

## **2.7 Article 7 – Overview and Scrutiny Commission**

### **2.7.1 Form and Composition**

The Council will appoint one Overview and Scrutiny Commission to discharge the functions conferred by it under Section 21 of the Local Government Act 2000, and Regulations made under Section 32 of the Local Government Act 2000 in relation to matters set out in the right hand column of the table set out overleaf.

The Commission will consist of XXX Members, reflecting the political composition of the Authority. Members of the Executive cannot be Members of the Overview and Scrutiny Commission.

### **2.7.2 Terms of Reference**

Within its terms of reference the Overview and Scrutiny Commission will:

- review or scrutinise decisions made, or actions taken, by the Leader, the Executive, Executive Member or an Officer in connection with the discharge of any of the Council's functions.
- exercise the right set out in the Procedure Rules to call-in and recommend for reconsideration any decisions made but not yet implemented by or on behalf of the Executive, Leader, Executive Member or Officer.
- monitor the Council's overall performance particularly in relation to its Service Plans, performance indicators and other key performance information.
- review all proposals from the Executive in relation to the budget.
- make reports and recommendations to the Council, the Executive or a Policy Committee in connection with the discharge of any of the Council's functions.
- monitor the West Berkshire Partnership's performance in relation to the Local Area Agreement.

### **2.7.3 Co-optees**

The Council wishes to promote the involvement of the local community in its decision making. Appropriate procedures and structures will therefore be put

in place to enable as wide a cross section of the Community to be involved as possible.

## 2.7.4 Task Groups

The Overview and Scrutiny Commission may choose to create Task Groups to investigate or review a particular topic. Task Groups will also reflect the political composition of the Authority. Members of the Executive may also be Members of a Task Group.

## 2.7.5 West Berkshire Council's Overview and Scrutiny Commission

Commission	Duties
Overview and Scrutiny Commission	To review or scrutinise decisions made by the Executive or individual Executive Member and to review the work associated with the West Berkshire Partnership.
	To review all proposals from the Executive in relation to the Budget.
	To Monitor the West Berkshire Partnership's performance particularly in relation to the Local Area Agreement.

## 2.7.6 Overview and Scrutiny

The Overview and Scrutiny Commission will:

- Review and scrutinise the decisions made by and performance of the Executive, Executive Members and Committees, Sub-Committees, Area Forums and Officers both in relation to individual decisions and over time.
- Review and scrutinise the performance of the Council in relation to its policy objectives and performance targets, particularly those relating to the Council Outcomes included within Local Area Agreement.
- Review the Council's Budget and Policy Framework.
- Question Members of the Executive, Committees, Sub-Committees, Area Forums and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time or in relation to particular decisions, initiatives or projects.

- Make recommendations to the Executive, appropriate Committee, Sub-Committee, Area Forums or Officers arising from the outcome of a review of the Council's performance etc.
- To review the performance of other public bodies and Strategic Partnerships in the area via the Local Area Agreement and invite reports from them by requesting them to address the Overview and Scrutiny Commission and local people about their activities and performance.

### **2.7.7 Call-in**

Decisions taken by the Executive, Executive Members and Area Forums or Officers can be called-in (by five Members giving notice) within five days of the decision being taken. The Overview and Scrutiny Commission will then review the decision and decide whether or not to refer it back to the Executive, Executive Member or Area Forum or to refer it to the Council for review.

### **2.7.9 Finance**

The Overview and Scrutiny Commission and Policy Commissions will exercise overall responsibility for any finances made available to them.

### **2.7.10 Forward Plan**

The Overview and Scrutiny Commission will produce a work programme for itself, its Panels and for the Policy Commission for inclusion in the Council's Forward Plan.

### **2.7.11 Reports**

The Overview and Scrutiny Commission will report annually on the work it, its Panels and Task Groups for inclusion in the Council's Forward Plan.

### **2.7.12 Conflict of Interest**

If the Overview and Scrutiny Commission are scrutinising specific decisions or proposals in relation to the business of an Area Forum of which the Councillor concerned is a Member, then the Councillor may not speak or vote at the Overview and Scrutiny Commission meeting unless a dispensation to do so is given by the Standards Committee.

### **2.7.13 Proceedings of Overview and Scrutiny Commissions, Scrutiny Panels and Task Groups**

The Overview and Scrutiny Commission, Scrutiny Panels and Task Groups will conduct their proceedings in accordance with the Procedure Rules set out in Part 4 of this Constitution.



## **6. Overview and Scrutiny Commission Procedure Rules**

### **6.1 Constitution of the Overview and Scrutiny Commission, Scrutiny Panels, and Task Groups**

The Council will have the Overview and Scrutiny Commission, Scrutiny Panels and Task Groups set out in Article 7 and will appoint them as it considers appropriate from time to time

#### **6.1.2 Terms of Reference**

The Overview and Scrutiny Commission will have the powers to:

- perform the Overview and Scrutiny functions on behalf of the Council.
- the appointment of such time-limited Task Groups as it considers appropriate to help fulfil those overview and scrutiny functions.
- receive requests from the Executive and/or Council for Overview and Scrutiny reports and to respond accordingly.
- review or scrutinise decisions made, or actions taken, by the Leader, the Executive, Executive Member or an Officer in connection with the discharge of any of the Council's functions.
- exercise the right set out in the Procedure Rules to call-in and recommend for reconsideration any decisions made but not yet implemented by or on behalf of the Executive, Leader, Executive Member or Officer.
- monitor the Council's overall performance particularly in relation to its Service Plans, performance indicators and other key performance information.
- review all proposals from the Executive in relation to the Budget and Policy Framework
- make reports and recommendations to the Council, the Executive or a Policy Commission in connection with the discharge of any of the Council's functions.
- review service plans, performance indicators and other service performance information.
- prepare an annual programme of reviews for inclusion in the Council's Forward Plan.

- monitor the West Berkshire Partnership's performance particularly in relation to the Local Area Agreement.
- Scrutinising whether the outcomes of interventions are equally good for all groups and sections of the population.
- To review performance in association with the relevant Action Groups of the West Berkshire Partnership in pursuit of both Council and Community objectives.

### **6.1.3 Overview and Scrutiny Commission**

The Overview and Scrutiny Commission should not be regarded primarily as an "appeals" mechanism to overturn or amend specific decisions (although it may if it thinks fit, ask the Executive, Executive Member, the Council or Area Forum to reconsider a decision) rather its function is to hold the Executive to account and to represent the views of the public within the Council.

### **6.1.4 Who may sit on the Overview and Scrutiny Commission and Task Groups?**

Any Councillor, except Members of the Executive, may be a Member of the Overview and Scrutiny Commission. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

Any Councillor may be a Member of a Task Group.

### **6.1.5 Co-optees**

The Overview and Scrutiny Commission may appoint non-voting co-optees to assist with a particular review.

### **6.1.6 Frequency of Meetings**

The Overview and Scrutiny Commission shall meet on a similar cycle to that of the Executive. Meetings shall be held on Tuesdays following meetings of the Executive. Extraordinary meetings may be convened at any time by the Commission Chairman, by any five Members of the Commission or by the Head of Policy and Performance if he/she considers it necessary and appropriate.

### **6.1.7 Chairing the Overview and Scrutiny Commissions**

The Overview and Scrutiny Commission shall be Chaired by the Leader or nominated representative of the largest opposition political group on the Council at the time of the appointment.

### **6.1.8 Appointment of Chairman and Vice Chairman**

The Overview and Scrutiny Commission shall, at its first meeting before proceeding to any other business, elect a Chairman and Vice Chairman. In the event of the Council being politically balanced, the Council shall appoint the Chairman of the Overview and Scrutiny Commission. If the Chairman or Vice Chairman ceases to hold office the Commission shall elect a new Chairman or Vice Chairman at its next meeting.

### **6.1.9 Sub-Committees**

During the course of a Municipal Year the Overview and Scrutiny Commission may appoint a special Sub-Committee for purposes specified by the Commission and within its own terms of reference. Unless previously discontinued, each Sub-Committee shall cease at the same time as the Committee which appointed it.

Members of the Council (with the exception of Executive Members) may be appointed to serve on a Sub-Committee even though they are not Members of the Parent Committee.

### **6.1.10 Task Groups**

Task Groups shall conduct their business in accordance with the operating procedures approved from time to time by the Council.

**[Note: The general public admission and speaking rights as set out in Procedure Rule 6.16.4 do not extend to meetings of Task Groups. However, where a Task Group agrees, a specific invitation to attend and speak can be extended to a member of the public.]**

### **6.1.11 Quorum for Commission**

The quorum for a Commission shall be one third of the whole number of the members of the Commission or four members, whichever is the greater.

**[Note: This number does not include named substitutes unless they are representing a Member of Council who is unable to attend (Rule 6.6.8(b) refers).]**

### **6.1.12 Work Programme and Annual Report**

The Overview and Scrutiny Commission will be responsible, in liaison with the relevant Executive Members, be responsible for setting the work programme for itself, any Scrutiny Panels and its Task Groups. In setting the work programme the Commission shall take into account the wishes of Members on that Commission who are not members of the largest political group on the Council.

### **6.1.13 Agenda Items for the Overview and Scrutiny Commission, Scrutiny Panels and Task Groups**

Any Member of the Commission, Panel or Task Groups shall be entitled to give notice to the Head of Policy and Performance that he/she wishes an item relevant to the functions of the Commission to be included on the agenda for the next meeting or referred to the Overview and Scrutiny Commission for inclusion on the approved work programme. On receipt of the request the Head of Policy and Performance will ensure that appropriate action is taken.

### **6.1.14 Role of Commission in relation to Budget and Policy Framework**

The role of the Commission in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Rules of Procedure.

### **6.1.15 Role of Commission in relation to Other Matters**

In relation to the development of the Council's approach to other matters not forming part of the Budget and Policy Framework, the Commission may make proposals to the Executive for developments insofar as they relate to matters within their terms of reference.

## **6.3 Reports from the Overview and Scrutiny Commission**

### **6.3.1 Preparation of Report**

Once it has formed its recommendations the Overview and Scrutiny Commission will prepare a formal report and submit it to the Head of Policy and Performance for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework) or to Council as appropriate (eg; if the recommendation would require a departure from or a change to the agreed Budget or Policy Framework).

### **6.3.2 Preparation of Minority Report**

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

The body receiving the report shall consider it within six weeks of it being submitted to the Head of Policy and Performance, or such longer timescale as the Chairman of the Commission may agree.

### **6.3.3 Rights of Overview and Scrutiny Commission Members to Documents**

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

To facilitate effective communication more detailed liaison between the Executive and Overview and scrutiny Commission may take place depending on the particular matter under consideration.

#### **6.3.4 Members and Officers Giving Account**

The Overview and Scrutiny Commission may request the attendance of the appropriate Executive Member or any officer to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.

In this context “senior officer” means any Corporate Director, the Monitoring Officer, any of the Council’s Heads of Service or any senior manager on a list maintained by the Chief Executive.

#### **6.3.5 Notice of Attendance**

Where any Member or Officer is required to attend the Overview and Scrutiny Commission under this provision, the Chairman of the Commission will inform the Head of Policy and Performance. The Head of Policy and Performance shall inform the Member or Officer in writing giving at 5 clear 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 Commission. Where the account to be given to the Commission will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for the preparation of that documentation.

#### **6.3.6 Member Unable to Attend**

Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Commission shall, in consultation with the Member or Officer, arrange an alternative date for attendance.

#### **6.3.7 Attendance by Others**

The Overview and Scrutiny Commission may invite people other than those people referred to in Rule 6.3.5 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 may invite such people to attend. Attendance is of course entirely optional.

#### **6.3.8 Investigations**

Where the Overview and Scrutiny Commission conducts an investigation, the Commission may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:

- that the investigation be conducted fairly and all Members of the Commission be given an opportunity to ask questions of attendees and speak;
- that those assisting the Commission by giving evidence be treated with respect and courtesy; and
- that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

### **6.3.9 Report Following Investigations**

Following any investigation or review, a Commission shall prepare a report, for submission to Council, Executive or other Committee as it deems appropriate and shall make its report and findings public.

## **6.4 Access to Documents**

### **6.4.1 Rights to Copies**

Subject to Rule 6.4.2 below, Select Committees (including its Sub-Committees) will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to:

- any business transacted at a meeting of the Executive or its Committees; or
- any decision taken by an individual Member of the Executive.

### **6.4.2 Limit on Rights**

The Commission will not be entitled to:

- any document that is in draft form;
- any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or the advice of a political adviser.

## **6.5 Call-In**

### **6.5.1 Publication of Decisions**

The Head of Policy and Performance will publish all decisions of the Executive, Committees of the Executive, Area Forums, individual Members of the Executive and 'key decisions' taken under delegated powers of Officers ("Executive decisions") to all Members of Council normally within three clear working days of the decision. Decisions will generally be published at 5pm on a Wednesday and Friday each week, assuming that there are decisions to publish. If the body taking the decision reasonably considers that, for reasons of expediency which shall be stated in the notice of decision, a decision should not be subject to call-in procedures, the procedure outlined in Rule 6.5.3 shall not apply to that decision.

### **6.5.2 Decisions not Subject to Call-In**

The call-in procedure as set out below shall not apply where the decision taken by the Executive has to be implemented before the expiry of the call-in period. This will only be the case if one of the following applies:

- The item is due to be referred to Council for final approval, e.g. budget.
- If there were a delay in implementing the decision, this would have serious financial implications for the Council or could compromise the Council's position.
- The item has been considered by a Select Committee, or has been the subject of a review undertaken by another body e.g. Task Group associated with a Select Committee, within the preceding six months.
- The item is deemed an Urgent Key Decision as set out in Rule 5.4.7.

The reason why the item is "not subject to call-in" must be specified in the report. In the event of a dispute over the reason why the item is "not subject to call-in" the Monitoring Officer or the Section 151 Officer will be the final arbiter.

### **6.5.3 Non-Implementation of Decisions**

Except as outlined in Rule 6.5.1 above, or an item that is not subject to call-in (see Rule 6.5.2), Executive decisions shall not be capable of implementation until either:

- the time for a call-in request has expired without such a request being made; or
- the procedure in the following Rules has been followed.

### **6.5.4 Review of Decision**

Any five Members of Council (excluding Members of the Executive) may by 5pm on the fifth clear day following the publication of the decision give notice in

writing or by fax or e-mail to the Head of Policy and Performance requesting that the decision be reviewed by the Commission. The notice shall give reasons for the request ('call-in request').

### **6.5.5 Procedure Following Call-In**

When a call-in request is duly made, the Head of Policy and Performance shall inform the Executive Leader and the Chairman of the Commission and shall convene a special meeting of the Commission as soon as reasonably practicable for the purpose of reviewing the decision unless the matter can conveniently be reviewed at the next scheduled meeting of the Commission.

### **6.5.6 Review of Decision**

Any Member of Council who has signed a call-in request may attend the meeting of the Commission when the decision is reviewed and may speak to that item of business. The Commission cannot overturn the decision which it is reviewing but may either concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration. If the Commission is of the opinion that a decision is outside the Budget and Policy Framework approved by the Council, the Commission may refer the decision to the Council. The Council may concur with the decision (in which case it will take immediate effect) or refer it back to the Executive for further consideration.

### **6.5.7 Referral Back to Executive**

The Commission will produce a report to the next meeting of the Executive confirming either the original decision or proposing amendments to it in any way it thinks fit and shall give reasons for its final decision. If the Commission upholds the Executive decision, that decision shall take immediate effect (Rule 6.5.6 above refers).

Any matter which has been the subject of a call-in request may not be the subject of a further call-in request.

## **6.6 Meetings of Commission**

### **6.6.1 Ordinary Meetings**

The Commission will meet on a monthly basis immediately after meetings of the Executive (Tuesdays). Meetings for the transaction of general business shall be held on such days as the Council decides and as specified in the timetable of meetings.

### **6.6.2 Extraordinary Meetings**

Extraordinary meetings of the Commission may be called at any time by the relevant Chairman, by any five Members of the Commission, or by the Head of Policy and Performance if he/she considers it necessary or appropriate.

### **6.6.3 Adjustments to Dates**

The Chairman of the Commission in consultation with the Vice-Chairman and the Head of Policy and Performance, may make any adjustment to the date, time and place of meetings considered necessary or desirable.

### **6.6.4 Smoking**

There shall be a ban on smoking at all meetings.

### **6.6.5 Mobile Phones**

There shall be a ban on the use of mobile phones at all meetings.

### **6.6.6 Substitutes**

#### **(a) General**

In respect of the Commission, Sub-Committee and Panel (if appropriate) there shall be appointed for the Municipal Year such number (if any) of substitute Members as the Council may from time to time determine.

#### **(b) Appointment of Substitute**

If any Member of the Commission or Sub-Committee is unable to attend a meeting of the Commission or Sub-Committee they may appoint one of the nominated substitute Members for that Commission or Sub-Committee to act in their place at the meeting. The appointment shall only take effect if the Member making the appointment, or in the Member's absence their Group Leader or Deputy Group Leader, notifies the Head of Policy and Performance no later than 30 minutes before the meeting that they will be unable to attend the meeting and of the name of the appointed substitute Member.

#### **(c) Changing Substitutes**

A substitute may be changed during the Municipal Year provided that the Head of Policy and Performance or designated Officer receives a written request from the appropriate Group Leader or Deputy Group Leader no later than 30 minutes before the meeting.

### **6.6.7 Continuation of Meeting**

Meetings of the Select Committees should not normally continue past 10.00pm. If however the Chairman believes that business could be concluded

by 10.30pm, a Motion under Rule 6.9.2 (Motions which may be Moved without Notice) must be moved and supported by a majority of those Members present. All meetings will conclude by 10.30pm at the latest.

## **6.6.8 Commission Agenda**

The Head of Policy and Performance will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of Procedure. The Head of Policy and Performance will send an agenda by post to every Member of the Commission, co-optees and any individual Member who requests to receive the agenda, or leave it at their usual place of residence, at least five clear working days before a meeting unless the meeting is convened at shorter notice as a matter of urgency. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

[Note: Clear working days do not include day of agenda despatch or day of meeting.]

## **6.7 Order of Business**

### **6.7.1 Ordinary Meeting**

The order of business at an ordinary meeting of the Commission shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman are not present;
- (b) receive apologies for the inability to attend the meeting;
- (c) approve the Minutes of the last meeting;
- (d) receive any declarations of interest from Members;
- (e) receive petitions;
- (f) consider any matter referred to the Commission for a decision in relation to the call-in of a decision;

[Note: This item will be taken last on the agenda if the matter is of an exempt nature.]

- (g) receive responses of the Council, Executive or other Committees to reports of the Commission; and
- (h) consider any business specified in agenda for the meeting.

### **6.7.2 Extraordinary Meeting**

The order of business at an extraordinary meeting of a Commission shall be to:

- (a) elect a person to preside if the Chairman or Vice-Chairman are not present;
- (b) receive apologies for the inability to attend the meeting;

- (c) receive any declarations of interest from Members;
- (d) consider any business specified in the agenda for the meeting.

[Note: No petitions may be received at an Extraordinary Meeting.]

### **6.7.3 Variation**

With the exception of business specified in (a)-(d) of Rule 6.7.1 and (a)-(c) of Rule 6.7.2 above, the order of business may be varied at the discretion of the Chairman.

## **6.8 Commission Minutes**

### **6.8.1 Approval**

The Chairman of the Commission shall move "that the Minutes of the meeting of the *Commission* held on (*date*) be signed as a correct record".

### **6.8.2 Accuracy**

Only the accuracy of the Minutes may be raised and an amendment put forward to propose a change of wording. As soon as any such amendment has been agreed, the Chairman will sign the Minutes.

[Note: Any amendments to the Minutes should be set out in the Minutes of the subsequent meeting and not marked on the original set of Minutes under discussion. However, if the Minutes are amended they should be annotated with the words "These Minutes have been amended".]

### **6.8.3 Signing Minutes**

Minutes shall be submitted to and signed by the Chairman at the next meeting of the Commission which is not an Extraordinary Meeting.

## **6.9 Motions**

### **6.9.1 Consideration of Motion**

At any meeting of the Commission, except an Extraordinary Meeting that does not appear in the timetable of meetings, a Notice of Motion may be submitted under this Rule for consideration.

### **6.9.2 Motions which may be Moved without Notice**

The following Motions may be moved without notice:

To appoint a Chairman of the meeting if the Chairman and Vice-Chairman of the Commission are absent.

Motions relating to:

- (a) accuracy of Minutes;
- (b) closure or adjournment of the meeting;

(c) order of or next business.

To refer any matter to the Council or a Committee, or a Statutory Officer.

To receive minutes and reports and adopt recommendations of Committees and officers and any consequential Motions.

To withdraw a Motion or amendment with leave of the Chairman.

To amend a Motion.

To extend the time limit for speeches.

To allow the continuation of a meeting past 10.00pm.

To suspend a Procedure Rule in accordance with Rule 6.9.3 (Suspension of Rules of Procedure) below.

To exclude the press and public in accordance with the statutory provisions.

That a Member named under Rule 6.13. (Behaviour of Members) be not further heard or leave the meeting.

To allow a member of the public to speak in accordance with paragraph 6.16.4 (Speaking).

[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules 6.9.2 and 6.9.3 provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]

### **6.9.3 Suspension of Rules of Procedure**

With the exception of Rules 6.8.3 (Signing Minutes) and 6.15.2 (Recording of Votes) any Procedure Rule may be suspended for any business at a meeting where its suspension is moved provided either:

notice of Motion has been given; or

at least one half of the whole number of Members of the Select Committee are present.

[Note: See Rule 6.9.2 above]

### **6.10 Procedure for Reports at Commission Meetings**

#### **6.10.1 Consideration of Reports**

The Chairman of the Commission or appropriate Officer shall present any report requiring the Committee's approval. Once the recommendation has been moved and accepted, the matter is open for debate, and Members of the Committee may make statements and ask questions as appropriate. The Rules of Debate set out in Rule 6.12 will apply.

### **6.11 Petitions**

### **6.11.1 Scope of Petitions**

Petitions must relate to Select Committee business or to matters of concern to the District of West Berkshire and fall within the terms of the body to which they are presented.

[Note:

1. Petitions may only be presented at one forum of the Council which will include petitions handed direct to the appropriate Council Officers.
2. Petitions requesting the Council to review a decision or policy in relation to a quasi-judicial matter (Licensing, etc.) shall not be presented to the Council, Executive, Overview and Scrutiny, Regulatory and other Committees and Area Forums until and unless the other means of appeal available to an appellant (Magistrates and County Court) have been activated.

The presentation of petitions is subject to the Procedure Rules covering the Six Month Rule (6.14.1) and may not therefore be resubmitted to a Council forum unless the provisions of the Six Month Procedure Rule are met.]

### **6.11.2 Inspection of Petitions**

Petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Performance Unit.

### **6.11.3 Notice of Petitions**

Where notice of a petition is given to the Head of Policy and Performance by 10.00am seven clear working days before the meeting details will be included in the agenda.

### **6.11.4 Presentation of Petitions by Members of Council**

Members of Council who receive a petition from a member of the public can either:

- (a) present it at the appropriate meeting; or
- (b) pass it to the appropriate Officer.

Members of the Council may also present petitions directly to a Select Committee or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

The Chairman of the Select Committee will advise the Member presenting the petition as to how the petition will be dealt with. However, if a petition relates

to a matter on the agenda for the meeting of the Select Committee at which it is presented it shall be dealt with at that meeting.

Only Members of Council may present petitions to Council, and must do so by formally reading or summarising the petition, giving details of the number of signatures and stating its purpose. They must not otherwise address the Council unless the Chairman so consents. Petitions relating to planning applications will normally be received by Officers during the planning consultation process.

### **6.11.5 Presentation of Petitions by Members of the Public**

Members of the public may either present petitions directly to an Officer, Select Committee or Sub-Committee and speak for up to five minutes on that petition. No further debate shall take place unless the relevant body receives a report on the matter.

The petitioner will be advised either by the Chairman of the body where the petition was presented, or by the Head of Policy and Performance, within three clear working days, as to where the petition will be referred.

However, if the petition relates to a matter on the agenda for the meeting of the Select Committee at which it is presented, it shall be dealt with at that meeting.

Petitions relating to planning applications will normally be received by Officers during the planning consultation process.

### **6.11.6 Petitions Received Outside of the Council's Meetings**

Petitions received outside of the Council's meetings (i.e. presented to an Officer), should abide by the following procedure:

The Officer receiving the petition will acknowledge the petition and send a copy to the appropriate Ward Member.

If the petition has less than 10 signatures, then the matter will be dealt with by the appropriate Officer.

If the petition has more than 10 signatures, then the Officer will complete a 'Petition Submission Form' and send a copy of the petition, the submission form and the acknowledgement letter to the Policy and Performance Unit. The submission form will identify to which decision-making body i.e. the Executive or Area Forum meeting the response will be tabled and on which date.

The Policy and Performance Unit will record centrally the petition and, using the information provided on the submission form, will ensure that the item is included on the West Berkshire Council Forward Plan.

The Policy and Performance Unit will invite the petitioner to attend the meeting at which their petition is timetabled. A copy of the appropriate agenda and

report will be sent with the letter and a copy will be sent to the Ward Member(s).

## **6.12 Rules of Debate**

### **6.12.1 Seconding**

A Motion or amendment shall not be discussed until it has been formally moved and seconded.

### **6.12.2 Writing**

The Chairman of a Select Committee may require a Motion or amendment to be put into writing before it is discussed or voted upon.

### **6.12.3 Speech Content**

Members shall direct speeches to the matter under discussion, a point of order or personal explanation.

### **6.12.4 Speech Length**

The Chairman may terminate a speech by a Member if he/she considers that it is not contributing to the effective working of the meeting.

### **6.12.5 Amendments**

An amendment shall

refer a subject of debate to Council, a Committee or Statutory Officer for consideration or reconsideration unless the Executive Leader rules otherwise in the interests of expedience; or

leave out words; or

leave out words and add others; or

insert or add words

not have the effect of introducing new subject matter or of negating the Motion before the Executive.

### **6.12.6 In-Depth Reviews**

In undertaking in-depth reviews, Select Committees shall be entitled to invite interested parties to attend their meetings. Unless otherwise agreed by the Chairman, persons attending the Overview and Scrutiny Commission to provide evidence shall do so according to a pre-agreed timetable.

## **6.13 Behaviour of Members**

### **6.13.1 Disorderly Conduct**

If, at a meeting of a Select Committee, a Member:

persistently disregards the ruling of the Chairman; or  
behaves irregularly, improperly or offensively; or  
wilfully obstructs the business of the Select Committee;

**any Member may move:**

that the Member named not be heard any further;  
that the Member named shall leave the meeting; and  
if the Motion is seconded, it be put to the vote without discussion.

**6.13.2 Suspension of Sitting**

If there is a general disturbance or if the named Member continues to misbehave after a Motion under Rule 6.9.2 (Motions which may be Moved without Notice) has been carried and orderly business is prevented, the Chairman of the Select Committee may adjourn the meeting for as long as he/she considers necessary.

**6.14 Rescinding an Earlier Resolution**

**6.14.1 Six Months Rule**

The Overview and Scrutiny Commission cannot move a Motion to rescind a decision made at a meeting of the Council within the preceding six months.

**6.14.2 Rejected Motion**

A Motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved.

**6.14.3 Committee Decision**

A Committee or Sub-Committee may, by a majority of those voting, rescind a decision that it has previously made.

**6.15 Voting**

**6.15.1 Method of Voting**

Voting shall be by show of hands.

**6.15.2 Recording of Votes**

A record of how a vote is or votes are cast (as the case may be) will be made if:

- (a) before a vote is taken any Member requests that the vote be recorded and three other Members support that request by standing in their places. In these circumstances the Head of Policy and Performance or his/her representative will call the name of each Member present and each Member will respond for or against the Motion or abstaining;
- (b) immediately after a vote has been taken any Member requests that their vote for or against or their abstention be recorded.

### **6.15.3 Equality of Votes**

In the event of an equality of votes the Chairman shall have a second or casting vote.

### **6.15.4 Appointments to Outside Bodies**

If more than two persons are nominated for any position to be filled by a Select Committee the outcome shall be determined by a simple majority of votes. If there is no majority the Overview and Scrutiny Commission can decide not to appoint.

## **6.16 Press and Public**

### **6.16.1 Admission**

The press and public shall be permitted to attend meetings of Select Committees unless excluded under provisions contained in Part 1 Schedule 12A of the Local Government Act 1989.

### **6.16.2 Exclusion of Employee**

During any discussion on the appointment, promotion, dismissal, salary, conditions of service or conduct of a Council employee, the employee shall not be present except to make representations on his/her own behalf either personally or by or with such representatives as the Council may agree to receive.

### **6.16.3 Removal**

If a member of the public interrupts the proceedings at any meeting the Chairman may, after warning, order their removal from the Overview and Scrutiny Commission meeting. If there is a general disturbance the Chairman shall order that the part of the room open to the public be cleared.

#### **6.16.4 Speaking**

Members of the public may only speak at a meeting if the Select Committee so resolves.

#### **6.16.5 Co-optees – Access to Information Act**

Only voting co-optees on Select Committees shall be entitled to take part and vote on issues which are deemed to be either confidential or exempt in nature, as set out in Rule 6.1.5

#### **6.16.6 Televising and Sound Recording of Meeting**

The televising and sound recording of meetings will be permitted in accordance with the protocol relating to this matter. The protocol can be found at Appendix A to Part 6.