steps will vary depending on the type of issue but examples include:
 - Discussing the matter with officers, other agencies, other members (e.g. Cabinet members or scrutiny chairs)
 - Writing to relevant agencies on behalf of constituents
 - Discussing the matter at a ward committee
 - Holding a public meeting in the area
 - Submitting a motion to full Council

- Raising questions at Council or appropriate committees
 - Communicating with MPs
 - Making a complaint through the complaints procedure
 - Submitting a petition to City Council
- d) Citywide policy issues such as Council Tax or strategy issues. This is not to say that CCfA cannot be used to address the impact of a policy on a particular area. For example looking at the impact of parking restrictions on residents and businesses in a particular area. Although they are not necessarily suitable issues for a CCfA, citywide policies are legitimate matters for scrutiny and Councillors can suggest them as possible work programme topics for the relevant scrutiny panels.
- e) Individual complaints – these should be addressed through the complaints procedure. The fact that a complaint has been made about a matter should not prevent it being pursued as a CCfA as long as it is a matter of community concern and not just an individual complaint. If a complaint has been made, the complaints process should be allowed an opportunity to try to resolve the matter before the CCfA proceeds.
- f) Issues where the available avenues for addressing the problem have not yet been tried or where there has not yet been sufficient opportunity to address the problem. The Guidance emphasises the nature of CCfA as a “last resort” to be employed “after other avenues have been exhausted”.

Councillor Call for Action – the Process

10. The CCfA process starts at the point where a Councillor has pursued a solution to a problem through the various channels available to them and has not been able to achieve a satisfactory solution. The main stages of the CCfA process are:
- a) Logging and validating the CCfA.
 - b) Exploring any further opportunities for resolution that have not yet been tried.
 - c) Deciding whether to take the matter forward to a scrutiny committee.
 - d) The committee deciding whether and how the matter should be considered.
 - e) Considering the matter.
 - f) Issuing findings and recommendations.
 - g) Follow up.

Logging and Validating the CCfA

11. The first stage is for the Councillor to log the potential CCfA with the Scrutiny Manager who will discuss the issue with them and obtain the information necessary to determine:
 - a) The exact nature of the problem.
 - b) Whether the matter is an “excluded matter” which cannot be pursued as a CCfA. If so officers may still be able to suggest other ways in which a Councillor may seek to resolve a problem.
 - c) What steps have been taken to resolve the problem so far – Officers may be able to suggest other avenues which should be explored before the CCfA proceeds. It may be useful to involve other relevant officers in this discussion.
 - d) What a satisfactory outcome would look like and whether it could be achieved without the need to pursue a CCfA – for example would an apology, an explanation or an assurance that a problem will not be repeated be sufficient to resolve the issue? If so, it should be possible to resolve the matter without the need for formal consideration.
12. Once it has been determined that the subject matter meets the criteria for a CCfA and that the other methods available to resolve the issue have been explored, the next stage will be for the member, in consultation with the Scrutiny Manager, to complete a form setting out:
 - a) The nature of the issue.
 - b) The steps that have been taken so far to resolve the issue.
 - c) What the Councillor would see as an acceptable outcome.
 - d) Any other background information which may assist in considering the matter.

At this stage the relevant senior officers and /or Cabinet members will be notified that a potential CCfA has been received so that they can make a final attempt to explore whether the issue can be resolved without the need to take the CCfA to the scrutiny committee.

13. A form with guidance notes is attached as appendix 1.

Deciding whether to take the CCfA forward

14. Once the form has been completed it will be submitted to the Proper Officer (Service Manager Democratic Services) who will decide:-
 - a) whether or not it is an “excluded matter” which cannot be the subject of a CCfA. The Proper Officer should examine the CCfA and determine whether

it deals with an “excluded matter”. He or she should consult with the Chair and/or Vice-Chair of the relevant scrutiny committee on this if minded to conclude that it is an excluded matter.

- b) which scrutiny committee should consider the CCfA. If there is any doubt or overlap, the Chairs and /or Vice-Chairs of the relevant committees should be consulted on the issue.
15. Appeal – If the Proper Officer decides that a CCfA is an “excluded matter” on the grounds that it is “vexatious”, “discriminatory” or “not reasonable to be included on the agenda”, the member(s) making the CCfA may ask for that decision to be reconsidered. Reconsideration shall be made by an appeal panel consisting of 3 non-Executive Councillors who have not previously been involved with the CCfA in question. The decision of the appeal panel will be final. The Member making the appeal will be offered the opportunity to attend the meeting where the appeal is considered to state their case.
16. When a CCfA is referred to a scrutiny committee, they must decide whether it should proceed any further and if so what the most appropriate way to proceed might be. In considering this the committee may wish to consider:
- a) Whether adequate resources are available to carry out a review
 - b) Whether the matter fits with issues already in the work programme of the committee in which case it may be want to incorporate the CCfA into that piece of work
 - c) Whether a review is likely to produce a useful outcome
 - d) Whether the issue raised justifies the use of the committee’s resources to carry out a review or investigation.
17. Options open to the committee include:
- a) To decide to incorporate the matter into the committee’s work programme, either as a part of a piece of planned work or as a new topic. The committee must decide when it intends to consider the matter and whether any delay is acceptable.
 - b) To decide not to consider the matter in which case the committee must explain in writing to the referring member the reasons why it does not intend to consider the matter.
 - c) To set up, or if the matter is being considered by a sub-committee ask the Overview and Scrutiny Committee or Health Scrutiny Committee to set up a task & finish group to consider the matter. If a group is established consideration should be given to:
 - o Whether the group should be drawn exclusively from the committee itself or whether members of other committees should

be invited to participate – the latter may be especially appropriate in the case of cross-cutting issues.

- Whether membership should be opened up to include any non-executive members.
- Whether adequate resources are available to support the group both in terms of members' time and officers' time.
- Appointing a Chair and Vice-Chair to guide the work of the group.
- Setting a timescale for the review being carried out – CCfA reviews should be short, sharp and focussed.
- What the arrangements shall be for finalising the group's report and recommendations

18. If a task & finish group is appointed to carry out a review into a CCfA it:-
- a) Will not include the member or members championing the CCfA amongst its membership.
 - b) May invite the member(s) championing the CCfA to attend meetings and give evidence. They may also invite members of a relevant scrutiny committee or Cabinet members to attend either as witnesses or advisors.
 - c) May ask officers, partners or any other people it sees fit to take part in its work as either witnesses or advisors.

Carrying out the review

19. The Chair and Vice-Chair of a committee, sub-committee or task & finish group that considers a CCfA may wish to meet with the member(s) making the CCfA, the scrutiny manager and other officers or partners to plan for the meeting. This is to be encouraged so that when it meets it can begin looking at the issue straight away rather than spending time scoping the work and deciding who to talk to.
20. In carrying out a review a committee, sub-committee or task & finish group may wish to:
- a) Make a site visit.
 - b) Speak to local residents and members.
 - c) Look at examples of good practice from elsewhere.
 - d) Talk to partners and other agencies who may be able to help resolve the problem.
21. If a site visit would be beneficial it may be best to arrange it before the meeting. Consideration should also be given to whether the meeting should be held in the ward and whether it should be widely publicised. If there are particular people the

Chair and Vice-Chair would like invited to the meeting or information they want to help the group consider the CCfA every effort should be made to make the necessary arrangements for the first meeting.

22. During this stage further avenues for a possible solution may be identified. The scrutiny Chair may also be able to help move the matter forward by facilitating meetings or getting responses from officers or other partners. Any possibilities identified to resolve the problem at this stage should be explored before moving on to considering the matter at a meeting. Once the review progresses to the meeting, the following outline procedure should be followed:
 - a) At the first meeting, the member(s) making the CCfA should be allotted time to speak and outline the nature of the problem and what they would like the committee or working group to do (5-10 minutes might be appropriate). Officers and other agencies should be allotted a similar amount of time to respond.
 - b) The Panel should then go on to ask questions and discuss the issues raised in the CCfA submission, and any reports in response to it, and the opening presentations.
 - c) Once they have done this, they should consider whether there is any further work they want to do before arriving at their conclusions (e.g. any additional witnesses they want to hear from or any further information or evidence they would like to request).

Arriving at conclusions and recommendations

23. Once the committee, sub-committee or task & finish group are satisfied that they have obtained all of the necessary information they should move on to consider their conclusions and recommendations.
24. There are two different types of recommendations group may like to consider making:
 - a) Recommendations about resolving the specific problem raised by the CCfA
 - b) Recommendations for improvements to help avoid similar problems arising in future.
25. When the committee, sub-committee or task & finish group have decided on their recommendations they should decide where they want to send the report for consideration. In some cases it may be appropriate to make recommendations directly to officers, in other cases a report may need to go to Cabinet, a committee of the Cabinet or of the City Council or to another agency such as the Police. If a report needs to go to more than one place for consideration it should be made clear which recommendations each partner is being asked to consider. If possible the Chair or Vice-Chair should attend meetings where the report is considered to introduce it and speak on behalf of the committee or working group.

26. The report must be finalised in accordance with the arrangements agreed by the committee when it agreed to proceed with the matter.
27. The report should then go to Cabinet and partners for consideration. Copies should also be sent to:
 - a) The member(s) who made the CCfA.
 - b) The Chief Executive and relevant Chief Officer(s).
 - c) Any other officers who have been involved in the process.
 - d) Any outside bodies, partners or individuals who have been involved in the process.
28. If there is a report or recommendation made to the Council in response to a CCfA on a local crime and disorder matter, a copy of that report must under section 19 of the 2006 Act also be sent to each of the responsible bodies and co-operating persons and bodies as defined in section 5 of the Crime and Disorder Act 1998.
29. Note: Consideration should be given to whether the contents of any report are of an exempt or confidential nature requiring the report not to be made available to the press and public.

Follow Up

30. Reports should ask Cabinet (or any other bodies or persons asked to consider the report) to respond in writing setting out their decisions in respect of the recommendations. The responses should be submitted to the committee which originally considered the matter. If the recommendations were made by a working group, any members of the working group who are not members of the committee should receive a copy of the response. The member(s) who made the CCfA should also be sent a copy. The response should also be reported to the scrutiny Chairs and Vice-Chairs. If an issue is resolved before it reaches the stage of having a working group meeting or recommendation/report, the outcome of the process should be reported to the relevant committee and the Chairs and Vice-Chairs.

Newcastle City Council

Councillor Call for Action – Form

A Councillor making a call for action should complete this form. Please give as much information as possible. The information on this form will be used to help consider the call for action.

<p>1. Please explain below the nature of the issue:</p>
<p>Set out here the nature of the problem. Please explain:</p> <ul style="list-style-type: none"> • What the problem is • The area affected • How it is affecting residents (or businesses) in the area • How long the problem has been going on
<p>2. Please explain the steps you have taken so far to try and resolve the issue:</p>
<p>Please give details of the steps that have been taken to resolve the problem so far including</p> <ul style="list-style-type: none"> • Details of who you have discussed the problem with • Any correspondence you have had on the matter • Details of any meetings where the matter has been discussed • Details of any actions that have been taken and how successful they were
<p>3. Please explain what outcome you would like to achieve from making this Councillor Call for Action:</p>
<p>Please explain:</p> <ul style="list-style-type: none"> • What you would see as a successful resolution to the problem • Any results short of a full resolution that would help – for example getting officers or agencies to discuss the problem
<p>4. Please set out any additional information you think will be helpful to members in considering this call for action. It may be helpful to attach copies of any correspondence on the issue, copies of any reports or minutes from meetings where the issue has been discussed etc.</p>