

# 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. 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 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 they have 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 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 be at least six ordinary meetings of the Scrutiny Committee in each year. In addition, extraordinary meetings may be called 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 they consider it necessary.

## 5 Quorum

- 5.1. The quorum for meetings 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.

## **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 will be entitled to give notice to the Chief Executive that they wish 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. The Scrutiny Committee shall report its findings and any recommendations back to the Cabinet or Council. The Council or the Cabinet will consider the report of the Scrutiny Committee at their next ordinary meeting.

## **9 Reports from the Scrutiny Committee**

- 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 Full Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 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.
- 9.3. The Cabinet will consider the report of the Scrutiny Committee at its next ordinary meeting.

## **10 Making Sure that Scrutiny Reports are Considered by the Cabinet**

- 10.1. The agenda for Cabinet meetings will include an item entitled "Communications from Committees/Working Groups/Parties and Panels". 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 on a substantive item on the agenda).

## **11 Rights of Scrutiny Councillors to Documents**

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

12.1. The Call In Sub Committee scrutinises and reviews decisions which have called in through the Council's call in procedures.. As well as reviewing documentation, it may require any member of the Cabinet, the Chief Executive or any senior Officer to attend before it to explain:

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

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

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 will inform the Councillor or Officer in writing giving at least five clear working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to give account and whether any papers are required to be produced for the Sub Committee. Where the account to be given needs a report, the Councillor or Officer concerned will be given sufficient notice to allow them to prepare the document.

12.4. Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, the Call In Sub Committee shall, in consultation with the Councillor or Officer, arrange an alternative date. The re-arranged date will be within 28 days from the date of the original request.

## **13 Attendance by Others at Call In Sub Committee**

13.1. Individuals, 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.

13.2. Attendance is optional but desirable.

## 14 Call In

- 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.
- 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 shall be available at the main offices of the Council normally within five working days of being made.
- 14.3. The decision notice will have the date it was published and will specify that the decision will come into force and may then be implemented, five clear working days after the publication of the decision unless it is subject to call-in for consideration by the Call In Sub Committee.
- 14.4. During the period stated above any two 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. This notice must be received before 5pm on the fifth day (4.30pm if it is a Friday). The Proper Officer shall then notify the decision-taker of the call-in request and will call a meeting of the Sub Committee on such date as they may determine in consultation with the Chair (or Vice-Chair) of the Sub Committee and in any case within ten (10) working days of the receipt of the call in request.
- 14.5. No further action may be taken to implement the decision until the call in process has been completed.
- 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.
- 14.7. If a decision has been called in and the Sub Committee does not meet in the period set out above the decision will take effect following that period. 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 will take effect on the date of the Call In Sub Committee meeting.
- 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 set out in writing the nature of its concerns or refer the matter to the Scrutiny Committee. If referred to the decision maker they will reconsider it within a further ten clear working days and make a final decision on the route of action they propose.
- 14.9. If the matter was referred to Full Council and 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. The decision maker will reconsider the decision within ten clear working days of the Council request.

- 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.

## **15 Withdrawal or Modification of Call In**

- 15.1. The Council's requirements for Call In are set out within in the Scrutiny Procedure Rules in Part 4 of the Constitution. A valid call in can be withdrawn at any time by the lead signatory (the member calling in the decision).
- 15.2. Following a valid Call In, the lead signatory, or the relevant Portfolio Holder, may request a meeting with the Chair of the Call In Sub Committee prior to the Sub Committee taking place, in order to discuss:
- a) The potential removal of objections raised in the Call In request; or
  - b) The withdrawal of the Call In; or
  - c) Whether the Cabinet or Portfolio Holder decision could be amended to take account of objections; and
  - d) The anticipated structure of the debate at the Call In Sub Committee.
- 15.3. The meeting with the Chair of the Call In Sub Committee will be arranged as soon as possible and will be attended by relevant Councillors, Chair of the Scrutiny Committee and Officers, including up to one additional supporting signatory of the Call In request. The following documents will be supplied to those in attendance:
- a) Documents considered by the Decision Taker;
  - b) The Call In Notice; and
  - c) Other relevant documentation.
- 15.4. The meeting will have the following procedure:
- a) The lead signatory presents their case and the reasons for Call In;

- b) The Portfolio Holder and the Chair of the Sub Committee may ask questions of the lead signatory;
  - c) The Portfolio Holder will set out the reasons why the decision has been taken; and
  - d) The signatories, and the Chair of the Sub Committee, may ask questions of the Portfolio Holder.
- 15.5. Having considered the representations, the Chair of the Sub Committee will consider whether there can be an agreement to withdraw or modify the Call In. The lead signatory will determine whether the Call In can be withdrawn or modified.
- 15.6. If it's agreed to modify the Call In request, the Sub Committee will be notified of the changes as soon as possible. Where it is withdrawn, all Councillors will be notified together with actions agreed by the decision taker if appropriate.
- 15.7. Where no agreement to withdraw the Call In is reached, the matter will still be referred to the Sub Committee within the timescales set out with the council constitution.

## **16 Call In Exceptions**

- 16.1. In order to ensure that call in is not abused or 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 months
  - c) a decision taken in circumstances where the decision making body or person in question has resolved that the matter is urgent 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
  - g) any other non-executive decision making.

## **17 Call In and Urgency**

- 17.1. The call in procedure set out above 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 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 their nominee's consent shall be required.
- 17.2. The operation of the provisions relating to call in and urgency shall be monitored annually. A report needs to be submitted to Council with proposals for review if necessary.

## **18 The Party Whip**

- 18.1. 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 will be recorded in the minutes of the meeting.

## **19 Procedure at Scrutiny Committee Meetings**

- 19.1. The Scrutiny Committee 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. The Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the principles set out in the Cabinet-Scrutiny Protocol:
- 19.3. Following any investigation or review, the Scrutiny Committee will prepare a report that will be submitted to the Cabinet or Council as appropriate. The report will be made public unless there is legal reason for the report to be confidential.