

Scrutiny Procedure Rules

1 Arrangements for the Scrutiny Committee

1.1 The Council will have one Scrutiny Committee to discharge the functions set out in its Terms of Reference at Part X of this Constitution.

1.2 The Scrutiny Committee will comprise 15 Councillors and be appointed by Council on an annual basis. The Scrutiny Committee may appoint Task and Finish groups.

2. Who may sit on the Scrutiny Committee?

2.1 All Councillors except members of the Executive, may be members of the Scrutiny Committee.

2.2 No Councillor may be involved in scrutinising a decision in which he or she was directly involved.

2.3 There is no limit on the number of substitute members.

3. Co-optees

3.1 The Scrutiny Committee or any of its Task and Finish Groups, shall be entitled to appoint non-voting co-optees.

4. Meeting of the Scrutiny Committee

4.1 The Scrutiny Committee shall normally meet on a monthly basis. Special meetings may be called if appropriate.

4.2 A Scrutiny Committee meeting may be called by the Chair of the Scrutiny Committee, by any 4 of the Scrutiny Committee or by the Chief Executive if he or she considers it necessary or appropriate.

5. Quorum

5.1 The quorum for the Scrutiny Committee shall be 4 voting members of the Committee.

6. Who chairs the Scrutiny Committee meetings?

6.1 The Scrutiny Chair shall be drawn from among those Councillors serving on the Scrutiny Committee who are not from the majority political group and are not Chair of any other committee. The Vice-Chair shall not be from the same political group as the Chair.

6.2 The Chair and Vice-Chair shall be elected in accordance with the procedure set out at Council Procedure Rule X.

7. Work programme

7.1 The Scrutiny Committee will be responsible for setting its own work programme and the work programme will be included as an item on every Scrutiny Committee meeting Agenda.

7.2 The Chair and Vice-Chair of the Scrutiny Committee and relevant officers shall hold a Scrutiny Agenda Setting Meeting in the week prior to the publication of the Agenda.

7.3 The Chair and Vice-Chair of the Scrutiny Committee, Chief Executive Officer (or his/her nominee) and relevant officers shall also hold, on a quarterly basis, a Coordinating Meeting to exchange, discuss and agree proposed rolling 6-month work programmes for submission periodically to the Scrutiny Committee for approval.

7.3 The Chair and Vice-Chair of the Scrutiny Committee will ensure that all Councillors are able to submit requests for alterations to the work programme via an agreed work programme process for consideration at each of these work programme meetings.

8. Task and Finish Groups

8.1 The work programme meetings described in Procedure Rule 7 above will consider and propose the establishment, membership, terms of reference, and reporting timescale of Task and Finish Groups to undertake specific areas of work. Such proposals shall be submitted to the Scrutiny Committee for approval. The number of Task and Finish Groups must be commensurate with available resources. The Chair of any Task and Finish Group shall be drawn from amongst those Councillors serving on that Group.

8.2 Any non-executive Councillor may be appointed to serve on Task and Finish Groups and membership will be open to non-councillors, including representatives of external bodies. Political balance requirements will not apply to task and finish groups.

9. Who may place items on the agenda?

9.1 Requests to include an item on the Scrutiny Committee agenda will normally be forwarded to the Chair or Vice-chair for consideration as part of the rolling work programme at Rule 7 above.

9.3 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 Leader/Executive, to review particular areas of Council activity. Where the Scrutiny Committee does so, it shall report its findings and any recommendations back to the Leader/Executive and/or the Council.

10. Reports from the Scrutiny Committee

10.1 Where the Scrutiny Committee has formed proposals on a matter, it will submit a formal report to the Leader/Executive, Council, and/or other organisations as appropriate.

10.2 If the Scrutiny Committee cannot agree a single final report to the Council or Leader/Executive as appropriate, then one minority report may be prepared and submitted for consideration with the majority report.

10.3 The Scrutiny Committee may refer its formal recommendations and conclusions for consideration at Full Council. Where a response is required from the Leader/Executive it must be given within 2 months of the Full Council meeting.

11. Access 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 X of this Constitution.

12. Councillors and Officers giving account

12.1 As per the Scrutiny Committee Terms of Reference at Part X, the Scrutiny Committee may require the Leader, any member of the Executive or Chief Officer to attend before them to answer questions. It is the duty of those persons to attend if so required. For the purposes of these Procedure Rules 'Chief Officer' means any Statutory Officer, Head of Function or his/her nominee.

12.2 Where any Councillor or officer is required to attend a Scrutiny Committee meeting, the Scrutiny Officer shall inform the Councillor or Officer in writing normally giving at least ten working days' notice. The notice will state the nature of the item on which he or 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 Councillor or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

12.3 Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, the Scrutiny Committee shall in consultation with the Councillor or officer arrange an alternative date for attendance.

13. The party whip

13.1 A party whip shall not apply to the business of the Scrutiny Committee or any of its Task and Finish Groups.

14. Procedure at Scrutiny Committee Meetings

14.1 The Scrutiny Committee shall consider the following business:

- (i) disclosures of interest, including whipping declarations;
- (ii) considerations of the minutes of the last meeting;
- (iii) consideration of any matter referred to the committee through the 'call-in' procedure;
- (iv) responses of the Leader/Executive to reports of the Scrutiny Committee; and,
- (v) the business otherwise set out on the agenda for the meeting.

14.2 Where the Scrutiny Committee conducts investigations, it may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:

- (i) the investigation be conducted fairly and all members of the Scrutiny Committee be given the opportunity to ask questions of attendees and to contribute and speak;
- (ii) that those assisting the Scrutiny 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.

14.3 Following any investigation or review, the Scrutiny Committee shall prepare a report including recommendations for submission to the Leader/Executive and Council as appropriate and shall make these public.

15. Procedure for Call-in

15.1 When an Executive decision is made by the Leader/Executive or an individual lead Councillor, or a Key Decision is made by an officer with delegated authority from the Leader/Executive, a record of the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally by 5.00 pm on the next working day after the meeting. All Councillors will be sent a copy of the record of decision within the same timescale by the Monitoring Officer (or his/her nominee).

15.2 The record will bear the date on which it is published and, subject to the urgency provisions in at paragraph 15.8 below, will specify that the decision will come into force:

- (i) on the expiry of five working days after the day of the meeting in the case of decisions taken by the Executive collectively; or
- (ii) on the expiry of five working days after the day of publication of the decision in the case of decisions taken by the Leader, individual lead Councillors or Key Decisions taken by an officer with delegated authority from the Leader/ Executive

(iii) unless it is called-in.

15.3 During the call-in period referred to in 15.2 above, the Chair of the Scrutiny Committee or any 4 non-executive Councillors may request in writing to the Monitoring Officer (or his/her nominee) that a decision is called-in for consideration by the Scrutiny Committee. The reasons for calling-in a decision shall accompany any such request and must relate to the merits of the decision only AND meet at least one of the following criteria:

- (i) that there was insufficient, misleading, or inaccurate information available to the decision-maker;
- (ii) that all the relevant facts had not been taken into account and/or properly assessed;
- (iii) that the decision is contrary to the budget and policy framework and is not covered by urgency provisions; or
- (iv) that the decision is not in accordance with the decision-making principles set out in the Constitution.

15.4 On receipt of a call-in request, the Monitoring Officer, will decide whether it is valid and within 5 days of that decision, will give notice of the call-in and its consequences to the following:

- (i) the decision taker;
- (ii) all Councillors;
- (iv) the Head of Functions primarily affected;
- (v) the Leader of the Executive and the Head of Paid Service; and,
- (vi) the next weekly bulletin.

15.5 In the case of a valid call-in, the decision shall be considered at the next scheduled meeting of the Scrutiny Committee or by a special Call-in Meeting of the Scrutiny Committee but in any case, within 21 days of the decision on validity referred to in paragraph 15.4 above.

15.6 The Scrutiny Committee shall either:

(i) endorse the decision, in which case it will come into force immediately; or,

(ii) refer it back to the Executive or individual decision taker and ask it/them to alter or revoke the decision, taking into account the other factors brought to its attention by the Scrutiny Committee; or,

(iii) where a decision has been called-in on the basis that it is contrary to the Budget and Policy Framework, it shall refer the matter to Full Council to determine.

15.7 Once a decision has been referred back to the Leader/Executive or individual decision-taker by the Scrutiny Committee or the Council on the basis described above, it shall not be subject to further call-in. The decision shall then be final unless it is contrary to the Policy Framework or contrary to or not wholly consistent with the Budget.

15.8 Any matter designated by the Chief Executive to be urgent shall not, if the Leader/Executive or individual decision-taker and the Chair of the Scrutiny Committee agree, be subject to the call-in procedure, but shall be determined by the Leader/Executive, lead Councillor or officer immediately. 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.

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

15.10 Regulatory decisions shall not be subject to Call-in.

