

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

STANDING ORDER SC.1 - Constitution and Membership

- (1) The membership 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 provided that, in any year which is not a year of the ordinary election of Councillors members remain in office for the ensuing year unless there is a resolution to the contrary.
 - (b) The Chief Legal Officer fills casual vacancies on the committees.
- (3) The Committees may establish sub-committees and shall establish time-limited Topic Groups for particular purposes.
- (4) The membership of the Committees, or of a sub-committee or Topic Group appointed by either of the Committees, shall be deemed to include any substitute Councillor serving on the Committee, sub-committee or Topic Group, in accordance with an appointment made under the Substitution Scheme (Annex 28) which has been approved by the Council.

STANDING ORDER SC.2 – Chairman and Vice-Chairmen

- (1) The Chairmen and Vice-Chairmen of the Committees 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 Councillor, chosen by the Councillors present, shall preside. In the case of the HSC, if the Chairman is absent, the Vice-Chairman shall preside. If both are absent, then another member of the HSC, chosen by the members of the HSC 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 on the County Council's website.
- (2) The date and place of Topic Group (and any sub-committee) meetings shall be set by the Chairman of the Committee, after consulting officers, as far ahead as possible and notified to Councillors.
- (3) The Chairman may, after consultation with the Vice-Chairmen:
 - (a) cancel a meeting because of lack of sufficient business; or
 - (b) rearrange the time or date of a meeting if there is a genuinely pressing need.
- (4) The Chairman may summon a special meeting at any time.
- (5) A special meeting of the Committee shall be summoned if at least 3 Councillors who are members of the Committee and also members of the County Council write to the Chief Legal Officer requiring one.
- (6) The summons for a special meeting shall state the business to be considered and no other business shall be considered.
- (7) Meetings shall be held at County Hall unless a different venue is specified on the agenda.
- (8) A member of the Executive has the right to attend and speak at a meeting when a matter relevant to his/her portfolio is being discussed.
- (9) Any Councillor may attend a meeting and, with the permission of the Chairman, may speak.
- (10) The Committees may require a member of the Executive or any officer, to attend a meeting to answer questions, and any member of the Executive or officer shall attend if so required unless there is good reason for non-attendance of which the Committee is notified, in which case the member of the Executive or officer shall attend the next or a future meeting of the Committee as determined by the Committee.

STANDING ORDER SC.4 – Quorum

No business shall be transacted unless at least one quarter of the members or 3 Councillors, whichever is greater, are present.

STANDING ORDER SC.5 - Agendas

- (1)
 - (a) The Committees 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 Councillor may refer a “local government matter”, i.e. a matter relating to the Council’s functions which affects their electoral division, to the OSC or, as the case may be, the HSC. If the Committee decide not to scrutinise the matter they must inform the Councillor of the reason.
- (3) A member of either Committee may require an item to be placed on the agenda for a meeting of that Committee. The Committee shall consider what action to take and advise the member accordingly.
- (4) Scrutiny officers shall prepare reports on all items.
- (5) Members of the Committees shall not have the right to veto items off an agenda or to alter the reports of officers.
- (6) The Chief Legal Officer will, at least 5 clear working days before the meeting send an agenda with full reports to all members and any other member of the Council who has requested them.
- (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 or by means of electronic voting equipment.
- (2) If there is an equality of votes the Chairman shall have a second (casting) vote.
- (3) Immediately after a vote has been taken any member of the Committee may require that the minutes record the way in which that member of the Committee voted.

STANDING ORDER SC.7 – Reports

- (1) The Committees, any sub-committees and any Topic Group, may report with recommendations, on any matter it has considered, to
 - (a) the Executive and/or a member of the Executive;
 - (b) the full Council;
 - (c) a committee of the Council;
 - (d) a Chief Officer;

and such reports and recommendations shall be published on the Council’s website.
- (2) The HSC, any sub-committee of the HSC or any Topic Group established by the HSC may report with recommendations, on any matter it has considered, to the Executive of the health body under scrutiny and any such report and recommendations shall be published on the Council’s website;
- (3) On receipt of a report with recommendations under SC.7(1) or (2) above the person or body concerned shall respond to the Committee. Sub-committee or Topic Group making the recommendations within 28 days and the response shall be published on the Council’s website.
- (4) Each of the Committees shall report regularly to the full Council on their Scrutiny Programme and shall include in that report any recommendations made to the full Council by the Committee, any sub-committee or any Topic Group established by the Committee .
- (5) The recommendations of the Committees and of any sub-committees or Topic Groups established by either of the Committees shall be monitored by the Implementation of Scrutiny Advisory Committee established by the Council under Section 102() of the Local Government Act 1972 (see Annex 3 of the Constitution), which shall report to the Committees or to Full Council as it considers appropriate.

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 15.8 of Annex 4 (each a “publication date”) any 3 Councillors from at least 2 different Political Groups or any 5 Councillors 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 the full Council, with the OSC’s reasons for referring the called-in decision to the 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 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), unless the OSC have taken a decision under Standing Order SC.8 (6) (b) or (c) within the specified period, a called-in decision may be 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 in;
 - (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 in;
 - (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 Councillor who is a member of the Council as soon as practicable after the meeting and in any event at least 3 clear working 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 Councillor.
- (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 being discussed.
- (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 5 working days.
- (5) A motions or amendment shall not be debated unless it is seconded, provided that a motion moved by the Chairman does not have to be seconded.
- (6) Officers will offer to the Chairman and Vice-Chairmen a pre-Committee briefing. Councillors may choose to have these briefings separately or jointly. The briefing with the Chairman may include procedural issues.
- (7) Group briefings will be confidential unless the Councillors 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 1972 Act:
 - (a) in the case of confidential information, the Chairman shall move a motion under Section 100A(2) of the 1972 Act;
 - (b) in the case of exempt information, any member may move a motion under Section 100A (4) of the 1972 Act.

STANDING ORDER SC.12 - Public Petitions

- (1) Subject to SC.12(6), following confirmation of the minutes (or if no minutes are to be confirmed as the first item of substantive business), there shall be an opportunity for any member of the public being resident in or working in Hertfordshire to present a petition relating to a matter with which either of the Committees is concerned, containing 100 or more signatures of residents or persons working in Hertfordshire. The person named in the notification referred to in (3) below may then address the Committee for no more than 3 minutes on the subject of the petition but shall not have the right to speak further.
- (2) 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 Political Group Spokesmen.
- (3) 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 3 clear days before where the item is the subject of a report.
- (4) Not more than 2 petitions shall be presented at any one meeting of a Committee unless the Chairman otherwise allows. The order of notification under (3) above shall govern priority subject to (5) below.

- (5) The Chief Legal Officer may amalgamate the first petition received with any subsequent petition to the like effect on the same subject.
- (6) A petition may only be presented to an extraordinary meeting of a Committee if it relates to the business to be considered at the meeting.

STANDING ORDER SC.13 - Disorder

- (1) If a Councillor 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 Councillor be silent or that the Councillor leave the meeting. If the Councillor does not comply or otherwise persists in misconduct, the Chairman may order that the Councillor 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 and may adjourn or suspend the meeting for so long as seems fit.
- (4) Councillors, and members of the press and public, shall ensure that their Mobile Devices are switched off or otherwise silenced during the meeting. A person whose Mobile Devices sounds during the meeting may be warned by the Chairman; if the person's Mobile Devices 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 Councillor shall not disclose to any person except another Councillor who is 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.

STANDING ORDER SC.16 – Interpretation

- (1) In these Standing Orders:-
- (a) “the 1972 Act” means the Local Government Act 1972;
 - (b) "Chairman", except in Standing Orders SC.2 (1) and (2), and SC.3(3) and (4), means the person presiding at the meeting;
 - (c) “Committee” means the OSC or the HSC;
 - (d) “Councillor”, unless otherwise specified or the context otherwise requires, means a councillor who is a member of the Council or, in the case of the HSC, either a councillor who is a member of the Council or a member of the HSC who is a district Councillor;
 - (e) “the HSC” means the Health Scrutiny Committee;
 - (f) “the OSC” means the Overview and Scrutiny Committee;
 - (g) “Mobile Devices” means a mobile phone, tablet, portable computer or other mobile electronic device;
 - (h) “Political Group Spokesman” means the Spokesman for any Political Group represented on the Committee;
 - (i) “working day” means a day which is not a Saturday, a Sunday or a Public Holiday in England