

## Section 8 - Scrutiny Committee Procedure Rules

### 1. MEETINGS OF THE SCRUTINY COMMITTEES

- 1.1 There will be up to six ordinary meetings of each Scrutiny Committee in each municipal year. These dates are set by the Council at its Annual meeting.
- 1.2 Extraordinary meetings will be called when appropriate. The following can call a Scrutiny Committee meeting:
  - The Chairman.
  - Any three Members of the Committee.
  - The Proper Officer if they consider it necessary or appropriate.
- 1.3 This process is specified in Part 4, Section 1 - [Council Standing Orders](#).

### 2. CHAIRMAN AND VICE-CHAIRMAN

- 2.1 Council will appoint the Scrutiny Chairmen and Vice-Chairmen from within the Committee Membership as it considers appropriate.

### 3. CO-OPTED MEMBERS

- 3.1 As well as any statutory co-opted members, Scrutiny Committees can co-opt up to four non-voting members on to the Committee.
- 3.2 There must be at least one non-voting position reserved for a Parish Councillor from a rural area with one substitute member. The Parish Council Liaison Committee will decide these.
- 3.3 A Scrutiny Committee can co-opt a further three members at its discretion. One of these can be a second parish council member identified by the Parish Council Liaison Committee.

### 4. WORK PROGRAMME

- 4.1 Scrutiny Committees will be responsible for setting their own work programmes for the next year.
- 4.2 At the beginning of the municipal year the lead Corporate and Service Directors will present an overview of their service areas. This will highlight any future challenges, service changes and changes in legislation as well as policies, plans or strategies due for review or development. That the annual work programme must take account of matters which affect the rural area.
- 4.3 The Committee will identify one or two key themes or topics arising from the presentation to focus on for the rest of the municipal year. The Chairman will establish arrangements with the Committee to put in place and review its programme.
- 4.4 Items deemed 'for information only' will be circulated outside of the meetings.

## **5. AGENDA ITEMS**

- 5.1 Any Member may, with seven days' notice, require the Proper Officer to place an item on the agenda for the next Committee meeting. This must be relevant to the functions of the Committee. The Monitoring Officer will ensure that the request is included on the next available agenda and will inform the Chairman. The Committee will discuss the request and it will only be pursued further if the Committee agrees to do so.
- 5.2 The following items are 'excluded matters' and are not able to be included on the agenda:
- (a) Any matter outside those functions set out in the Local Government Act 2000 as amended.
  - (b) Any matter relating to a licensing or planning decision.
  - (c) Any matter relating to an individual body where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman).
  - (d) Any matter which is vexatious, discriminatory or not reasonable to be included on Scrutiny Committee agenda.
- 5.3 Scrutiny Committees will also respond to requests from the Council and, if considered appropriate, the Executive to review particular areas of Council activity. The relevant Committee will report its findings and any recommendations to the Executive and/or Council.

## **6. REPORTS FROM SCRUTINY COMMITTEES**

- 6.1 The Scrutiny Committee will submit reports to the Council. If the proposals are an executive function and consistent with the existing Budget and Policy Framework Scrutiny Committees will submit reports to the Proper Officer for consideration by the Executive.
- 6.2 If a Scrutiny Committee cannot agree on one single final report then two or more opposing Members of the Committee can submit a minority report. Only one minority report can be submitted alongside the majority report. The minority report must set out the alternative recommendations and the reasons.
- 6.3 The Executive will consider the report of a Scrutiny Committee within one. In the case of a report to Council the Proper Officer will submit the report for consideration at the next Council meeting.
- 6.4 When the Council considers a report from a Scrutiny Committee, if it impacts on the Budget and Policy Framework, Council will also consider the Executive's response to the proposals.
- 6.5 Scrutiny Committees will have access to the Forward Plan of.
- 6.6 If a Scrutiny Committee thinks that a key decision relating to their terms of reference has been taken which was not:
- (a) Included in the Forward Plan for a period of no less than 28 clear days.
  - (b) The subject of the general urgency exceptions.
  - (c) The subject of the special urgency exceptions.

The Committee can require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. This power is also delegated to the Monitoring Officer, who can require such a report on behalf of the Committee following a request by:

- The Chairman.
- Any five members of the Committee.

6.7 The Scrutiny Committee can also pass a resolution to raise the requirement at its meeting.

6.8 The Cabinet will submit a report to the next available meeting of the Council. If the next meeting of the Council is within nine days of receipt of the written notice, or the resolution of the Scrutiny Committee, then the report can be submitted to the following Council meeting.

6.9 The report to Council will set out:

- Details of the decision.
- The individual or body making the decision.
- If the Leader considers that it was not a key decision, the reasons for that opinion.

## **7. ROLE IN POLICY DEVELOPMENT**

7.1 The role of Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in the [Budget and Policy Framework Procedure Rules](#).

7.2 For development of policy outside of the Budget and Policy Framework, Scrutiny Committees can make proposals to the Executive in line with their terms of reference.

7.3 Scrutiny Committees can investigate the available options for future policy development. Scrutiny Committees can also appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they consider reasonably necessary to inform their deliberations. They can ask witnesses to attend to address them on matters under consideration, and can pay reasonable fees and expenses for doing so.

## **8. RIGHTS OF SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS**

8.1 Members of Scrutiny Committees have the extra right to documents and to notice of meetings as set out in the [Access to Information Procedure Rules](#).

8.2 Nothing in those Procedure Rules prevents more detailed disclosure between the Executive and the Scrutiny Committees as appropriate, depending on the particular matter under consideration.

8.3 Members retain all other legal rights to inspect and access documents.

## **9. MEMBERS AND OFFICERS GIVING ACCOUNT**

9.1 Scrutiny Committees can scrutinise decisions made or actions taken in connection with the discharge of any Council functions. Committees can also require any member of the Executive, the Head of Paid Service, and/or any Director or Head of Service to attend any meeting to provide an explanation in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which actions were taken to implement Council policy; and/or
- (c) the performance of services for which they are responsible.

It is the duty of those persons to attend and answer questions put to them.

- 9.2 The Chairman will inform the Proper Officer when any Member or officer is required to attend a meeting of the Scrutiny Committees. The Proper Officer will then inform the Member or officer in writing giving at least seven working days' notice in advance of that meeting. The notice will state the nature of the relevant item and whether any papers are required. If the Committee require the production of a report then sufficient notice will be given to the Member or officer concerned.
- 9.3 Where, in reasonable circumstances, the Member or officer is unable to attend a meeting they will arrange a substitute. The Member or officer will inform the Proper Officer. If this is not possible the Member or officer will inform the Proper Officer. The Scrutiny Committee will, in consultation with the Member or officer, arrange an alternative date for their attendance. This should take place within a maximum of 10 days from the date of the original meeting date.

## 10. CALL-IN OF DECISIONS

- 10.1 Call-in is the exercise of a Scrutiny Committee's statutory powers under [section 9F\(2\) and 9F\(4\) of the Local Government Act 2000 \(as amended by the Localism Act 2011\)](#). These powers allow Scrutiny Committee's to review an executive decision before implementation. Where a decision is called-in and the Scrutiny Committee refers it back to the decision maker, it cannot be implemented until the call-in process is complete.
- 10.2 Any decision made by the Executive, an Officer or other body with delegated authority from the Executive is subject to call-in. A decision can only be called-in once. A Cabinet recommendation to the Council is not a decision and may not be called-in.
- 10.3 Call-in should only be used in exceptional circumstances. Members of a Scrutiny Committee must have evidence that the decision was not taken in accordance with [decision making principles](#).
- 10.4 Provided the decision falls within the remit of a Scrutiny Committee's terms of reference a Scrutiny Committee can exercise the call-in procedure and the power to refer a decision back for reconsideration.
- 10.5 [The Budget and Policy Framework Procedure Rules](#) governs the call-in of decisions which may be contrary to the Budget and Policy Framework. These will require a reference to Council by a Scrutiny Committee on a report from the Monitoring Officer or Chief Finance Officer.

### The Call-in Procedure

- 10.6 Once made the decision will be published on the Council's website and will be available in hard copy at the Town Hall. All Members of the Council will be sent electronic copies of the notices of all such decisions.
- 10.7 The decision notice will include:
- The publication date.
  - That the decision will be implemented three working days after the publication of the decision (not including the date of publication).
- 10.8 The implementation date will not apply if a request for call in is received from any three Members of a Scrutiny Committee within the three day period. If a request for call-in of a decision is received, implementation of the decision will be suspended.

- 10.9 A request to call-in a decision must be received by the Proper Officer within the period from publication and before the date of implementation, and the request to call-in a decision must be made in writing or electronically using the agreed form.
- 10.10 The form must:
- (a) set out the resolution or resolutions that the Members wish to call in;
  - (b) give the reasons why the Scrutiny Committee should review or scrutinise the decision and consider referring it back to the Executive;
  - (c) whether it is considered to be outside the policy or budget framework;
  - (d) set out the alternative course of action or recommendations they wish to propose;
  - (e) be signed and dated by any three Members of a Scrutiny Committee. Voting Diocesan and parent governor representatives may request the call-in of decisions relating to education matters only.
- 10.11 The call-in request will be deemed valid unless any of the following apply:
- (a) the procedures set out above have not been followed properly;
  - (b) the decision has been recorded as urgent as set out below;
  - (c) the request for call in is not a proper use of the call in provisions taking into account the following factors:
    - i) where the matter has been considered as part of pre-decision scrutiny by a scrutiny committee;
    - ii) whether there has been any substantive changes to the nature of the decision being made since any pre-decision scrutiny of the proposals;
    - iii) a decision taken by cabinet when preparing the annual budget or new policy proposals for submission to Council for decision.
- 10.12 If the call-in request is deemed valid the Proper Officer will notify the decision-taker of the request. This includes that implementation of the decision is suspended until further notice. Subject to required timescales, the relevant Scrutiny Committee will discuss the request for call-in at its next meeting.
- 10.13 Where there is a meeting of the Scrutiny Committee within ten working days of the request, or soon after, then the matter will be included on that agenda. Where no such meeting is scheduled, the Proper Officer will call a meeting of the relevant Committee within that time frame. Where the Chairman will be consulted.
- 10.14 The decision will take effect on the date of that meeting if:
- The Scrutiny Committee does not meet by the date set.
  - The Scrutiny Committee meet but does not refer the matter back to the decision making person or body.
- 10.15 The Proper Officer will notify the decision taker that the decision can then be implemented.
- 10.16 Having considered the call-in and the reasons given, the relevant Committee may either:
- (a) refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns and any alternative recommendations. This will normally be considered at the decision making body's next schedule meeting;
  - (b) if it considers that the decision is outside the Council's Budget and Policy Framework, refer the matter to the Council after seeking the advice of the Monitoring Officer and/or Chief Financial Officer; or

- (c) decide to take no further action, in which case the original executive decision will be effective immediately.

- 10.17 If referred back to the decision taker they will then reconsider whether to amend the decision before adopting a final decision. Once a decision has been reconsidered by the decision taker it may not be the subject of further call-in.
- 10.18 Where the decision was taken by the Executive a meeting will be held to reconsider the decision within ten working days of the referral, or soon after with the agreement of the Leader. Where the decision was made by an individual, the individual will reconsider within five working days of the referral.
- 10.19 If a decision relates to an executive function only the Cabinet can ultimately decide the matter, as long as it is in accordance with the Council's Budget and Policy Framework.

### **Speaking Scheme for Call in**

- 10.20 Any members of the public or Members not on the Committee can address the Committee in relation to request to call in a decision must register with the Proper Officer by 12 noon on the day before the meeting.
- 10.21 The following procedure will apply for each item.
  - (a) Members who requested the call-in will address the Committee;
  - (b) Other Members or members of the public who have registered to speak and who support the call in may address the Committee;
  - (c) The Committee may ask questions to Members who requested the call in;
  - (d) Officers or the Cabinet Member who has portfolio responsibility for the decision will address the Committee and respond to the call in.
  - (e) Members or members of the public who oppose the call-in and support the decision may address the Committee;
  - (f) The Committee may ask questions to those who support the decision
  - (g) The Scrutiny Committee will debate the call-in and get advice from officers where appropriate;
  - (h) The Scrutiny Committee will reach a decision.
- 10.22 The Committee can decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances. The total time allowed for speeches from each of the following groups of speakers will not be more than five minutes:-
  - (a) Members who requested the call in
  - (b) Other Members or members of the public who support the call in;
  - (c) Members or members of the public in support of the decision
- 10.23 If more than one objector or supporter wants to speak the Chairman will ask the supporters and objectors to appoint a spokesperson to represent their views.

## **CALL-IN AND URGENCY**

- 10.24 The call-in procedure set out above will not apply where the decision is urgent or becomes urgent during the process. A decision will be urgent if any delay would seriously prejudice the Council's or the public interest. The request for a decision to be deemed urgent will be considered by the Chairman of the relevant committee and the Monitoring Officer. They will take into account the reasons provided. In the absence of the relevant Chairman, another Scrutiny Committee Chairman will consider this. The decision will only be taken if the Chairman of the Scrutiny Committee agrees that the decision is a matter of urgency.
- 10.25 The public record of the decision will state:
- Why in the opinion of the decision making person or body, the decision is or has become an urgent one.
  - The consent of the relevant Scrutiny Chairman.
  - In the absence of all Scrutiny Chairman, the consent of the Mayor will be required. In their absence, the consent of the Deputy Mayor will be sufficient.
- 10.26 Decisions taken under the urgency procedures and where call in has been waived will be reported to the next available meeting of the Council. Details of the reasons of urgency will also be provided.
- 10.27 The operation of the provisions relating to call-in and urgency shall be monitored annually. A report will be submitted to Council with proposals for review if necessary.

## **11. THE PARTY WHIP**

- 11.1 The phrase 'the party whip' means any instruction given by a political group to any Member of that group on how they will speak or vote on an agenda item. This could also refer to the application (or threat) of a sanction by the group should a Member speak or vote in a particular way.
- 11.2 When considering a matter a Member must declare the existence and nature of any whips before discussions begin. This declaration will be recorded in the minutes of the meeting.

## **12. PROCEDURE AT MEETINGS**

- 12.1 The Scrutiny Committees will consider the following business:
- (a) The minutes of the previous meeting;
  - (b) Declarations of interest (including whipping declarations);
  - (c) Any matter referred to the Committee for a decision in relation to 'call-in' of a decision, from another Committee;
  - (d) Consideration of petitions;
  - (e) Any matter referred by a Member under Section 119 of the Local Government and Public Health Involvement in Health Act 2007 ('Councillor call for action');
  - (f) Responses of the Executive to reports of the Scrutiny Committee;
  - (g) Any items related to themed scrutiny reviews, focusing on the agreed themes of the Committee and any other reports as required and agreed;
  - (h) The business otherwise set out in the agenda for the meeting;
  - (i) Recommendations Monitoring Report;
  - (j) The latest version of the Forward Plan of Executive Decisions;
  - (k) The Committees work programme

- 12.2 Where the Scrutiny Committees conduct investigations, they can ask people to attend to give evidence at meetings. All meetings will be conducted under the following principles:
- (a) That the investigation is conducted fairly and efficiently.
  - (b) All Members of the Committee are given the opportunity to ask attendees questions and to contribute to debate;
  - (c) That those assisting the Committee by giving evidence are treated with respect and courtesy.

12.3 The Chairman has the discretion to hear from anyone they consider will assist the debate. This will only apply if the contribution is related to an item of business on the agenda for the meeting.

12.4 Following any investigation or review, the Committee will prepare a public report for submission to the Executive and/or Council.

### **13. JOINT MEETINGS OF SCRUTINY COMMITTEES**

13.1 A joint meeting of two or more Scrutiny Committees can be held if:

- (a) The relevant Chairman agrees that a joint meeting will enable more effective and efficient scrutiny of a particular item of business.
- (b) If the respective group representatives have been consulted.

13.2 The joint meeting can be held on the scheduled date for a meeting of any of the participated committees, or another more practical date.

13.3 All Members of the respective committees will be entitled to speak and vote at the joint meeting. The Chairman will be appointed from among the Chairmen of the Committees who are holding the meeting. If they are absent a Chairman will be appointed from the Committee Members present.

13.4 The joint meeting will count towards each involved committee's annual programme of up to six meetings per year.

### **14. TASK AND FINISH GROUPS**

14.1 Scrutiny Committees have the power to set up Task and Finish groups to consider any matter within their terms of reference.

14.2 The specific terms of reference for the Task and Finish group will be agreed by the relevant Committee when the group is set up. These will include the membership of the group and the proposed dates of reporting to the parent body.

14.3 Each Task and Finish group may co-opt no more than two non-elected members to the group. The number of co-opted members will not exceed the number of elected Members. Co-opted members will be able to contribute to the debate of the group and will be able to vote on any decisions made. Co-opted members will not be able to vote on any decisions when the final report is considered by the parent body.

14.4 Task and Finish groups will carry out reviews and policy development work allocated to them by the parent body.

14.5 Task and Finish groups will keep the parent body informed of their progress. They will produce a report for consideration by the relevant parent body at the end of the review.



14.6 Once a Task and Finish group's final report has been considered by the parent body the Group will be disbanded.

## **15. PUBLIC PARTICIPATION IN SCRUTINY**

15.1 The public may participate in the scrutiny process by:

- (a) attending meetings;
- (b) presenting petitions; and
- (c) asking questions or speaking at a meeting

15.2 Members of the public can speak or ask questions with the agreement of the Chairman. To do so they must register no later than 12 noon three working days before the meeting. Any points raised must be relevant to an item of business on the agenda. Each speaker can address the Committee for up to three minutes.

## **16. REPORTS**

Each year every Scrutiny Committee must provide a full report on their activities. This report will include recommendations for future work programmes and changes to working methods. During the year they will report the outcome of any significant issues and make recommendations to:

- the Executive,
- the Council, or
- other public sector bodies where it has powers to do so.

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