

## **Scrutiny Procedure Rules**

### **1. What will be the number and arrangements for scrutiny committees?**

- 1.1 The Council will have 1 scrutiny committee and will appoint to it as it considers appropriate from time to time. The committee may appoint sub-committees/working groups. .
- 1.2 The Scrutiny Committee will comprise 17 Members unless otherwise agreed by the Council.

### **1.3 Co-ordination of the work of the Scrutiny Committee**

A Panel comprising the Chairs and Vice Chairs of each Scrutiny Committee no longer exists, which was established with the following terms of reference:

- (a) Where matters fall within the remit of more than one scrutiny committee, to discuss and advise which of them will assume responsibility for any particular issue, and to advise on any issues of dispute between scrutiny committees unless they can be resolved by the relevant Chairs.
- (b) To consider requests from the Executive and/or the full Council for reports from scrutiny committees and to advise on their allocation, if appropriate, to one or more scrutiny committees if those requests do not clearly fall within the terms of reference of a Scrutiny Committee.
- (c) Where it is not possible to agree the allocation of tasks between Scrutiny Committees despite the intervention of the Co-ordinating Panel, the Chief Executive will determine the issue.
- (d) The panel may with the agreement of the members of the panel from time to time be joined by up to 3 Members of the Executive to facilitate joint working or joint planning. Relevant Executive Members attend Scrutiny Committees to present the Forward Plan (now Notice of Key Decisions and Private Part of Meeting) and to facilitate joint working between the Executive and Scrutiny.

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### **2. Who may sit on the scrutiny committee?**

Any Member of the Council who is not a Member of the Executive may be a member of the scrutiny committee. However, no Member may be involved in scrutinising a decision which he/she has been directly involved with.

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

The scrutiny committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

The Scrutiny Committee, in its capacity as the designated Crime and Disorder Overview and Scrutiny Committee only, may co-opt additional members from a responsible authority or co-operating body to serve on the Committee and this may be limited to a particular matter.

It shall not allow a person co-opted to vote on any particular matter, unless the Committee so determines.

### **4. Meetings of the scrutiny committees**

There shall be at least 5 ordinary meetings of the scrutiny committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting of a scrutiny committee may be called by the chair of the scrutiny committee.

### **5. Quorum**

The quorum for the scrutiny committee shall be one third as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

### **6. Who chairs the scrutiny committee meetings?**

The Chair of the scrutiny committees will be appointed by the Council and be drawn from among the Members sitting on the committee. The Chair and Vice Chair will remain in office for the Municipal Year in which they are appointed unless the Council revokes that appointment, they resign from that office or are disqualified from the office of Councillor.

### **7. Work programme**

The scrutiny committee will be responsible for setting its own work programme and in doing so they shall take into account wishes of all Members on that committee (The Co-ordinating Panel (see 1.3) no longer exists).

### **8. Agenda items**

Any member of a scrutiny committees shall be entitled to give notice to the Head of Governance, Law & Regulation 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 Head of Governance, Law & Rregulation will ensure that it is included on the next available agenda. The scrutiny 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 activity.

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Where they do so, the scrutiny committee shall report its findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the scrutiny committee in the case of the Council, within two months, and for the Executive, 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 Executive for developments in so far as they relate to matters within their terms of reference.
- (c) The Scrutiny committee may within the limits of any budget provided hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. It may undertake this role and engage with 3<sup>rd</sup> parties and the public in any way they feel necessary

### **10. Reports from the 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 Head of Governance, Law & Regulation for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), and to the Council as appropriate.
- (b) The Executive shall consider the report of the scrutiny committees within 1 month of it being submitted to the Head of Governance, Law & Regulation in the case of the Council and within one month in the case of the Executive.

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### **11. Making sure that scrutiny reports are considered by the executive**

- (a) Scrutiny Committee reports will be included on the Executive agendas within one month of submission to the Head of Governance, Law & Regulation.
- (b) The Scrutiny committee will in any event have access to the Executive's Notice of Key Decisions and Private Part of Meeting. Even where an item is not the subject of detailed proposals from a scrutiny committee following a 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 committees members to documents**

- (a) In addition to their rights as Members, Members of the scrutiny committees have the additional right to documents to enable them to carry out their statutory functions.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the 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 Executive, the head of paid service and anyone on Chief Officer conditions of service (i.e. Head of Service and above) to attend before it to explain in relation to matters within their remit:
  - i) any particular decision or series of decisions;
  - ii) actions taken by them to implement Council policy; and/or
  - iii) their performance.

and it is the duty of those persons to attend if so required.

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- (b) Where any member or officer is required to attend the scrutiny committee under this provision, the chair of the committee will inform the Head of Governance, Law & Regulation. The Head of Governance, Law & Regulation shall inform the member or officer in writing giving at least 10 working days 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 to take place within a maximum of 20 working 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 14 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 may invite those people to attend.

### 15. Call-in

Call-in should only be used in exceptional circumstances. These are where non Executive members have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 13 (Decision Making), e.g. inadequate consultation with stakeholders; insufficient supporting evidence, outside the terms of reference of the executive.

- (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 distribution to all Members and where possible by electronic means, and shall be available at the Town Hall normally within 3 working days of being made.
- (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 it is called in.
- (c) During that period, the Head of Governance, Law & Regulation shall call-in a decision for scrutiny by the committee if so requested by any 5 Non Executive Members of the Council,

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and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the scrutiny committee on such date as he/she may determine, where possible after consultation with the Chair of the committee, and in any case within 7 working 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. If referred to the decision maker they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.
- (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 5 working day period referred to in 16(b), whichever is the earlier.
- (f) Decisions may only be called in once.

### **CALL-IN AND URGENCY**

- (g) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would for example seriously prejudice the Council's or the public interest. The record

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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 Chair of the Scrutiny committee 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 Chair, the Vice Chair's 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.

### 16. The party whip

In this context the party whip means:

*"Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner."*

- (a) 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 start 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. Procedure at scrutiny committees meetings

- (a) scrutiny committees and sub-committees shall consider the following business:
  - i) minutes of the last meeting;
  - ii) declarations of interest (including whipping declarations);
  - iii) questions from the public;
  - iv) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
  - v) responses of the executive to reports of the scrutiny committees; and
  - vi) the business otherwise set out on the agenda for the meeting.

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- (b) Where the scrutiny committee conducts investigations (e.g. 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 executive and/or Council as appropriate and shall make its report and findings public subject to the usual provisions relating to exempt or confidential information.

18. **Matters within the remit of more than one scrutiny committees** - only one scrutiny committee now exists

19. **Designated Crime and Disorder Scrutiny Committee**

The Scrutiny Committee shall be the Council's designated crime and disorder scrutiny committee:

- (a) to review or scrutinise decisions made, or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions;
- (b) to make reports or recommendations to Council with respect to the discharge of those functions;
- (c) to have a frequency of meetings as the Committee considers appropriate but no less than once in every twelve month period dedicated to scrutinising crime and disorder matters;
- (d) may co-opt additional members from a responsible authority or co-operating body to serve on the Committee and this may be limited to a particular matter: and
- (e) shall not allow a person co-opted to vote on any particular matter, unless the Committee so determines."