

Overview and Scrutiny Rules (Standing Order 23)

(The following paragraphs need to be read in conjunction with Standing Orders 24 to 35 of the main Procedural Standing Orders document)

Exercise of functions in relation to Decisions not implemented

- 1 (1) All Overview and Scrutiny Committees may exercise the functions of an Overview and Scrutiny Committee under Section 9F (4) (a) or (b) of the Local Government Act 2000, to recommend that a decision made but not implemented be reconsidered by the Decision Maker, or to arrange for the Full Council to review that decision and decide whether it should be reconsidered.
- (2) A special meeting may be convened for the purposes of paragraph 1(1) above, in accordance with the process set out in paragraph 6 below.

Request for a Decision not implemented to be reconsidered

- 2 Any request made by an Overview and Scrutiny Committee to recommend that a decision made but not implemented be reconsidered by the Decision Maker, or to arrange for the Full Council to review that decision and decide whether it should be reconsidered, and the grounds upon which the request is based shall be registered in writing with the Chief Executive within three clear working days of the meeting of the Overview and Scrutiny Committee.

The decision which is the subject of the request shall not then be implemented until the Decision Maker, has considered the request and decided whether to affirm, amend or rescind the decision, or the Full Council or a Committee of the Full Council has decided not to request reconsideration.

Response to a request for a Decision to be reconsidered

- 3 The Decision Maker shall publish their response to a request for reconsideration and the reasons for their decision by writing as soon as is reasonably practicable to the Chair of the relevant Overview and Scrutiny Committee.

Decision to be reconsidered once only

- 4 The Decision Maker can only be required to reconsider the same decision on one occasion. However, should the Decision Maker agree to amend or rescind the original decision, this becomes a new decision and would be subject to the functions set out in paragraph 1.

Decisions not to be reconsidered

- 5** An Overview and Scrutiny Committee shall not exercise its functions under paragraph 1 above
- (1) where the decision has been designated by the Decision Maker as being urgent in that any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities; or
 - (2) in respect of day-to-day management and operational decisions taken by officers.
 - (3) in respect of decisions which take the form of recommendations for final decision by the Full Council

Convening of Special Meetings

- 6**
- (1) Any five members of the County Council may, within three clear working days of a decision being published, submit a written request to the Chief Executive for a meeting of the relevant Overview and Scrutiny Committee to be called for the purpose of paragraph 1 (1).
 - (2) Except where circumstances set out in paragraph 5 above (Decisions not to be reconsidered) apply, the special meeting of the Overview and Scrutiny Committee shall be held within ten clear working days of notice being received by the Chief Executive, and shall at that meeting decide whether or not to exercise its functions.
 - (3) Where at the special meeting a request is made that the matter be referred to the Full Council for it to ask the Decision Maker to reconsider the decision, the Committee may overrule such a request on the grounds that the decision under consideration is not contrary to the Budget or Policy Framework set by the Full Council.
 - (4) In the event that a special meeting is convened for the purposes of paragraph 1 (1) above, the Decision Maker (or appropriate representative in the case of a Cabinet or Cabinet Committee decision) may be required to attend the meeting to give evidence relating to that decision and to answer questions.

Party Whips

- 7** In any meeting of any Overview and Scrutiny Committee the Party Whip should not be applied by any political group, but if it is applied it shall be declared at the commencement of every meeting and the item or items to be the subject of the Party Whip shall be specified.

Request for matter to be considered by an Overview and Scrutiny Committee

- 8** If any Member of the County Council or a Co-opted Member of an Overview and Scrutiny Committee wishes to have a matter considered by an Overview and Scrutiny Committee he/she must submit the request in writing to the Chief Executive who, unless it is clear which Committee the request should be referred to, will bring the request to the attention of the next meeting of the Scrutiny Committee, or in cases of urgency to the Chair of the Committee, who will then refer the matter to the appropriate Committee for consideration.

Decision Maker

- 9** In the above paragraphs, the term "Decision Maker" refers to the executive member or senior officer with responsibility for the decision in question at the relevant stage of the process.