

## **Scrutiny Procedure Rules**

### **1. Number of Scrutiny Committees**

The Council will have two scrutiny committees as set out in Article 6 and will appoint to them as it considers appropriate from time to time, usually at the Annual meeting of the Council. Such committees may appoint sub-committees. Ad-hoc scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

### **2. Membership of Scrutiny Committees**

All councillors except members of the Executive may be members of a scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

### **3. Co-optees**

Each scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees where particular skills or knowledge are justified and it is considered this can be best provided for in this manner.

### **4. Meetings of the Scrutiny Committees**

Each scrutiny committee will normally meet once in a Council cycle. In addition, extraordinary meetings may be called from time to time as and when appropriate. A scrutiny committee meeting may be called by the chair of the relevant scrutiny committee, by any 3 members of the committee or by the proper officer if he/she considers it necessary or appropriate.

### **5. Quorum (Standing Order 42)**

The quorum for an overview and scrutiny committee shall be as set out for committees in the Council procedures Rules in Part 4 of this Constitution.

### **6. Chairs**

6.1 Chairs of Scrutiny Committees will be drawn from among the councillors sitting on the committee.

6.2 Scrutiny chairs will undertake the following roles:

1. To chair meetings of Scrutiny Committees and ensure that the scrutiny function is developed and exercised according to the Council's Constitution.
2. To ensure that the work of the Scrutiny Committee contributes to the Council's corporate objectives.

3. To manage the workload of the Scrutiny Committee to ensure that it can effectively carry out its role of:
  - reviewing the formulation of policy development
  - advising the Executive of areas of potential improvements.
4. To liaise with Executive Portfolio holders as appropriate.
5. To contribute to the training and development of members engaged in the scrutiny and review role.
6. To approve any report which the Committee may wish to submit to the Executive as necessary
7. To be the spokesperson for the Committee within the terms of the former DTLR Code of Recommended Practice on Local Authority Publicity

#### 7. **Work Programme**

The scrutiny committees will be responsible for setting their own work programme and in doing so they 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 (Standing Order 18)**

Any member shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and the Executive to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations back to the Executive and/or Council.

#### 9. **Questions to Portfolio Holders (Standing Orders 19 and 20)**

Relevant Portfolio Holders will normally be required to attend Scrutiny Committee meetings to respond to questions from Members of the Council and members of the public under Standing Order 19 and 20. Portfolio Holders may also be invited by the Chair(s) of Scrutiny Committees to respond to Committee Members questions in relation to their portfolios.

#### 10. **Policy Review and Development**

- (a) The scrutiny committees have a key role to play in relation to the development of the Council's budget and policy framework.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (c) Scrutiny committees may hold inquiries and investigate the available options for future direction in policy development and may seek the views of advisers and assessors to assist them in this process.

#### **11. 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 proper officer for consideration by the Executive.
- (b) The Council or the Executive shall consider the report of the scrutiny committee as soon as practicable after it has been submitted to the proper officer.
- (c) The agenda for Executive meetings shall include an item entitled 'Matters referred by Scrutiny Committees'. The reports of scrutiny committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of a substantive item elsewhere on the agenda).
- (d) Where a scrutiny committee prepares a report for consideration by the Executive in relation to a matter where delegated decision making power has been granted to an individual member of the Executive, then the scrutiny committee will submit a copy of their report to him/her for consideration. At the time of doing so, the scrutiny committee shall give a copy to the proper officer. The member with delegated decision making power must consider the report and respond in writing to the next ordinary meeting of the scrutiny committee. A copy of his/her written response to it shall be sent to the proper officer and the leader. The member will also attend a future meeting of the scrutiny committee to present their response.
- (e) Scrutiny committees will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a scrutiny committee following consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Executive'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 scrutiny committees 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 Executive and scrutiny committees as appropriate depending on the particular matter under consideration.

**13. Members and Officers Giving Account (Standing Orders 17 And 20)**

- (a) Any scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions falling within their terms of reference. It may require the leader, a portfolio holder and/or any senior officer (i.e. an officer at grade 10 or above) 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 a scrutiny committee under this provision, the chair of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on 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.

**14. Attendance by Others**

A 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.

15. **Call-In (Standing Order 17)**

Call-in should only be used in exceptional circumstances. These are where members of the appropriate scrutiny committee have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 12 (Decision Making) or paragraph 5.4 of the Executive Procedure Rules. Call-in will not apply in the circumstances set out in paragraph 5.1 of the Executive Procedure Rules.

- (a) 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 with delegated authority from the Executive, the decision shall be published, including where possible by electronic means, and shall be available in accordance with the time limits set out in Standing Order 17. All Councillors 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 a scrutiny committee objects to it and calls it in.
- (c) During that period, the proper officer shall call-in a decision for scrutiny by the committee if so requested by at least seven Scrutiny members, irrespective of the Scrutiny Committee on which they serve, and shall then notify the decision taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chair of the committee, and this will normally be within 5 days of the decision to call-in.
- (d) 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 or refer the matter to full Council. If referred to the decision maker they shall then reconsider the matter as soon as possible, amending the decision or not, before adopting a final decision.
- (e) 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, 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.
- (f) 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.

(g) A matter may not be called-in if:

- It is a non-Executive decision
- the decision has already been called in once
- the report/item has already been considered by the appropriate Scrutiny Committee prior to the decision being made by the Executive or officer with delegated authority for a key decision
- it is a non-key decision made by delegated officers
- it in an urgent decision.

#### 16. **The Party Whip**

When considering any matter in respect of which a member of a scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

#### 17. **Matters within the Remit of more than One Scrutiny Committee (Standing Order 18(2))**

Where a scrutiny committee conducts a review or scrutinises a matter which also falls, whether in whole or in part, within the remit of another scrutiny committee, before submitting its findings to the Executive or Council for consideration, the report of one Scrutiny Committee shall be considered by the other Scrutiny Committee for comment. Those comments shall be incorporated into the report which shall then be sent to the Executive for consideration.