

# **SCRUTINY PROCEDURE RULES**

## **1. Arrangements for Scrutiny**

- 1.1 The Council will appoint a Scrutiny Steering Board as set out in Article 6 of this Constitution.
- 1.2 The Scrutiny Steering Board will comprise 7 Councillors. All Councillors except members of the Cabinet and members of the Audit Board may be members of the Scrutiny Steering Board.
- 1.3 The Scrutiny Steering Board may appoint such Task Groups as it considers appropriate to enable it to perform the overview and scrutiny functions on behalf of the Council. Task Groups will operate in accordance with the Task Group Procedure Rules appended to these Scrutiny Procedure Rules.

## **2. Co-optees**

- 2.1 The Scrutiny Steering Board shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees of the Scrutiny Steering Board.
- 2.2 The Scrutiny Steering Board shall be entitled to appoint a number of people as non-voting co-optees of any Task Group.

## **3. Meetings of the Scrutiny Steering Board**

- 3.1 There shall be at least 6 ordinary meetings of the Scrutiny Steering Board in each year.
- 3.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 3.3 An extraordinary meeting of the Scrutiny Steering Board may be called by the Chairman of the Scrutiny Steering Board, by any 3 members of the Scrutiny Steering Board or by the Chief Executive if he/she considers it necessary or appropriate.
- 3.4 Members of the Scrutiny Steering Board who cannot attend a particular meeting may not arrange for substitutes to attend.

#### **4. Quorum**

The quorum for a meeting of the Scrutiny Steering Board shall be four.

#### **5. Participation in Meetings**

No member may be involved in scrutinising a decision in which he/she has been directly involved. If any member of a Scrutiny Steering Board finds that a decision in which he/she has been directly involved is to be scrutinised, he/she shall declare the fact to the Scrutiny Steering Board and take no part in the discussion and voting in the part of the meeting which relates to that decision.

#### **6. Chairman**

The Scrutiny Steering Board will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.

#### **7. Work Programme**

7.1 The Scrutiny Steering Board will be responsible for setting its own work programme and in doing so shall take into account of:

- a. the views of members of the Scrutiny Steering Board who are not members of the largest political group on the Council;
- b. the forward plan
- c. suggestions of matters for scrutiny made by the Cabinet; and
- d. suggestions of matters for scrutiny made by the Leader arising from his/her quarterly meeting with the Chairman of the Scrutiny Steering Board, Audit Board and Performance Management Board in accordance with paragraph 7.2 below.

7.2 The Leader shall meet quarterly with the Chairman of the Scrutiny Steering Board, Audit Board and Performance Management Board with appropriate officers in attendance to review and, where appropriate, co-ordinate their respective work programmes.

#### **8. Procedure at Scrutiny Steering Board meetings**

The Scrutiny Steering Board shall at each meeting consider the following business:

- a. consideration of the minutes of the last meeting;
- b. declarations of interest (including whipping declarations);
- c. consideration of any matter referred to the Scrutiny Steering Board for a decision in relation to call in of a decision;
- d. responses of the Cabinet to reports of the Scrutiny Steering Board;
- e. the forward plan;
- f. progress on on-going scrutiny exercises (if appropriate)
- g. reports from the quarterly meetings between the Leader and Chairmen of the Scrutiny Steering Boards, Audit Board and Performance Management Board (if appropriate); and
- h. matters set out on the agenda for the meeting in accordance with paragraph 9 below.

## **9. Agenda items**

- 9.1 Any member of the Scrutiny Steering Board shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Scrutiny Steering Board to be included on the agenda for the next available meeting of the Scrutiny Steering Board. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.
- 9.2 Where a matter is referred to the Scrutiny Steering Board by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the Scrutiny Steering Board following the referral.
- 9.3 The Scrutiny Steering Board shall also respond, as soon as its work programme permits, to requests to review particular areas of Council activity from the Council, the Cabinet or the Leader (arising from his/her quarterly meeting with the Chairmen of the Scrutiny Steering Board, Audit Board and Performance Management Board).

## **10. Rights of Scrutiny Steering Board members to documents**

- 10.1 In addition to their rights as Councillors, members of the Scrutiny Steering Board have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in part 5 of the Constitution.
- 10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Steering Board as appropriate depending on the particular matter under consideration.

## **11. Policy review and development**

- 11.1 The role of the Scrutiny Steering Board in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 6 of the Constitution.
- 11.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Scrutiny Steering Board may make proposals to Cabinet for developments in so far as they relate to matters within its terms of reference.
- 11.3 The Scrutiny Steering Board, and any Task Group established by it, may:
- a. hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process;
  - b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations;
  - c. ask witnesses to attend to address them on any matter under consideration;
  - d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget set by the Council each year for such purposes is not exceeded.

## **12. Members and officers giving account**

- 12.1 The Scrutiny Steering Board or a Task Group established by it may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. 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; and/or
- c. his/her performance

and it is the duty of those persons to attend if so required.

- 12.2 If any Councillor or officer is required to attend meetings of the Scrutiny Steering Board or its Task Groups under this provision, the Councillor or officer will be given reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Scrutiny Steering Board or Task Group. Where the account to be given to the Scrutiny Steering Board 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 If the Councillor or officer is unable to attend on the required date, the Scrutiny Steering Board or Task Group shall in consultation with the Councillor or officer arrange an alternative date for attendance.

### **13. Attendance by others**

- 13.1 The Scrutiny Steering Board or a Task Group may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.
- 13.2 If the Scrutiny Steering Board is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Scrutiny Steering Board) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Scrutiny Steering Board which arise from that motion.

- 13.3 If the Scrutiny Steering Board or a Task Group invites a person to address a meeting or to give evidence, the following principles will be observed:
- a. the investigation will be conducted fairly and all members of the Scrutiny Steering Board will be given the opportunity to ask questions of attendees, and to contribute and speak;
  - b. those assisting the Scrutiny Steering Board by giving evidence will be treated with respect and courtesy; and
  - c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

#### **14. Reports from Scrutiny Steering Board**

- 14.1 Once it has formed recommendations on proposals for development, the Scrutiny Steering Board will make its report and findings public and will submit a formal report to the Chief Executive for consideration by the Cabinet.
- 14.2 If the Scrutiny Steering Board cannot agree on one single final report to the Council or Cabinet as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 14.3 The Cabinet shall consider the report of the Scrutiny Steering Board within two months of it being submitted to the Chief Executive and shall issue a formal response to the report.

#### **15. Consideration of Scrutiny Steering Board Reports by the Cabinet**

- 15.1 The agenda for Cabinet meetings shall include an item to consider minutes and/or reports from the Scrutiny Steering Board and reports of the Scrutiny Steering Board referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Scrutiny Steering Board completing its report/recommendations.
- 15.2 Once a report has been considered by the Cabinet, and any questions or issues raised by the Cabinet have been resolved, the Scrutiny Steering Board will disband any Task Group appointed in connection with the preparation of that report.

## **16. Review of Scrutiny Steering Board Reports**

The Scrutiny Steering Board will review implementation of its recommendations in any report not sooner than 12 months after consideration of its report by the Cabinet. The Scrutiny Steering Board may appoint a Task Group or reconvene the Task Group which carried out the original investigation or any member of that Task Group to undertake this review on its behalf.

## **17. Call-in**

- 17.1 Call-in should only be used in exceptional circumstances when members of the Scrutiny Steering Board have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making).
- 17.2 When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 17.3 That notice (which may take the form of the minutes of a meeting of the Cabinet) 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 publication of the decision, unless the Chairman of the Scrutiny Steering Board or three members of the Scrutiny Steering Board objects to it and calls it in.
- 17.4 During that period, the Chief Executive shall call in a decision for scrutiny by the Scrutiny Steering Board if so requested by the Chairman of the Scrutiny Steering Board or any three members of the Scrutiny Steering Board, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Board on such date as he/she may determine, where possible after consultation with the Chairman of the Scrutiny Steering Board, and in any case within 10 working days of the decision to call in.
- 17.5 If, having considered the decision, the Scrutiny Steering Board is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they

- shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.
- 17.6 If, following an objection to the decision, the Scrutiny Steering Board does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny Steering meeting, or the expiry of that further 10 working day period, whichever is the earlier.
- 17.7 If the matter was referred to full Council and the Council 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 has no power to make decisions in respect of a Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a meeting will be convened to reconsider within 5 working days of the Council request.
- 17.8 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 the earlier.
- 17.9 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'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 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 Chief Executive or his/her nominees' consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 17.10 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Scrutiny Steering Board, and a report submitted to Council with proposals for review if necessary.



## **18. The party whip**

When considering any matter in respect of which a member of the Scrutiny Steering Board is subject to a party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Scrutiny Steering Board's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

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## TASK GROUPS PROCEDURE NOTES

### 1. Appointment of Chairman

The Chairman of the Task Group will be appointed by the Scrutiny Steering Board and will normally be a member of the Scrutiny Steering Board. However, the Scrutiny Steering Board may, if it considers it appropriate, appoint as Chairman of a Task Group a Councillor who is not a member of the Scrutiny Steering Board who has undergone appropriate chairmanship training.

### 2. Appointment to and Membership of Task Groups

2.1 The Scrutiny Steering Board will arrange for written notice of the establishment of a Task Group, together with a general description of the nature of the work to be undertaken by the Task Group, to be given to;

- group leaders; and
- all Councillors who are not members of the Cabinet

2.2 A Councillor interested in joining a Task Group shall complete and return a form explaining why he/she is interested in becoming a member of the Task Group and explaining any particular skills, experience or expertise he/she could bring to the Task Group.

2.3 Members of the Cabinet cannot become members of Task Groups.

2.4 The Scrutiny Steering Board will consider and agree the membership of the Task Group at its next available meeting. If the Chairman of the Task Group is not a member of the Scrutiny Steering Board, the Chairman of the Task Group will be consulted before membership of the Task Group is considered and agreed. The size of each Task Group may vary but as a general rule Task Groups should have a minimum of three members and no more than seven.

2.5 Task Group members who cannot attend a meeting of a Task Group cannot appoint a substitute member.

### 3. Co-opted members

3.1 The Scrutiny Steering Board may co-opt members who are not Councillors to the Task Group.

3.2 Co-opted members have no voting rights.

#### **4. Proportional allocation of seats**

Task Groups are not covered by the requirement for seats to be allocated on the basis of political group proportionality.

#### **5. Terms of reference**

5.1 The Chairman of the Task Group will, in consultation with officers, carry out an initial scoping exercise for the Task Group which will include proposals for the Task Group's terms of reference.

5.2 The scoping exercise including the proposed terms of reference will be considered and agreed by the Scrutiny Steering Board at its next available meeting or at an extraordinary meeting convened for this purpose.

5.3 The Scrutiny Steering Board will consider any request from the Task Group for modification of its terms of reference at any time during the course of the investigation.

#### **6. Working**

6.1 A Task Group should carry out its investigation in accordance with the Scrutiny Procedure Rules.

6.2 A Task Group does not have any powers to take any decisions. It should consider the issues it has been asked to investigate and submit a report to the Scrutiny Steering Board which will then decide whether or not to make any recommendations to the Cabinet.

#### **7. Timescales**

Task Groups will normally be expected to conclude their investigation within four months of the date of the first meeting. Task Groups will not be disbanded until the report of the Scrutiny Steering Board has been considered by the Cabinet and any questions or issues raised by the Cabinet have been resolved.

## **8. Monitoring**

Task Groups will provide the Scrutiny Steering Board with regular updates on the work of the Task Group. In considering those regular updates the Scrutiny Steering Board may suggest areas of work or issues for consideration or investigation by the Task Group.

## **9. Final report**

- 9.1 The Scrutiny Steering Board will consider in detail the final report of the Task Group and the Task Group will respond to any requests by the Scrutiny Steering Board to substantiate and justify any proposals it brings forward.
- 9.2 Members of the Task Group who disagree with the majority report of the Task Group may produce one minority report, which may put forward alternative proposals. This will then be considered alongside the report of the Task Group by the Scrutiny Steering Board. The Scrutiny Steering Board will then decide which recommendations it wishes to support.
- 9.3 The Chairman of a Task Group shall be responsible for ensuring that the recommendations in the final report of the Task Group fairly and accurately reflect the findings of the Task Group.

## **10. Agenda, Minutes of and Public Access to Task Group Meetings**

- 10.1 Agendas for Task Group meetings are usually only circulated to members of the Task Group.
- 10.2 Members of the Scrutiny Steering Board are entitled to attend and participate in meetings of the Task Group at the discretion of the Chairman of the Task Group but do have no voting rights at Task Group meetings. The Chairman of the Task Group will balance demand for such participation against the need to maintain the small size of the Task Group.
- 10.3 The public has no right to attend Task Group meetings, nor a right of access to the agendas and minutes (beyond those rights provided by the Freedom of Information Act).