

Section 4

Scrutiny Committee Procedure Rules

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1 Membership

All Councillors except Members of the Executive may be Members of a Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

2 Meetings

2.1 Frequency of meetings

- (a) The Council shall set a programme of Scrutiny Committee meetings for each municipal year
- (b) The Chairman may change the time and date of any programmed meeting of the Scrutiny Committee but must notify all Members of the Council of the change in writing at least five working days before either the programmed date or the new date for the meeting, whichever is the earlier.
- (c) The Chairman may call a meeting of the Scrutiny Committee at any time but must, except in cases of urgency, notify all members of the Council of the date and time of the meeting in writing at least five working days before the date for the meeting.
- (d) If in the opinion of the Chief Executive, the Monitoring Officer or the Chief Financial Officer there is an item of business which requires a meeting of a Scrutiny Committee and the Chairman having been requested in writing to call a meeting fails to do so within three working days, the Chief Executive may call a meeting of the Scrutiny Committee subject to giving notice in accordance with (c) above.

2.2 Quorum

The quorum for a meeting of a Scrutiny Committee shall be one quarter of the total number of members of the Scrutiny Committee or 3 whichever is the larger.

2.3 Person Presiding

- (a) The Chairman appointed by the Council will preside at meetings of a Scrutiny Committee if present and able to act.
- (b) If the Chairman is absent or unable to act the Scrutiny Committee will appoint a Member of the Committee to preside in accordance with Rule 5.7a of the Council Procedure Rules.

2.4 Business at meetings of the Scrutiny Committees

At meetings of the Scrutiny Committees the following business will be conducted:

- (a) appointment of a person to preside in the absence of the Chairman,
- (b) consideration of the minutes of the last meeting,
- (c) at each programmed meeting of a Scrutiny Committee, a Public Question Time in accordance with rule 2.6
- (d) at each programmed meeting of a Scrutiny Committee, a Councillors' Session in accordance with rule 2.7
- (e) Executive decisions called in for scrutiny in accordance with rule 7,
- (f) Members items under rule 2.8,
- (g) matters set out in the agenda for the meeting

2.5 Agenda

The Head of Law and Administration will compile the Agenda for meetings of the Scrutiny Committees which will include any item requested to be included by:-

- (a) the Scrutiny Committee
- (b) the Council
- (d) the Executive
- (e) a Member of the Scrutiny Committee under rule 2.8
- (f) a Member of the Council under rule 2.7
- (g) the Chief Executive, the Monitoring Officer, the Chief Financial officer or a Head of Service

2.6 Public Question Time

- (a) Members of the public who are registered electors in the Borough may ask questions of the appropriate Cabinet Member or the Chairman of the committee at programmed meetings of a Scrutiny Committee.
- (b) Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

- (c) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Law and Administration at least seven clear working days before the day of the meeting. Each question must give the name and address of the questioner and must identify whether it is to be put to the Cabinet Member or the Chairman.
- (d) For any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.
- (e) The Head of Law and Administration may reject a question if it:
 - is not about a matter which is within the terms of reference of the Scrutiny Committee;
 - is not a matter for which the person to whom the question is put has responsibility;
 - is defamatory or offensive;
 - is substantially the same as a question which has been put at a meeting of the Scrutiny Committee in the past six months, or
 - requires the disclosure of confidential or exempt information.
- (f) The Head of Law and Administration will record the receipt of each question and will immediately send a copy of the question to the Member to whom it is to be asked unless the question has been rejected.
- (g) The Chairman will invite the questioner to put the question to the Member named in the notice.

The question may only be put by:-

 - (i) the person who gave notice or,
 - (ii) if the person who gave the notice has a disability which would prevent them putting the question, by a person nominated by them in the notice, provided that the person who have the notice and the nominated person are present at the meeting.
- (h) The person to whom the question is asked may answer orally, may undertake to provide a written answer within seven days or may decline to answer.
- (i) The questioner may not respond or put any additional or supplementary questions and there shall be no discussion of the question or the reply.

- (j) No further questions shall be asked after fifteen minutes from the start of Question Time. The person to whom it is addressed will answer in writing any question not reached.

2.7 Councillor Session

- (a) At each programmed meeting of a Scrutiny Committee there shall be a session (the "Councillor Session") during which items submitted by Members in accordance with the following rules will be considered.
- (b) Any Member who is not a member of the Scrutiny Committee may, at least 7 clear working days, by 5.00pm, before a programmed meeting of a Scrutiny Committee, give written notice to the Head of Law and Administration that he/she wishes to raise an item for the Councillor Session at that meeting.
- (c) The item may only take the form of either:
 - (i) a question to the appropriate Cabinet member or the Chairman, or
 - (ii) an item for consideration.

The Head of Law and Administration may edit items to achieve proper form and brevity or to delete any defamatory, derogatory or otherwise unsuitable material. The Head of Law and Administration may refuse to accept any items that are defamatory, derogatory or otherwise unsuitable.

- (d) Any question submitted under rule 2.7(c)(i) shall only be read by the Member submitting it and shall be answered by the person to whom it is addressed. Immediately following the answer any Member of the Committee may ask a supplementary question on any matter arising out of the original question or the answer. The addressee may answer the original or any supplementary question orally, offer a written answer or decline to answer. No further supplementary questions may be asked after the expiry of 10 minutes following the original answer.
- (e) An item for consideration under rule 2.7(c)(ii) shall be a matter on which the Member submitting the item wishes the Scrutiny Committee to have a discussion.
- (f) On consideration of an item under rule 2.7(c)(ii) the discussion shall be limited to 10 minutes duration, at the conclusion of which the discussion shall end and no vote shall be taken on any motion put during the discussion but any Member may put one of the following motions which, if seconded, shall be voted on without discussion;

- (i) that it being convenient and conducive to the conduct of business, the matter be considered further at this meeting;
- (ii) that the matter be referred to the next meeting of the Scrutiny Committee;
- (iii) that the appropriate officer report on the matter to the next meeting of the Scrutiny Committee;

If a motion under rule (i) is carried, the matter may be debated at that meeting under the normal rules of debate. If a motion under rule (ii) is carried, the matter may be debated at the next meeting under the normal rules of debate.

- (g) Items submitted under this rule shall be taken in the order in which the Head of Law and Administration receives them.

2.8 Members items

- (a) Any Member of a Scrutiny Committee may, at least 7 clear working days, by 5.00pm, before a meeting of the Committee, give written notice to the Head of Law and Administration that he/she wishes to put an item on the agenda for the meeting on any matter within the terms of reference of the Committee;
- (b) No Member may give notice of more than three items for each meeting of the Scrutiny Committee.

2.9 Decisions on Councillor and Member Items

In respect of Councillor or Members agenda items, if the Scrutiny Committee decides not to discharge any of its powers, under section 21 of the Local Government Act 2000, it must notify the Member who raised the item of its decision and the reasons for it.

3 Annual work programme

- (a) Each Scrutiny Committees will be responsible for setting its annual work programme and in doing so they shall take into account the resources available.
- (b) Each Scrutiny Committee shall report its annual programme of work to the Council for information.
- (c) A Scrutiny Committee may amend its annual programme of work at any time subject to reporting the amendment to the Council.
- (d) A Scrutiny Committee, in setting or amending its annual work programme, shall take into account requests from the Council and the Executive for it to advise on, inquire into or investigate any matter within the terms of reference of the Scrutiny Committee.

4 Policy review and development

4.1 Budget and policy framework.

The role of the overview and 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.

4.2 Other matters

- (a) In relation to the development of the Council's approach to matters not forming part of its policy and budget framework, Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (b) Scrutiny Committees may hold inquiries and investigate the available options for future direction in policy. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations within any budget made available to them. They may ask witnesses to attend to address them on any matter under consideration and may pay reasonable expenses for doing so.
- (c) Once it has formed recommendations on proposals for development, the Scrutiny Committee may submit them to the Head of Law and Administration for consideration by the Executive.

5 Members and officers giving account

- (a) A Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council or Executive functions. As well as reviewing documentation it may require any member of the Executive, the Head of Paid Service, any Executive Director or any Head of Service or any individual member who is authorised to discharge any Council or Executive functions to attend before it to explain in relation to matters within their remit:
- (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance.

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

- (b) Where any Member or officer is required to attend a Scrutiny Committee under this provision, the Head of Law and Administration shall inform the Member or officer in writing giving at least seven working days 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. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation. Where the Member or officer is unable to attend on the required date, then the Chairman of the Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance.

6 Attendance by others

An overview and Scrutiny Committee may invite people other than those people referred to in paragraph 5 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 may invite such people to attend.

7 Scrutiny of Executive decisions

7.1 Call-in

- (a) Not more than **eight** clear working days after a meeting of the Executive the Head of Law and Administration will publish to all Members of the Council a record of the decisions made at the meeting.

- (b) The Head of Law and Administration shall prescribe, in the document containing the record of decisions, a period of not less than **four** clear working days (the “Call in Period”).
- (c) During the call in period any Member of the Council may by notice in writing to Head of Law and Administration request that the matter be referred to the appropriate Scrutiny Committee. The notice must state the reason why the Member wishes the matter to be referred and must be received by the Head of Law and Administration by 5.00pm on the last day of the call in period.
- (d) If the Head of Law and Administration receives valid notices from three Members of the Council, at least one of whom is a Member of the appropriate Scrutiny Committee, the matter shall be referred to that Scrutiny Committee.
- (e) A called-in matter may be withdrawn if the Head of Law and Administration receives appropriate notification from the same three Members who had initially requested that the matter be referred to the appropriate Scrutiny Committee.

This rule does not apply to any decision of the Executive under the Budget and Policy Framework Procedure Rules or to a decision which the Executive has referred to the appropriate Scrutiny Committee.

7.2 Called-in Decisions

On consideration of a called-in decision or a decision referred to it by the Executive a Scrutiny Committee may;

- (a) take no action,
- (b) record a comment on the decision,
- (c) refer the decision back to the Executive for reconsideration with or without comment;
- (d) refer the decision to the Council for scrutiny, in which case the Council may take any of the actions set out in (a)-(c) above.

7.3 Implementation of Executive decisions

No decision of the Executive may be implemented until either:

- (a) the Call-in Period has expired and the decision has not been referred to the appropriate Scrutiny Committee,

- (b) if the decision has been referred to a Scrutiny Committee, the Scrutiny Committee has considered it and has not referred it back to the Executive for reconsideration or on to the Council,
- (c) if the decision has been referred to a Scrutiny Committee and the Scrutiny Committee has referred it back to the Executive, the Executive has reconsidered the decision,
- (d) if the decision has been referred to a Scrutiny Committee and the Scrutiny Committee has referred it on to the Council, the Council has considered it and has not referred it back to the Executive for reconsideration,
- (e) if the decision has been referred to a scrutiny committee and the scrutiny Committee has referred it on to the Council which has referred it back to the Executive, the Executive has reconsidered the decision,

7.4 Scrutiny of key decisions of officer

- (a) A key decision made by an officer under powers delegated by the Executive shall be subject to Rule 7 as if it were a decision made by the Executive at a meeting.
- (b) In relation to a key decision of an officer Rule 7.1(a) shall be read to refer to the “date of the decision” in place of the “date of the meeting of the Executive” and the last three words of that Rule shall be ignored.

7.5 Urgency

- (a) Provided that;
 - (i) the person making the decision has consulted three Members of the appropriate Scrutiny Committee (whenever practicable the three Members should include the Chairman and be from three different political groups),

and
 - (ii) the majority of those three Members have agreed that the matter is urgent, that the operation of rules 7.1-7.3 would unduly delay the implementation of the decision and any conditions subject to which the decision may be made,

(the conditions imposed under rule (ii) may include limitations that only part of the decision may be taken without compliance with the rules, or that the decision taker must consult a special meeting of the Scrutiny Committee, the local Member(s) or some other person or body before making the decision but may not include any condition limiting the decision maker’s discretion as to what decision he or she makes.),

and

- (iii) the decision maker complies with any such conditions,

Rules 7.1-7.3 shall not apply and an Executive decision may be implemented immediately or at such time as the conditions imposed under rule (ii) above allow.

- (b) Any decision made under this rule must be reported to the next meeting of the appropriate Scrutiny Committee.

8 Rules of debate at scrutiny committee meetings

8.1 Motions and amendments

- (a) A motion or amendment must not be discussed unless it has been proposed and seconded. The Mayor or the person presiding at a meeting of the Council or the Chairman of a Committee or Sub-Committee or the person presiding at such a meeting may at his discretion refuse to accept a motion or amendment which is substantially to the same effect as a previous motion or amendment at the same meeting.
- (b) When seconding a motion or amendment, a Member may reserve his speech until a later period of the debate by declaring his intention to do so.
- (c) When any motion of which notice has not been given, or any amendment has been moved and seconded, the person presiding may require that it shall be put in writing and handed to him before it is further discussed.
- (d) Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of provided that the person presiding may permit two or more amendments to be discussed (but not voted upon) together if he thinks that this will facilitate the proper conduct of business.
- (e) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended must take the place of the original motion and must become the motion upon which any further amendment may be moved.

8.2 Speeches

- (a) Only one Member may speak at a time and if two or more Members offer to speak, the person presiding must call on one to speak.
- (b) When speaking, a Member must address the person presiding.
- (c) A Member must direct his speech to the question under discussion, or to a point of order or personal explanation as defined in rules 15.12 and 15.13 of the Council Procedure Rules.
- (d) The ruling of the person presiding on a point of order or the admissibility of a personal explanation will be final.

8.3 Ancillary motions

- (a) When a motion is under debate, no other motion shall be moved except the following:
 - (i) to amend the motion;
 - (ii) a closure motion under the next paragraph;
 - (iii) a motion under Council Procedure Rule 21;
 - (iv) a motion under Section 100A(2) or (4) of the 1972 Act (exclusion of the public).
- (b) The following closure motions shall be permitted during discussion of another motion ("the original motion"). They must be moved, seconded and put by a Member who has not spoken in the debate without discussion. If the motion is moved and seconded, the person presiding must proceed as follows:

- (i) "that the meeting proceed to the next business"

the person presiding must permit the mover of the amendment under discussion and the mover of the original motion to reply, and must then put to the vote the motion to proceed to the next business; if that motion is carried, the original motion must lapse;

- (ii) "that the question be now put"

if the person presiding is of the opinion that the matter before the meeting has been insufficiently discussed he may refuse to accept the motion; if he accepts the motion, he must put to the vote forthwith the motion that the question be now put; if this is carried, he must permit the mover of the original motion a right of reply and must then put that motion to the vote;

- (iii) "that the debate be now adjourned" and
- (iv) "that the meeting do now adjourn"

if the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed he may refuse to accept either of these motions, and instead put the motion that the question be now put; if he is of the opinion that the matter has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion, he must put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion; the original motion or remaining business must then stand over as uncompleted business until the next meeting of the Council, Committee or Sub-Committee, as the case may be.

- (v) "that a Member be heard no further".

9 Matters within the remit of more than one scrutiny committee

- (a) Where an overview and Scrutiny Committee conducts a review or scrutinises a matter that also falls (whether in whole or in part) within the remit of another Scrutiny Committee, then the Scrutiny Committees shall meet jointly to consider the matter (or those parts of the matter which are within the terms of reference of both Committees).
- (b) At a joint meeting of Scrutiny Committees the Committees shall jointly appoint a Chairman from among the Chairmen of the participating Scrutiny Committees.
- (c) Where a matter affects the whole or a major part of the Council's functions it shall be considered by the Scrutiny Committee with responsibility for cross cutting issues and overarching policies.

10 Task and Finish Reviews

- (a) A Scrutiny Committee may set up one or more Task and Finish Review Groups comprising some or all of its members to consider any subject within the terms of reference of the Committee and report back to the Committee.

- (b) A Task and Finish Review Group is an advisory body, it is not a committee or sub-committee and shall not have any delegated powers to make any decision on behalf of the Committee but shall report its findings back to the Committee with any recommendations it considers appropriate.
- (c) A Task and Finish Review Group may call any member of the Council or the Executive, any officer of the Council, representatives of any outside body or any individuals to give evidence to it or otherwise assist in its considerations.
- (d) A Task and Finish Review Group shall be chaired by a member of the Group appointed by the Committee or in the absence of that member such other member as the Group shall appoint.
- (e) Where a matter falls within the terms of reference of more than one Scrutiny Committee a joint Task and Finish Review Group may be set up comprising all or some of the members of those Scrutiny Committees and shall be chaired by a person appointed by the group.
- (f) Substitutes will not be permitted on a Task and Finish Review Group.

11 Reports or Recommendations to the Council or the Executive

- (a) Where a Scrutiny Committee makes a report or recommendation to the Council or the Executive, the Scrutiny Committee shall give written notice to the Council or Executive, requiring it to, within 2 months of the date of the notice:
 - (i) consider the report or recommendation,
 - (ii) respond to the Scrutiny Committee indicating what (if any) action it proposes to take,
 - (iii) publish the response,
- (b) Written notices, under rule 11(a), must be signed by the chairman of the relevant Scrutiny Committee and delivered to the Head of Law and Administration. The Head of Law and Administration will ensure that the requirements of the notice, along with details of the relevant report or recommendation, are placed on the agenda of a meeting of the Council or Executive (as appropriate) within 2 months from the date of the notice.