

# West Berkshire Council Constitution

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## Part 6

# Overview and Scrutiny Rules of Procedure

### Document Control

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### Change History

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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)
2	22 Sept 2011	Range of Amendments made at the 22 September Council meeting
3	April 2012	Changes to whole document as a consequence of the Senior Management Review
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6	May 2015	Appendix A amended



Version	Date	Description
7	July 2015	Amendments arising from the merge of the Governance and Audit and Standards Committee
8	May 2016	6.7.2 Amendment to take cognisance of that fact that Members are expected to use Council issued tablets at meetings
9	May 2016	Reflecting the introduction of Select Committee changes to: 6.1.1, 6.1.2, 6.1.5, 6.1.7, 6.1.8, 6.1.9, 6.1.13, 6.1.14, 6.1.15, 6.1.16, 6.2.1, 6.2.2, 6.2.3, 6.3, 6.3.1, 6.3.2, 6.3.3, 6.3.4, 6.3.5, 6.3.6, 6.4.2, 6.4.4, 6.4.6, 6.6.1, 6.6.2, 6.6.3, 6.6.4, 6.7, 6.7.2, 6.7.3, 6.7.5, 6.8, 6.8.3, 6.10.2, 6.10.3, 6.11.2, 6.12.1, 6.12.2, 6.13.2, 6.13.6, 6.14.2, 6.15.1, 6.17.1, 6.17.3, 6.17.5 and Appendix A
10	May 2017	Reflection of the new scrutiny arrangement changes to: 6.1.1, 6.1.2, 6.1.4 (inserted), 6.1.6, 6.1.9, 6.1.12, 6.1.13, 6.3.1, 6.3.2, 6.3.3, 6.3.4
11	July 2019	Amended Head of Legal and Strategic Support to Head of Legal and Strategic Support throughout the document to reflect the revised management structure.

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## **6.1 Constitution of the Overview and Scrutiny Management Commission, Sub-Committees, and Task Groups**

### **6.1.1 General**

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

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 area and its inhabitants. Its role includes both developing and reviewing policy and holding the Executive to account.

The Overview and Scrutiny Management Commission and its Sub-Committee(s) may discharge its responsibilities through mechanisms including Policy Development activity, Scrutiny Review, Decision Call-In and the Councillor Call for Action.

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) Ensure that the scrutiny function in terms of policy development activities is embedded in the work of the Corporate Programme and other areas of policy development;
- (d) Monitor the decisions taken by or on behalf of the Executive and the activities of service areas;
- (e) 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;
- (f) 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;

- (g) Appoint task-orientated, time-limited overview and scrutiny Task Groups to review in depth, investigate and report on a particular topic with such terms of reference and duration as it considers appropriate to that topic;
- (h) Consider and formally agree the reports of all Task Groups and submit them to the Executive and/or relevant agencies for response and action;
- (i) Consider and formally agree the reports of Task Groups and submit them to the Executive for consideration;
- (j) Establish and develop effective working relationships between the Overview and Scrutiny Management Commission and the Health and Wellbeing Board, the Executive and its Members, Committees of the Council and its Officers;
- (k) Have responsibility for the development and co-ordination of the overview and scrutiny of partnerships and external bodies;
- (l) Have responsibility for progressing and monitoring the overall objectives of the overview and scrutiny function;
- (m) 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;
- (n) 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 task groups 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 Policy Development**

The Council has a number of groups that perform policy development roles such as the Corporate Programme. “Scrutineers” will be appointed to specific Project Boards to add value to the policy development activities rather than create separate scrutiny Task Groups.

### **6.1.5 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).



### **6.1.6 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 Task Groups. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

### **6.1.7 Co-optees**

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

### **6.1.8 Frequency of Meetings**

The Overview and Scrutiny Management Commission and its Sub-Committee(s) shall meet in accordance with the timetable of meetings agreed annually by Full Council. Extraordinary meetings may be convened at any time by the Commission/Committee Chairman, by any three Members of the Commission/Committee or by the Head of Legal and Strategic Support if they consider it necessary and appropriate.

### **6.1.9 Appointment of Chairman and Vice-Chairman**

The Overview and Scrutiny Management Commission and its Sub-Committee(s) 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 and its Sub-Committee(s) 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.

During the course of a Municipal Year the Overview and Scrutiny Management Commission may appoint additional Task Groups for purposes specified by the Commission and within its own terms of reference. Unless previously discontinued, each Task Group 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 Task Group even though they are not Members of the Parent Committee.

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.]***

### **6.1.10 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).]*

### **6.1.11 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).]*

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

The Overview and Scrutiny Management Commission will be responsible for setting the work programme for itself, any 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 Management Commission and Task Groups**

Any Member of the Commission or Task Groups shall be entitled to give notice to the Head of Legal and Strategic Support 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 Legal and Strategic Support 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 the Budget and Policy Framework Rules of Procedure. (Part 9 of the Constitution)

### **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 and its Sub-Committee(s) 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 Committee(s) 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(s) or Task Group may take place depending on the particular matter under consideration.

### **6.2.2 Rights to Copies**

Subject to Rule 6.2.3 (Limit on Rights) below, the Overview and Scrutiny Management Commission and its Sub-Committee(s) 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.

### **6.2.3 Limit on Rights**

The Commission and its Sub-Committee(s) 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 and its Sub-Committee(s)**

### **6.3.1 Preparation of Report**

Once it has formed its recommendations, the Overview and Scrutiny Management Commission and its Task Groups will prepare a formal report and submit it to the Head of Legal and Strategic Support 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) as appropriate.

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

If the Overview and Scrutiny Management Commission or its Task Groups cannot agree on one single report to the Executive or to Council or to a named external organisation 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 Legal and Strategic Support, or such longer timescale as the Chairman of the Commission / Committee may agree.

### **6.3.3 Members and Officers Giving Account**

The Overview and Scrutiny Management Commission 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.

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.

### **6.3.4 Notice of Attendance**

Where any Member or Officer is required to attend the Overview and Scrutiny Management Commission, or Task Groups under this provision, the Chairman of the Commission will inform the Head of Legal and Strategic Support. 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.

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.

The Head of Legal and Strategic Support shall inform the Member or Officer in writing giving at least five 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.

### **6.3.5 Member/Officer Unable to Attend**

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

### **6.3.6 Attendance by Others**

The Overview and Scrutiny Management Commission, Sub Committee(s) 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. Members 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.

Where the Overview and Scrutiny Management Commission, Sub Committee(s) 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:

- that the meeting be conducted fairly and all Members of the Commission/ Committee be given an opportunity to ask questions of attendees and speak;
- that those assisting the Commission/Committee 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 Legal and Strategic Support. The Head of Legal and Strategic Support 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 Legal and Strategic Support 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 the day after the meeting. 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.

### **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, its Sub-Committee(s), or has been the subject of a review undertaken by another body e.g. Task Group, within the preceding six months.
- Reports that do not require a decision and are for information only will not be subject to call-in.

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 e-mail to the Head of Legal and Strategic Support 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.

### **6.4.5 Procedure Following Call-In**

When a call-in request is duly made, the Head of Legal and Strategic Support 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.

#### **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 one clear working day's 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.

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.

#### **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**

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/Committee shall be to:

- elect a person to preside if the Chairman or Vice-Chairman are not present;
- receive apologies for the inability to attend the meeting;
- approve the Minutes of the last meeting;
- receive any declarations of interest from Members;
- receive petitions;
- 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.]***

- consider any item referred to the Commission as a Councillor Call for Action;
- receive responses of the Council, Executive or other Committees to reports of the Commission; and
- consider any business specified in the agenda for the meeting.

### 6.6.3 Extraordinary Meetings

Extraordinary meetings of the Commission/ Committee may be called at any time by the Chairman, by any three Members of the Commission/Committee, or by the Head of Legal and Strategic Support if they consider it necessary or appropriate.

### 6.6.4 Order of Business - Extraordinary Meeting

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

- elect a person to preside if the Chairman or Vice-Chairman are not present;
- receive apologies for the inability to attend the meeting;
- receive any declarations of interest from Members;
- 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.



## **6.7 Meetings of Commission/Committee(s)**

### **6.7.1 Adjustments to Dates**

The Chairman of the Commission/Committee, in consultation with the Vice-Chairman and the Head of Legal and Strategic Support, may make any adjustment to the date, time and place of meetings considered necessary or desirable.

### **6.7.2 Electronic Communication Devices**

Members are permitted to use their Council issued electronic devices at Council meetings. If Members wish to use other devices during meetings they should inform the Chairman who will then make it clear to any members of the public attending that this activity is permissible. Members will need to consider whether using devices (tablets) other than those issued by the Council may distract them from participating and understanding information that is being shared at the meeting prior to a decision being made.

Councillors should switch their mobile phone or other equipment to silent mode, so that no disruption is caused to proceedings. If, at a Scrutiny meeting, a Member's use of an electronic communication device is causing proceedings to be disrupted any Member of the Commission/Committee may move that the Member should desist from using the device. If the motion is seconded it should be put to the vote without discussion.

Members wishing to record meetings will need to do so in accordance with Appendix A to Part 6 (Overview and Scrutiny Commission Rules of Procedure).

### **6.7.3 Substitutes**

#### **General**

In respect of the Commission, Sub-Committee(s) or Task Group (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.

#### **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 Legal and Strategic Support 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 Legal and Strategic Support 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 Legal and Strategic Support will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules of Procedure (Part 8 of the Constitution). The Head of Legal and Strategic Support will send an electronic 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 Minutes**

#### **6.8.1 Approval**

The Chairman of the Commission/ Committee shall move “that the Minutes of the meeting of the Commission / Committee 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 which is not an Extraordinary Meeting.

### **6.9 Petitions**

The Council welcomes petitions and recognised that they are one way in which people can let the Council know about their concerns. Petitions will be dealt with in accordance with Appendix C to Part 13 of the Constitution (Procedure Rules for Dealing with Representations).

## **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, 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.

### **6.10.3 Consideration of Motion**

The Commission/Committee 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.
- 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).
- That a Member named under Rule 6.7.2 (Electronic Communication Devices) be prevented from further using their electronic communication device at the meeting or leave the meeting.

***[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.

## **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 Commission/Committee 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-Committee(s) 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 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:

- (a) 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
- (b) to leave out words; or
- (c) to leave out words and add others; or
- (d) 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 Committee(s) shall be entitled to invite interested parties to attend their meetings. Unless otherwise agreed by the Chairman, persons attending the Overview and Scrutiny Management Commission or its Sub-Committee(s) 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:

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

### **6.14.2 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 may adjourn the meeting for as long as they consider necessary.

## **6.15 Rescinding an Earlier Resolution**

### **6.15.1 Six Months Rule**

The Overview and Scrutiny Management Commission or its Sub-Committee(s) 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 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 Legal and Strategic Support or their 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.

## **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 and its Sub-Committee(s) 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.

### **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 their 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 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/Committee 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)

### **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.

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## Appendix A

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# Protocol Relating to Televising and Sound Recording of Meetings

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The Openness of Local Government Bodies Regulations came into effect on 6th August 2014. The Regulations give the public the right to film, audio record, take photographs and use social media and the internet at meetings to report on any meetings that are open to the public.

The Council's public meetings are the Council, Executive, Planning Committees, Licensing Committee, Governance and Ethics Committee, Health and Wellbeing Board, Personnel Committee, and Overview and Scrutiny Management Commission and its Sub-Committee(s).

The Protocol is set out below:

1. Although no prior permission is required, members of the public who wish to use any of the above listed recording mechanisms are advised to inform the Head of Legal and Strategic Support in advance.
2. The Head of Legal and Strategic Support shall ensure "reasonable facilities" are provided to facilitate reporting. This may include space to view and hear the meeting, seats, and a desk.
3. Television crews or persons undertaking audio or visual recording shall comply with the requests of the Head of Legal and Strategic Support or their representative as to arrangements for recording, including:
  - a) filming, photography or audio recordings should not be disruptive and distracting to the good conduct of the meeting and recording devices must be set in silent mode
  - b) no flash or additional lighting is permitted
  - c) filming, photography or audio recordings should normally be taken from one fixed position and must not obstruct others from observing proceedings
  - d) attendees would be advised at the start of the meeting that is being filmed, photographed or audio recorded
  - e) a person undertaking the filming or audio recording shall respect any request from members of the public that they do not wish to be filmed
  - f) There shall be no oral commentary permitted in the Meeting
  - g) There shall be no filming of children present at the Meeting.



4. The Head of Legal and Strategic Support shall advise the relevant Chairman or Vice-Chairman of the meeting of the method in which it is being recorded so that they may notify the attendees of the meeting.  

Members of the public who have given notice of their wish to speak at any public meeting shall be able to decide to “opt out” of being recorded. This information will be relayed to the person wishing to record the meeting.
5. The Chairman shall be advised of any “objections to being recorded by members of the public speaking and shall ensure that before debate commences on any item the meeting and public attending are absolutely clear about who can and cannot be recorded.
6. No audio or visual 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.
7. 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.
8. If there is a breach of this Protocol, the Chairman may at their discretion, after a warning, order that no further sound recording shall take place during the meeting.