

## Scrutiny Rules

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### 1. **What is scrutiny?**

- 1.1. There is a [Scrutiny Assembly](#), [7 Scrutiny Committees](#) and a [Chairmans' Forum](#) that oversees and scrutinises the work of the [Leader](#) and his/ her [Cabinet](#) and the [Council](#) as a whole. This allows members outside the Cabinet and citizens to have a greater say in Council matters by investigating issues of local concern. This can include questioning [Cabinet Members](#), senior officers of the Council and inviting people from outside the Council to give opinions and expert advice. These lead to reports and recommendations to Leader, the Council and some partner organisations. The [Decision Takers](#) are not required to implement the recommendations but do have to respond to recommendations. Scrutiny also monitors the decisions of Decision Takers. They can 'call-in' a decision which has been made by the Decision Taker but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Decision Taker reconsider the decision. They may also be consulted by the Leader or the Council on forthcoming decisions and the development of the Budget & Policy Framework.
- 1.2. There is also a [Scrutiny Handbook](#) which does not form part of the Constitution but contains the more detailed operational notes about how the scrutiny function is performed.

### 2. **How does it work?**

- 2.1. [Link to Scrutiny structure](#).
- 2.2. Scrutiny is not is not designed for use for political purposes and accordingly the existence and nature of any [party whip](#) must be disclosed at the start of any Scrutiny Assembly or Scrutiny Committee meeting.

## 3. The Scrutiny Assembly

### Who is on it

- 3.1. All members of the Council who are not Cabinet Members.
- 3.2. The scrutiny committee that covers education matters has [statutory co-optees](#) and other committees may also co-opt members.
- 3.3. The [Mayor](#) does not sit on any committees but may attend and participate (but not vote) if he or she wishes.

### What does it do?

- 3.4. The Scrutiny Assembly will meet to:
  - 3.4.1. Develop an annual [Work Programme](#) (in consultation with the Cabinet).
  - 3.4.2. Hold a 'Question and Answer' session with the Leader of the Council and Chief Executive
  - 3.4.3. Contribute to the development of the Council's Budget & Policy Framework.
  - 3.4.4. Review the Scrutiny Handbook

## 4. Scrutiny Committees

### Who is on it?

- 4.1. Membership of the Scrutiny Committees is determined at [Annual Council](#) but can be changed from time to time at the request of the relevant [Group Leader](#) to the [Proper Officer](#).

### What does it do?

- 4.2. Each committee will, in respect of their relevant priority area:-
  - 4.2.1. Meet formally twice a year
  - 4.2.2. Agree the Committee's work programme and undertake this through formal committee meetings and [Member Working Groups](#)
  - 4.2.3. Act as consultee for draft budget & policy framework policy proposals published by the Leader
  - 4.2.4. Review the strategies and policies of the Leader and the Council and to scrutinise any matter affecting local people and make proposals to the Leader.
  - 4.2.5. Review the discharge by the Leader of any of his/ her functions, including comparison of performance against any appropriate targets, plans or standards.
  - 4.2.6. Review any decisions or proposed decisions of the Council and of Decision Takers, including call-in.
  - 4.2.7. Consider any matters which affect the Council or its administrative area or the inhabitants of that area and to make recommendations to the Council or the Leader arising from that consideration.
  - 4.2.8. Consider any matter referred to it by the [Chairmans' Forum](#) from the Leader or the Council and recommend to the Leader or the Council accordingly.
  - 4.2.9. Consider applications for additional items to go on the [Work Programme](#)

4.2.10. Consider any [Councillor Calls for Action](#) and/ or [Petitions](#)

### 5. Chairman's Forum and the role of individual Chairman

#### Who is on it?

5.1. The Chairman, appointed by Council, for each Scrutiny Committee

#### What does it do?

5.2. The Chairman of each Scrutiny Committee will meet to:-

- 5.2.1. To co-ordinate the Work Programme to ensure it is an efficient use of the Committees' time and that duplication/ overlap is minimised.
  - 5.2.2. Where matters fall within the remit of more than one Scrutiny Committee to determine which of them will assume responsibility for any particular issue and to resolve any issues of dispute between the Scrutiny Committees.
  - 5.2.3. To receive requests from the Leader or individual Members and or the Council for reports from scrutiny and to allocate them if appropriate to one or more Scrutiny Committees.
  - 5.2.4. To put in place and maintain a system to ensure that referrals and recommendations from Scrutiny to the Leader, either by way of report or for reconsideration are managed efficiently.
  - 5.2.5. To recommend constitutional improvements to the [Council Constitution Committee](#).
  - 5.2.6. To manage the annual consultant's budget in consultation with the Proper Officer
- 5.3. Individually,
- 5.3.1. to receive notification of [Key Decisions](#) falling within the terms of reference for their scrutiny committee that need to be taken but which are not included on the [Forward Plan](#) in accordance with the rules on [General Exceptions](#) or agree to a Key Decision being considered as an [Urgent Decision](#) and therefore being exempt from call-in

### 6. Working Practices

#### The Scrutiny Handbook

- 6.1. Details about how to undertake scrutiny reviews and general provisions governing the management of the scrutiny process are contained in the Scrutiny Handbook.
- 6.2. Changes to the Scrutiny Handbook can be agreed if, explicitly by e-mail or otherwise in writing, more than 10 members agree to the proposed changes and not more than 5 members object to the proposed changes. Failure to satisfy either of these requirements will result in the proposed changes being considered by the Scrutiny Assembly when it next meets.

#### Witnesses and other investigatory techniques

- 6.3. Scrutiny Committees may 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. 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. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors, [Co-optees](#) and witnesses a reasonable fee and expenses for doing so.

- 6.4. Members of the [Cabinet](#) and [Officers](#) (at Service Delivery Manager and above) can be called to attend Scrutiny Committees to answer questions within their remit about any particular decision or series of decisions, the extent to which the actions taken implement Council policy and/or the performance of the service. Members and Officers called must attend as soon as is practicable but must be given at least 14 days notice of the date of the meeting which notice shall include full details of the issues that they are to be questioned about. (for more details see the Scrutiny Handbook)

### 7. Call-in

#### What is it?

- 7.1. The call-in procedure allows, subject to certain limitations, Key Decisions which have been made but not yet implemented, to be referred back to a Decision-Taker for reconsideration. Call-in is split between call-in of decisions that are within the Budget & Policy Framework and those that are outside the Budget & Policy Framework.

#### Call in and urgent decisions

- 7.2. Urgent decisions are exempt from call-in but will be monitored annually by the scrutiny committee with responsibility for the Efficient, effective, community focussed priority.

#### How can you make a request for call-in?

- 7.3. A request for call-in must be made, in writing, to the Proper Officer within 3 working days of the Record of Decisions being published. After this the decision becomes effective and can be implemented. If, however a request for a call-in is received within the time limit the decision to which the call-in request relates is suspended and cannot be implemented until the call-in process has been completed.
- 7.4. The request for a call-in must be signed or supported by a minimum of 5 members (or Voting Co-optees) and detail the decision that is being called in, the relevant scrutiny committee that they consider should receive the request and the reasons why it is being called in, having consideration to the [Principles of Decision-Making](#).

#### Limits on call-in

- 7.5. No more than 8 requests for call-in of decisions within the [Budget and Policy Framework](#) can be made in any one civic year (and no more than 4 can be made in any 3 month period).
- 7.6. There is no limit on the call-in of decisions that are outside the Budget & Policy Framework

## Scrutiny Rules

- 7.7. Call-in does not apply to Urgent Decisions, decisions of Council, decisions that are not Key Decisions, recommendations, quasi judicial or administrative decisions of Council committees
- 7.8. The Chairman of the relevant scrutiny committee can, in consultation with the [Monitoring Officer](#), determine that a request for call-in is not valid if he/she reasonably considers that the reason for the call-in does not *prima facie* show a failure to comply with the Principles of Decision-making.

### **Before the call-in meeting.**

- 7.9. The Proper Officer will record the time and date of receipt of the request and will inform the Decision Taker and the Chairman of the Scrutiny Committee whose terms of reference most closely relate to the issue which is subject to the request for call-in.
- 7.10. If there is any doubt or dispute over the Scrutiny Committee to which the matter should be referred then the Chairman (and in his or her absence, the Deputy Chairman) of the Scrutiny Assembly will be consulted and his/her decision shall be final.
- 7.11. The Proper Officer will arrange a meeting of the relevant Scrutiny Committee and will notify the members who signed/ supported the request for call-in of the time and date and location of the meeting at which the request for call-in will be considered.
- 7.12. In exceptional circumstances where it is not possible to achieve a quorate meeting of the relevant Scrutiny Committee within the prescribed timescales, substitute members from the Scrutiny Assembly may be appointed by Group Leaders.
- 7.13. A call-in meeting of the Scrutiny Committee must be held within 10 working days of the call-in request being received. If it not held within that time the decision being called-in will take effect from that date.
- 7.14. In the meantime the Decision-Taker may meet with some or all of the members supporting the call-in informally to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed in the request for call-in can be addressed by the Decision Taker in the original decision. This can include formal advice from the Monitoring Officer and Chief Finance Officer about whether or not the decision falls within, or is outside the Budget & Policy Framework

- 7.15. Any member may, in writing to the Proper Officer, withdraw their support for a request for call-in until no later than 24 hours before the start of the meeting of the relevant Scrutiny Committee that is due to consider the request for call-in. If, after one or more members have withdrawn their support, there are less than 5 members still in support of the request for call-in it will no longer be valid and the meeting will be cancelled.
- 7.16. The call-in papers which must be circulated to members of the Scrutiny Committee and other parties involved in/ attending the meeting at least 48 hours prior to the meeting are:-
- 7.16.1. the original report on which the decision was based
  - 7.16.2. a copy of the call-in request
  - 7.16.3. one side of an A4 sheet of paper setting out the main points of their argument
  - 7.16.4. background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation.

### **The call-in meeting**

- 7.17. The Chairman of the relevant Scrutiny Committee is responsible for the effective management of the call-in meeting and has discretion over the procedure for the meeting. Generally however he or she will ask the members making the request for call-in to identify a lead call-in member who will be invited to present their argument, ask any questions of the Decision-Taker and put forward alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). The Decision Taker (with officer support if appropriate) will have the opportunity to explain their decision and express their views on any alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). Members of the Scrutiny Committee will consider the papers and may ask questions of anyone in attendance at the meeting at any time or when invited to by the Chairman (no time limit) before considering their response to the request for call-in.
- 7.18. Any Scrutiny Committee member arriving at the meeting after the lead call-in member has started his or her presentation will be allowed to remain in the meeting as an observer but will not be allowed to take part in the debate or the voting process. This will be made clear on the agenda for the meeting.

### **Decisions of the Scrutiny Committee on a call-in**

- 7.19. If having considered the proposal contained in the request for call-in, the appropriate Scrutiny Committee supports the original decision it may be implemented with immediate effect.

## Scrutiny Rules

7.20. If, having considered the request for call-in the Scrutiny Committee is concerned about the original decision, then the decision remains suspended and it will be referred back to the Decision-Taker for reconsideration, or, if the decision is deemed to be outside the Policy and Budget Framework refer the matter to full Council. (see Call in of Decisions outside the Budget & Policy Framework below). These meetings will take place as follows:-

- |                                   |   |   |
|-----------------------------------|---|---|
| 7.20.1. full Council              | - | within 10 working days of the call-in meeting |
| 7.20.2. Cabinet                   | - | at the next scheduled meeting of the cabinet  |
| 7.20.3. individual Decision-Taker | - | within 3 working days of the call-in meeting. |

7.21. A decision can only be called in once. However, if the Decision Taker significantly alters the decision after considering recommendations from the relevant Scrutiny Committee the new decision will also be capable of being called-in.

### **Call in of decisions outside the Budget & Policy Framework**

7.22. When a request for call-in has been received and the relevant scrutiny committee consider that the decision is, or if made, would be contrary to the Budget & Policy Framework then the Chair will seek the advice of the Chief Finance Officer and Monitoring Officer if that advice has not already been sought by those making the request for call-in..

7.23. If either officer advises that the decision is outside the [Budget & Policy Framework](#) then,

7.23.1. if the decision has already been implemented then the relevant scrutiny committee will refer the advice of the Chief Finance Officer/ Monitoring Officer to [Council](#) for consideration along with a report from the Leader about the decision.

7.23.2. If the decision has not been made or has been made but not yet implemented the relevant scrutiny committee will refer the (proposed) decision to Council who must consider the advice within 10 working days during which time no further action will be taken in respect of the decision or proposed decision.

7.23.3. Having considered the advice Council may:-

7.23.3.1. endorse the decision of the Decision-Taker as falling within the existing Budget & Policy Framework;

7.23.3.2. amend the relevant financial regulations or policy to encompass the decision of the Decision-Taker and agree the original decision with immediate effect; or

7.23.3.3. Accept the decision of the Chief Finance Officer/ Monitoring Officer, agree no changes to the existing Budget and Policy Framework and require the Leader to re-consider the decision or proposed decision in accordance with the advice of the Chief Finance Officer and Monitoring Officer

7.24. If the advice is that the decision is within the Budget & Policy Framework then the report of the Chief Financial Officer/ Monitoring Officer and Leader will be reported back to the relevant scrutiny committee.

## Scrutiny Rules

### 8. Procedural Rules

- 8.1. See Council Rules on [Motions without notice](#), [Points of Order](#), [Personal Explanation](#) and [Conduct](#) (except rule 12.1) (substituting the Chairman of the relevant scrutiny committee for the Mayor) which apply to all scrutiny meetings

<b>Scrutiny Assembly</b>
<b>Scrutiny Committees</b>
<b>Chairman's Forum</b>

<b>Appointment of Chairman/ Vice-Chairman</b>		
Council (in year vacancies filled by majority decision of the Scrutiny Assembly)	Council (in year vacancies filled by majority decision of the relevant Scrutiny Committee)	Chairman of the Scrutiny Assembly
<b>Politically balanced</b>		
No	Yes	No
<b>Membership</b>		
all non cabinet members and all co-opted members	6 and all co-opted members	7
<b>Quorum</b>		
5	3	n/a
<b>Substitutes</b>		
n/a	no (except for call-in)	no
<b>Co-optees</b>		
yes – but with no voting rights	Yes – but with no voting rights except:- <b>Special Rules</b> <b>children &amp; young people</b> – 4 co-optees with voting rights (in respect of educational matters only) ( 1 Church of England and 1 Roman Catholic diocesan representative and 2 parent governors)	no

## Scrutiny Rules

<p>Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side.</p> <p>Members of one Scrutiny Committee can be co-opted to work with another Scrutiny Committee.</p>		
<p><b>Meetings</b></p>		
<p>Will meet twice a year</p>	<p>Will meet formally 2 times a year. In addition to these meetings the Committees may undertake such <b>In-depth Reviews, Special Interest Meetings, Spot Light Reviews</b> and other meetings as are necessary to ensure that they deliver as much of the Work Programme as is reasonably practical.</p>	<p>As and when required</p>
<p><b>Meetings held in public</b></p>		
<p>Yes (subject to rules on <b>exempt information</b> and <b>confidential information</b>)</p>	<p>Yes (subject to rules on exempt information and confidential information)</p>	<p>No (all members of the Scrutiny Assembly may attend)</p>
<p><b>Joint working/ working groups</b></p>		
	<p>Scrutiny Committee(s) can hold joint meetings/ scrutiny reviews with one or more other Scrutiny Committees and establish sub groups, joint committees and joint sub committees where the Chairman/ Chairmen of the relevant Scrutiny Committee(s) agree that it is conducive to the efficient delivery of the scrutiny function.</p> <p>These are not formal Council meetings and do not have to meet in public or meet the political balance requirements as any findings/ recommendations are reported to the relevant Scrutiny Committee(s) for</p>	

## Scrutiny Rules

	consideration.	
<b>Calling meetings</b>		
The Chairman may ask the Proper Officer to call a meeting. The Chairman will ask the Proper Officer to call a meeting if he or she is asked to do so in writing by 20 or more members of the relevant Scrutiny Committee	The Chairman may ask the Proper Officer to call a meeting. The Chairman will ask the Proper Officer to call a meeting if he or she is asked to do so in writing by 3 or more members of the relevant Scrutiny Committee	The Chairman may ask the Proper Officer to call a meeting. The Chairman will ask the Proper Officer to call a meeting if he or she is asked to do so in writing by 2 or more members of the Group.
<b>Agenda items</b>		
	A member of the scrutiny committee may ask the Proper Officer to include an item on the agenda of the next available meeting	
<b>Scrutiny Reports</b>		
	Scrutiny reports are sent to the Proper Officer for inclusion on the Cabinet agenda (if within the Budget and Policy Framework) and Council (if outside the Budget and Policy Framework).	