

## **ANNEX 9 - STANDING ORDERS FOR THE OVERVIEW AND SCRUTINY AND THE HEALTH SCRUTINY COMMITTEES**

In these Standing Orders:-

- “Chairman” means the person presiding at the meeting
- “the Committees” means the OSC and the Health Scrutiny Committee
- “Group Spokesmen” means the opposition spokesman and the spokesman for any other Group represented on the Committee
- “the OSC” means the Overview and Scrutiny Committee

### **STANDING ORDER SC.1 - Constitution and Membership**

- (1) The composition and remits of the Committees are as set out in Annex 8.
- (2)
  - (a) The Council appoints the Committees at its annual meeting every year (but in years not being the year of the full Council election, members remain in office for the ensuing year unless there is a resolution to the contrary).
  - (b) The Chief Legal Officer fills casual vacancies
- (3) The Committees shall establish time-limited Topic Groups for particular purposes.

### **STANDING ORDER SC.2 – Chairman and Vice-Chairmen**

- (1) The Chairman and Vice-Chairmen of the OSC and the Chairman and Vice-Chairman of the Health Scrutiny Committee shall be appointed by the Council at the Annual Meeting of the Council each year. Casual vacancies shall be filled by the Council at their first meeting after the occurrence of the vacancy.
- (2) The Chairman if present shall preside. In the case of the OSC, if the Chairman is absent, one of the Vice-Chairmen shall preside (as determined by the OSC). If the Chairman and both Vice-Chairmen are absent then another member chosen by the members present shall preside. In the case of the Health Scrutiny Committee, if the Chairman is absent, the Vice-Chairman shall preside. If both are absent, then another member, chosen by the members present, shall preside.
- (3) The Chairman and Vice-Chairmen may require a briefing by Officers on the business of the meeting.

**STANDING ORDER SC.3 - Meetings**

- (1) The date, time and place of meetings of the Committees shall be published in the County Diary.

The date and place of Topic Group meetings shall be set either by the Group or by the Chairman of the Group as far ahead as possible and notified to members.

- (2) The Chairman may, after consultation with the Vice-Chairmen, cancel a meeting because of lack of sufficient business. The Chairman may (after consultation) rearrange the time or date of a meeting if there is a genuinely pressing need.
- (3) Meetings are all held at County Hall unless otherwise notified and the exact venue is identified on the agenda.
- (4) Any three County Council members of either of the Committees may summon a special meeting the Committee of which they are members at any time, by notice in writing to the Chief Legal Officer.
- (5) The summons for a special meeting shall state the business to be considered and no other business shall be considered.
- (6) Members of the Executive have the right to attend relevant meetings and to speak thereat.
- (7) All members of the Council may attend the Committees even if they are not members and may speak, subject to the Chairmen's responsibility to control the business of the Committees.
- (8) The Committees may require members of the Executive, and officers to attend meetings to answer questions; any such member or officer shall attend if required.

**STANDING ORDER SC.4 – Quorum**

No business shall be transacted at either of the Committees unless at least one quarter of the members, or three members whichever is greater, are present in the meeting.

**STANDING ORDER SC.5 - Agendas**

- (1) (a) The OSC and the Health Scrutiny Committee shall determine their own programmes of scrutiny work.
- (b) Agendas shall consist of items allocated in accordance with the programme of scrutiny work.

- (2) Any member of the Council may refer a “local government matter” to the OSC, i.e. a matter relating to the Council’s functions which affects their electoral division. If the OSC decide not to scrutinise the matter they must inform the member of the reason.
- (3) A member of the OSC may require an item to appear in the OSC's agenda. The OSC shall consider what action to take and advise the member accordingly.
- (4) Officers shall prepare reports on all items.
- (5) Members shall not have the right to veto items off an agenda nor to alter the reports of officers.
- (6) The Chief Legal Officer will, at least 10 days before the meeting send an agenda with full reports to all members of the OSC or, as the case may be, the Health Scrutiny Committee and any other members who have requested them.

These documents will only be sent out less than 10 days in advance with the agreement of the Chief Executive.

- (7) Officers shall notify local members of agenda items particularly affecting their division.

#### **STANDING ORDER SC.6 - Voting**

- (1) The Committees will conduct their business in a flexible manner and will attempt, as far as possible, to reach their conclusions by consensus. If it is necessary for there to be a formal vote, the question shall be determined by a show of hands by a majority of members present and voting.
- (2) If the result of any vote is equal, the Chairman shall have a second (casting) vote.

#### **STANDING ORDER SC.7 – Reports**

- (1) OSC, and any Topic Group on OSC’s behalf, may report with recommendations, on any matter it has considered, to
  - a) the Executive and/or an Executive Member
  - b) a Chief Officer

and such reports and recommendations shall be published on the Council’s website. Upon receipt of a report with recommendations the person or body concerned shall respond within two months and the response shall be published on the Council’s website.

- (2) The OSC shall report regularly to the Council on the Scrutiny Programme; and shall include in that report any recommendations made to Council by

Topic Groups. The Health Scrutiny Committee shall report direct to the Council.

- (3) Both of the Committees may refer any issue before them as a recommendation to the Full Council.

### **STANDING ORDER SC.8 – Call-In**

- (1) After the publication date of the Executive Decision Sheet under Standing Order 4.1 of the Standing Orders for the Executive in Annex 7 or the publication of the Record of Officer Key Decisions under paragraph 15.5 of Annex 4 (each a “publication date”) any 3 members of the Council from at least 2 different political groups or any 5 members of the Council may, subject to Standing Order SC.8(11) below, within a period ending at 5 p.m on the fifth working day after the publication date (“the call-in period”) by written notice to the Chief Legal Officer (a “call-in notice”), require that any decision contained in the Decision Sheet or in the Record of Officer Key Decisions be referred to the OSC for consideration before the decision is implemented.
- (2) A call-in notice shall state the reason(s) for the calling in of the decision and the reason(s) may be supplemented subsequently.
- (3) Where a call-in notice is received by the Chief Legal Officer under (1) above and the Chief Legal Officer is satisfied that the call-in notice has been validly given in accordance with these Standing Orders, the Chief Legal Officer shall give written notification that the call-in notice has been received and of the decision to which the call-in notice relates (“the called-in decision”) to the following:
- The Executive Leader;
  - The Chairman of the OSC;
  - The Chief Executive;
  - The Director of the Department with responsibility for implementation of the called-in decision ;
  - The decision taker (if not the Executive or the Director of the Department)
- (4) Where written notification that a call-in notice has been received has been given under (3) above, the called-in decision may not be implemented except in accordance with Standing Orders SC.8 (5) to (10) below.
- (5) The called-in decision shall be referred to a meeting of the OSC held within 10 working days of the date on which the call-in notice was received (“the specified period”) and, if the OSC is not scheduled to meet within the specified period, a special meeting shall be convened for the purpose.
- (6) The OSC shall, at a meeting held within the specified period, consider the called-in decision and take one of the following decisions:

- (a) that the OSC have no objection to the called-in decision being implemented (“a no objection decision”); or
  - (b) that the called-in decision be referred back to the Executive or the officer (as the case may be) for re-consideration, giving the OSC’s reasons for requiring the Executive or the officer (as the case may be) to re-consider the decision (“a reference back decision”); or
  - (c) if, and only if, the OSC consider that the called-in decision is one which has been taken in breach of the Council’s Policy Framework or Budget framework, that the called-in decision be referred to a meeting of Full Council, with the OSC’s reasons for referring the called-in decision to Full Council, for consideration before the called-in decision is implemented (“a Full Council reference”).
- (7) Where the OSC take a no objection decision the called-in decision may be implemented immediately.
- (8) Where the OSC take a reference back decision:
- (a) the called-in decision may not be implemented until the called-in decision has been re-considered by the Executive or by the officer (as the case may be);
  - (b) the Executive or by the officer (as the case may be); are not bound to change their decision or to accept any recommendation of the OSC;
- (9) Where the OSC make a Full Council reference:
- (a) the called-in decision shall be referred to the next available meeting of the Full Council or, if the Chairman of the Council agrees, to a special meeting of the Full Council convened for the purpose;
  - (b) Standing Orders SC.8 (6)(with the exception of Standing Order SC.8(6)(c)), SC.8 (7) and SC.8(8) shall apply to the consideration of a called in decision by the Full Council as they apply to a consideration of a called-in decision by the OSC.
- (10) Notwithstanding anything contained in Standing Orders SC.8 (1) to (9), nothing shall prevent a called-in decision being implemented with the approval of the Executive Leader after the end of the specified period.
- (11) The provisions of Standing Order s SC.8 (1) to(9) shall not apply to a decision of the Executive or an executive decision taken by an officer in any of the following cases:
- (a) where the decision is a decision taken under the Special Urgency provisions in Annex 4

(b) where the Chief Executive certifies that implementation of the decision is critical for service delivery

(c) where the Chief Legal Officer certifies that the Council would be likely to suffer legal prejudice from a delay in implementation of the decision resulting from the decision being called;

(d) where the Director of Resources certifies that the Council would be likely to suffer financial prejudice from a delay in implementation of the decision resulting from the decision being called;

(e) where the Chief Legal Officer certifies that the delay in implementation of the decision resulting from the decision being called in would result in the decision being incapable of implementation or meaningful implementation;

(f) where the decision results from consideration of a recommendation or report from the OSC or any sub-committee or Topic Group of the OSC;

(g) where the decision results from a reference back decision under Standing Order SC.8 (6)(b);

(h) where the decision is a recommendation to Full Council; or

(i) where the call-in period has expired.

#### **STANDING ORDER SC.9 – Minutes**

- (1) Minutes of each meeting shall be sent to every member of the Council as soon as practicable after the meeting and in any event at least 3 clear days before the next ordinary meeting.
- (2) Minutes of meetings shall be kept in a book which shall be signed at the next meeting by the Chairman. The book shall be open for inspection by any member of the Council.
- (3) Minutes of the previous meeting shall be taken as read and no motion shall be put or discussion take place except upon their accuracy.

#### **STANDING ORDER SC.10 - Procedure and Conduct**

- (1) The Order of Business shall be as indicated in the agenda or otherwise as the Chairman shall prescribe.
- (2) The Chairman shall control the conduct of the meeting and the ruling of the Chairman on any point of order shall be final and not be questioned during the meeting.
- (3) All speeches shall be concise and relevant to the matter in hand.

- (4) Questions relating to matters on the agenda shall be asked when that matter is discussed and may be addressed to the Chairman or to an officer, who may answer orally or may undertake to provide a written reply within seven days.
- (5) Officers will offer to the Chairmen and Vice-Chairmen a pre-Committee briefing. Members may choose to have these briefings separately or jointly. The briefing with the Chairman may include procedural issues.
- (6) Group briefings will be confidential unless the members concerned indicate otherwise.

### **STANDING ORDER SC.11 - Meetings Open to the Public**

- (1)\* All meetings shall be open to the public except to the extent that they are excluded under (3) below and of the safe capacity of the room where the meeting is being held.
- (2) Any person present at a meeting of the Committee shall, while that meeting is open to the public, be entitled to report on the meeting (including filming, photographing, making an audio recording of the proceedings, providing commentary on the proceedings and using any other means for enabling persons not present to see or hear the proceedings as they take place or later) and shall be afforded reasonable facilities for that purpose, provided that no person present shall be entitled to report orally or make an oral commentary on the meeting as it takes place.
- (3) If the business to be transacted includes confidential or exempt information as defined in Sections 100A(3) and 100 I respectively of the Local Government Act 1972, the Chairman shall move a motion under Section 100A(2) or (4) of the Local Government Act 1972.
- (4) Smoking is prohibited.

### **STANDING ORDER SC.12 - Public Petitions (Health Scrutiny Committee Only)**

- (1) Following confirmation of the minutes, there shall be an opportunity for any member of the public being resident in or a registered local government elector of Hertfordshire to present a petition relating to a matter with which the Health Scrutiny Committee are concerned, containing 100 or more signatures of residents or business ratepayers of Hertfordshire. The person named in the notification referred to in (2) below may then address the Health Scrutiny Committee for no more than three minutes on the subject of the petition, but thereafter shall not have the right to speak further. If the subject matter of the petition is not the subject of a report on the agenda of the meeting concerned, the petition will be referred to the next appropriate meeting, or to officers for consideration and report to the local member and Group Spokesmen.

- (2) Notification of intent to present a petition must be given in writing to the Chief Legal Officer at least 5 clear days before the meeting where an item relating to the subject matter of the petition does not appear on the agenda for the meeting and at least three clear days before where the item is the subject of a report.
- (3) Not more than two petitions shall be presented at any one meeting of the Health Scrutiny Committee unless the Chairman so allows. The order of notification under (2) above shall govern priority subject to (4) below.
- (4) The Chief Legal Officer shall have authority to amalgamate within the first received petition other petitions of like effect on the same subject.

### **STANDING ORDER SC.13 - Disorder**

- (1) If a member persistently disregards the ruling of the Chairman, behaves in a disorderly manner or wilfully obstructs the business of the meeting, the Chairman may require that the member be silent or that the member leave the meeting. If the member does not comply or otherwise persists in misconduct, the Chairman may order that the member be removed.
- (2) If a member of the public interrupts the meeting or behaves in a disorderly manner the Chairman shall give a warning. If the warning is disregarded, the Chairman may order that the member of the public be removed and may adjourn or suspend the meeting for so long as seems fit.
- (3) In the case of general disturbance by members of the public the Chairman may order that all or part of the room be cleared and may order that members of the public be removed from all or any part of the building where the meeting is being held.
- (4) Members, and members of the press and public, shall ensure that their mobile phones are switched off or otherwise silenced during the meeting. A person whose mobile phone sounds during the meeting may be warned by the Chairman; if the person's phone sounds again during the meeting after such a warning has been given the Chairman may ask that person to leave the meeting.

### **STANDING ORDER SC.14 - Disclosure**

A member shall not disclose to any person except a member of the Council any Committee papers indicated to be confidential unless:-

- (a) the OSC or, as the case may be, the Health Scrutiny Committee expressly consent;
- (b) the Council has taken steps to make that business public; or
- (c) the law requires.



**STANDING ORDER SC.15 - Variation and Suspension**

These Standing Orders shall only be revoked or varied by the Council and may not be suspended by either of the Committees.