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Part 4e - Overview and scrutiny procedure rules

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1. Arrangements for overview and scrutiny committees

1.1 The arrangements made by the Council for the discharge of its overview and scrutiny function are described in Article 6 and Part 3 of this Constitution and will be undertaken by the Scrutiny Leadership Board, scrutiny committees, sub committees or panels.

1.2 For the avoidance of doubt when a Procedure Rule states that a request should be in writing then this includes a request submitted by electronic means.

2. Members of the overview and scrutiny committees

2.1 All councillors except members of the Executive are eligible to be appointed to the scrutiny committees, a sub-committee or panel of the committees. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Education representatives

3.1 The Children and Young People's Scrutiny Committee will also deal with education matters and shall include in its membership the following voting representatives:

- one Church of England diocese representative
- one Roman Catholic diocese representative
- two parent governor representatives and
- such other representatives of other faiths or denominations as may be agreed.

3.2 When the Children and Young People's Scrutiny Committee deals with matters which do not relate to the authority's education functions, the above-mentioned representatives shall not vote on those matters, though they may stay in the meeting and speak.

4. Meetings of the overview and scrutiny committees

4.1 Ordinary meetings of the Scrutiny Leadership Board and scrutiny committees shall be as agreed by the Council. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chair of the relevant committee or by the Monitoring Officer. A meeting of the scrutiny committee may be called by any three members of the committee.

5. Quorum

5.1 The quorum for meetings shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

6. Chair and vice-chair of overview and scrutiny committees

6.1 The Chairs of the scrutiny committees are likely to be members of the largest political group on the Council.

7. Lead members

7.1 Lead Members can be appointed to lead on scrutiny reviews and these would normally be from across the political groups on the Council.

8. Work programme

8.1 The work programme for the overview and scrutiny function will be approved, amended as appropriate and kept under review by the scrutiny committees in accordance with the arrangements described in Section 3 of Part 3 of this Constitution and in conjunction with the Scrutiny Leadership Board. In developing any such programme, the scrutiny committee will have regard to the wishes of the members of the scrutiny committees (including those who are not members of the largest political group on the Council) and other non-executive members who do not serve on the committees.

8.2 The scrutiny committees, with the support, as appropriate, of its sub-committees or panels, will respond, as soon as work programmes permit, to requests from the Scrutiny Leadership Board, Council or the Executive to undertake review work.

9. Agenda items

9.1 Any member of the Council may give written notice to the Monitoring Officer that they wish an item to be included on the agenda of a scrutiny committee. If the Monitoring Officer receives such a notification, then he/she will include the item on the first available agenda of the relevant committee for consideration by the committee.

10. Policy review and development

10.1 The role of overview and scrutiny in relation to the Council's budget and policy framework is set out in the Budget and Policy Framework Procedure Rules.

10.2 In relation to the development of the authority's approach to other matters not forming part of its policy and budget framework, the scrutiny committees may make proposals to the Council or the Executive in accordance with the arrangements described in Section 3 of Part 3 of this Constitution.

10.3 In undertaking work assigned to them, scrutiny panels may (in accordance with arrangements approved by the relevant scrutiny committee) 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 (subject to budgetary provision) to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

10.4 Members and officers giving account shall do so in accordance with these rules of procedure and the Protocol on Overview and Scrutiny Committee/ Cabinet Member relations which is set out in Part 5 of this Constitution.

11. Overview and scrutiny reports

11.1 When recommending proposals for service or policy development, the scrutiny committee will prepare a report and submit it to the Monitoring Officer for consideration by the Executive or the Council as they consider appropriate.

11.2 If a committee cannot agree on one single final report, then one minority report may be prepared and submitted for consideration with the majority report.

11.3 Where an overview and scrutiny report is prepared for consideration by the Executive in relation to a matter delegated to an individual member of the Executive, the Monitoring Officer will submit the report to that individual for consideration. If the member with delegated decision making power does not substantially accept the overview and scrutiny recommendations he/she must refer the matter to the next available meeting of the Executive for debate before exercising his/her decision making power and responding to the report. Whether or not the overview and scrutiny recommendations are accepted, the Executive Member will respond to the report (through the Monitoring Officer) as soon as reasonably practicable.

12. Rights of overview and scrutiny members

12.1 In addition to their rights as councillors, overview and scrutiny members have the rights to documents and to notice of meetings set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

12.2 The Chair of the Scrutiny Leadership Board can attend and speak (but not vote) at any scrutiny meeting, scrutiny panel meeting

and Audit Committee meeting in accordance with the role.

13. Members and officers giving account

13.1 The scrutiny committees may require any member of the Executive and any officer to attend before it to answer questions (although officers below the level of Head of Service will not normally be required to attend).

13.2 Where any member or officer is required to attend a committee under this provision, the Chair of that committee will inform the Monitoring Officer. The Monitoring Officer shall notify the member or officer in writing giving at least five working days' notice of the meeting he/she is required to attend. The notice will state the nature of the item for which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of the report.

13.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the Monitoring Officer shall, after consultation with the Chair and with the member or officer concerned, arrange an alternative date for attendance or agree alternative representation.

13.4 Members and officers giving account shall do so in accordance with these rules of procedure and the Protocol for Overview and Scrutiny Committee/ Cabinet Member relations, which is set out in Part 5 of this Constitution.

14. Attendance by others

14.1 A committee may invite people other than those referred to in paragraph 13 above to address it, discuss issues of local concern or answer questions. It may for example wish to hear from residents, stakeholders and other representatives of the public, private or voluntary sectors. Within budgetary provision, the committee may meet the expenses reasonably incurred or loss suffered by any such person in responding to such an invitation.

15. Call-in

15.1 When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within three working days of being made. Copies of each such decision statement will be made available to all members of the Council within the same timescale by the person responsible for publishing the statement.

15.2 The decision statement will bear the date on which it is published and will come into force, and may then be implemented, on the expiry of three working days after publication of the statement unless objection is made to it and it is called-in within that period.

15.3 The Monitoring Officer shall call-in a paragraph 16(a) Executive Decision for scrutiny by the relevant scrutiny committee if so requested within the call-in period by any member of the Council.

15.4 The Monitoring Officer shall call a meeting of the relevant scrutiny committee to be held on such date as he/she may determine, where possible after consultation with the Chair of that committee, and in any case within five working days of having received the call-in request. If the Committee does not meet within that period, the decision shall take effect on the expiry of that period.

15.5 Having considered the decision called-in, the scrutiny committee may

(i) refer the decision back to the decision maker for reconsideration or refer the matter to full Council with, in either case, details of the committee's concerns or

(ii) take no further action on the decision (whereupon the decision will come into force and may be implemented immediately).

15.6 A decision referred back will be reconsidered by the decision maker within 15 working days of the referral and may be affirmed, amended or revoked as the decision maker thinks fit.

15.7 A decision referred to the full Council will be considered by the Council not later than at its next ordinary meeting. If the Council fails to consider the decision or, having considered it, decides to take no further action in respect of it, the decision will come into force and may be implemented with effect from the date of the Council meeting. If the Council does object to the decision and, it is one which is contrary to the policy framework or contrary to or not wholly consistent with the approved budget, the Council may affirm, amend or revoke the decision as it thinks fit. If the decision is not contrary to the policy framework or budget, the Council will refer the decision to the decision maker together with its views on the decision. The decision maker will reconsider the decision within 15 working days of the Council meeting and may then affirm, amend or revoke the decision.

15.8 A decision may not be the subject of more than one request for call-in.

16. Call-in and urgency

16.1 The call-in procedure set out above shall not apply where the decision taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would be prejudicial. If it is thought by the decision maker to be urgent, the relevant decision statement will indicate that fact and will record the reasons for urgency. In those circumstances, the decision will not be subject to call-in unless, on the application of the member(s) requesting call-in, the Chair of the relevant scrutiny committee or, if he/she is absent or otherwise unable to act, the Vice-Chair of the committee, expresses in writing the opinion that the decision is not urgent. This must be before the decision is implemented and within three working days of the decision statement having been published. In the event of that happening, the decision will be deemed to be called-in and will be dealt with accordingly.

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