

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will appoint Overview and Scrutiny Committees as set out in [Article 6](#) and will appoint to them, as it considers appropriate from time to time. Other Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

2. Overview and Scrutiny Committees

2.1. Overview and Scrutiny Committees will have the following responsibilities:

- (a) To have the powers of an Overview and Scrutiny Committee in relation to Executive decisions made but not implemented as set out in section 21(3) of the [Local Government Act 2000](#).
- (b) To consider matters called in to the committee, in accordance with the Council's decision-making process, and to decide whether or not to endorse proposals made by the Executive or whether to refer them back to the Executive or Full Council.
- (c) To ask questions of the Leader and Cabinet members on matters falling within their portfolios, and to question Directors in respect of their responsibilities, as part of the oversight of the Executive functions of the authority.
- (d) To consider any deputation in accordance with Council Procedure Rules.
- (e) To receive best value reviews of services.
- (f) To receive on a regular basis reports on the performance of Council services.
- (g) To undertake select committee or other style inquiries into aspects of council policy and performance, or issues of concern to the borough.
- (h) To develop policy proposals for submission to the Executive.
- (i) To scrutinise local health bodies in accordance with the Local Government Act 2000, as amended by the Health and Social Care Act 2001.
- (j) To scrutinise specific matters as referred to them.
- (k) To create sub-committees and determine their membership and terms of reference.

2.2 The Committees shall have the powers to:

- (a) request and receive reports from the Leader and Cabinet members.

- (b) require the Leader, Cabinet members and Directors to attend committee meetings and answer questions.
- (c) request representatives of other organisations to attend committee meetings, including expert witnesses.
- (d) publish the result of committee deliberations and make recommendations to the Executive or to the Council on any matters within the remit of the committee.

2.3 With regard to the scrutiny of health, the Health and Adult Social Care Scrutiny Committee has the powers to:

- (a) review and scrutinise any matter relating to the planning, provision and operation of health services in the area.
- (b) make reports and/or recommendations to the local NHS bodies, the Secretary of State and the Council on any matter reviewed or scrutinised pursuant to regulations under Section 7 and 8 of the Health and Social Care Act 2001.
- (c) make comments on any proposals consulted on by a local NHS body concerning a substantial development of the health service in the area or for a substantial variation in the provision of such service.
- (d) arrange for relevant functions in respect of health scrutiny to be exercised by an Overview and Scrutiny Committee of another local authority where the council considers that another local authority would be better placed to undertake those relevant functions, and that local authority agrees to exercise those functions; and
- (e) may appoint a joint Overview and Scrutiny Committee with one or more other local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee.

3. Who may sit on Overview and Scrutiny Committees?

All councillors (except members of the Executive, i.e. the Leader and Cabinet members) may be members of Scrutiny Committees. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

4. Co-optees

Each Overview and Scrutiny Committee may co-opt a number of people in a non-voting capacity, the number of which shall be determined by full Council.

A co-optee must stand down if he or she fails to attend meetings of an Overview and Scrutiny Committee of which he or she is a member for a period of 6 consecutive months.

5. Education representatives

The Education and Children's Services Scrutiny Committee shall include in its membership the following voting representatives, who will be entitled to vote on any education matters. These representatives shall not vote on any other matters, though they may stay in the meeting and speak.

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative;
- (c) 2 parent governor representatives.

Education Representatives may also attend and vote at any other Overview and Scrutiny Committee that is dealing with education matters.

6. Meetings of the Overview and Scrutiny Committees

All meetings of Overview and Scrutiny Committees will be scheduled in the Council's Calendar. In addition, extraordinary meetings may be called from time to time if considered necessary and appropriate by the Chairman of the relevant committee, in consultation with the Chief Whip.

A Chairman of a Committee may cancel a meeting on the grounds of insufficient business, in consultation with the Chief Whip.

Subject to the provisions of Section 100(A) of the Local Government Act 1972:

- (i) The Chairman of a Committee may vary the date and time of a meeting only after consultation with the Chief Whip.
- (ii) The Opposition Whip shall be notified immediately of any changes.

7. Quorum

The quorum for a Overview and Scrutiny Committee shall be four Councillor Members of the Committee.

If a quorum is not present 15 minutes after the start time of a meeting, the business shall be adjourned to a date to be arranged.

If a quorum is lacking at any time during a meeting then it shall be suspended for up to 15 minutes after which, if a quorum is not achieved, the remaining business is lost. This provision does not prevent a member of a Overview and Scrutiny Committee requesting that any item be included on a future agenda, in accordance with paragraph 10 below.

8. Who Chairs Overview and Scrutiny Committee meetings?

The Chairman of each Overview and Scrutiny Committee shall be appointed by full Council. The Vice-Chairman will normally be the Lead Opposition member on the Committee. In the absence of the Chairman, the Members present shall elect a Chairman for the meeting from among the members then present, who shall have the second or casting vote. If the Chairman subsequently attends the meeting, the person then in the

chair shall vacate it.

The Chairman of the Committee shall have responsibility for maintaining order at the meeting in accordance with the guidelines for councillors, good practice and council procedure rules.

The order of business shall be determined by the Chairman.

9. Work programme

The work programme will be drawn up on behalf of the Chairman for the Committee's agreement.

10. Agenda items

Any member of an Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee in accordance with the procedure at Appendix A. On receipt of such a request, the proper officer will assess whether it is validly submitted and complies with the Guidance issued by the Secretary of State. If he is satisfied that it is valid he shall arrange for investigation and submission of an initial report on the matter for consideration by the relevant Scrutiny Committee

Overview and Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and from the Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committees shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall normally consider the report of the Overview and Scrutiny Committee within one month of receiving it.

11. Policy Review and Development

- (a) The role of the Overview and Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (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 Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference (e.g. by considering items drawn from the forward plan).
- (c) Overview and Scrutiny Committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and expert witnesses to assist them in this process. They may undertake 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 and witnesses a reasonable fee and expenses for doing so.

12. Voting at Overview and Scrutiny Committees

In the event of a vote:

- (a) Voting shall be by simple majority by show of hands.
- (b) Voting members may request that their votes be recorded.
- (c) In the event of an equality of votes the Chairman shall have a second or casting vote.

13. Reports from Overview and Scrutiny Committees

- (a) Once it has formed recommendations on proposals for development, a Overview and Scrutiny Committee may prepare a formal report and submit it to the proper officer for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The Committee may wish to send its recommendations to the Executive or to the Council on the matter if it prefers.
- (b) If a Overview and Scrutiny Committee cannot agree on one single final report to the Council or Executive on proposals for development referred to in 13 (a) above, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Overview and Scrutiny Committee normally within 8 weeks of it being submitted to the proper officer.
- (d) Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the proper officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive will have 6 weeks in which to respond to the Overview and Scrutiny Committee report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the Overview and Scrutiny Committee proposals.
- (e) Where an Overview and Scrutiny Committee prepares a report for consideration by the Executive in relation to a matter where the Council has delegated decision the Overview and Scrutiny

Committee will submit a copy of their report to him/her for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the proper officer. The member with delegated decision making power must consider the report and respond in writing to the Overview and Scrutiny Committee at the next ordinary meeting following receipt. A copy of his/her written response to it shall be sent to the proper officer. The member may be asked to attend the meeting of the Overview and Scrutiny Committee to present their response.

- (f) All councillors will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. At the stage when the Executive makes firm proposals and a provisional decision, in the form of a written and published decision on any matter, it will become available for call-in in accordance with the Council's decision-making process. Such reports will be placed by the Proper Officer on the agenda for the next meeting of the relevant Overview and Scrutiny Committee, subject to the access to information provisions.

14. Rights of Overview and Scrutiny Committee Members to documents

- (a) In addition to their rights as councillors, members of the Overview and 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 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

15. Breach of the Access to Information provisions by the Executive

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (i) included in the forward plan; or
- (ii) the subject of the general exception procedure (i.e. Rule 15 of the Access to Information Procedure Rules); or
- (iii) under the special urgency procedures (i.e. Rule 16 of the Access to Information Procedure Rules) the subject of an agreement with a relevant Overview and Scrutiny Committee Chairman, or in their absence, the Mayor/Deputy Mayor of the Council ; the Committee may require the Executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee and may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

16. **Members and officers giving account**

Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require the Leader or any other member of the Executive, the head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (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.

17. **Attendance by others**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 16 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

In undertaking the scrutiny of local health bodies, as described in paragraph 2.3 above, an Overview and Scrutiny Committee may invite senior representatives of those bodies to address it, discuss issues of local concern and/or answer questions. It is the duty of those persons to attend if so required.

18. **Call-in**

- (a) These call-In provisions apply only to **key decisions** as defined in Article 13.
- (b) Any key decision may be called-in. The power in this paragraph is in addition to the power in paragraph 6 of the Budget and Policy Procedure Rules which deals with decisions by the Executive which are outside the budget and policy framework fixed by the Council and the general power to scrutinise under paragraph 2 of these Rules.
- (c) Where a key decision is made by the Executive, the decision shall be published, including where practicable by electronic means, and shall be available at Hammersmith Town Hall no later than 5.30 p.m. on the second working day after the decision was made (not including the day of the decision). All Councillors will be sent copies

of the published decision within the same timescale by the person responsible for publishing the decision.

- (d) The published decision will bear the date on which it is published, and will specify that the decision will come into force and may be implemented at 3.00 p.m. on the 3rd working day after the publication of the decision (not including the date of publication), unless called-in under these provisions.
- (e) During this period, the Proper Officer shall call in a decision for scrutiny by the relevant Overview and Scrutiny Committee if so requested by at least 50% of the voting members of that committee. For the purposes of this provision the education co-opted members referred to in paragraph 5 of these Rules shall only be entitled to request the call-in of a decision relating to education matters.
- (f) A request for the call-in of a decision must be made in writing or by electronic mail in a format approved from time to time by the Proper Officer and must set out the reasons for the calling in of the decision.
- (g) On receipt of a valid call-in request the Proper Officer shall notify the decision-maker and the Chairman of the relevant Overview and Scrutiny Committee of the call-in. A called-in decision is suspended and no steps shall be taken to implement it subject to these provisions.
- (h) A decision which is called-in shall be placed on the agenda for the next scheduled meeting of the relevant Overview and Scrutiny Committee or a special meeting convened for that purpose, subject to the access to information provisions.
- (i) If, having considered the decision the Overview and Scrutiny Committee is still concerned about it, then it may:
 - refer it back to the decision-maker for reconsideration; or
 - refer the matter to full Council

In both cases it must set out in writing the nature of its concerns. If referred to the decision-maker they shall reconsider it at their next meeting amending the decision or not before adopting a final decision. Once a decision has been reconsidered by the decision-maker it may not be the subject of further call-in.

- (j) If the Overview and Scrutiny Committee at which a called-in item is due to be considered does not meet or does meet but does not refer the matter back to the decision-maker or to full Council the decision shall take effect from the date fixed for that Overview and Scrutiny Committee meeting.
- (k) A matter referred to full Council shall be placed on the agenda for the next scheduled meeting of the Council, subject to the access to

information provisions. If the Council does not object to the decision then no further action is necessary and the decision takes effect in accordance with the provision below. However if the Council does object it has no power to make decisions in respect of an Executive decision unless it is contrary to the policy framework or is contrary or not wholly in accordance with the budget. Unless that is the case the Council will refer any decision to which it objects back to the decision-maker together with the Council's views on the decision. The decision-maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision is taken by the Executive as a whole or a committee of it, a meeting will be convened within 10 working days of the Council's request. Where the decision was taken by an individual the individual shall reconsider within 5 working days of the Council's request.

- (l) If the Council does not meet, or if it does but does not refer the decision back to the decision-maker the decision will become effective on the date fixed for the Council meeting.

19. Call In and Urgency

- (a) The call in procedure set out above shall not apply or shall cease to apply where the decision being taken by the Executive is urgent or becomes urgent during the call in process. A decision is urgent if any delay likely to be caused by the call-in process is likely to 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 or has become an urgent one, and therefore not, or no longer subject to call-in. The Mayor must agree both that the proposed decision is reasonable in all the circumstances and that it is reasonable to treat it as an urgent matter. In the absence or incapacity of the Mayor, the Deputy Mayor's consent shall be required. In the absence or incapacity of both, the Head of Paid Service or his/her nominee's consent shall be required.
- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

20. Items not included in the Forward Plan

Chairmen of Overview and Scrutiny Committees have a right to be consulted when the Executive is taking decisions not included in the forward plan in accordance with paragraphs 15 (General Exception) and 16 (Special Urgency) of the Access to Information procedure rules.

21. The Party Whip

When considering any matter in respect of which a member of a Overview and Scrutiny Committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. Alternatively the written report on the matter shall state the proposed policy of the majority and minority parties on the council, and by this it should be understood that that matter is the subject of a party whip. Such declarations, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

22. Declarations of Interest

- (a) If any Councillor (or a co-opted member) has a **personal** or **prejudicial** interest (as defined in the Council's Code of Conduct) they shall, on every occasion, disclose the fact.
- (b) If a Councillor (or a co-opted member) has a **personal** or **prejudicial** interest in any particular agenda item at a meeting, he/she should declare the existence and nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.

Any Councillor with a **prejudicial** interest may also make representations, give evidence or answer questions about the matter, but only at meetings where members of the public are allowed to be in attendance and to speak. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken, unless a dispensation has been obtained from the Standards Committee.

At meetings where members of the public are not allowed to be in attendance, then the Councillor with a **prejudicial** interest should withdraw from the meeting while the matter is under consideration, unless the disability has been removed by the Standards Committee.

- (c) A member must, if he/she is involved in the consideration of a matter at a meeting of an Overview and Scrutiny Committee of the authority or a sub-committee of such a committee, regard himself / herself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the authority's -
 - (i) committees or sub-committees; or
 - (ii) joint committees or joint sub-committees, of which he may also be a member.
- (d) But sub-paragraph (c) above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

23. Public Participation

At a meeting of a Overview and Scrutiny Committee, members of the public may speak at the discretion of the Chairman. Members of the public should conduct themselves appropriately in accordance with the Council procedure rules relating to public rights at meetings.

Members of the public may be excluded from a meeting in accordance with the council procedure rules relating to admission/exclusion of the press and public, or for disorder.

24. Deputations

Deputations can be made to any of the Overview and Scrutiny Committees in respect of any aspect of their terms of reference, subject to a restriction that deputations on the same subject will not be permissible within six months of a similarly worded deputation.

(a) Form of Request

- (i) A request for a deputation shall be made in writing using the attached form, signed by at least **ten registered electors** of the Borough. Such a request shall state the purpose of the deputation and the name and address of each of the signatories.
- (ii) A deputation must be relevant to the Overview and Scrutiny Committee's remit. Deputations should not refer to individuals, Council officers by name, nor personnel or staffing issues.
- (iii) Requests for deputations to Overview and Scrutiny Committees shall be submitted at least 10 working days before the relevant meeting.

(b) Receiving of Deputation

- (i) A deputation shall be comprised of people who signed the request and shall consist of not less than three or more than ten people.
- (ii) One member of the deputation may address the committee but their speech shall not exceed 5 minutes.
- (iii) Members of the committee may during a period not exceeding 5 minutes ask questions of any member of the deputation.
- (iv) Members of the committee will then debate the substantive report to which the deputation refers, if appropriate, taking into account the issues raised by the deputation. Members of the deputation may remain for the duration of the debate if they so wish.

(c) Limitation on Reception of Deputation

- (i) The Assistant Director (Legal and Democratic Services), in consultation with the Chairman, shall have the power to determine that a deputation is out of order in not complying with the above

rules, and that it need not be considered at the relevant Overview and Scrutiny Committee.

- (ii) The Chairman reserves the right to limit the number of deputations heard at any one meeting in order to allow sufficient time for other business specified on the agenda.
- (iii) The Chairman may refuse a deputation where s/he considers it reasonable to do so in the circumstances (e.g. where it is premature).

25. Procedure at Overview and Scrutiny Committee meetings

- (a) Overview and Scrutiny Committee shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest and whipping declarations;
 - (iii) deputations
 - (iv) consideration of any called-in items;
 - (v) any responses of the Executive to previous reports of the Overview and Scrutiny Committee; and
 - (vi) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings, which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
 - (iv) following any investigation or review, the committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

26. Conduct

Councillors shall conduct themselves in accordance with the Council procedure rules relating to order at meetings.

27. Guillotine

- (a) All Overview and Scrutiny Committee meetings shall end after three hours (“the guillotine”)
- (b) The time elapsed during any suspension of a meeting shall be added to extend the time at which the following provisions come into effect:
- (c) At that time, or at any other time when a motion to close the meeting has been successfully carried:
 - (i) No further points of order shall be raised except by the Chairman; except that Councillors may declare an interest in any remaining items of business;
 - (ii) The Chairman shall then interrupt the discussion of the item before the meeting;
 - (iii) Unless the mover of a motion then under discussion seeks leave to withdraw it, the Chairman shall allow them a right of reply to the debate;
 - (iv) Unless the motion or item of business then under discussion is withdrawn, the Chairman shall put, without further discussion, all the questions necessary to dispose of it;
 - (v) The Chairman shall put without discussion, all the questions necessary to complete consideration of any remaining items on the agenda;
 - (vi) Finally, the Chairman shall close the meeting.
- (d) Prior to the fall of the guillotine, where the Overview and Scrutiny Committee believes that a specific extension of time is warranted this may be agreed by a resolution to extend the guillotine for a specific period. There is no limit to the number of extensions, which may be agreed under this rule but no motion to extend the guillotine shall be permitted once the guillotine has fallen.

28. Membership

- (a) Education and Children’s Services Scrutiny Committee
 - (i) 9 voting Councillors including, the Chairman and Vice Chairman, in the ratio of 6 Administration members and 3 Opposition members.
 - (ii) The committee shall appoint co-opted members (up to a maximum of 8). At least two but no more than five shall be parent governor representatives. Members who have been co-opted as representatives of Diocesan bodies and as parent governor representatives shall have voting rights. All other co-optees shall be non-voting.

- (b) Cleaner and Greener Scrutiny Committee
 - (i) 9 voting Councillors including, the Chairman and Vice Chairman in the ratio of 6 Administration members and 3 Opposition members.
 - (ii) The committee may appoint a maximum of 8 co-opted members who shall be non-voting.

- (c) Health and Social Adult Social Care Scrutiny Committee
 - (i) 9 voting Councillors, including the Chairman and Vice Chairman in the ratio of 6 Administration members and 3 Opposition members.
 - (ii) The Committee may appoint a maximum of 8 co-opted members who shall be non-voting.

- (d) Housing Scrutiny Committee
 - (i) 9 voting Councillors including the Chairman and Vice Chairman in the ratio of 6 Administration members and 3 Opposition members.
 - (ii) The Committee may appoint a maximum of 8 co-opted members who shall be non-voting.

- (e) Local Neighbourhoods Scrutiny Committee
 - (i) 9 voting Councillors including the Chairman and Vice-Chairman in the ratio of 6 Administration members and 3 Opposition members.
 - (ii) The Committee may appoint a maximum of 8 co-opted members who shall be non-voting.

- (f) Value for Money Scrutiny Committee
 - (i) 9 voting Councillors including the Chairman and Vice-Chairman in the ratio of 6 Administration members and 3 Opposition members.
 - (ii) The Committee may appoint a maximum of 8 co-opted members who shall be non-voting.

MAY 2009

COUNCILLOR CALL FOR ACTION

Any member of the Council shall be entitled to give notice in writing to the Proper Officer that he/she wishes to place on the agenda of the relevant scrutiny Committee an issue which is a local government matter (including a matter that relates to the Council's partners involved in the delivery of Local Area Agreement targets) and affects all or part of that Member' ward or any person living or working in it. The notice must specify;

- (i) the name of the Member submitting it
- (ii) Details of the relevant issue
- (iii) A summary of the action undertaken by the Councillor and Community to resolve the matter
- (iv) Details of the outcome the Councillor is seeking as a result of the referral in order to resolve or move forward the issue raised

Unless it is alleged that the function has not been discharged or that the discharge is failing on a systemic basis, the matter must not relate to;

- (i) Decisions in relation to planning permissions and enforcement
- (ii) Decisions in relation to licensing applications, reviews and enforcement,
- (iii) Any matter relating to an individual or entity where there is a statutory right of recourse to a review or appeal

The request must not be vexatious, discriminatory or not reasonable to be included on the agenda.

The Member shall be expected to have previously sought all reasonable means within his/her role as ward member to address the issue and to have regard to Guidance on the matter issued by the Secretary of State.

On receipt of such a request the Proper Officer will assess whether it is validly submitted and complies with the Guidance issued by the Secretary of State. If he is satisfied that it is valid he shall arrange for investigation and submission of an initial report on the matter for consideration by the relevant Scrutiny Committee. This will usually be placed on the agenda of the next scheduled meeting of the Committee unless the Chairman is of the opinion that in all the circumstances it is not reasonably practicable to do so or to have it properly considered at that meeting. In such cases it will be presented to the next suitable meeting.

The Proper Officer shall determine the relevant Scrutiny Committee where the issues overlap the remits of more than one Committee. Members of the interested Committee that is not designated to receive the request will be invited to attend the meeting should they so wish.

If, in the opinion of the Proper Officer, the request is not consistent with the statutory guidance he shall inform the Member of this decision and the reasons for it in writing and, where possible, advise the Member of potential alternative sources of assistance in resolving the issue. The Committee shall be informed of the Proper Officer's action.

Validly submitted requests in respect of crime and disorder and community safety issues shall be referred to the Local Neighbourhoods Scrutiny Committee.

Where the request concerns the functions of a partner of the authority which is under a duty to cooperate on Local Area Agreement Outcomes, consideration should be given to inviting an appropriate management representative of the relevant organisation to attend the meeting.

Upon receipt of an initial report the relevant Scrutiny Committee must discuss the issue and may decide to call for a more detailed report on the matter, either make recommendations or refer it to Officers, The Cabinet, Portfolio holders or the relevant partner organisation for resolution, or to take no further action. In reaching this decision it must have regard for the Guidance issued by the Secretary of State and may refer to local guidance. The Member in whose name the request has been submitted will be entitled to attend meetings at which it is considered and address the Committee in support of the request.

Where it is decided to take no further action the Member must be notified in writing of the decision and the reasons for it. The Committee must provide the Member with a copy of any report or recommendations which it makes to the Authority, Cabinet, Cabinet Member, Officer or partner organisation in relation to the matter.



DEPUTATION REQUEST FORM – CABINET OR SCRUTINY COMMITTEE MEETING

PLEASE PRINT THE NAME AND CONTACT DETAILS OF THE PERSON LEADING THE DEPUTATION (who must be a registered elector of this borough)	
Name:	
Address:	
Telephone:	E-mail:

PLEASE GIVE THE NAMES, ADDRESSES AND SIGNATURES OF AT LEAST 9 OTHER REGISTERED ELECTORS OF THIS BOROUGH WHO SUPPORT THE DEPUTATION REQUEST		
Name	Address	Signature
<p>Carry on with a separate sheet if you wish. However, no more than 10 signatories may form the deputation at the meeting. You must submit the deputation request to the officer referred to on the relevant agenda at least 5 working days before the meeting. "Working days" does not include weekends or bank holidays.</p> <p>PTO</p>		

MEETING, DATE AND AGENDA ITEM TO WHICH THE DEPUTATION REFERS:

Meeting:

Date:

Agenda item:

[NB. You cannot make a deputation to a Scrutiny Committee if you have made a similarly worded deputation within the previous six months.]

PLEASE GIVE YOUR DEPUTATION STATEMENT (This is an opportunity for you to state the purpose of your deputation – you can attach additional pages if necessary).

GUIDANCE NOTES FROM THE COUNCIL'S CONSTITUTION

Receiving of Deputation

- (i) A deputation shall be comprised of people who signed the request and shall consist of not more than 10 people.
- (ii) One member of the deputation may address the Committee, but his/her speech shall not exceed 5 minutes.
- (iii) Members of the Committee may, during a period not exceeding 5 minutes, ask questions of any member of the deputation.
- (iv) Members of the Committee will then debate the substantive report to which the deputation refers, taking into account the issues raised by the deputation. Members of the deputation may remain for the duration of the debate if they so wish.

Limitation on Reception of Deputation

- (i) The Assistant Director (Legal and Democratic Services), in consultation with the Chairman of the Committee, shall have the power to determine that a deputation is out of order in not complying with the above rules, and that it need not be considered at the relevant Committee.
- (ii) The Chairman of the Committee reserves the right to limit the number of deputations at any one meeting in order to allow sufficient time for any other business specified on the agenda.
- (iii) The Chairman of a Committee may refuse a deputation where he/she considers it reasonable to do so in the circumstances (e.g. where it is premature).

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