

4F. SCRUTINY PROCEDURE RULES APPENDIX A2

1. What are the number and arrangements for the Scrutiny Committee?

- (a) The number, size and function of the Scrutiny Committee shall be determined by the Council as set out in [Article 6](#).
- (b) The Scrutiny Committee shall have the powers of a Scrutiny Committee in relation to Cabinet decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000. The specific functions of each committee are, however, outlined in [Part 3D](#) of this constitution.

2. Who may sit on the Scrutiny Committee?

All councillors except members of the Cabinet 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 shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. Meetings of the Scrutiny Committee

There shall normally be seven 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, by one third of the members of the committee or by the Chief Executive (or other designated officer) if he/she considers it necessary or appropriate.

5. Quorum

The quorum for a Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in [Part 4A](#) of this constitution.

6. Who chairs Scrutiny Committee meetings?

The chairman and the vice-chairman of the Scrutiny Committee shall be appointed by the Council. In the absence from a meeting of both the chairman and the vice-chairman, a chairman for that meeting may be appointed by the Scrutiny Committee.

7. Work Programme

The Scrutiny Committee shall be responsible for setting its own work programme and in doing so shall take into account wishes of members on that committee and should consult with the Cabinet and stakeholders on the programme.

8. Agenda Items

- (a) Any member of a Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next appropriate meeting of the committee. On receipt of such a request the Chief Executive (or other designated officer) shall ensure that an item is included on the next appropriate agenda.

- (b) Any five members of the Council who are not members of the Scrutiny Committee may give written notice to the Chief Executive (or other designated officer) that they wish an item to be included on the agenda of the relevant Scrutiny Committee. If the Chief Executive (or other designated officer) receives such a notification, then he/she shall include an item on the first appropriate agenda of the Scrutiny Committee for consideration by the committee.
- (c) The Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and the Cabinet to review particular areas of Council activity or other issues. Where it does so, the Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or the Council. The Council and/or the Cabinet should consider the report of the Scrutiny Committee at the next appropriate meeting.

9. Policy review and development and research

- (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 in [Part 4D](#) of this Constitution.
- (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 in so far as they relate to matters within its terms of reference.
- (c) The Scrutiny Committee may hold enquiries and carry out policy development work and may appoint advisers and assessors to assist it in this process. It may also undertake site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend to address it on any matter under consideration and may pay, within its budgetary provision, 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, a Scrutiny Committee may prepare a formal report and submit it to the Chief Executive (or other designated officer) for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet, as appropriate, then one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- (c) The Council or Cabinet, as appropriate, shall consider the report of the Scrutiny Committee at the next appropriate meeting.

11. Making sure that Scrutiny Reports are Considered by the Cabinet

- (a) Once a scrutiny report on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda of the next available meeting of the Cabinet, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of eight weeks from the date the report was adopted by the Scrutiny Committee. In the latter cases, the report of the Scrutiny Committee shall be

considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the scrutiny report within eight weeks then the matter shall be referred to Council for review, and the Chief Executive (or other designated officer) shall call a Council meeting to consider the report and make a recommendation to the Cabinet.

- (b) Scrutiny Committee shall 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 a Scrutiny Committee following a consideration of possible policy/service developments, the committee shall 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 4C](#) of this constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet 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, the Scrutiny Committee may require any member of the Cabinet, the Chief Executive and/or any other 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, the chairman shall inform the Chief Executive (or other designated officer). The Chief Executive (or other designated officer) shall inform the member or officer of the meeting at which he/she is required to attend and be advised as to 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 shall be given reasonable 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, the Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

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 such people to attend. Unless covered by a specific legal requirement, attendance of such persons is optional.

15. Call-in

Call-in should only be used to establish whether a decision was taken in accordance with the principles of decision making set out in [Article 14](#). Call-in is where the chairman of the Scrutiny Committee or a minimum of five members of the Council have information which suggests that the Cabinet did not take the decision in accordance with the principles set out in [Article 14](#) (Decision Making).

- (a) When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within five days of being made. The chairman of the Scrutiny Committee shall be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. That notice shall bear the date on which it is published and specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision. A summary of all such decisions made shall be sent to all other members of the Council, normally within five working days.
- (b) During that period, the Chief Executive (or other designated officer) shall call-in a decision for scrutiny by the committee if so requested by the Scrutiny Committee chairman or in his/her absence, the vice-chairman or any five members of the Council in writing or electronically with a clear reason for the call-in, 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 chairman or, in their absence, vice-chairman of the committee, and in any case within ten working days of the decision to call-in. The relevant Cabinet Member and officer making the decision are to be summoned to attend the meeting to explain the decision and process followed in taking the decision. The members who made the call-in will also be summoned to attend the meeting to explain their reasons for making the call-in request. The Chief Executive (or other designated officer) shall inform all members of the Council of the arrangements made for the Special meeting of the Scrutiny Committee to consider the call-in'. The reasons for the call-in and the name or names of the councillors who requested the call-in shall be set out in the agenda for the meeting.
- (c) 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 within a further 14 working days, amending the decision or not, before adopting a final decision.
- (d) 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 10 working day period, whichever is the earlier.
- (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 shall be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of a Cabinet 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 shall 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, a meeting shall be convened to reconsider within ten working days of the Council's request. Where an officer made the decision, the officer shall reconsider within five working days of the Council's request.

- (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 shall 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

- (g) In order to ensure that call-in is not abused, nor causes unreasonable delay, the following limitations are placed on its use. These are:
 - i) that the Scrutiny Committee Chairman may only call-in six decisions per year;
 - ii) that a member may only sign a request for a call-in of three decisions per year .

Call-in and urgency

- (h) The call-in procedure set out above shall not apply where the decision being taken by the decision-maker is urgent. A decision shall be considered urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public 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 Mayor 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 Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the consent of the Head of Paid Service or his/her nominee shall be required. All decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. The next available meeting of the Scrutiny Committee shall review the process for agreeing the urgent decision and make appropriate recommendations.
- (i) 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. Councillor Call for Action

Any member of the council will be able to refer a Council matter relating to his/her ward to the Scrutiny Committee. A referral made in this way will ensure that the matter is included in the agenda and discussed at the committee. The member will be able to make representations to the committee to explain why he/she thinks the Committee should scrutinise the matter. If the committee decides not to scrutinise the issue it must provide its reasons for not doing so. If the committee decides to scrutinise the matter, the member initiating the call for action must be provided with the committee's recommendations or report.

17. The Party Whip

It is generally accepted that "the party whip" should be suspended in relation to the deliberations of the Scrutiny Committee.

The definition of the party whip is "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."

When considering any matter in respect of which a member of the 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.

18. Procedure at Scrutiny Committee Meetings

(a) The Scrutiny Committee shall consider the following business:

- i) minutes of the last meeting;
- ii) declarations of interest (including whipping declarations);
- iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
- iv) responses of the Cabinet to reports of the Scrutiny Committee; and
- v) the business otherwise set out on the agenda for the meeting.

(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;
- iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
- iv) that the individual members of the committee approach the investigation in a corporate and collective manner and do not pursue individual views. Those views may be expressed but if they receive no support from the other members of the committee they should not be continued to be expressed.

(c) Following any investigation or review, the committee may prepare a report, for submission to the Cabinet and/or Council, as appropriate, and shall make its report and findings public.

19. Matters within the remit of more than one Scrutiny Committee

(a) Where a Scrutiny Committee conducts a review or scrutinises a matter which is also substantially within the remit of another Scrutiny Committee, the committee conducting the review shall invite the chairman of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

(b) Where a Scrutiny Committee conducts a review or scrutinises a matter which is also substantially within the remit of another Scrutiny Committee, before submitting its findings to the Cabinet and/or Council for consideration, the report of the reviewing Scrutiny Committee shall be considered by the other Scrutiny Committee for comment. Those comments shall be incorporated into the report which is then sent to that body for consideration.