

Part 4 – E

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. THE ROLE OF OVERVIEW AND SCRUTINY

Without prejudice to any role prescribed by statute, the role of Overview and Scrutiny is to hold the Cabinet to account, to review and develop policy and to scrutinise the work and impact of external agencies on the local community

2. DISTRIBUTION OF OVERVIEW AND SCRUTINY FUNCTIONS

The responsibilities for the overview and scrutiny functions identified in Articles 6 of this Constitution will be distributed as follows:

- (a) The Overview and Scrutiny Committee shall be responsible for:
 - (i) Co-ordinating of the annual input of the overview and scrutiny panels to the Council's budget and budget formulation processes;
 - (ii) Co-ordinating and overseeing all overview and scrutiny functions on behalf of the Council; commis
 - (iii) Identifying issues for in-depth study by the Committee and to set up task-and-finish groups for cross-cutting and/or strategic issues which fall outside the remit of a single panel (or which the panel does not regard as a priority);
 - (iv) Hearing call-ins of decision which have been subject to pre-decision scrutiny or which otherwise fall within its terms of reference;
 - (v) Putting forward suggestions for review topics to the scrutiny panels for consideration prior to panels making proposals for their work programmes and both the Committee and panels in formulating the work programmes will give particular priority to the Council's strategic themes/priorities;
 - (vi) Keeping under review the effectiveness of the overview and scrutiny function and to recommend where appropriate changes in structure, processes or ways of working; and
 - (vii) Acting as a co-ordination mechanism with the Cabinet, to facilitate Overview and Scrutiny's contribution to Merton's strategic priorities
 - (viii) Receiving and considering references from councillors under the statutory Councillor's Call for Action, considering whether such matters should be the subject of formal scrutiny, and carrying out such scrutiny or referring appropriate matters to relevant scrutiny panels.

- (b) Within their terms of reference, the overview and scrutiny panels will be responsible for the following;
- (i) Pre-decision scrutiny within their terms of reference;
 - (ii) Performance monitoring and review within their terms of reference;
 - (iii) Hearing call-ins of decisions that fall within their remit and have not been subject to pre-decision scrutiny;
 - (iv) Review of the borough's draft budget, within a framework set by the scrutiny committee and make recommendations to the committee and
 - (v) To identify and carry out selectively, through task-and-finish groups, in-depth policy development or review projects, using agreed criteria, and within the framework of an overall programme of such projects
 - (vi) Undertaking scrutiny activity in relation to any matter referred to it by the Overview and Scrutiny Committee following the consideration by the Committee of any Councillor Call for Action

3 TERMS OF REFERENCE

The Overview and Scrutiny Committee and panels will carry out the above functions within the following terms of reference:

<i>Title</i>	<i>Scope</i>
Overview & Scrutiny Committee	<ul style="list-style-type: none"> • Cross-cutting & strategic matters • Overall responsibility for scrutiny of the development of the budget • The overall approach to partnership arrangements • Responsibility for keeping scrutiny under review, including structures, processes, the Scrutiny Handbook and the Overview & Scrutiny Annual Report • Scrutiny of issues relating to Safer and Stronger Communities, including: <ul style="list-style-type: none"> • Formal crime and disorder scrutiny, including discharging the Council's responsibilities in respect of the Police & Justice Act 2006 • Safer communities, including the role of the crime and disorder reduction partnership, safer neighbourhood teams, antisocial behaviour, drugs and alcohol treatment, domestic violence and road safety • Stronger communities, including community leadership and community empowerment • Supporting the voluntary and community sector, including the Compact and capacity building • Community engagement, including active citizenship, involvement and consultation • Community cohesion

	<ul style="list-style-type: none"> • Diversity & equalities, as related to service delivery Scrutiny of issues relating to corporate capacity, including: <ul style="list-style-type: none"> • Financial monitoring • Communications • Legal • Human resources • IT • Customer service and • The performance monitoring framework
<p>Sustainable Communities Overview and Scrutiny Panel</p>	<p>Scrutiny of issues relating to Sustainable Communities, including:</p> <ul style="list-style-type: none"> • Housing, including housing need, affordable housing and private sector housing • Environmental sustainability, including energy, waste management, parks & open spaces and the built environment • Culture, including tourism, museums, arts, sports & leisure • Enterprise and skills, including regeneration, employment, adult education & libraries • Transport
<p>Healthier Communities and Older People Overview and Scrutiny Panel</p>	<p>Scrutiny of issues relating to Healthier Communities and Older People, including:</p> <ul style="list-style-type: none"> • Formal health scrutiny, including discharging the Council's responsibilities in respect of the Health and Social Care Act 2001 • Health, including promoting good health and healthy lifestyles, mental health and reducing health inequalities • Community care (adult social care and older people's social care) • Active aging • Access to care and health services
<p>Children and Young People Overview and Scrutiny Panel</p>	<p>Scrutiny of issues relating to Children and Young People, including:</p> <ul style="list-style-type: none"> • Children's social care, including child protection • Education, including school standards, special educational needs, the extended schools programme and the healthy schools initiative • Youth services and youth engagement, including the, young people 'Not in Education, Employment or Training' (NEET), and the Youth offending • Children's Centres

4. MEMBERSHIP

The Council will appoint members to the Overview & Scrutiny Committee and panels at its Annual Council meeting. All councillors except members of the Cabinet may be members of the Overview and Scrutiny Committee or panels. However, no councillor may be involved in scrutinising a decision in which he/she has been directly involved. A member who has signed a call-in notice in line with paragraph 16, calling in an executive decision may not sit on the Committee or Panel which considers the matter.

5. CO-OPTEEES

The Overview and Scrutiny Committee may appoint a number of people to participate as non-voting co-optees.

Co-optees appointed to the Committee or any panel shall undertake to be bound by the Council's Code of Conduct for Members.

6. EDUCATION REPRESENTATIVES

The Overview and Scrutiny Committee and the Children and Young People Overview and Scrutiny Panel shall include in its membership the following voting representatives when dealing with education matters:

- (a) one Church of England diocesan representative;
- (b) one Roman Catholic diocesan representative; and
- (c) two parent governors.

These representatives have automatic rights of co-option and voting powers in connection with matters concerning the duties and functions of the Council as a Local Education Authority. When the Committee and/or relevant Panel deals with other matters, these representatives may be present and may speak but will have no right to vote.

7. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE AND PANELS

There will be at least five ordinary meetings of the Overview and Scrutiny Committee each year. In addition, extraordinary meetings may be called from time to time, as and when appropriate. The Chair of the Committee has the power to convene additional meetings to consider business or to cancel a meeting for lack of business or to reschedule a meeting, having first consulted with the designated representatives of all groups recognised by the Council. In addition, extraordinary meetings of the Committee may be called by the proper officer if he/she considers it necessary.

The calendar of meetings for the Committee and Panels is set annually by full Council following consultation with their chair. In exceptional circumstances the Chief Executive may vary the date, time or place of any scheduled meeting or call-in meeting or cancel such a meeting with the consent of the Chair of the Committee or Panel and after consultation with the members of the body. The reasons for the variation shall be recorded at the rearranged or, in the case of cancellation, the next meeting.

8. QUORUM

The quorum for the Overview and Scrutiny Committee and panels will be one quarter of the whole number of members or a minimum of three members as prescribed by Rule 5.4 of the Council Procedure Rules in Part 4-A of this Constitution.

9. CHAIRING OVERVIEW AND SCRUTINY COMMITTEE AND PANELS MEETINGS

(a) **Selection.** The Council will appoint the Chair and Vice Chair of the Overview and Scrutiny Committee and any of its scrutiny panels at its Annual Council meeting. In each case the Chair and Vice Chair for each body will not be from the same political party. In the event of a vacancy during the council year, the Council will appoint a new Chair at the first meeting following the resignation of the Chair. All panel chairs are to be members of the Overview and Scrutiny Committee.

(b) **Powers of the Chair.** The Chair of the Overview and Scrutiny Committee will have the powers:

- (i) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) To preside over meetings of the Committee/Panels so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (iii) To ensure that the Committee/panel meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in the Cabinet are able to hold the Cabinet to account; and
- (iv) To promote public involvement in the Committee/Panel's activities.

In addition, the Committee may confer powers for chairs of the Committee/Panels that are

- (i) Designed to uphold the purposes of the constitution;

- (ii) Designed to ensure that business can be carried out efficiently with regards to the rights of councillors and the interests of the community;
 - (iii) Designed to ensure that the meeting is a place for debate; and
 - (iv) Designed to promote public involvement in the Committee/Panel activities.
- (c) **Work Programme.** In recognition of the coordination role of the Overview and Scrutiny Committee, the Overview and Scrutiny Committee will be responsible for setting their own work programme and the panels following suggestions from the panels and in doing so shall take into account wishes of all members on that scrutiny body. The Council's strategic themes/priorities will need to be considered in formulating the work programmes of the Committee and panels.

10. AGENDA ITEMS

- (a) Any member of the Overview and Scrutiny Committee or panel shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the work programme of the Committee or panel to be included on the agenda for the next available meeting of the Committee or panel. On receipt of such a request the Proper Officer will ensure that it is included on the agenda for the next available meeting, having due regard to the Access to Information provisions.
- (b) Any member of the Council wishing to include an item on the agenda of the Overview & Scrutiny Committee or a panel when they do not sit on the body concerned, may give written notice to the Proper Officer that they wish an item, other than an item for call-in, to be included on the agenda of the Committee or relevant panel. This item may be identified as a result of a 'Councillor Call for Action'. If not identified as a result of a "Councillor Call for Action" then it must be relevant to the work programme of the Committee or panel. If the Proper Officer receives such a notification, then he/she will include the item for consideration by the Committee or panel on its first available agenda having due regard to the Access to Information Provisions.
- (c) For call-in requests, see Rule 17, below,
- (d) The Overview and Scrutiny Committee/panel will also respond, as soon as its work programme permits, to requests from the Council and or the Cabinet to review particular areas of Council activity.

11. PRE-DECISION POLICY DEVELOPMENT AND REVIEW OF THE FORWARD PLAN

- (a) The Overview and Scrutiny Panels will contribute to the development of Council policy by identifying and prioritising areas for policy development input, subject to work programme decisions of the Overview and Scrutiny Committee. In so doing, the panels will:
 - (i) examine and anticipate issues relevant to the Council's Policy Framework as set out in Article 4;
 - (ii) review the forward plan and consider which issues / reports / proposals they wish to examine in detail before a decision is made;
 - (iii) undertake a detailed examination of any proposal in (ii) above, investigating alternatives, timeframes, costings, consultation processes, seeking background or any other relevant information and formulating recommendations which may be passed to the decision-maker as is appropriate, before the formal decision is made;
 - (ii) consult with Cabinet members, Chief Officers, Heads of Service or their nominees.

- (b) The Overview and Scrutiny Committee and/or panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary, to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. This will need to be within the budget allocated by the Council to support overview and scrutiny functions, and in accordance with the approved work programme.

- (c) The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules Part 4-C.

12. PRE-DECISION POLICY REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEE

- (a) Once it has formed recommendations on proposals for policy development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet and/or the Council as appropriate.

- (b) The agenda for Cabinet meetings shall include a standing item for pre-decision policy matters referred to it by the Overview and Scrutiny Committee in accordance with Cabinet Procedure Rule 2.5(a).

- (c) The Cabinet and/or the Council as appropriate shall respond to the report of the Overview and Scrutiny Committee/panel within 2 months of it being considered at the meeting of Cabinet/ Council.
- (d) In preparing reports for Cabinet Meetings, Cabinet members and officers will have regard to the comments and issues raised by the overview and scrutiny pre-decision review process.

13. REVIEW AND SCRUTINY OF DECISIONS

- (a) The Overview and Scrutiny Committee or panel may review and scrutinise decisions made, or actions taken in connection with the discharge of any Council functions. These reviews may take one of two forms:
 - (i) after the decision is made and implemented; or
 - (ii) after the decision is made but before it is implemented in accordance with Rules 16 and 17 governing 'call-in'.
- (b) In addition to reviewing relevant documentation for these reviews, the Committee or relevant panel may wish to question Cabinet members, Chairs of non-executive committees, Chief Officers, Heads of Service, or their nominees. In particular the Committee or panel may seek explanations about the following in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance.
- (c) Members of the Cabinet, Chief Officers or their nominees will be required to attend; where:
 - (i) the Chair of the Committee or panel informs the Proper Officer of the request in writing or electronically;
 - (ii) the Proper Officer informs the member or officer in writing giving at least 5 working days notice of the meeting at which he/she is to attend;
 - (iii) the notice will state the nature of the item on which he/she is to attend and whether any papers should be produced. Where the Committee or panel seeks the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation;
 - (iv) Any member of the Cabinet, or any officer formally required to attend a meeting to answer questions is subject to a duty to do so. Where, in exceptional circumstances, an officer, or his or her nominee, is unable to attend on the specified date, then the Committee or panel will arrange an alternative date in consultation with the officer, or his or her nominee. It is not anticipated that Officers below third tier will be called

to give evidence, except in exceptional circumstances where those officers have specific technical knowledge or expertise. Chief Officers should ensure that officers nominated to appear have the appropriate knowledge and responsibilities;

- (v) those appearing before the Committee or panel shall not be required to answer any questions which, in the opinion of the Monitoring Officer, could render the Council liable to legal proceedings in any court or tribunal;
- (vi) appearances before the Committee or panel will always be conducted in accordance with the member/officer protocol; and
- (vii) Any person required to attend a meeting to answer questions is not obliged to answer any question which he/she would be entitled to refuse to answer in court proceedings.

14. OVERVIEW AND SCRUTINY COMMITTEE MEMBERS' RIGHTS TO DOCUMENTS

In addition to their rights as councillors, members of the Overview and Scrutiny Committee and panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 –B of this Constitution. Nothing in these Procedures prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee or Scrutiny Panel, depending on the matter under consideration.

15. ATTENDANCE BY OTHERS AT POLICY DEVELOPMENT OR REVIEW MEETINGS

The Overview and Scrutiny Committee or panel may invite people other than those referred to in paragraph 13 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 or arrange for their views to be obtained by other means (e.g. public meetings, surveys and questionnaires). In terms of Scrutiny of Health Services, the specific statutory powers are to be exercised by the Healthier Communities and Older People Overview and Scrutiny Panel. In terms of the Crime and Disorder functions the specific statutory powers are to be exercised by the Overview and Scrutiny Committee.

16. CALL-IN

- (a) **General.** Key decisions (as defined by Article 13(3)(b) of this constitution) are subject to call in for consideration by the Overview and Scrutiny Committee before the decision is implemented. Except in cases of urgency (in which case see paragraph 17 of these Procedures) key decisions taken by the Cabinet, the Leader, a Cabinet Member or an officer or taken under joint arrangements with one or more other local authorities are subject to call-in. The "Call-in" procedure

provides a means by which Members of the Council are able to request that executive key decisions made but not yet implemented be reconsidered by the decision maker. Statutory and sector guidance makes it clear that call-in should only be used in exceptional circumstances. Overuse or inappropriate use of the call-in mechanism dilutes its effectiveness and can impact upon the Council's ability to function efficiently. Accordingly, the Council has, in line with government guidance, incorporated appropriate safeguards.

(b) Requirements for Call-In Consideration

In order to ensure that call-in is not abused, nor causes unreasonable delay, the following requirements must be fully satisfied before a matter will be considered for call-in:

- (i) at least three members of the Council must request call-in of the decision;
- (ii) the request for call-in must specify the decision that is being called-in, the identity of the decision maker(s) and the reason for the call-in in sufficient detail to allow the Monitoring Officer to decide whether it is a valid call in;
- (iii) the alternative decision sought;
- (iv) the request for call-in must be received by the Chief Executive by 12 noon on the third working day following publication of the decision. The request for call-in should either be a signed paper copy or an electronic copy sent from the councillors own e-mail account;
- (v) the decision for which call in consideration is requested must not have been subject to a prior call-in request.

(c) Review procedure on receipt of a notice of call-in

- (i) All notices of call-in shall be subject to review by the Monitoring Officer (in consultation with the Chair of the Overview and Scrutiny Committee), who shall as soon as is reasonably practicable determine whether the call-in is valid and should be referred to the Overview and Scrutiny Committee or Panel for consideration as appropriate.
- (ii) The Monitoring Officer (in consultation with the Chair of the Overview and Scrutiny Committee) may reject a notice of call-in as invalid for one or more of the following reasons:
 - (i) it has not been submitted by at least 3 non-executive members;
 - (ii) it is received after the deadline set out in paragraph 16(b) of the Procedure Rules above;

- (iii) it does not contain all of the information required in paragraph 16(b) of these Procedure Rules above;
- (iv) it concerns a decision taken in accordance with the urgency provisions set out in these Procedure Rules which does not allow for call-in;
- (v) it relates to a decision that has previously been called-in;
- (vi) it relates to a non-executive decision or a non-key executive decision;
- (vii) it concerns day to day management and/or operational decisions;
- (viii) it is potentially defamatory, vexatious, frivolous or offensive; or
- (ix) it is in some other respect considered to be out of order, illegal, irregular or improper.

- (d) **Publication of Decision.** When a key decision is made by the Cabinet, a Cabinet Committee an individual Cabinet member or an officer with delegated authority from the Leader or under joint arrangements, the decision will be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made.

That notice will bear the date on which it is published and will specify when the decision will come into force, and may then be implemented, unless a proper and timely call in request has been made in accordance with this Rule.

- (e) **Consideration of Call-In Requests.** The ability to call-in a decision relates only to decisions taken but not yet implemented. Accordingly, a call-in notice can only be submitted once the decision to which it relates has been taken.

- (i) Where a notice of call-in is rejected as invalid by the Monitoring Officer, they will as soon as is reasonably practicable provide those members who submitted the notice with written reasons for the rejection. For the avoidance of doubt more than one notice of call-in can be submitted in relation to the same executive decision made but not yet implemented. Subject to the notices of call-in being accepted as valid, it will be normal procedure for them to be dealt with by the Overview and Scrutiny Committee or Panel as appropriate as one item.

- (ii) The Monitoring Officer will forward all call-in requests that comply with the above to the Chair of the relevant Overview and Scrutiny Committee/ panel for consideration by the Committee/ panel at the next scheduled meeting. If in the view of the Monitoring Officer, any delay in considering the call in would be likely to be prejudicial, s/he may arrange for a special meeting of the Committee or Panel to be called, having first consulted the Chair of that body. A decision called in for consideration by the Overview and Scrutiny Committee or Panel will normally be considered at its next meeting, and must be considered within 20 working days of the notice of call-in.
- (f) **Outcomes of Call-In.** Having considered the called-in decision, and subject to paragraph (i) below, the Overview and Scrutiny Committee or Panel may:
 - (a) either refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If it is referred back to an individual Cabinet Member or an officer exercising delegated authority, he/she shall then reconsider within a further 5 working days. If it is referred back to the Cabinet, the Chief Executive shall either call a meeting of the Cabinet on such date as he/she may determine, or place the matter on the agenda for the next scheduled meeting if, in his/her judgment, any resulting delay would not be prejudicial. The decision maker may amend the decision or not, before adopting a final decision which will be explained in writing; or
 - (b) decide not to refer the matter back to the decision making person or body, in which case the decision shall take effect immediately and will be implemented.
- (i) Where the Committee considers that that the decision is or would be contrary to the Policy and Framework or contrary to or not wholly in accordance with the Budget, the provisions of paragraph 5 of the Budget and Policy Framework Procedure Rules set out in Part 4 C of this constitution shall apply.

17. CALL-IN AND URGENCY

- (a) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- (b) The decision taker (if an individual) or the Chair of the body making the decision shall obtain the agreement of the Chair, or in their absence the Vice Chair, of the Overview & Scrutiny Committee that the taking of the decision is

both reasonable and that it should be treated as a matter of urgency. If the Chair or Vice-Chair of the Overview and Scrutiny Committee are unable to act then the agreement of the Mayor or the Deputy Mayor in his or her absence, will suffice.

- (c) The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (d) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary, within the Scrutiny Annual Report.

18. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

- (a) The Council Procedure Rules in Part 4A of this Constitution apply as appropriate to meetings of Overview the Overview and Scrutiny Committee and Panels. Where there is any conflict between these rules and the Council Procedure Rules these rules apply. The Overview and Scrutiny Committee and/or panels shall consider the following business:
 - (i) apologies for absence;
 - (ii) minutes of the last meeting;
 - (iii) declarations of interest
 - (iv) consideration of matters properly referred to the Committee for a decision in relation to call-in of a decision;
 - (v) responses of the Cabinet to reports of the overview and scrutiny committee;
 - (vi) consideration of matters in the forward plan; and
 - (vii) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee or panel conducts investigations (e.g. with a view to policy development), the Committee or panel may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the committee or panel be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

19. INVOLVEMENT OF STAFFSIDE

When the Overview & Scrutiny Committee or any of its panels are in public session, representatives of Staffside may attend meetings and will be given the opportunity to present material, discuss issues and answer questions, in accordance with the agenda, to enable the Committee or panels to take account of issues raised and material presented in their reports and recommendations. Representatives of Staffside may only be present or contribute to meetings when confidential or exempt information is discussed with the permission of the Chair of the Committee or panel.

20. DEPUTATIONS AT MEETINGS

- (a) Any group or society likely to be affected by a matter which appears on an Overview and Scrutiny Committee / panel agenda may ask that a deputation should be received by that body. Such request shall be made to the Chief Executive by telephone, email or letter by 12 noon on the day before the meeting to which it relates. The group or society making the request shall indicate the matter to which the request relates, the number (which shall not exceed 5), and names and addresses of the persons who will form the deputation and the member of the deputation who will speak for them.
- (b) On being called by the Chair, the person speaking for the deputation may speak for up to 5 minutes making such remarks as he / she thinks fit, provided that such shall relate to the matter indicated when the request was made, and that they do not make a personal attack upon any person.
- (c) The Committee / panel may, during a further period not exceeding 5 minutes for each deputation, ask questions of those attending. Such questions shall be asked and answered without discussion.

- (d) Thereafter the deputation shall withdraw, save that by resolution of the Committee / panel these times periods may be extended.
- (e) No deputation shall appear before the Committee or panel within 6 months after a deputation has appeared before the Committee / panel with the same or similar objects.
- (f) Deputations will not be received on subjects that have a general application to all or a substantial portion of the residents of the borough.
- (g) The Chair(s) shall have discretion to agree alternative arrangements to the procedure set out above in exceptional circumstances.
- (h) Political parties and / or political groups shall not be entitled to use this procedure.
- (i) Members of the Cabinet may attend and speak at Overview and Scrutiny Committee and panel meetings

21. COUNCILLOR CALL FOR ACTION (CCfA)

Under section 119 of the Local Government and Public Involvement in Health Act 2007, a Member may call for debate and discussion at Committee of a topic of neighbourhood concern. These issues are limited to an issue which affects a single council ward. The member may give written notice to the Chief Executive requesting a Councillor Call for Action as defined in the Council's procedures and legislation which is relevant to the functions of the Committee and/or panels. On receipt, the Chief Executive will review the request, and subject to it complying with the agreed criteria (that any applicable proforma has been completed, that all other mechanisms for resolution have been tried and that the submission does not fall within any exemptions and exclusions), ensure that the matter is included on the next available agenda.

The initial consideration of any CCfA will be on the basis of any written proforma, submitted by the Member, and the written response of the relevant Chief Officer and Cabinet Member.

At the meeting the submitting Member will present his/her CCfA and the relevant Chief Officer will be given an opportunity to respond. There will be no public involvement in the initial consideration of the CCfA.

Following the presentation by the submitting Member and the response of the Chief Officer/Cabinet Member and any questions from the Committee or Panel, Members will decide to either:

- Not review or make a report or recommendation concerning the matter;
- Seek further information or clarification from the submitting Councillor, the relevant Cabinet Member or Chief Officer;
- Propose/agree that the matter be reviewed as part of the Panel's work programme.

23. THE PARTY WHIP

Members of the Overview and Scrutiny Committee or Scrutiny Panels are not bound by the party whip in respect of any matter while it is being considered by the Committee or Panel.

For this purpose, "party whip" means any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how the councillor shall speak or vote, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.

24. PROVISIONS IN RESPECT OF HEALTH

- (a) The Overview and Scrutiny Committee (or the Healthier Communities and Older People Overview and Scrutiny Panel acting on behalf of the Committee) may review and scrutinise any matter relating to the planning, provision and operation of health services within its area and shall in carrying out the review and scrutiny of a particular matter:
- i) have regard to any guidance issued by the Secretary of State;
 - ii) invite interested parties to comment on the matter;
 - iii) take account of relevant information available to it and in particular relevant information provided by the Healthwatch Merton pursuant to a referral;
 - iv) an Overview and Scrutiny Committee when making reports and recommendations to the Council and/or the local NHS bodies shall include:
 - an explanation of the matter reviewed or scrutinised;
 - a summary of the evidence considered;
 - a list of the participants involved in the review or scrutiny;
 - any recommendations on the matter reviewed or scrutinised.

- (b) Where an Overview and Scrutiny Committee requests a response from a local NHS body to whom it has made a report or recommendation, that body shall respond in writing to the Committee within 28 days of the request.
- (c) When considering any proposal (with certain exclusions) for a substantial development or variation in respect of health services, then the local NHS body is required to consult the Overview and Scrutiny Committee. The local NHS body may specify a date for comments on the proposal and depending on the timescales it may be necessary to convene special meetings of the Overview and Scrutiny Committee.
- (d) If the Overview and Scrutiny Committee/ Healthier Communities and Older People Overview and Scrutiny Panel considers that the consultation by the local NHS body referred to above was inadequate in respect of content, time allowed, or reasons given then the Overview and Scrutiny Committee/panel may make a written report to the Secretary of State. The Overview and Scrutiny Committee/Healthier Communities and Older People Overview and Scrutiny panel may also send a written report to the Secretary of State setting out reasons why the proposal from the local NHS body is not in the interests of the health service within the Council's area.
- (e) The local NHS body is under a duty to provide the Overview and Scrutiny Committee/Healthier Communities and Older People Overview and Scrutiny Panel with such information (with exceptions) as it may reasonably require in order to discharge its functions.
- (f) The Overview and Scrutiny Committee/Healthier Communities and Older People Overview and Scrutiny Panel has powers to require officers of a local NHS body to attend before the Committee/Panel to answer such questions as appear to the Committee to be necessary for the discharge of its functions, with certain exceptions.