

A Guide to Overview and Scrutiny in Northumberland





Northumberland
County Council

A GUIDE TO OVERVIEW AND SCRUTINY

2021

CONTENTS

What is Overview and Scrutiny	3
Overview and Scrutiny in Northumberland	3
Overview and Scrutiny Committees	5
Communities and Place	6
Corporate Services and Economic Growth	6
Family and Children’s Services	7
Health and Wellbeing	7
Chairmen’s Group	8
Membership of Overview and Scrutiny Committees	8
Education Representatives	9
Overview and Scrutiny Work Programmes	9
Call-in	10
Councillor Call for Action	12
Appendices:	
Local Government Act 2000 - Section 21	15
Call-in Form	21
Councillor Call for Action Form	23

1. What is Overview and Scrutiny

- 1.1 Overview and Scrutiny is a central part of the Government's drive to modernise local government to ensure that we provide better public services.
- 1.2 The council's decision making arrangements are split into two elements – the executive and the non-executive – as established by the Local Government Act 2000. Section 21 of the Act covering overview and scrutiny is attached as Appendix 1.
- 1.3 The executive role, through the Cabinet, includes responsibility for all of the Council's functions, which are not within the specific remit of any other part of the Council.
- 1.4 Executive councillors propose and implement policies, non-executive councillors review policy and scrutinise decisions. The aim of overview and scrutiny is to make the decision-making process more transparent, accountable and inclusive and improving services for people by being responsive to their needs.
- 1.5 For scrutiny to be effective, the process must be open, fair, constructive and positive. The aim is to challenge so improvements can be made, not apportion blame when things go wrong. The scrutiny process should be inclusive and aim to give all those who wish to contribute, whether as Councillors, Officers, Co-optees, experts or members of the public giving evidence, to feel valued and to be able to speak freely and openly.
- 1.6 The four principles of good scrutiny - Centre for Public Scrutiny:
 - provides "critical friend" challenge to executive policy-makers and decision-makers;
 - enables the voice and concerns of the public;
 - is carried out by "independent minded governors" who lead and own the scrutiny role; and
 - drives improvement in public services.

2. Overview and Scrutiny in Northumberland

Article 7 of the Council's Constitution sets out the role of the Overview and Scrutiny Committees (OSCs) as follows:

***.01 Terms of Reference**

The Council will appoint the Overview and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

<i>Committee</i>	<i>Scope</i>
<i>Communities and Place Overview and Scrutiny Committee</i>	<i>Matters relating to housing, climate change, highways and neighbourhood, fire and rescue and community safety, including CONTEST, Prevent and Channel, culture, arts, leisure, and tourism, and to the provision of Council services to communities in the built and natural environment of Northumberland</i>
<i>Corporate Services and Economic Growth Overview & Scrutiny Committee</i>	<i>Matters relating to economic development and the Council's corporate services, strategic transport, and budgetary and performance management</i>
<i>Family and Children's Services Overview & Scrutiny Committee</i>	<i>Matters relating to the provision of education, lifelong learning, and safeguarding children</i>
<i>Health and Well Being Overview & Scrutiny Committee</i>	<i>Matters relating to the provision of health services in Northumberland and the general well-being of its residents, and to hold to account the Health & Wellbeing Board</i>

In considering membership of such committees, due regard should be paid to the potential contribution of community stakeholders outside the council. The Committees shall be entitled to co-opt non-members as non-voting co-optees as necessary for a particular matter that is subject to scrutiny.

***.02 General**

Within their terms of reference, the Overview and Scrutiny Committees, and their sub-committees, will:

- (1) Review and/or scrutinise decisions made (and proposed), or actions taken in connection with the discharge of any of the Council's functions;*
- (2) Make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy, joint or Local Area Council in connection with the discharge of any functions;*
- (3) Consider any matter affecting the area or its inhabitants; and*
- (4) Exercise the right to call-in, for reconsideration, (through the Chair's Group) decisions made but not yet implemented by the Cabinet and/or any policy or Local Area Council.*

***.03 Specific functions**

Within their terms of reference, Overview and Scrutiny Committees, and their sub-committees, may:

- (1) Assist the Council and the Cabinet in the development of the Council's Budget and Policy Framework.*

- (2) *Review and scrutinise the decisions made by and performance of the Cabinet and/or Local Area Councils and Council officers both in relation to individual decisions and over time.*
- (3) *Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.*
- (4) *Question members of the Cabinet and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans 26 and targets over a period of time, or in relation to particular decisions, initiatives, or projects.*
- (5) *Make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process.*
- (6) *Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance.*
- 7) *Report and make recommendations to the Council or Cabinet on matters which affect the Council's area or the inhabitants of the area.*
- (8) *Question and gather evidence from any person (with their consent).*

***.04 Overview and Scrutiny Budget**

Overview and Scrutiny Committees have overall responsibility for spending the budget made available to them.

***.05 Annual Report**

Overview and Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

***.06 Officers**

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Rules as set out in Part 5 of this Constitution.

3. Overview and Scrutiny Committees

The Council appoints the Overview and Scrutiny Committees (OSCs) at its Annual meeting. In May 2021, four such OSCs were reappointed:

3.1 Communities and Place

- (a) To maintain an overview of the Management Agreements in place between the County Council and Active Northumberland, Woodhorn Museum Charitable Trust and Northumberland Tourism.

(b) To monitor, review and make recommendations about:

- Development Planning
- Neighbourhood Planning
- Conservation
- Housing
- Climate Change
- Countryside, Biodiversity and Landscape Quality
- Waste Management and Energy Use
- Public and Community Transport Network and Travel to School
- Highway Maintenance, Streetscape, and the Local Environment
- Local and Neighbourhood Services
- Crime, Community Safety, and fear of crime, including CONTEST, Prevent and Channel (NB see note below)
- Antisocial Behaviour and Domestic Violence
- Fire and Rescue
- Emergency Services and Emergency Planning
- Customer Services
- Provision of Cultural and Leisure Facilities
- Improving Quality of Life through access to Culture and Leisure
- Supporting Economic Growth in the Arts, Culture, and Leisure Sectors

NB CONTEST refers to the National Counter Terrorism Strategy which is split into four workstreams known as the 4Ps. This includes "Prevent" which is intended to stop individuals being drawn into, or supporting, terrorism and includes countering terrorist ideology and challenging those who promote it. A key element is "Channel" which is intended to protect the vulnerable being drawn into terrorism. The Council has the statutory responsibility to lead the Channel Panel, a multi-agency approach to protecting the vulnerable, by identifying those at risk, assessing the nature and extent of the risk and developing support plans for individuals. The Committee will also be responsible for scrutinising any similar policy initiatives.

3.2 Corporate Services and Economic Growth

- (a) To maintain an overview of the Council's Annual Budget and Budgetary Management via the Medium Term Financial Plan.
- (b) To review the state of Northumberland and the County Council's activity in delivering its Corporate Plan.
- (c) To maintain an overview of the Council's performance management arrangements, highlighting areas of poor performance and monitoring recovery delivery plans.
- (d) To maintain an overview of the Management Agreements in place between the Council and Advance Northumberland.
- (e) To monitor, review and make recommendations about:
- Corporate Services: Organisational Development, Health and Safety, ICT Strategy, Corporate Governance, Financial Services, Procurement Strategy, Risk Strategy, Shared and Traded Services
 - Partnership development co-ordination with local organisations

- Relationships with External Bodies
- Regeneration and Economic Development
- Strategic Transport Network and Infrastructure
- Employability, Skills, and Removing Barriers to Work
- Capital Programme and Asset Management
- Support to VCS organisations and the Council's Relationship with Town and Parish Councils

3.3 Family and Children's Services

(a) To monitor, review and make recommendations about:

- Early Years
- Education and Schools
- Special education needs and disability
- Adult and Community Education
- Training and Vocational Education
- Lifelong Learning
- Youth Offending
- Social Services for Children and Young People
- Children's Health
- Teenage Sexual Health
- Looked After Children
- Safeguarding – Children
- Youth Services
- Family Services
- Children's Centres

(b) To oversee and monitor school improvement, as follows:

- (i) To receive feedback on the Ofsted inspection of schools.
- (ii) To support the work of the County Council and the progress of schools on the School Intervention and Support Programme in specified categories.
- (iii) To receive an annual report about the number of schools that have been on the School Intervention and Support Programme, the reason(s) for their inclusion, the support given by the Council and the success of this support.
- (iv) To receive an annual report on the performance of schools.

3.4 Health and Wellbeing

(a) To promote well-being and reduce health inequality, particularly in supporting those people who feel more vulnerable or are at risk.

(b) To discharge the functions conferred by the Local Government Act 2000 of reviewing and scrutinising matters relating to the planning, provision and operation of health services in Northumberland.

(c) To take a holistic view of health in promoting the social, environmental and economic well-being of local people.

- (d) To act as a consultee as required by the relevant regulations in respect of those matters on which local NHS bodies must consult the Committee.
- (e) To monitor, review and make recommendations about:
- Adult Care and Social Services
 - Adults Safeguarding
 - Welfare of Vulnerable People
 - Independent Living and Supported Housing
 - Carers Well Being
 - Mental Health and Emotional Well Being
 - Financial Inclusion and Fuel Poverty
 - Adult Health Services
 - Healthy Eating and Physical Activity
 - Smoking Cessation
 - Alcohol and Drugs Misuse
 - Community Engagement and Empowerment
 - Social Inclusion
 - Equalities, Diversity and Community Cohesion.

3.5 Chairmen's Group

In addition to the four OSCs, the Chairmen's Group, comprising the Council's Business and Deputy Business Chairs and the Chairmen and Vice-Chairmen of the OSCs meet to confirm the OSC work programmes and to:

- (a) co-ordinate the overview and scrutiny function of the Council;
- (b) meet after the Cabinet meeting and consider referral of any Cabinet report to an overview and scrutiny committee or a Cabinet Advisory Group as appropriate;
- (c) determine which matters fall within the remit of each overview and scrutiny Committee;
- (d) scrutinise exceptional issues falling outside the remit of the overview and scrutiny committees;
- (e) supervise Call-in, and
- (f) refer "Councillor Calls for Action" not resolved at area level.

3.6 Membership of Overview and Scrutiny Committees

All councillors except members of the Cabinet may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved.

3.7 Education Representatives

Each relevant Overview and Scrutiny Committee/sub-committee dealing with education matters shall include in its membership the following voting representatives:

- (a) one Church of England diocese representative;
- (b) one Roman Catholic diocese representative;
- (c) two parent governor representatives; and
- (d) one representative of other faiths or denominations.

If the Overview and Scrutiny Committee/sub-committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

In addition, four teacher trade union representatives sit as non-voting members on the Overview and Scrutiny Committee/sub-committee dealing with education matters

4. Overview and Scrutiny Work Programmes

4.1 OSC work programmes will typically include:

- Pre-Scrutiny reports as apparent from the Forward Plan. Having considered a pre-scrutiny report, the OSC will ask for their comments/recommendations to be presented to the relevant Cabinet meeting. The Chairman's report is appended to the substantive report prior to its circulation with the Cabinet papers. The report is then presented to the Cabinet by the OSC Chairman.
- Reviews of previous decisions of the Cabinet - oversee the implementation of OSC recommendations.
- Overseeing the implementation of policy/strategy areas within their remit.

4.2 Mechanism for adding to the work programme

- The Overview and Scrutiny Committee Chairmen and Vice-Chairmen have regular briefings from Directors and Service Heads on current and potential issues which may impact on the respective committee's future workload. These meetings are crucial in managing the work programmes, to ensure that particularly significant issues are given priority.
- Members are invited to identify any potential issues at the end of meetings or to contact the Chairman/Scrutiny Co-ordinator as matters arise.
- Issues can emerge at Chairmen's Group, but in any event all requests for reports/reviews must be agreed by Chairmen's Group or if not possible, by the Business Chair.

4.3 Themed Scrutiny - where there is a need for a detailed review of a particular issue, an OSC can establish a Task and Finish Group which will be Chaired by the OSC

Vice-Chair. Any recommendations arising from the review will be presented to the OSC and, if endorsed, presented to the Cabinet for consideration.

- 4.4 Monitoring Reports - to be maintained after each meeting of the OSC. They are used to track issues dealt with by the Committees and to ensure that any further need for updates are kept on the work programmes.

5. Call-in

- 5.1 Call-in should only be used in exceptional circumstances. These are where members of the appropriate Overview and Scrutiny Committee have evidence which suggests that the decision making person or body did not take the decision in accordance with the principles set out in Article 13 (Decision Making).
- 5.2 When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or a Local Area Council, or under joint arrangements, the decision notice shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. All Members will be sent a copy of the notice within the same timescale, by the person responsible for publishing the decision.
- 5.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may be implemented, unless the powers of call-in have been exercised or a period of five days from the date of the notice have elapsed whichever is the sooner.
- 5.4 If during that period, the Scrutiny Officer receives a valid call-in notice, he/she, in consultation with the Business Chair or Deputy Business Chair, or in their absence, the Monitoring Officer, shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within 5 days of the decision to call-in. A copy of the Call-in notice form is attached as Appendix 2.
- 5.5 The call in notice must be signed by either:
- the Chairman or Vice-Chairman of the relevant scrutiny committee or
 - five signatories (comprising non-executive members or, in the case of education matters, any non-Council members with voting rights in respect of the matter in question).
- 5.6 A clear reason for the call-in must be stated on the notice, with due regard to the principles of decision making contained in Article 13.02 and the completed form must be forwarded to the Scrutiny Officer by noon on the fifth day following the publication of the relevant decision notice.
- 5.7 If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the

matter to full Council. If referred to the decision maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.

- 5.8 If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of the period, in which the Overview and Scrutiny Committee should have been held whichever is the earlier.
- 5.9 If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within five working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.
- 5.10 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- 5.11 Where an executive decision has been taken by a Local Area Council, then the right of call-in shall extend to any other Local Area Council which resolves to refer a decision which has been made but not implemented to a relevant Overview and Scrutiny Committee for consideration in accordance with these provisions. A Local Area Council may only request the Scrutiny Officer to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant Overview and Scrutiny Committee.

Exceptions

- 5.12 In order to ensure that call-in is not abused, nor causes unreasonable delay, the Council may resolve to place limits on the number or categories of matters which may be the subject of call in.

Call-In and Urgency

- 5.13 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet 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. 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. The Business Chair of the

council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Business Chairman, the Deputy Business Chair consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- 5.14 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.

6. Councillor Call for Action

- 6.1 Councillor Call for Action ("CCfA") has been introduced as part of changes made to the Local Government Act 2000. It is mandatory for Executive Councils and is intended to provide a mechanism and a focus for Councillors to enable them to solve issues of local concern in their Electoral Divisions. It does this through empowering Councillors to choose issues that they wish to champion or raise, enabling them to approach Council departments or partner organisations in an attempt to resolve the problem and finally by allowing individual Councillors to require the Overview and Scrutiny Committee to place the item on their Agenda.
- 6.2 In practice, a large part of the existing role of a Councillor is to listen to issues of concern raised by local people and to try to resolve those issues. CCfA will not change that role, but will enhance it.

What types of matters can you choose to be a CCfA

- 6.3 The Act and Regulations made under it make it clear that whilst you may be faced with all manner of different issues by the public, the only ones that can be dealt with through the formal CCfA process are issues defined as "local government matters". These are matters which relate to the discharge of any function of the Council and which affect all or part of the electoral area that you represent or affects a person who lives or works in that area. There are some statutory exceptions including issues relating to local crime and disorder, which will eventually be subject to separate provisions. The other exceptions are:
- (a) any matter relating to a planning decision;
 - (b) any matter relating to a licensing decision;
 - (c) any matter relating in respect of which the individual or body has a right or recourse to a review or right of appeal, and
 - (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for the Overview and Scrutiny Committee.
- 6.4 The intention of the Government is to ensure that the Overview and Scrutiny Committee considers issues under CCfA where they add value rather than merely duplicating existing mechanisms for recourse. This is why items (a), (b) and (c) are excluded. In relation to (d), it will sometimes be difficult to decide if an issue should

be excluded under this ground. Examples of such matters might be issues relating to minor matters affecting only one individual, or issues which might affect community cohesion. Matters which are currently proceeding through the Council's complaints process might also be excluded under this heading.

- 6.5 The purpose behind the new changes is to ensure that only matters of genuine local concern are dealt with under this procedure. It is important to note that even if the matter is not a CCfA, the Councillor can still assist the member of the public by listening to them and by signposting them to the correct department or organisation who will be able to assist them. Subject to the above, it is a matter for the Member to decide which issues to champion and as the local elected representative, the Member is accountable to the local community for these decisions. In reaching a decision as to whether to Champion a particular issue as a CCfA, the Council should consider how that issue might help contribute to one or more of the themes in the adopted Sustainable Community Strategy.

What is the Procedure?

- 6.6 There are effectively two stages if the matter is accepted as a CCfA:

(a) Informal Action

The first stage is to try to resolve the issue informally. This can be done with assistance from officers if appropriate, individually or with assistance from other Councillors in that area. Assistance could take the form of arranging a meeting with the relevant department.

(b) Referring CCfAs to Overview and Scrutiny

If informal action does not resolve an issue and the problem persists, the Councillor can request that the matter be placed on an agenda of the Overview and Scrutiny Committee following consideration by the Chairmen's Group. It is anticipated that only the more difficult or persistent problems will be put on the Agenda, and before considering such matters, the Chairmen's Group will need to see evidence and be assured that the Councillor has done everything possible to resolve the issue.

- 6.7 A form for completion by the Councillor is attached as Appendix 3. This form requests that the matter be put before the Overview and Scrutiny Committee and also gives details of action so far taken to resolve the issue. The form should be sent to the Democratic Services Manager.

Action at Overview and Scrutiny

- 6.8 Chairmen's Group will consider the matter initially to decide whether they require particular people to attend before the relevant Overview and Scrutiny Committee, and what further evidence or information they require. Officers will then endeavour to obtain that information or send out the necessary invitations.
- 6.9 At the Overview and Scrutiny meeting which considers the issue, members can make a recommendation or report to the Full Council if the issue relates to something over which the Council has direct control, or to another body. The Overview and Scrutiny Committee can request a response from the recipient. The

Overview and Scrutiny Committee can also involve itself following the issue of the report in monitoring the implementation of any solution.

Sean Nicholson
Scrutiny Co-ordinator

sean.nicholson@northumberland.gov.uk

01670 622605

Chris Angus
Scrutiny Officer

chris.angus@northumberland.gov.uk

01670 622604

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Local Government Act 2000

21 Overview and Scrutiny Committees

- (1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more committees of the authority (referred to in this Part as overview and scrutiny committees).
- (2) Executive arrangements by a local authority must ensure that their overview and scrutiny committee has power (or their overview and scrutiny committees have power between them)—
 - (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
 - (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
 - (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
 - (d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
 - (e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,
 - [F1](f) in the case of the overview and scrutiny committee or committees of an authority to which [F2]section 244 of the National Health Service Act 2006 or section 184 of the National Health Service (Wales) Act 2006 applies, to review and scrutinise, in accordance with regulations under either of those sections, matters relating to the health service (within the meaning given by the Act concerned, and as extended by the section concerned)] in the authority's area, and to make reports and recommendations on such matters in accordance with the regulations.]
- (3) The power of an overview and scrutiny committee under subsection (2)(a) to review or scrutinise a decision made but not implemented includes power—

- (a) to recommend that the decision be reconsidered by the person who made it, or
 - (b) to arrange for its function under subsection (2)(a), so far as it relates to the decision, to be exercised by the authority.
- (4) Subject to subsection (5), an overview and scrutiny committee of a local authority may not discharge any functions other than its functions under this section.
- (5) If or to the extent that a local authority's function of conducting best value reviews under section 5 of the [M1](#) Local Government Act 1999 is not the responsibility of an executive of the authority, the authority may arrange for their overview and scrutiny committee (or any of their overview and scrutiny committees) to conduct such a review.
- (6) An overview and scrutiny committee of a local authority—
 - (a) may appoint one or more sub-committees, and
 - (b) may arrange for the discharge of any of its functions by any such sub-committee.
- (7) A sub-committee of an overview and scrutiny committee may not discharge any functions other than those conferred on it under subsection (6)(b).
- (8) Executive arrangements by a local authority must include provision which enables—
 - (a) any member of an overview and scrutiny committee of the authority to ensure that any matter which is relevant to the functions of the committee is included in the agenda for, and is discussed at, a meeting of the committee, and
 - (b) any member of a sub-committee of such a committee to ensure that any matter which is relevant to the functions of the sub-committee is included in the agenda for, and is discussed at, a meeting of the sub-committee.
- (9) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, may not include any member of the authority's executive.
- (10) An overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority, but (subject to any provision made by or under paragraphs 7 to 9 of Schedule 1) any such persons are not entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting [[F3](#), unless permitted to do so under paragraph 12 of that Schedule].
- (11) An overview and scrutiny committee of a local authority, or a sub-committee of such a committee, is to be treated—

- (a) as a committee or sub-committee of a principal council for the purposes of Part VA of the [M2](#)Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees), and
 - (b) as a body to which section 15 of the [M3](#)Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.
- (12) Subsections (2) and (5) of section 102 of the [M4](#)Local Government Act 1972 are to apply to an overview and scrutiny committee of a local authority, or a sub-committee of such a committee, as they apply to a committee appointed under that section.
- (13) An overview and scrutiny committee of a local authority or a sub-committee of such a committee—
- (a) may require members of the executive, and officers of the authority, to attend before it to answer questions, and
 - (b) may invite other persons to attend meetings of the committee.
- (14) It is the duty of any member or officer mentioned in subsection (13)(a) to comply with any requirement so mentioned.
- (15) A person is not obliged by subsection (14) to answer any question which he would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

Annotations: 

Amendments (Textual)

[F1](#)S. 21(2)(f) inserted (1.1.2003 for E., otherwise 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\), ss. 7\(1\), 70\(2\)](#) (with [s. 7\(2\)-\(5\), 64\(9\), 65\(4\)](#)); [S.I. 2003/53, art. 3\(a\)](#); [S.I. 2006/1407, Sch. 1 Pt. II para. 8\(a\)](#)

[F2](#)Words in s. 21(2)(f) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 1 para. 205](#) (with [Sch. 3 Pt. 1](#))

[F3](#)Words in s. 21(10) inserted (18.11.2003) by [Local Government Act 2003 \(c. 26\), s. 128\(3\)\(e\), Sch. 7 para. 80](#); [S.I. 2003/2938, art. 2\(a\)](#) (with [art. 8 Sch.](#))

Modifications etc. (not altering text)

[C1](#)S. 21 applied (with modifications) (1.1.2003 for E. otherwise 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\), s. 10\(3\)\(4\), 70\(2\)](#) (with [ss. 64\(9\), 65\(4\)](#)); [S.I. 2003/53, art. 3\(a\)](#); [S.I. 2006/1407, Sch. 1 Pt. II para. 8\(a\)](#) (and the said amending Health and Social Care Act

2001 (c. 15), s. 10 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)

C2S. 21 applied (with modifications) (1.3.2007) by [National Health Service Act 2006 \(c. 41\), s. 247\(3\)\(4\), 277\(1\)](#)

C3S. 21(4) excluded (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\), ss. 8\(7\), 70\(2\)](#) (with [ss. 64\(9\), 65\(4\)](#)); [S.I. 2003/53, art. 3\(a\)](#); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)

C4S. 21(4) power to apply (with modifications) conferred (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\), ss. 8\(3\)\(b\), 70\(2\)](#) (with [ss. 64\(9\), 65\(4\)](#)); [S.I. 2003/53, art. 3\(a\)](#); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)

C5S. 21(4) excluded (1.3.2007) by [National Health Service Act 2006 \(c. 41\), ss. 245\(7\), 277\(1\)](#)

C6S. 21(4) excluded (1.3.2007) by [National Health Service \(Wales\) Act 2006 \(c. 42\), ss. 185\(7\), 208\(1\)](#) (with [s. 19\(3\)](#))

C7S. 21(6)-(15) applied (with modifications) (E.) (1.1.2003) by [S.I. 2002/3048, reg. 7\(3\)](#)

C8S. 21(6)-(15) power to apply (with modifications) conferred (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\), ss. 8\(3\)\(b\), 70\(2\)](#) (with [ss. 64\(9\), 65\(4\)](#)); [S.I. 2003/53, art. 3\(a\)](#); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)

C9S. 21(10) excluded (11.5.2001 for specified purposes, otherwise 1.1.2003 for E. and (so far as not already in force) 1.3.2007 immediately before the National Health Service Act 2006 (c. 41) comes into force) by [Health and Social Care Act 2001 \(c. 15\), ss. 8\(8\), 70\(2\)](#) (with [ss. 64\(9\), 65\(4\)](#)); [S.I. 2003/53, art. 3\(a\)](#); S.I. 2006/1407, Sch. 1 Pt. II para. 8(a) (and the said amending Health and Social Care Act 2001 (c. 15), s. 8 is repealed (1.3.2007) by the National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4)

C10S. 21(10) excluded (1.3.2007) by [National Health Service \(Wales\) Act 2006 \(c. 42\), ss. 185\(8\), 208\(1\)](#) (with [s. 19\(3\)](#))

C11S. 21(10) excluded (1.3.2007) by [National Health Service Act 2006 \(c. 41\), ss. 245\(8\), 277\(1\)](#)

Commencement Information

11S. 21 wholly in force at 28.7.2001; s. 21 not in force at Royal Assent see s. 108; s. 21 in force at 26.10.2000 in relation to England only by [S.I. 2000/2849](#), [arts. 1\(3\)](#), [2\(a\)](#); s. 21 in force at 28.7.2001 in so far as not already in force see s. 108(4)-(6)

Marginal Citations

[M11999 c. 27.](#)

[M21972 c. 70.](#)

[M31989 c. 42.](#)

[M41972 c. 70.](#)

CALL-IN FORM

<p>Decision to be called in:</p> <p>Give a brief description of the decision to be called in. If it was a Cabinet decision refer to the title of the report. For an officer decision quote the subject listed on the schedule of delegated decisions. It is important to be accurate and clear to ensure there is no confusion about which decision you wish to call-in.</p>	
<p>Decision made by:</p>	
<p>Date decision was made:</p>	
<p>Relevant Scrutiny Committee:</p> <p>Tick the Committee which would consider the call-in. If in doubt the Scrutiny Officer can advise.</p>	<p><input type="checkbox"/> Health and Wellbeing OSC</p> <p><input type="checkbox"/> Communities and Place OSC</p> <p><input type="checkbox"/> Corporate Services and Economic Growth OSC</p> <p><input type="checkbox"/> Family and Children’s Services OSC</p>
<p>Reasons for the Call-In:</p> <p>For the call-in to be valid you must state a reason why it is being made, having regard to the decision making principles set out in the Constitution: (Article 13:02 Principles of decision making)</p>	<p>Tick appropriate reason below:</p> <p><input type="checkbox"/> Proportionality (ie the action must be proportionate to the desired outcome)</p> <p><input type="checkbox"/> Due and appropriate consultation and the taking of professional advice from officers.</p> <p><input type="checkbox"/> Respect for human rights</p> <p><input type="checkbox"/> A presumption in favour of openness</p> <p><input type="checkbox"/> Clarity of aims and desired outcomes</p>

Signatures:

Once you have filled in the form you must canvass the necessary support from other members. You either need to get the support of:

The Chair or Vice-Chair of relevant scrutiny committee or

Five signatories comprising non-executive members or, in the case of education matters, may include any non-Council members with voting rights in respect of the matter in question.

This can be demonstrated by having the members sign the form and forward the completed form to Jackie.Roll@northumberland.gov.uk the named Scrutiny Officer expressing their support for the call-in.

This must be done before the end of the Call-in period. (ie by noon on the fifth day following the publication of the relevant decision notice.

	Name	Signature
Chair or		
Vice-Chair or		
Five Members		

Contact Details:	
Name of person to be contacted if there are any difficulties or questions.	Jackie.Roll@northumberland.gov.uk 01670 622603 Sean.Nicholson@northumberland.gov.uk 01670 622605

Date:.....

**REQUEST FOR COUNCILLOR CALL FOR ACTION TO BE CONSIDERED
BY OVERVIEW AND SCRUTINY**

From:
Title:
Give Details of the issue:
Which people, areas or community are affected:
How have you, or anyone else, already tried to resolve the issue:
What organisations or parties do you feel should be heard by the Committee (give contact details):
Are there any deadlines associated with this issue:
Signed:
Dated:

Please complete and return to Sean Nicholson, Scrutiny Co-ordinator, Democratic Services, County Hall, Morpeth, NE61 2EF: sean.nicholson@northumberland.gov.uk 01670 622605