

# Scrutiny Procedure Rules

## 1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR SCRUTINY COMMITTEES?

- a) The Council will have the Scrutiny Committee set out in Article 6 and will appoint to it as it considers appropriate from time to time. Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.
- b) The Scrutiny Committee will perform all scrutiny functions on behalf of the Council. Subject to Section 3 below, it will consist of 11 Members of the Council based on political proportionality.
- c) The Terms of Reference of the Scrutiny Committee will be to:
  - i) perform all scrutiny functions on behalf of the Council;
  - ii) identify areas which require emergency scrutiny based on the decisions of the Cabinet, Officers or otherwise.
  - iii) propose and undertake an annual programme of work of up to two policy reviews or inquiries – either of the Council's work or of other bodies/agencies who impact on the local community.
  - iv) review policy outcomes.
  - v) consider and undertake policy reviews referred by the Cabinet.
  - vi) initiate and consider reviews established by a corporate timetable and make recommendations to the Cabinet.
  - vii) respond to consultation requests as referred by the Cabinet.
  - viii) refer reports to the Cabinet or Council as appropriate.

## 2. WHO MAY SIT ON SCRUTINY COMMITTEES?

All Councillors except Members of the Cabinet may be Members of the Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

## 3. CO-OPTEEES

- a) The Scrutiny Committee shall be entitled to appoint up to four non-Council members as non-voting co-optees to assist with reviews. The period of co-option shall last until the review has ended.
- b) At the request of another body the Scrutiny Committee may nominate a Member or Members to act in whatever capacity it so wishes to undertake scrutiny functions for that other body.

## 4. MEETINGS OF THE SCRUTINY COMMITTEE

There shall be at least four ordinary meetings of the Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chairman of the Scrutiny Committee, by any four Members of the Committee or by the Chief Executive if he/she considers it necessary or appropriate.

## 5. QUORUM

The quorum for the Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

## 6. **WHO CHAIRS SCRUTINY COMMITTEE MEETINGS?**

The Chairman of the Scrutiny Committee will be drawn from among the Councillors sitting on the Committee and subject to this requirement the Committee may appoint such a person as it considers appropriate as Chairmen.

## 7. **WORK PROGRAMME**

The Scrutiny Committee will be responsible for its own annual work programme and in doing so it shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

## 8. **AGENDA ITEMS**

Any member of the Scrutiny Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

Any 5 Members of the Council who are not members of the Scrutiny Committee may give written notice to the Chief Executive that they wish an item to be included on the agenda of the Scrutiny Committee. If the Chief Executive receives such a notification, then he/she will include the item on the first available agenda of the Scrutiny Committee for consideration by the Committee.

The Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or the Council. The Council and/or the Cabinet shall normally consider the report of the Scrutiny Committee within one month of receiving it.

## 9. **POLICY REVIEW AND DEVELOPMENT**

- a) The role of the Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committee may make proposals to the Cabinet for developments insofar as they relate to matters within its terms of reference.
- c) The Scrutiny Committee may 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 to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## 10. **REPORTS FROM SCRUTINY COMMITTEE**

- a) Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- b) If the Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet.

- c) The Council or Cabinet shall consider the report of the Scrutiny Committee within two months of it being submitted to the Chief Executive.

#### **11. MAKING SURE THAT SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET**

- a) The agenda for Cabinet meetings shall include an item entitled "Issues arising from scrutiny." The reports of the Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Scrutiny Committee completing its report/recommendations.
- b) Only one report every six months may be submitted by the Scrutiny Committee to the Cabinet.
- c) The Scrutiny Committee will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

#### **12. RIGHTS OF SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

- a) In addition to their rights as Councillors, Members of the Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Scrutiny Committee as appropriate depending on the particular matter under consideration.

#### **13. MEMBERS AND OFFICERS GIVING ACCOUNT**

- a) The Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
  - i) any particular decision or series of decisions;
  - ii) the extent to which the actions taken implement Council policy; and/or
  - iii) their performance.and it is the duty of those persons to attend if so required.
- b) Where any Member or officer is required to attend the Scrutiny Committee under this provision, the Chairman of that Committee will inform the Chief Executive. The Chief Executive shall inform the Member or officer in writing giving at least 10 working days notice of the meeting 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 that documentation.
- c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Scrutiny Committee shall in consultation with the Member or officer arrange an alternative date for attendance to take place within a maximum of 30 days from the date of the original request.

#### 14. **ATTENDANCE BY OTHERS**

The Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite people to attend. Such attendance is at the discretion of the people asked.

#### 15. **CALL IN**

- a) When a decision is made by the Cabinet or an individual Portfolio Holder or a key decision is made by an officer with delegated authority from the Cabinet, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within four working days of being made. The Chairman of the Scrutiny Committee and Committee Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the Scrutiny Committee objects to it and calls it in.
- c) During that period, the Chief Executive shall call in a decision for scrutiny by the Committee if so requested by any three Members from two or more political groups of the Council and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Committee on such a date as he/she may determine, where possible after consultation with the Chairman of the Committee, normally within 15 working days of the decision to call-in.
- d) Requests in c) shall be in writing, by fax or e-mail stating the reasons for call in and be jointly signed or named. If, having considered the decision, the 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, what it expects the decision-making person or body to reconsider and any alternative recommended action.
- e) If following an objection to the decision, the 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 scrutiny meeting, or the expiry of that further 15 working day period whichever is the earlier.
- f) 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 a meeting will be convened to reconsider within 20 working days of the Council request.
- g) 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.

#### **Exceptions**

- h) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use.
  - i) only decisions involving costs over a value of £5,000 may be called in;

- ii) 3 Members of the Scrutiny Committee from at least two political groups are needed for a decision to be called in;

### **Call in and Urgency**

- i) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, an individual Portfolio Holder or officer 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. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- j) 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.

## **16. PROCEDURE AT SCRUTINY COMMITTEE MEETINGS**

- a) The Scrutiny Committee shall consider the following business:
  - i) minutes of the last meeting;
  - ii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
  - iii) responses of the Cabinet to reports of the Scrutiny Committee; and
  - iv) the business otherwise set out on the agenda for the meeting.
- b) Where the Scrutiny Committee conducts investigations (eg with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
  - i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
  - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- c) Following any investigation or review, the committee shall prepare a report, for submission to the Cabinet and/or the Council as appropriate and shall make its report and findings public.

## **17. JOINT REVIEWS WITH OTHER ORGANISATIONS**

- a) The Scrutiny Committee may agree to undertake a joint review with another organisation.
- b) In order to carry out a joint review the Scrutiny Committee may co-opt Members onto it using the powers in Section 3 above.