

Part 6

Overview and Scrutiny Rules of Procedure

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1.1	23 Sept 2008	Amendment to allow Members of Council to speak on called-in items at meetings of the O&SC with the consent of the Chairman (paragraph 6.4.6)	
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6.1 Constitution of the Overview and Scrutiny Management Commission, Sub-Committees, and Task Groups

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6.1.1 General

The Council will have the Overview and Scrutiny Management Commission, to which will report Sub Committees and other Task Groups, as set out in Article 7 and will appoint them as it considers appropriate from time to time.

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The Overview and Scrutiny Management Commission has the power to review or scrutinise decisions taken by the Executive or any other part of the Council and make reports to the Council or the Executive. It can also report on any matters that affect the authority's areas and its inhabitants. Its role includes both developing and reviewing policy and holding the Executive to account.

The Overview and Scrutiny Management Commission may discharge its responsibilities through mechanisms including Scrutiny Review, Decision Call-in and the Councillor Call for Action.

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Although the Overview and Scrutiny Management Commission may make recommendations for changes or improvements in the way that the Council or other bodies enact their business it does not have any direct decision making powers, except for in the way that it discharges its own responsibilities.

6.1.2 Overview and Scrutiny Management Commission Terms of Reference

The Overview and Scrutiny Management Commission will have the powers to:

- (a) Have overall responsibility for the management, co-ordination and development of the scrutiny function through which the decisions taken by the Executive and by Committees and Officers of the Council are scrutinised and the use of resources/provision of services are reviewed.
- (b) Be aware of the 'Forward Plan', the forward work programme and other anticipated decisions of the Executive and Council services
- (c) Monitor the decisions taken by or on behalf of the Executive and the activities of service areas;
- (d) Exercise the right set out in the Procedure Rules to call-in and recommend for reconsideration any decisions made but not yet implemented by on or behalf of the Executive, Leader, Executive Member or Officers;
- (e) Receive requests from members of the public, Councillors, Officers of the Council, co-optees, the West Berkshire Partnership or other organisations for particular topics to be scrutinised and determine the appropriate action.
- (f) Appoint task-orientated, time-limited overview and scrutiny Task Groups to review in depth, investigate and report on a particular topic

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with such terms of reference and duration as it considers appropriate to that topic.

- (g) Consider and formally agree the reports of all Task Groups and submit them to the Executive and/or relevant agencies for response and action,
- (h) Consider and formally agree the reports of Sub Committees and Task Groups and submit them to the Executive for consideration.
- (i) Establish and develop effective working relationships between the Overview and Scrutiny Management Commission and the West Berkshire Partnership, the Executive and its Members, Committees and Sub-Committees of the Council and its Officers.
- (j) Have responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies.
- (k) Have responsibility for progressing and monitoring the overall objectives of the overview and scrutiny function.
- (l) Agree terms of reference and work plans of Task Groups and other time limited groups, (for example those dealing with Community Calls for Action), and monitor their progress.
- (m) Undertake overview and scrutiny reviews, as deemed appropriate.

6.1.3 Scrutiny Task Groups

The Overview and Scrutiny Management Commission will appoint task-orientated, time-limited scrutiny panels to review in depth, investigate and report on particular topics related to the functions of the Council or the District, with such terms of reference and duration as it considers appropriate to the relevant topic.

6.1.4 Councillor Call for Action

The Overview and Scrutiny Management Commission will appoint time limited Councillor Call Panels to address issues arising through Councillor Calls for Action where the Commission considers it appropriate. Councillor Call Panels shall consist of non executive councillors from the affected locality and scrutiny voluntary co-optees (or statutory education co-optees if the issue includes education matters).

6.1.5 Who may sit on the Overview and Scrutiny Management Commission and Task Groups?

Any Councillor, except Members of the Executive, may be a Member of the Overview and Scrutiny Management Commission or its Sub-Committees. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

Any Councillor may be a Member of a Task Group.

6.1.6 Co-optees

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

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<#>The Select Committees will:¶¶
<#>Have an overview of the practice and policy of the relevant thematic areas; ¶¶
<#>Identify areas of service practice and implementation or of policy that cause concern to members of the public and councillors and report these to the Overview & Scrutiny Management Committee to determine what action should be taken; ¶¶
<#>Receive internal and external inspection reports on the services and challenge the action plans drawn up in response to problems that have been identified; monitor progress in implementing the action plans; ¶¶
<#>Ensure that the communities of West Berkshire and specific users of services are able to be involved in and inform the work of the Select Committees; ¶¶
<#>Promote the work of the Select Committees, including through the local media. ¶¶
<#>Develop focussed programmes of work and identify the most appropriate means of progressing such work including the use of task groups; ¶¶
<#>Scrutinise the work of the local strategic partnership and its sub-partnerships, specifically the performance of the sub-partnerships in relation to the Local Area Agreement ¶¶
<#>Scrutinise the effectiveness of the Council's representatives i (... [1]

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6.1.7 Frequency of Meetings

The Overview and Scrutiny Management Commission shall meet on a similar cycle to that of the Executive. Meetings shall be held on the second Tuesday 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 Communication if ~~they~~ consider it necessary and appropriate.

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6.1.8 Appointment of Chairman and Vice-Chairman

The Overview and Scrutiny Management 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 Management 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.

The Chairman of the Overview and Scrutiny Committee shall cease to hold office if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of Full Council by a majority of the Members of the whole Council.

6.1.9 Sub-Committees

During the course of a Municipal Year the Overview and Scrutiny Management 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 6.17,4(Speaking) 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.]

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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 6.7.3 (Substitutes) refers).]

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6.1.12 Quorum for the Sub Committees

The quorum for a Sub Committee shall be one third of the whole number of the members of the Committee or three 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 6.7.3 (Substitutes) refers).]

6.1.13 Work Programme and Annual Report

The Overview and Scrutiny Management Commission will be responsible for setting the work programme for itself, any Sub Committees 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.

6.1.14 Agenda Items for the Overview and Scrutiny Management Commission, Sub Committees and Task Groups

Any Member of the Commission, Sub Committees or Task Groups shall be entitled to give notice to the Head of Policy and Communication that they wish 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 Management Commission for inclusion on the approved work programme. On receipt of the request the Head of Policy and Communication will ensure that appropriate action is taken.

6.1.15 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.

6.1.16 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.

6.2 Access to Documents

6.2.1 Rights to Documents by Members Conducting Scrutiny

In addition to their rights as Councillors, Members of the Overview and Scrutiny Management Commission, the Sub Committees and Task Groups have the right to documents, and notice of meetings as set out in the Access to Information Rules of Procedure in Part 8 of this Constitution.

To facilitate effective scrutiny more detailed liaison between the Executive and Overview and Scrutiny Management Commission, Sub Committee or Task Group may take place depending on the particular matter under consideration.

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<#>Where a chair of one of the Select Committees is unable to attend a meeting of the Overview and Scrutiny Management Commission arrangements should be made by the appropriate Group to nominate an alternative Member of the Select Committee to ensure representation at that meeting.¶
<#>Named substitutes shall be nominated for the Select Committees.¶

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6.2.2 Rights to Copies

Subject to Rule 6.2.3 ([Limit on Rights](#)) below, the Overview and Scrutiny Management Commission 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.

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6.2.3 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.

6.3 Reports from the Overview and Scrutiny Management Commission

6.3.1 Preparation of Report

Once it has formed its recommendations the Overview and Scrutiny Management Commission will prepare a formal report and submit it to the Head of Policy and Communication for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework) or to Council (e.g. if the recommendation would require a departure from or a change to the agreed Budget or Policy Framework) or to individually named external organisations (those named with a responsibility to co-operate with Scrutiny, in accordance with the relevant legislation) or the West Berkshire Partnership Management Board as appropriate.

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6.3.2 Preparation of Minority Report

If the Overview and Scrutiny Management Commission cannot agree on one single report to the Executive or to Council or to a named external organisation or the West Berkshire Partnership Management Board 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 eight weeks of it being submitted to the Head of Policy and Communication, or such longer timescale as the Chairman of the Commission may agree.

6.3.3 Members and Officers Giving Account

The Overview and Scrutiny Management Commission, [Sub Committees](#) or [Task Groups](#) may request the attendance of the appropriate Executive Member or any Senior Officer to attend a meeting in order to provide advice and evidence in pursuit of a review being undertaken.

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In this context “Senior Officer” means any Corporate Director, the Monitoring Officer, any of the Council’s Heads of Service or any Officer nominated by the relevant Head of Service.

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6.3.4 Notice of Attendance

Where any Member or Officer is required to attend the Overview and Scrutiny Management Commission, Sub Committees or Task Groups under this provision, the Chairman of the Commission will inform the Head of Policy and Communication. The Chief Executive, Corporate Directors or Head of Service can be asked to attend. Officers below second tier may attend but will usually be accompanied by a senior manager.

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Where a petition to Hold an Officer to Account is referred to the Overview and Scrutiny Management Commission under the Council’s Petition Scheme (Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations)) the Officer named in the petition and any other relevant Officers will be required to attend the Commission. The Officer will be provided with the petition and any questions submitted by the petition organiser.

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The Head of Policy and Communication shall inform the Member or Officer in writing giving at least 5 clear working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Commission, Sub Committee or Task Group. Where the account to be given to the Commission, Sub Committee or Task Group 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.

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6.3.5 Member/Officer Unable to Attend

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

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6.3.6 Attendance by Others

The Overview and Scrutiny Management Commission, Sub Committees or Task Groups may invite people other than those people referred to in Rule 6.3.3 (Members and Officers Giving Account) 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. Unless mandated by legislation, attendance is of course entirely optional.

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Where the Overview and Scrutiny Management Commission, Sub Committees or Task Groups conduct a scrutiny review, the Commission will ask people to attend to give evidence at meetings which will be conducted in accordance with the following principles:

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- that the meeting 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 meeting be conducted so as to maximise the efficiency of the review.

6.3.7 Report Following Reviews

Following any review, the scrutinising body shall prepare a draft report, with recommendations as appropriate, for publication and submission to the Overview and Scrutiny Management Commission. The Overview and Scrutiny Management Commission will agree or amend the report and direct it to the Head of Policy and Communication. The Head of Policy and Communication will then refer the report to the Council, Executive or other Committee as they deem appropriate for a formal response to the report's recommendations. Reports with implications for outside bodies shall be passed to the appropriate management forum.

6.3.8 Response To Scrutiny Reviews

A response to each [of](#) the Overview and Scrutiny Management Commission's recommendations will normally be given within 56 days of the report's production.

6.4 Call-In

6.4.1 Publication of Decisions

The Head of Policy and Communication will publish all decisions of the Executive, Committees of the Executive, 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 ~~by 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 6.4.3 ([Non-Implementation of Decisions](#)) shall not apply to that decision.

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6.4.2 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 the Overview and Scrutiny Management Commission, or has been the subject of a review undertaken by another body e.g. [Task Group](#), within the preceding six months.

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- The item is deemed an Urgent Key Decision as set out in Rule 5.4.7 ([Special Urgency-Key Decision](#)) ([Part 5 of the Constitution](#)).

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.

6.4.3 Non-Implementation of Decisions

Except as outlined in Rule 6.4.1 ([Publication of Decisions](#)) above, or an item that is not subject to call-in (see Rule 6.4.2 – [Decisions Not subject to Call-In](#)), 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.

6.4.4 Review of Decision

Any five Members of Council (excluding [any Members involved in making the original decision](#)), may by 5pm on the fifth clear working day following the publication of the decision give notice in writing or by fax or e-mail to the Head of Policy and Communication requesting that the decision be reviewed by the Commission. The notice shall give reasons for the request ('call-in request'), [together with a proposal for an alternative course of action and states whether or not those Members believe that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget](#),

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6.4.5 Procedure Following Call-In

When a call-in request is duly made, the Head of Policy and Communication shall inform the Executive Leader and the Chairman of the Commission, and shall in consultation with the Executive Leader 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.

[If the request for a call-in states that the reason for it being called in is that the decision is outside the budget or policy framework it will be referred to the Monitoring or Section 151 Officer who shall decide if this is the case.](#)

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6.4.6 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. If a Member of Council wishes to speak to a called-in item, but has not signed the call-in request, they can request the permission of the [Chairman](#) of the Commission to speak to the item, giving 24 hours notice in advance of the meeting in question.

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, having taken advice from the Council's Monitoring Officer or Section 151 Officer 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.

6.4.7 Referral Back to Executive

The Commission will produce a report with its findings to the next meeting of the Executive (i.e. the meeting following the call-in request) unless there are exceptional circumstances why this cannot be achieved. In these circumstances the Chairman of the Commission and the Leader of the Council will agree a revised timetable. The report will either confirm the original decision or propose 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.

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

6.5 Councillor Call for Action

6.5.1 Description

The Councillor Call for Action (CCfA) is a mechanism that provides elected Members of the Council with the opportunity to ask for discussions at scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted.

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6.5.2 Operation

Councillor Calls for Action will be conducted in accordance with the protocol at Appendix I of Part 13 (Codes and Protocols).

6.6 Order of Business

6.6.1 Ordinary Meetings

The Commission will usually meet on the second Tuesday following the meeting of the Executive. 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 Order of Business - 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 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) consider any item referred to the Commission as a Councillor Call for Action;
- (h) receive responses of the Council, Executive or other Committees to reports of the Commission; and
- (i) consider any business specified in the agenda for the meeting.

6.6.3 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 Communication if they consider it necessary or appropriate.

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6.6.4 Order of Business - 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.]

6.6.5 Variation

With the exception of business specified in (a)-(d) of Rule 6.6.2 (Order of Business – Ordinary Meeting) and (a)-(c) of Rule 6.6.4 (order of Business – Extraordinary Meeting) above, the order of business may be varied at the discretion of the Chairman.

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The Commission will usually meet on the second Tuesday following the meeting of the Executive. 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.¶
<#>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 Communication if he/she considers it necessary or appropriate.¶

6.7 Meetings of Commission

6.7.1 Adjustments to Dates

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

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6.7.2 Electronic Communication Devices

There shall be a ban on the use of electronic communication devices at all meetings.

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6.7.3 Substitutes

General

In respect of the Commission, Sub Committee or Task Group (if appropriate) there shall be appointed for the Municipal Year such number

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The Overview and Scrutiny Management Commission will not have named substitutes but, in the event that they are required, they will be drawn from the same political party and Select Committee as the Member requiring the substitute.

(if any) of substitute Members as the Council may from time to time determine.

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 substitutes 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, Deputy Group Leader or Group Support Officer, notifies the Head of Policy and Communication 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.

Changing Substitutes

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

6.7.4 Continuation of Meeting

Meetings of the Commission or Sub 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 6.10.4 (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.

6.7.5 Commission and Sub Committee Agenda

The Head of Policy and Communication 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 Communication will send an agenda to every Member and Substitute of the Commission, as well as co-optees. 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.]

6.8 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

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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 Petitions

6.9.1 Scope of Petitions

The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions fall within the terms of reference of the Commission. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officers.

6.9.2 Inspection of Petitions

Paper petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Communication Service Unit. Copies of the nature of paper petitions submitted at Scrutiny meetings will also be placed on the Council's website. The Council's website also hosts ePetitions available for public inspection.

6.9.3 Notice of Petitions

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

6.9.4 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.

The Chairman will advise the Councillor presenting the petition as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting at which it is presented it shall be dealt with at that meeting.

Members of the Council may present petitions directly to the Commission 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.

Petitions relating to licensing or planning applications will normally be received by Officers during the Licensing or Planning Consultation Process.

6.9.5 **Presentation of Petitions by Members of the Public**

Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Members of the public are not able to present petitions to the Overview and Scrutiny Management Commission. Members of the public may present petitions to the Executive, to a Council Officer, or invite a Councillor to submit a petition on their behalf to Full Council.

6.9.6 **Petitions received outside of the Council’s meetings**

Petitions received outside of the Council’s meetings (i.e. presented to an Officer), will also be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

The Officer receiving the petition will acknowledge the petition and send a copy to the appropriate Ward Member(s) and notify the Policy and Communication Service for inclusion on the petitions website and the Forward Plan.

Policy and Communication will invite the petition organiser to attend the meeting at which their petition is to be answered, where this response is not made by Individual Decision. 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)

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6.10 **Motions**

6.10.1 **Scope of Motion**

Motions must relate to matters of concern to the District of West Berkshire and to the terms of reference of the Commission.

6.10.2 **Submission 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.

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6.10.3 **Consideration of Motion**

The Commission can debate the Motion at the meeting, or if deemed appropriate, refer the Motion to a sub-Committee or Officers for a report to be considered at a subsequent meeting.

6.10.4 **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:
 - accuracy of Minutes;
 - closure or adjournment of the meeting;
 - order of or next business.

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- 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 allow the continuation of a meeting past 10.00pm.
- To suspend a Procedure Rule in accordance with Rule 6.11.1 (Suspension of Rules of Procedure) below.
- To exclude the press and public in accordance with the statutory provisions.
- That a Member named under Rule 6.14 (Behaviour of Members) be not further heard or leave the meeting.
- To allow a member of the public to speak in accordance with paragraph 6.17.4 (Speaking).

[Note: Any Procedure Rule may be suspended in accordance with Procedure Rules 6.11.1 (Suspension of Rules of Procedure) and 6.11.2 (Variation/ Revocation of Rules of Procedure) provided the effect either individually or cumulatively is not to suspend all Procedure Rules.]

6.11 Suspension, Variation and Revocation of Rules of Procedure

6.11.1 Suspension of Rules of Procedure

With the exception of Rules 6.8.3 (Signing Minutes) and 6.16.3 (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 Sub Committee are present.

[Note: See Rule 6.10.4 (Motions which may be moved without notice) above.]

6.11.2 Variation/Revocation of Rules of Procedure

Any motion to vary or revoke the Rules of Procedure shall when proposed and seconded stand referred without discussion to the next ordinary meeting of the Executive.

6.12 Procedure for Reports at Commission and Sub Committee Meetings

6.12.1 Consideration of Reports

Reports will be presented by the appropriate Member or Officer. Once introduced the matter is open for debate and Members of the Committee

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An amendment shall:¶
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<#>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 Commission or

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may make statements and ask questions as appropriate. The Rules of Debate set out in Rule 6.13 (Rules of Debate) will apply.

6.12.2 Confidentiality and Non-Disclosure of Reports

Reports to the Commission, Sub-Committees or Task Groups which are "not for publication" in accordance with the statutory provisions on the grounds that they contain confidential or exempt information shall be treated as confidential and shall not be disclosed by a Member or Officer of the Council unless the Commission, Sub-Committee, or Task Group decides otherwise.

After the meeting of the Commission, Sub-Committee, or Task Group the information shall continue to be treated as confidential except insofar as it ceases to be confidential by virtue of the statutory provisions or its inclusion in the Minutes of the meeting which are made available for public inspection.

6.13 Rules of Debate

6.13.1 Seconding

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

6.13.2 Writing

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

6.13.3 Speech Content

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

6.13.4 Speech Length

The Chairman may terminate a speech by a Member if they consider that it is not contributing to the effective working of the meeting.

6.13.5 Amendments

An amendment to a Motion must be relevant to the Motion and will either be:

- to 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
- to leave out words; or
- to leave out words and add others; or
- to insert or add words;

as long as the effect of (b) to (d) is not to negate the Motion or to introduce a new subject matter.

6.13.6 Interested parties

The Commission and Sub Committees shall be entitled to invite interested parties to attend their meetings. Unless otherwise agreed by the

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<#>Scope of Petitions¶

The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions fall within the terms of reference of the Commission. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officers.¶

<#>Inspection of Petitions¶

Petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Communication Service Unit. Copies of all petitions submitted at Scrutiny meetings will also be placed on the Council's website for inspection.¶

<#>Notice of Petitions¶

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

<#>Presentation of Petitions by Members of Council¶

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Chairman, persons attending the Overview and Scrutiny Management Commission to provide evidence shall do so according to a pre-agreed timetable.

6.14 Behaviour of Members

6.14.1 Disorderly Conduct

If, at a meeting of the Commission or Sub Committee, a Member:

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- persistently disregards the ruling of the Chairman; or
 - behaves irregularly, improperly or offensively; or
 - wilfully obstructs the business of the Commission; 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.

6.14.2 Suspension of Sitting

If there is a general disturbance or if the named Member continues to misbehave after a Motion under Rule 6.10.4 (Motions which may be Moved without Notice) has been carried and orderly business is prevented, the Chairman of the Commission may adjourn the meeting for as long as they consider necessary.

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6.15 Rescinding an Earlier Resolution

6.15.1 Six Months Rule

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

6.15.2 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.

6.15.3 Committee Decision

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

6.16 Voting

6.16.1 Method of Voting

Voting shall be by show of hands. Unless the Constitution or the law provides otherwise any matter will be decided by a simple majority of those present and permitted to vote on the matter at the time the question is put.

6.16.2 Chairman's Casting Vote

In the event of equal numbers of votes for and against the Executive Leader (or standing Chairman) will have a second or casting vote.

6.16.3 Recording of Votes

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

- 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 Communication or his/her representative will call the name of each Member present and each Member will respond for or against the Motion or abstaining;
- immediately after a vote has been taken any Member requests that their vote for or against or their abstention be recorded.

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6.16.4 Appointments to Outside Bodies

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

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

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6.17 Press and Public

6.17.1 Admission

The press and public shall be permitted to attend meetings of the Overview and Scrutiny Management Commission unless excluded under the relevant provisions contained in the Local Government Act 1972, the Access to Information Rules of Procedure, or any other legislative provision.

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6.17.2 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.

6.17.3 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 Management Commission meeting. If there is a general disturbance the Chairman shall order that the part of the room open to the public be cleared.

6.17.4 Speaking

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

6.17.5 Co-optees – Access to Information

Only voting co-optees on the Commission 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. 6. (Co-optees)

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6.17.6 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.

Appendix A

Code of Practice Relating to Televising and Sound Recording of Meetings

The televising or sound recording of meetings of the Council, Executive, Committees or Commissions will be permitted, subject to the Code of Practice set out below:

1. Requests for permission to film or take sound recordings should be submitted 24 hours before the start of the meeting to the Head of Policy and Communication and may be refused if it is considered that the meeting room is not of an adequate size or because of reasons specified by the Head of Policy and Communication.
2. The Head of Policy and Communication shall consult the Chairman or Vice-Chairman of the meeting regarding a request to film or record a meeting.
3. Filming or recording will only be permitted for a public purpose.
4. Television crews or persons undertaking sound recording shall comply with the requests of the Head of Policy and Communication or his representatives as to arrangements for filming and recording.
5. No filming or recording will be permitted, and persons present for those purposes will be required to leave the meeting, if a resolution is passed under Section 100A of the Local Government Act 1972 excluding the press and public from the meeting.
6. Filming or recording of a member of the public will only be permitted if the Executive, Committee, Commission, etc., agrees.
7. Filming or sound recording must not cause any nuisance or interfere with any electronics or with the conduct of the meeting.
8. No link will be permitted to the Council's sound recording equipment, neither may any equipment be placed on tables within the area occupied by Members or Officers.
9. If there is a breach of this Code of Practice, the Chairman may at his or her discretion, after a warning, order that no further sound recording or filming shall take place during the meeting

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Select Committees Terms of Reference

The Select Committees will:

Have an overview of the practice and policy of the relevant thematic areas;

Identify areas of service practice and implementation or of policy that cause concern to members of the public and councillors and report these to the Overview & Scrutiny Management Committee to determine what action should be taken;

Receive internal and external inspection reports on the services and challenge the action plans drawn up in response to problems that have been identified; monitor progress in implementing the action plans;

Ensure that the communities of West Berkshire and specific users of services are able to be involved in and inform the work of the Select Committees;

Promote the work of the Select Committees, including through the local media.

Develop focussed programmes of work and identify the most appropriate means of progressing such work including the use of task groups;

Scrutinise the work of the local strategic partnership and its sub-partnerships, specifically the performance of the sub-partnerships in relation to the Local Area Agreement

Scrutinise the effectiveness of the Council's representatives in regional/sub regional and national forums.

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Membership of the Overview and Scrutiny Management Commission will comprise the chairmen of the Select Committees plus two other Members. If required, membership will include additional

Members to meet proportionality rules. A Member of the Executive may not be a Member of the Executive.

Who may sit on Select Committees

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Order of Business

Ordinary Meeting

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

elect a person to preside if the Chairman or Vice-Chairman are not present;

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receive apologies for the inability to attend the meeting;

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approve the Minutes of the last meeting;

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receive any declarations of interest from Members;

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receive petitions;

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consider any matter referred to the Commission

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in relation to the call-in of a decision;

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

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consider any item referred to the Commission as a Councillor Call for Action;

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receive responses of the Council, Executive or other Committees to reports of

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the Commission; and

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consider any business specified in the agenda for the meeting.

Extraordinary Meeting

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

elect a person to preside if the Chairman or Vice-Chairman are not present;

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receive apologies for the inability to attend the meeting;

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receive any declarations of interest from Members;

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consider any business specified in the agenda for the meeting.

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

Variation

With the exception of business specified in (a)-(d) of Rule 6.7

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.2 above, the order of business may be varied at the discretion of the Chairman.

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Petitions

Scope of Petitions

The Council welcomes petitions and recognises that they are one way in which people can let the Council know about their concerns. Petitions fall within the terms of reference of the Commission. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations). Petitions may only be presented at one forum of the Council which will include petitions handed directly to the appropriate Council Officers.

Inspection of Petitions

Petitions received by the Council will be available for public inspection during the Council's opening hours from the Policy and Communication Service Unit. Copies of all petitions submitted at Scrutiny meetings will also be placed on the Council's website for inspection.

Notice of Petitions

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

Presentation of Petitions by Members of Council

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

- present it at the appropriate meeting; or
- pass it to the appropriate Officer.

The Chairman will advise the Councillor presenting the petition as to where the petition will be referred. However, if the petition relates to a matter on the agenda for the meeting at which it is presented it shall be dealt with at that meeting.

Members of the Council may present petitions directly to the Commission 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.

Petitions relating to licensing and planning applications will normally be received by Officers during the Licensing/Planning Consultation Process.

Presentation of Petitions by Members of the Public

**Petitions will be dealt with in accordance with
Appendix C to Part 13 of the Constitution (P**

Scope of Petitions

Petitions must relate to Commission's 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:

Petitions may only be presented at one forum of the Council which will include petitions handed direct to the appropriate Council Officers.

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 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 (6.1

4.1) and may not therefore be resubmitted to a Council forum unless the provisions of the Six Month Procedure Rule are met.]

Inspection of Petitions

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

Notice of Petitions

Where notice of a petition is given to the Head of Policy and Communication by 10.00am

seven clear working days before the meeting details will be included in the agenda.

Presentation of Petitions by Members of Council

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

**present it at the appropriate meeting; or
pass it to the appropriate Officer.**

Members of the Council may also present petitions directly to the Commission or Select-Committee of the Commission 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 Commission or

Sub 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 Commission at which it is presented it shall be dealt with at that meeting.

Presentation of Petitions by Members of the Public

Members of the public may either present petitions directly to an Officer, the Commission or Sub-Committee of the Commission 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 Communication, 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 Commission at which it is presented, it shall be dealt with at that meeting.

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