

Scrutiny Procedure Rules

1 Scrutiny

1.1. The Council will establish bodies which will perform scrutiny functions on behalf of the Council in exercise of the terms of reference set out in Article 7. ~~It will consist of as such number of Councillors as the Council shall determine~~ Full Council will decide the number of Councillors on each body. Currently this comprises:

- a) A Scrutiny Committee
- b) A Call In Sub Committee of the Scrutiny Committee

~~1.2. The Scrutiny Committee is primarily concerned with matters relating to the external scrutiny of activities that affect the local community.~~

~~1.3.1.2.~~ The Call In Sub Committee is the forum for considering decisions of the Cabinet, Committees and Officers that are called -in.

2 Membership of the Scrutiny Committee

2.1. Scrutiny Committee

- a) All Councillors, except the Leader and Cabinet Members, may be members of the Scrutiny Committee. However, no Councillor may be involved in scrutinising a decision in which he/she/they has/ve been directly involved.

2.2. Call In Sub Committee

- a) Membership of the Call - In Sub - Committee will comprise of members of the Scrutiny Committee. The Chair ~~shall~~ will be the Vice Chair of the Scrutiny Committee.

3 Co-optees

3.1. The Scrutiny Committee may appoint non-voting co-optees to serve.

4 Meetings of the Scrutiny Committee

4.1. There ~~will~~ shall be at least six ~~(6)~~ ordinary meetings of the Scrutiny Committee in each year. In addition, extraordinary meetings may be called ~~from time to time as and when appropriate~~ when needed. A Scrutiny Committee meeting may be called by the Chair of the Committee, by any five (5) members of the Committee or by the Proper Officer if he/she/they considers it necessary ~~or appropriate~~.

5 Quorum

- 5.1. The quorum for meetings ~~shall~~will be as set out for Committees in the Council Procedure Rules in Part 4 of the Constitution.

6 Who Chairs Scrutiny Committee Meetings?

- 6.1. The Chair and Vice Chair of the Scrutiny Committee will be drawn from among the Councillors sitting on the Scrutiny Committee and appointed by Full Council. ~~The Vice Chair of the Scrutiny Committee will be the Chair of the Call-In Sub-Committee.~~

7 Scrutiny Committee Work Plan

- 7.1. The Scrutiny Committee will be responsible for setting its own work programme.

8 Agenda Items

- 8.1. Any member of the Scrutiny Committee ~~shall~~will be entitled to give notice to the Chief Executive that ~~he/she/they~~ wishes ~~for~~ an item to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda. The Scrutiny Committee will determine the form of the notice request.
- 8.2. The Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet to review particular areas of activity. ~~Where they do so,~~ The Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall will consider the report of the Scrutiny Committee within one month of receiving it at their next ordinary meeting.

~~9 Policy Review and Development~~

- ~~9.1. The role of Overview Working Groups will be to assist the Cabinet in policy development. The Scrutiny Committee may, through its recommendations, also be involved in developing policy that is focussed on improving outcomes for local people and communities.~~

~~10~~9 Reports from the Scrutiny Committee

- ~~10.1.~~9.1. Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Chief Executive to arrange for it to be considered by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or ~~to the~~ Full Council as appropriate (e.g. if the

recommendation would require a departure from or a change to the agreed budget and policy framework).

10.2.9.2. If the Scrutiny Committee cannot agree on a 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.

10.3.9.3. The Cabinet ~~shall~~ will consider the report of the Scrutiny Committee ~~within one month of it being submitted to the Managing Director at its next ordinary meeting.~~

4110 Making Sure that Scrutiny Reports are Considered by the Cabinet

11.1.10.1. ~~Where necessary t~~The agenda for Cabinet meetings ~~shall~~ will include an item entitled "~~Communications from Committees/Working Groups/Parties and Panels~~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 previously considered ~~in the context of the Cabinet's deliberations~~ on a substantive item on the agenda). ~~within the previous two meetings of the Scrutiny Committee completing its report/recommendations.~~

4211 Rights of Scrutiny Councillors to Documents

12.1.11.1. 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 the Constitution.

~~12.2. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee as appropriate depending on the particular matter under consideration.~~

4312 Councillors and Officers Giving Account to the Call In Sub Committee

13.1.12.1. The Call In Sub Committee ~~may~~ scrutinises and reviews decisions ~~made following Call In which have called in through the Council's call in procedures. or actions taken in connection with the discharge of any Council function.~~ 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:~~

- a) any particular decision or series of decisions
- b) the extent to which the actions taken implement Council policy
- c) their performance

13.2.12.2. It is the duty of those persons to attend if so required.

~~13.3.12.3.~~ _____ Where any Councillor or Officer is required to attend the Call -In Sub -Committee under this provision, the Chair will inform the Chief Executive. The Chief Executive ~~shall~~ will inform the Councillor or Officer in writing giving at least five ~~(5)~~ clear working days' notice of the meeting at which ~~he/she is/they are~~ required to attend. The notice will state the nature of the item on which ~~he/she is/they are~~ required to ~~attend to~~ give account and whether any papers are required to be produced for the Sub -Committee. Where the account to be given ~~to the Sub -Committee will require the production of a report~~ needs a report, the Councillor or Officer concerned will be given sufficient notice to allow them to prepare the document. ~~for preparation of that documentation.~~

~~13.4.12.4.~~ _____ Where, in exceptional circumstances, the Councillor or Officer is unable to ~~attend~~ on the required date, ~~then~~ the Call -In Sub -Committee shall, in consultation with the Councillor or Officer, arrange an alternative date. The re-arranged date will be for attendance to take place within a ~~maximum of~~ 28 days from the date of the original request.

1413 Attendance by Others at Call In Sub Committee

~~14.1.13.1.~~ _____ Individuals, ~~and~~ representatives or organisations may be invited other than those 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 Councillors and Officers in other parts of the public sector and shall invite such people to attend.~~

~~14.2.13.2.~~ _____ Attendance is ~~entirely~~ optional but desirable.

1514 Call In

~~15.1.14.1.~~ _____ Call -in should only be used in exceptional circumstances. These are where members of the Call -In Sub -Committee have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 12 of the Constitution.

~~15.2.14.2.~~ _____ When a decision is made by the Cabinet, Leader or Portfolio Holder or under joint arrangements, the decision shall be published electronically and, including where possible by electronic means, and shall be available at the main offices of the Council normally within five ~~(5)~~ working days of being made.

~~15.3.14.3.~~ _____ ~~That~~ The decision notice will ~~bear~~ have the date ~~on which it is was~~ published and will specify that the decision will come into force and may then be implemented, ~~on the expiry of five (5)~~ clear working days after the publication of the decision unless it is subject to call-in for consideration by the Call -In Sub -Committee.

~~15.4.14.4.~~ _____ During the period stated above any two ~~(2)~~ Members of the Call -In Sub -Committee may give written notice to the Chief Executive,

identifying the decision to be called-in, supported by reasons. ~~Such~~ This notice ~~must be to be~~ received before 5:00-pm on the fifth day, (4:30-pm if it is a Friday). The Proper Officer shall then notify the decision-taker of the call-in request and ~~shall will~~ call a meeting of the Sub_-Committee on such date as ~~he/shethey~~ may determine in consultation with the Chair ~~(or Vice-Chair)~~ of the Sub_-Committee ~~(in the case of absence, the Vice-Chair)~~, and in any case within ten (10) working days of the receipt of the call_-in request.

~~15.5-14.5.~~ 14.5. No further action may be taken to implement the decision until the call_-in process has been completed.

~~15.6-14.6.~~ 14.6. The decision_-making body or person may amend the draft minute of the decision or action called_-in in consultation with relevant Officers if in their opinion it is inaccurate.

~~15.7-14.7.~~ 14.7. If ~~following an objection to the decision, a decision has been called in and~~ the ~~Call-In~~ Sub_-Committee does not meet in the period set out above ~~the decision will take effect following that period,~~ ~~or~~ if the Sub Committee does meet during that period but does not refer the matter back to the decision_-making person or body, the decision ~~shall will~~ take effect on the date of the Call_-In Sub_-Committee meeting, ~~or the expiry of the period specified for calling the meeting, whichever is the earlier.~~

~~15.8-14.8.~~ 14.8. If, having considered the decision, the Call_-In Sub_-Committee is still concerned about it, it may refer it back to the decision_-making person or body for reconsideration. The Call In Sub Committee will, setting out in writing the nature of its concerns or refer the matter to the Scrutiny Committee. If referred to the decision_-maker they ~~shall then reconsider~~ will reconsider it within a further ten ~~(10)~~ clear working days and make a final decision on the route of action they propose.n., ~~amending the decision or not, before adopting a final decision.~~

~~15.9.~~ If the next available meeting of the decision_-making body is cancelled and will not be re-arranged until after the next meeting of Full Council then the matter shall be referred to Full Council.

~~15.10-14.9.~~ 14.9. If the matter was referred to Full Council and ~~the Council~~ it 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 can only make decisions on matters which are outside of the current policy framework or budget. If a decision is consistent with the framework or budget, the Council will refer the decision back to the decision maker. The decision maker will decide whether to amend the decision before implementing ~~it shall refer the decision to the decision_-making person or body, together with the Council's~~ sits views on the decision. ~~The~~ at decision_-making body or person shall ~~then choose whether to amend the decision or not and reach a final decision for implementation. Where the decision was taken by the Cabinet, a meeting will be convened to~~ the decision maker will

reconsider ~~the~~ decision within ten ~~(10)~~ clear working days of the Council request.

~~15.11.14.10.~~ 14.10. 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 earlier.

1615 Call In Exceptions

~~16.1.15.1.~~ 15.1. In order to ensure that call-in is not abused or, nor causes unreasonable delay, certain limitations are placed on its use. Consequently the following decisions shall not be subject to call-in:

- a) a decision that stands as a recommendation to Full Council
- b) a decision to implement a decision approved in principle by Council within the preceding six ~~(6)~~ months
- c) a decision taken in circumstances where the decision making body or person in question has resolved that the matter is urgent ~~(for reasons recorded in the decision)~~ where any delay that may result from call-in may be prejudicial to the interests of the Council or any third party. The reason the decision is considered urgent will be included within the report or the minutes.
- d) a decision taken in exercise of the Council's function as local planning authority or licensing authority when acting in a regulatory manner for which external appeal processes are available
- e) a decision on a procedural matter or a matter reported for information only
- f) a decision of a Committee when acting in an appeal capacity
- f)g) any other non-executive decision making.-

1716 Call In and Urgency

~~17.1.16.1.~~ 16.1. The call-in procedure set out above ~~shall~~ will not apply where the decision being taken by the Cabinet, Leader or Portfolio Holder was 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. The Cabinet, Leader or Portfolio Holder must agree both:

- a) that the decision proposed is reasonable in all the circumstances; and
- b) to it being treated as a matter of urgency. In the absence of the Chair of the Scrutiny Committee, the Vice-Chair's consent shall be required. In the absence of both, the Chief Executive or his/her/their nominee's consent shall be required.

~~17.2.16.2.~~ The operation of the provisions relating to call-in and urgency shall be monitored annually, ~~and a~~ report needs to be submitted to Council with proposals for review if necessary.

1817 The Party Whip

~~18.1.17.1.~~ ~~When considering any matter in respect of which a Councillor is subject to a party whip, that Councillor must declare the existence of the whip and the nature of it before the commencement of the decision making body or persons deliberations on the matter~~ If a Councillor is subject to a party whip on any matter they must declare this, as well as the nature of the whip, before the matter is considered. The declaration and the detail of the whipping arrangements ~~shall~~ will be recorded in the minutes of the meeting.

1918 Procedure at Scrutiny Committee Meetings

~~19.1.18.1.~~ The Scrutiny Committee ~~shall~~ will consider the following business:

- a) minutes of the last meeting
- b) declarations of interest (including whipping declarations)
- c) responses of the Cabinet to reports of the Scrutiny Committee
- d) the business otherwise set out on the agenda for the meeting.

~~19.2.18.2.~~ The Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the following principles set out in the Cabinet-Scrutiny Protocol:

- ~~a) 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~~
- ~~b) that those assisting the Committee by giving evidence be treated with respect and courtesy~~
- ~~c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.~~

19.3.18.3. _____ Following any investigation or review, the Scrutiny Committee ~~shall will~~ prepare a report that will be submitted, for submission to the Cabinet ~~and~~/or Council as appropriate. The report will be made -and shall make its report and findings public ~~except where otherwise constrained by law~~ unless there is legal reason for the report to be confidential.