

3. SELECT COMMITTEE PROCEDURE RULES

1. SELECT COMMITTEES

- 1.1 Select Committees are Committees of the Council to which have been delegated the policy development, overview and scrutiny functions of the Council. For details of their terms of reference, role and functions, see Article 7 of this Constitution.
- 1.2 Where the terms of reference of one Select Committee overlap with the terms of reference of another Select Committee, the subject matter may be dealt with by either. Where necessary, there will be discussions between the Chairmen of the Select Committees to avoid duplication.
- 1.3 Where the functions of a Select Committee overlap with the functions of the Standards Committee, the subject matter will be dealt with by the Standards Committee.
- 1.4 The quorum for a Select Committee is 3.
- 1.5 Select Committees shall meet as often as Council shall decide. At the first meeting after Annual Council the Chairman and Vice Chairman will be appointed. The Chairman of any Select Committee may request the Monitoring Officer to call additional meetings if necessary to facilitate the business of the committee.
- 1.8 By law, Select Committees have no power to take any decisions on behalf of the Council and therefore there are no delegations to them.

2. THE TASKS OF A SELECT COMMITTEE

- 2.1 Within its scope, a Select Committee has the following tasks:-
 - (a) In connection with Executive functions;
 - (i) To review and scrutinise Executive proposals, decisions or actions before or after they are implemented;
 - (ii) To review and scrutinise the performance of the Executive.
 - (b) To respond to consultation by the Executive, a portfolio holder, the Chief Executive or a Executive Director on the proposed exercise of any executive function;
 - (c) To scrutinise policies, strategies or procedures in respect of any functions which are not the responsibility of the Executive;

- (d) To review the performance of relevant external organisations which impact on the Borough Council's functions or services and to submit reports thereon to the Council subject to such reports being first submitted to the Executive and the appropriate portfolio holder and the external organisation in question for comment.

3. MEMBERSHIP OF SELECT COMMITTEES

- 3.1 The Chair and Vice-Chair of each Select Committee shall be elected by secret ballot. All Chairs and Vice-Chairs of Select Committees shall be councillors of the Borough.
- 3.2 The election shall take place annually at the earliest opportunity after the annual Council meeting.
- 3.3 The appointment process shall entail applications being submitted for both the positions of Chair and Vice-Chair and the Committee taking into account the person specification and Select Committee Chair/Vice-Chair role and responsibilities document.
- 3.4 Until an appointment is made, the Select Committee shall appoint a temporary Chair from amongst those present.
- 3.5 All councillors, except councillors of the Executive, may be members of a Select Committee that shall comprise 12 councillors. Co-opted members shall be entitled to 'out of pocket' expenses.
- 3.6 No member may be involved in scrutinising a decision with which he/she has been directly involved (e.g. a decision of a non-select committee).

4. COMMITTEE BUSINESS

- 4.1 The business of Select Committees shall comprise:
 - 4.1.1 Declarations of Interests
 - 4.1.2 Minutes of the last meeting
 - 4.1.3 Consideration of any matter referred to the Committee for a decision in relation to call-in
 - 4.1.4 Questions for Executive members
 - 4.1.5 Reports of the Executive

The Executive will wish to consult Select Committees on policy and other issues affecting the business of the Council. It will do this in the form of a written report. The report of the Executive may make reference to other material already before the Council (e.g. Officer reports to the Executive).

It may also wish to respond to reports of the Select Committee.

4.1.6 Monitoring Reports and Standing Items within the Committee's terms of reference as set out in the Articles to this Constitution including, the Budget; the Capital Programme, the work programme and the progress and outcome of Best Value Reviews.

4.1.7 By Resolution

A Select Committee may by Resolution require that any matter within its terms of reference is placed upon a future agenda.

4.1.8 By Request

A Chairman of a Select Committee or, in his / her absence the Vice-Chairman, may request any item to be placed upon the agenda of a Select Committee.

In addition, one quarter of the members of a Select Committee, or the Standards Committee, or three members of either, whichever is the greater, may, on giving 20 clear working days notice (to allow time for a report to be prepared), require the Monitoring Officer to place an item on the agenda of a Select Committee and, with such request shall:

- (a) outline the nature of any report required.
- (b) indicate any information or background which may be required.

5. **SUB-COMMITTEES**

5.1 A Select Committee may appoint a Sub-Committee (the members of which do not have to be members of the Select Committee itself) to examine any issue in more depth.

5.2 A Select Committee shall not have more than one Sub-Committee in being at any one time with a maximum of two being established in any year.

5.3 Subject to the approval of the Select Committees' Chairmen's Group, one additional Sub-Committee (in total across all Select Committees) where there is an urgent and proven need.

5.4 No substitutes may be appointed to a Sub-Committee, nor any changes made to its membership, in any case where this would offend the normal rules of natural justice.

5.5 The sub-committee may appoint a Chairman and Vice Chairman from amongst its members.

6. SELECT COMMITTEE RESEARCH AND INQUIRIES

- 6.1 In order to fulfil their policy development and scrutiny role, a Select Committee (including a Sub-Committee) may require the presence of "Council witnesses"

e.g. any member of the Council; the Chief Executive, a Executive Director, Service Head or Business Manager; any other Officer of the Council (with the approval of the Chief Executive or relevant Executive Director)

to give evidence and answer questions as the Committee requires. They may request that any such person produce to them documentary or other evidence and information.

The relevant Executive member must attend, and if required by the committee, answer questions.

- 6.2 A Select Committee may request any other person to attend for them to give evidence and answer questions.
- 6.3 A requirement for a Council witness to attend before a Select Committee shall be for such time and date as the Select Committee decide. If the Council witness is unable to be present at that time and date, or is unable to produce the evidence required by that time and date, the issues shall be discussed with the Chairman and Vice-Chairman and another arrangement agreed. A Select Committee may lay down an overall time limit within which a Council witness is to appear before it.
- 6.4 In addition to their rights as councillors, members of Select Committees have the additional right to documents and to notices of meetings as set out in the Access to Information Rules in Part 4 of this Constitution.
- 6.5 In undertaking any inquiry, a Select Committee shall have regard to the rules of natural justice and, in particular, shall give to any person to be criticised in a report a full opportunity of answering the criticisms made, before the report is produced and published.
- 6.6 Within the rules of natural justice, the proceedings of a Select Committee shall be a matter for the Committee to determine but the following principles must be observed:-
- (i) The investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions and to contribute and speak;
 - (ii) Those assisting the Committee be treated with respect and courtesy; and
 - (iii) The investigation be conducted so as to maximise the efficiency of the investigation or analysis.

6.7 Following any investigation or review, the Committee shall prepare a report for submission to the Executive and/or Council as appropriate, and shall make its report and findings public.

6.8 A Select Committee may undertake site visits, conduct public surveys, hold public meetings, commission research and do all other things that it considers reasonably necessary to inform its deliberations. It may ask witnesses to attend to address it on any matters under consideration and may, subject to not exceeding its budget, pay any advisors, assessors and witnesses a reasonable fee and expenses for doing so.

7. THE PARTY WHIP

7.1 Select Committee business shall not be subject to any instruction given by or on behalf of a political group as to how any member shall speak or vote or refrain from doing so.

8. WORK PROGRAMME AND BUDGET

8.1 The Corporate Select Committee shall act as co-ordinator of the overall Work Programmes of the Select Committees. Within that principle, each Select Committee shall be responsible for setting its own work programme and in doing so it shall take into account the wishes of members of that committee who are not members of the largest political group on the Council;

8.2 The Council may allocate and make available to each Select Committee, a budget for reasonable expenses to be incurred by the Committee in the discharge of its work programme. Such budgets shall not be exceeded.

8.3 In recognition of the resource implications, Select Committees may carry out no more than two in depth studies of topics within its terms of reference each year.

8.4 A Select Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Executive, to review particular areas of Council or Executive activity. Where it does so, the Select Committee shall report its findings and any recommendations back to the Executive. The Council and/or the Council or the Executive shall consider the report of the Select Committee within 2 months of receiving it.

8.5 Each Select Committee must report annually to full Council on its work and make recommendations for future work programmes and amend working methods if appropriate.

9. ARRANGEMENTS FOR SELECT COMMITTEES

9.1 The proceedings of a Select Committee shall be recorded in its minutes.

- 9.2 The Executive shall be assumed to be aware of all resolutions of the Select Committees.
- 9.3 A decision of a Select Committee shall be referred to Council only by way of a report. The minutes of a Select Committee shall not be reported to Council
- 9.4 In any case where a Select Committee disagrees with or recommends a variation of a recommendation of the Executive to the Council, the Monitoring Officer shall arrange for the agenda for the Council meeting to include, alongside the Executive's recommendation, the recommendation of the appropriate Select Committee. The Executive recommendation shall, if proposed and seconded, be the substantive motion and the recommendation of the Select Committee shall be moved by way of an amendment.

10. **CALL-IN PROCEDURE**

- 10.1 Select Committees have the right to call-in decisions taken by the Executive before they are implemented. Within five working days of a meeting of the Executive, the decision notices of that meeting will be available on the intranet and web site and for inspection at the Council Offices, Chapel-en-le-Frith, the Municipal Buildings in Glossop and the Town Hall in Buxton. Unless the decision is identified as urgent, the decision the Executive has taken will not take effect until the 4th working day after publication of the notice. During the three intervening days three members of any Select Committee with voting rights may "call in" the decision for it to be referred to the next meeting of the relevant Select Committee or the Corporate Select Committee, if that meets sooner, for consideration. Each member exercising this right will be required to give reasons. The decision is then not implemented until that Committee has considered the matter and/or dismissed it, referred it back to the Executive for re-consideration (or referred it to the full Council), and the matter has been considered there.
- 10.2 Each member calling a decision in must provide evidence that the executive decision failed to comply with the principles of decision-making set out in Article 12. This evidence must be to the satisfaction of the Monitoring Officer in consultation with the chairman of the relevant select committee who will have the final say.
- 10.3 The first three members exercising the right of "call-in" **and** who are not members of the relevant Select Committee (who are entitled to attend the meeting anyway) are entitled to attend the meeting at which the called-in matter is discussed and to speak on it (but not to vote)
- 10.4 The Select Committee that has considered the call-in, can nominate up to two members of any Select Committee to attend and speak at the meeting of the Executive when it re-considers the decision referred back by the Select Committee.
- 10.5 Where an individual decision made by an executive member has been called in, the Select committee shall appoint one only of their number to meet with

the executive member and present the reasons for calling in the decision and the executive member will have due regard to those reasons when deciding whether to reaffirm or amend their original decision.

- 10.6 Members can exercise the right of “call-in” electronically by addressing an e-mail to the Monitoring Officer. Members do not have to “gather together” to create a “call-in”; they can respond individually and the Monitoring Officer will trigger the “call-in” when the necessary threshold has been reached.
- 10.7 If an Executive decision is called in, the Select Committee will be required to give full reasons for a decision to refer the matter back to the Executive – or to the full Council.
- 10.8 Reference to the full Council would only be appropriate if the decision called in is one which the Select Committee believes:-
- Is one which the Executive cannot in law take;or
 - Is one which is reserved to the full Council;or
 - Is one which raises issues of such exceptional significance and the public interest to justify reference to the full Council; although, as with reference back to the Executive, the final decision will rest with the Executive.

11. **EXCEPTIONS**

- 11.1 In order to ensure that call-in is not abused, nor causes unreasonable delay, Council may amend the provisions set out above by including a limitation or limitations on the circumstances on which the right of call-in can be exercised.

12. **CALL-IN AND URGENCY**

- 12.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent in accordance 12.2 and 12.3 below
- 12.2 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, or the interests of any person/persons to whom the decision relates.
- 12.3 The Chairman of the relevant Select Committee (or if the Chairman is unwilling or unable to act, the Mayor – or in his/her absence the Deputy Mayor) must agree that the decision is urgent and cannot reasonably be deferred
- 12.4 The Executive decision notices shall state whether in the opinion of the Executive or the individual member, the decision is an urgent one and therefore not subject to call-in.
- 12.5 The operation of the provisions relating to call-in and urgency shall be reviewed annually and a report submitted to Council with proposals for review if necessary.