

Scrutiny Procedure Rules

1. ARRANGEMENTS FOR THE SCRUTINY COMMITTEE

- 1.1. The Council will have a Scrutiny Committee, consisting of thirteen Members. Section 15 of the [Local Government and Housing Act 1989](#) (duty to allocate seats to political groups) applies to the Scrutiny Committee and therefore, its membership shall be politically balanced.
- 1.2. The Scrutiny Committee may be supported in its work by task and finish groups ("Task and Finish Groups") to examine issues relevant to the work of the Committee and to report back to the Committee on its findings.
- 1.3. The Scrutiny Committee and Task & Finish Groups may invite other people to attend and, as appropriate, address the meeting. Such invitees will not have voting rights.

2. WHO MAY SIT ON THE SCRUTINY COMMITTEE?

- 2.1 All Councillors, except Members of the Cabinet may be a Member of the Scrutiny Committee. However, no Member may be involved in scrutinising a decision which they have been directly involved in.

3. MEETINGS OF THE SCRUTINY COMMITTEE

- 3.1 There shall be at least 6 meetings of the Scrutiny Committee in each municipal year. In addition, extraordinary meetings may be called by the Chairman of the Scrutiny Committee or by the Proper Officer if they consider it necessary or appropriate.

4. QUORUM

- 4.1 The quorum for the Scrutiny Committee shall be five and business shall not be transacted at a meeting unless there is a quorum present.

5. WHO CHAIRS THE SCRUTINY COMMITTEE MEETINGS?

- 5.1 The Chairman and the Vice-Chairman of the Scrutiny Committee shall be elected by the voting Members of the Committee at its first meeting after the Annual meeting of the Council.

6. WORK PROGRAMME

- 6.1 The Scrutiny Committee will, subject to any requests from the Council or Cabinet or as a result of a 'call-in', be responsible for setting its own work programme and in doing so it shall take account of the wishes of those Members of the Committee who are not Members of the political group or groups forming the administration of the Council.
- 6.2 If the Council or the Cabinet require the Scrutiny Committee to undertake a piece of work then the Committee shall accommodate that request and incorporate it into the Work Programme with the same level of priority that Council or Cabinet gave it.
- 6.3 In addition, the Scrutiny Committee will report annually to Council on its workings and make recommendations for future work programmes in that report.

7. MATTERS REFERRED BY COUNCILLORS TO THE SCRUTINY COMMITTEE

- 7.1 Any Member of the Scrutiny Committee may refer to the Committee any matter which is relevant to the functions of the Committee by giving notice to the Proper Officer of the Council.
- 7.2 Any three Members of the Council who are not Members of the Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of a relevant Scrutiny meeting.
- 7.3 Any Member of the Council may refer to the Scrutiny Committee any local government matter (as defined in 7.9) which is relevant to the functions of the

- Committee by completing a Councillor Call for Action (CCfA) Request Form and submitting it to the Chairman of the Scrutiny Committee.
- 7.4 Any Member of the authority who is not a Member of the Scrutiny Committee (being the designated Crime and Disorder Committee) may refer to the Committee any local crime and disorder matter (as defined in 7.10) by giving notice in writing to the Chairman of the Scrutiny Committee.
- 7.5 On receipt of a notice under 7.1, 7.2 7.3 or 7.4 the matter will be included on the agenda for and discussed at the next available meeting of the Committee. Notices under 7.3 or 7.4 must be served no later than 28 days before the meeting at which the matter is to be discussed.
- 7.6 In considering whether to exercise the powers under 7.3 or 7.4 the Member must have regard to any guidance issued by the Secretary of State and any protocol issued by the Council in connection with this power.
- 7.7 In considering whether or not to exercise any of its powers in relation to the matter referred under 7.3 or 7.4 the Committee may have regard to any representations made by the Member as to why it would be appropriate to exercise any of its powers. If the Committee decides not to exercise any of those powers in relation to the matter, it must notify the Member of the decision and the reasons for it.
- 7.8 Where the Scrutiny Committee exercises its power to make a report or recommendation to the Council or the Cabinet on any matter referred to it by a Member under 7.3 or 7.4, the Committee must provide the Member with a copy of the report or recommendation (subject to paragraph 8B below).
- 7.9 Under 7.3 a 'local government matter' in relation to a Member means a matter which relates to the discharge of any function of the Council and affects all or part of the ward for which the Member is elected or any person who lives or works in the ward, but excludes any matter:
- (a) Which is a local crime and disorder matter as defined in 7.10
 - (b) Relating to a planning decision
 - (c) Relating to a licensing decision under the Licensing Act 2003
 - (d) Relating to an individual or entity where that person has a statutory right to a review or right of appeal (other than a right to complain to the Ombudsman)
 - (e) Which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at the Scrutiny Committee meeting
 - (f) Specified in an order made by the Secretary of State.
- 7.10 Under 7.4 a 'local crime and disorder matter', in relation to a Member, means a matter concerning:
- (a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - (b) The misuse of drugs, alcohol and other substances, which affects all or part of the ward for which the Member is elected or any person who lives or works in that ward.
- 7.10 The determination of whether a matter is a 'local government matter' or a 'local crime and disorder matter' under 7.9 and 7.10 above shall be made by the Chairman of the relevant Scrutiny Committee in consultation with the Monitoring Officer.

8 REPORTS AND RECOMMENDATIONS OF THE SCRUTINY COMMITTEE

- 8.1 Where the Scrutiny Committee makes a report or recommendation to the Council or the Cabinet, except in relation to a crime and disorder matter, they may publish the report or recommendations, and must by notice in writing require the Council or Cabinet:
- (a) To consider the report or recommendation.
 - (b) To respond to the Committee indicating what (if any) action the Council or Cabinet proposes to take.
 - (c) If the Committee has published the report or recommendation to publish the response.
 - (d) If the Committee provided a copy of the report or recommendation to a Member under 7.8, to provide the Member with the response.
 - (e) To do all of the above within two months of receiving the report or recommendations or (if later) the notice.
- 8.2 It is the duty of the Council or Cabinet to which a notice is given under Rule 8.1 to comply with the requirements specified in the notice.

8A REPORTS AND RECOMMENDATIONS – OTHER PUBLIC BODIES

- 8A.1 The Scrutiny Committee may review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee about their activities and performance. This rule applies where the Scrutiny Committee has carried out such a review and makes a report or recommendations to the public body.
- 8A.2 A public body is defined in the ‘Classification of Public Bodies Guidance’ issued by the Cabinet Office on 27 April 2016.
- 8A.3 The Scrutiny Committee may by notice in writing to the relevant public body (accompanied by the report/recommendations) request that the public body has regard to the report or recommendations in the exercising of their functions.

8B PUBLICATION OF REPORTS, RECOMMENDATIONS AND RESPONSE

- 8B.1 Where a report or recommendation of a Scrutiny Committee or response of the Council or the Cabinet is published pursuant to section 8A above, and is provided to a Member of the Council or public body under 7.8 or 8A.3, any confidential information must be excluded and any relevant exempt information may be excluded in line with the provisions of Part 1 of Schedule 12A of the Local Government Act 1972.
- 8B.2 ‘Confidential information’ means information given to the Council by a government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by a Court Order. The public **must** be excluded from meetings for items where confidential information would be disclosed.

8C. RECOMMENDATIONS TO CABINET

- 8C1 The role and functions of the Scrutiny Committee are as set out in Part 2 of the Constitution.
- 8C2 In performing its role the Scrutiny Committee may hold enquiries and investigate the available options and may appoint advisers and assessors to assist them in this process. Members of the Committee 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.

- 8C3 Once it has formed recommendations the Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet. If the proposals are consistent with the existing budgetary and/or Policy Framework, the Cabinet may make a decision on any recommendations. If any recommendation would require a departure from or a change to the existing Budget and Policy Framework then that recommendation must be referred by the Cabinet to the Council with or without a further recommendation from the Cabinet.
- 8C4 If the Scrutiny Committee cannot agree on one single final report to the Cabinet, then up to one minority report may be prepared and submitted for consideration by the Cabinet with the majority report.
- 8C5 The agenda for each Cabinet meeting shall involve an item entitled "Issues arising from the Scrutiny Committee". Any reports of the Scrutiny Committee referred to the Cabinet shall be included and debated at this point in the agenda (unless they have been or are to be considered in the context of the Cabinet's deliberations on a substantive item on the agenda).
- 8C6 Any report of the Scrutiny Committee so referred to Cabinet shall be considered (and if possible, a decision made thereon) within 2 months of the Scrutiny Committee completing that report and making any relevant recommendations applicable to that report.
- 8C7 The Chairman of the Scrutiny Committee (or their nominated representative) will be entitled to attend any meeting of the Cabinet and speak (but not vote) on any report from the Committee that is being considered by the Cabinet. (If a minority report is being considered by the Cabinet then one Member who was a party to that minority report shall be similarly entitled to attend and speak (but not vote) at the meeting of the Cabinet which considers that minority report).
- 8C8 If following careful and proper consideration by the Cabinet of any report (or reports) from the Scrutiny Committee:
 - (a) The Cabinet is unable to agree in whole or in part with any recommendations in the report (or majority report if there be also a minority report) and proposes a decision at variance in whole or in part with any recommendations.
 - Or
 - (b) The Cabinet in agreeing with any recommendations in the report (or majority report) is thereby supporting proposals that would require in whole or in part a departure from or change to the Council's existing Budgetary and/or Policy Framework.

The recommendations in the report (or majority report) of the Scrutiny Committee and the recommendations of the Cabinet, shall stand referred to the next available meeting of the Council for further consideration. The Proper Officer shall ensure that the item is placed in the agenda for the next Council meeting. After due consideration of the Council the decision of the Council shall be final.

9. ATTENDANCE BY MEMBERS, OFFICERS AND OTHERS

- 9.1 The Scrutiny Committee may also require any Member of the Cabinet, the Head of Paid Service 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 it is the duty of those persons to attend if so required.
- 9.2 Where any Member or Officer is required to attend under this provision, the Chairman of the Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least 5 working days notice of the meeting at which they is required to attend. The notice will state the nature of the item on which they is required to attend and whether any papers are required to be produced for the Committee.
- 9.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Committee shall in consultation with the Member or Officer arrange an alternative date for attendance to take place, within a maximum of fourteen days from the date of the original request.
- 9.4 In this situation the meetings are to be conducted in accordance with the following principles:
 - (i) the investigation shall be conducted fairly and all Members of the Committee shall be given the opportunity to ask questions of attendees, and to contribute and speak
 - (ii) those assisting the Committee by giving evidence shall be treated with respect and courtesy
 - (iii) the investigation shall be conducted so as to maximise the efficiency of the investigation or analysis
 - (ii) any Chief Officer, shall be entitled to accompany a member(s) of their staff to a meeting where they are giving evidence.
- 9.5 The Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

10. RIGHTS OF & SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

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

11. CALL-IN

- 11.1 When a decision is made by the Cabinet, a committee of the Cabinet, an individual Cabinet Member exercising delegated powers, under joint arrangements, or a Key Decision is made by an Officer, the decision 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 (this being 'the date of publication' for the purposes of paragraphs 11.3 and 11.4 below).

- 11.2 All Members of the Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 11.3 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 date of publication of the decision, unless it is 'called in' by the Scrutiny Committee.
- 11.4 Within five working days of the date of publication of a decision any two (2) Members of the Scrutiny Committee or any five (5) Members of the Council may 'call-in' the matter for review of the decision by the Scrutiny Committee.
- 11.5 On receipt of a 'call-in' request, the Chairman of the Scrutiny Committee will determine the most appropriate arrangements for consideration of the matter. The relevant Cabinet Member(s), all the signatories to the 'call-in', the relevant Strategic Director(s), Head(s) of Service and report author of the 'call-in' will immediately be notified of the 'call-in' arrangements. All action to implement the decision which is the subject of the 'call-in' shall be suspended.
- 11.8 Following the meeting of the Scrutiny Committee to consider the call-in, all Members of the Council, relevant Officers and stakeholder will be notified as soon as possible of the outcome of the meeting (including any recommendations from the Committee).
- 11.9 Having considered the 'call in' the Scrutiny Committee may refer the decision back to the Cabinet for reconsideration, setting out in writing the nature of its concerns.
- 11.10 If so referred the Cabinet shall then reconsider the decision within 10 working days, amending the decision or not, before proposing a final decision. The Chairman or any other Member of the Scrutiny Committee shall be entitled to attend the Cabinet meeting and speak to the matter, but not vote.
- 11.11 If the Cabinet's proposed final decision is consistent with the views of the Scrutiny Committee then that decision, once taken, is released for immediate implementation and cannot be subject to further 'call-in'.
- 11.12 If the Cabinet is unable to agree in whole or in part with the conclusions of any recommendations of the Scrutiny Committee, the original Scrutiny report and the Cabinet report shall stand referred to the next available meeting of the Council for further consideration and decision. In reaching a decision the Council shall pay careful regard to the extent to which in whole or in part the proposed decision accords with the Council's existing budgetary and/or Policy Framework. The decision of the Council shall be final.

12. CALL-IN AND URGENCY

- 12.1 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 interest. 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 Chairman 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 Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or their nominee's consent shall be required.

- 12.2 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. (This procedure shall not prevent the principle of the decision being subject to review even though, because of urgency it may have been implemented.)
- 12.3 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.

13. THE PARTY WHIP IN RELATION TO THE SCRUTINY COMMITTEE

- 13.1 For the purposes of this section, the phrase '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 should 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 they speak or vote in a particular manner.'
- 13.2 The Council will adopt the convention that there will be no application of any party whip on any Member of the Scrutiny Committee when sitting on this Committee.