

Scrutiny Rules

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1. What is scrutiny?

- 1.1. There is a Scrutiny Assembly, and a minimum of 2 and a maximum of 6 Scrutiny Committees (including the Scrutiny Management Board) that oversees and scrutinises the work of the Leader and his/ her Cabinet and the Council as a whole.
- 1.2. 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.
- 1.3. Scrutiny Committees also have the power to scrutinise the services provided by organisations outside the Council e.g. NHS services and the work of the Community Safety Partnership.
- 1.4. Scrutiny Committees can make 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 consider any recommendations made.
- 1.5. 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, other Cabinet members or the Council on forthcoming decisions and the development of the Budget & Policy Framework.
- 1.6. The Council has appointed a Scrutiny Officer with statutory responsibilities to promote the role of the Council's scrutiny committees within the authority, support the work of the scrutiny committees by providing help and advice to scrutiny members but also those being scrutinised. (This role cannot be held by the Head of paid Services, the Chief Finance Officer or the Monitoring Officer.)
- 1.7. There is 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. Scrutiny 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 scrutiny 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?

- 3.3.1. The Scrutiny Assembly acts as a consultee on scrutiny matters. This may be done by e-mail or at meetings as deemed necessary.

4. Scrutiny Committees

Who is on them?

- 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.
Membership of any Joint HOSCs other than the Joint Health Overview and Scrutiny Committee with Shropshire will be the Chair of the Scrutiny Committee with health Scrutiny powers if all participating authorities agree to waive political balance. If political balance is not waived then the Scrutiny Committee with Health Scrutiny powers will appoint the members of the Joint HOSC.

What do they do?

- 4.2. Each committee will:
 - 4.2.1. Scrutinise the work of the Council according to their terms of reference as included in the Scrutiny Handbook
 - 4.2.2. Agree the Committee's work programme and undertake this through formal committee meetings, Member Working Groups and sub-groups
 - 4.2.3. meet as required to deliver the work programme
 - 4.2.4. be entitled to appoint Co-optees in accordance with legislation and the Policy for Co-opting Scrutiny Members as set out in the Scrutiny Handbook.
 - 4.2.5. Act as consultee for draft budget & policy framework policy proposals published by the Leader (Budget & Finance Scrutiny Committee only) and any alternative proposals developed by opposition groups
 - 4.2.6. 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.
 - 4.2.7. Review the discharge by the Leader of any of his/ her functions, including comparison of performance against any appropriate targets, plans or standards.
 - 4.2.8. Review any decisions or proposed decisions of the Council and of Decision Takers, including call-in (Scrutiny Management Board only).
 - 4.2.9. 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.
 - 4.2.10. Consider any matter referred to it by the Scrutiny Management Board, from the Leader or the Council and make recommendations to the Leader or the Council accordingly.
 - 4.2.11. Consider applications for additional items to go on the Work Programme
 - 4.2.12. Consider any Councillor Calls for Action and/ or Petitions
 - 4.2.13. Scrutinise the planning and provision of NHS services for the population of Telford and Wrekin. This power has been delegated by Council to the Health and Adult Care Scrutiny Committee including the power of referral to the Secretary of State for Health.

4.2.14. Scrutinise the work of partner organisations in accordance with national legislation and good practice.

4.3. The Scrutiny Committees statutory and constitutional duties and powers include:-

- 4.3.1. powers of a Scrutiny Committee in relation to Leader and Cabinet Executive decisions made but not implemented as set out in **section 21(3) of the Local Government Act 2000** i.e. Call-in of decisions taken but not yet implemented
- 4.3.2. Scrutiny of the Crime and Disorder Reduction Partnership (as set out in **section 19 of the Police & Justice Act (2006)**).
- 4.3.3. Scrutiny of Flood and Water Management (as set out in the **Flood and Water Management Act 2010**).
- 4.3.4. Consideration of Social Care referrals on health and social care issues from Healthwatch as set out in the regulations for the Health and Social Care Act (2012) for the Local Involvement Network (LINK) (as set out in section 226 of the **Local Government and Public Involvement Act (2007)**).
- 4.3.5. Statutory Scrutiny of Local Area Agreements (as set out in **section 21E of the Local Government Act 2000**).
- 4.3.6. Statutory health scrutiny function including referral to the Secretary of State for Health and appointing Members and Co-optees to any Joint Health Scrutiny arrangements (as set out in **Section 7 of the Health & Social Care Act (2001)** and amended by the **National Health Service Act (2006)**the **Health and Social Care Act (2012)**).
- 4.3.7. The powers of a Scrutiny Committee in relation to the consideration of Councillor Calls for Action in relation to the relevant Council priority as set out in **section 21A of the Local Government Act 2000 and section 19(3) of the Police & Justice Act (2006)**.
- 4.3.8. The powers of a Scrutiny Committee in relation to petitions as set out in the **Local Democracy, Economic Development and Economic Construction Act (2009)**.
- 4.3.9. Scrutiny of the Leader and Cabinet Executive's budget proposals as set out in the Policy Framework and Budget Procedure Rules of this Constitution.

5. Scrutiny Management Board and the role of individual Chairmen

Who is on it?

The Chairman, appointed by Council, for each Scrutiny Committee and any other Members appointed by Council. (The Role Description for the Chairman of the Scrutiny Assembly will be set out in the Scrutiny Handbook.)

What does it do?

5.1. The Scrutiny Management Board will:-

- 5.1.1. co-ordinate, oversee and monitor the delivery of the Scrutiny work programme.
- 5.1.2. oversee the allocation of scrutiny officer resources to the Scrutiny Committees.
- 5.1.3. allocate Scrutiny suggestions to the relevant Scrutiny Committee and may make recommendations about priorities for the work programme and joint scrutiny of issues.
- 5.1.4. be responsible for scrutiny in relation to Leader and Cabinet Executive decisions made but not implemented as set out in **section 21(3) of the Local Government Act 2000** i.e. Call-in of decisions taken but not yet implemented.
- 5.1.5. receive requests from the Leader and Cabinet Executive or individual Members and/or the Full Council for reports from the Scrutiny Committee and to allocate them if appropriate to one or more Scrutiny Committees.
- 5.1.6. receive / agree 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 Notice of Key Decisions and Private Reports/Meetings 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
- 5.1.7. review and make recommendations to the Council Constitution Committee regarding changes to Scrutiny Arrangements including Call-in. Scrutiny Assembly Members will be informed of any proposed changes.
 - 5.1.8. may make changes to the scrutiny structure and processes after consulting with the Scrutiny Assembly. The Scrutiny Handbook will be updated to reflect the changes. Changes will be reported back to the next full Council meeting.
 - 5.1.9. periodically review and make changes to the Policy for Co-opting Scrutiny Members
 - 5.1.10. the Chairman will report annually to Council on the work of scrutiny in the previous year and priorities for the future.

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. The Scrutiny Handbook includes details and protocols on:
 - 6.1.1. Agreeing the Scrutiny Work Programme
 - 6.1.2. Role of Cabinet Members in Scrutiny
 - 6.1.3. Scrutiny Member and Officer relations
 - 6.1.4. Councillor Call for Action
 - 6.1.5. Call – In
 - 6.1.6. Media Protocol
 - 6.1.7. Terms of Reference for the Scrutiny Assembly and Scrutiny Committees
 - 6.1.8. Role Description for the Scrutiny Chairmen
 - 6.1.9. The Policy for Co-opted Scrutiny members
- 6.2. Changes to the Scrutiny Handbook can be agreed by the Scrutiny Management Board in consultation with the Scrutiny Assembly.

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.
- 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 Management Board. Further information on the process to agree an urgent decision that is exempt from call-in is set out in the Scrutiny Handbook.

How can you make a request for call-in of decisions within the budget and policy framework?

- 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 by a minimum of 5 members (or Voting Co-optees) and detail the decision that is being called in and the reasons why it is being called in, having consideration to the Principles of Decision-Making.

Limits on call-in

- 7.5. The call-in procedure does not apply to:
 - 7.5.1. Decisions taken by the Leader and Cabinet Executive that are urgent;
 - 7.5.2. Decisions of full Council;
 - 7.5.3. Any decisions taken by officers that are not key decisions;
 - 7.5.4. Recommendations from the Leader and Cabinet Executive to the Council;
 - 7.5.5. Specific or individual Employee Relations, Disciplinary or Grievance matters;
 - 7.5.6. Matters which are subject to formal or statutory appeal processes or are sub-judice;
 - 7.5.7. Individual appeal cases for example, Planning, Licensing, Housing, Education;
 - 7.5.8. Decisions of the Standards and Audit Committee or Regulatory Committees;
- 7.6. The Chairman of the Scrutiny Management Board will determine whether the call-in is valid within 3 days of receipt of the call-in request, he / she may, 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* comply with the Principles of Decision-making or falls outside the remit of call in as set out in 7.5 above.

Before the call-in meeting.

- 7.7. 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 Management Board. The final wording of the call-in proposal will be accepted from the lead call in Member up to 2 days after receipt of the call in.
- 7.8. The Proper Officer will arrange a meeting of the Scrutiny Management Board 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.

- 7.9. In exceptional circumstances where it is not possible to achieve a quorate meeting Scrutiny Management Board within the prescribed timescales, substitute members from the Scrutiny Assembly may be appointed by Group Leaders.
- 7.10. A call-in meeting of the Scrutiny Management Board 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.
- 7.11. 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
- 7.12. 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.
- 7.13. The call-in papers which must be circulated to members of the Scrutiny Management Board and other parties involved in/ attending the meeting at least 48 hours prior to the meeting are:-
- 7.13.1. the original report on which the decision was based
 - 7.13.2. a copy of the call-in request
 - 7.13.3. one side of an A4 sheet of paper setting out the main points of their argument
 - 7.13.4. 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

- 7.14. The Chairman of Scrutiny Management Board 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.
- 7.15. 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

- 7.16. If having considered the proposal contained in the request for call-in, Scrutiny Management Board supports the original decision it may be implemented with immediate effect.
- 7.17. If, having considered the request for call-in Scrutiny Management Board 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:-
 - 7.17.1. full Council - within 10 working days of the call-in meeting
 - 7.17.2. Cabinet - at the next scheduled meeting of the cabinet
 - 7.17.3. Individual Decision-Taker - within 3 working days of the call-in meeting.
- 7.18. Whether a call-in proposal is supported or not, members may come to agreement on any comments they wish to pass to the decision taker. The Chairman will sum up and clarify any points which member wish to pass to Cabinet. These will be reported to the Cabinet by the Scrutiny Management Board.
- 7.19. 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

- 7.20. When a request for call-in has been received and the Scrutiny Management Board 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..
- 7.21. If either officer advises that the decision is outside the Budget & Policy Framework then,
 - 7.21.1. 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.
 - 7.21.2. 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.
- 7.22. Having considered the advice Council may:-
 - 7.22.1. endorse the decision of the Decision-Taker as falling within the existing Budget & Policy Framework;
 - 7.22.2. amend the relevant financial regulations or policy to encompass the decision of the Decision-Taker and agree the original decision with immediate effect; or
 - 7.22.3. 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
- 7.23. 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.

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

Scrutiny Assembly

Scrutiny Committees

**Scrutiny Management
Board**

Appointment of Chairman/ Vice-Chairman		
The Chairman of the Scrutiny Management Board is automatically the Chairman of the Scrutiny Assembly	Council (in year vacancies appointed by group leaders) Vice-Chairmen may be appointed by majority decision of the Committee.	Council
Politically balanced		
No	Yes except where the political balance requirement has been waived in respect of joint HOSC arrangements	Yes
Membership		
all non cabinet members and all co-opted members	8 and all co-opted members. The Mayor may not sit on a Scrutiny Committee. <u>Joint Shropshire and Telford and Wrekin HOSC 3 elected members and 3 voting co-optees from each local authority</u> <u>Other joint HOSC arrangements to be determined as agreed by Council :</u> <u>If requirement for political balance is waived by all participating authorities then the chair of the relevant Scrutiny Committee with Health Scrutiny powers will be the Telford and Wrekin representative on the Joint HOSC</u> <u>If the requirement for political balance is not waived then the membership of the Joint HOSC will be appointed by the relevant Scrutiny Committee with Health Scrutiny powers</u>	7 (or as to make the Board politically balanced)
Quorum		

n/a	3 Elected Members The quorum for the Joint HOSC is set out in the Terms of Reference for this Committee in the Scrutiny Handbook.	3
Substitutes		
n/a	no	no(except for call-in)
Co-optees		
yes – but with no voting rights	Yes – but with no voting rights except:- Special Rules children & young people –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) Joint HOSC (delete health and adult care)3 co-optees with voting rights as approved by Council (delete – in respect of the reconfiguration if hospital services)	no
Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side. Members of one Scrutiny Committee can be co-opted to work with another Scrutiny Committee.		
Meetings		
As and when required	Meet approximately 6 times a year. Meetings may be formal public meetings, informal working group or sub-group meetings as necessary to deliver the work programme Joint Scrutiny Committees with other authorities can be established. The Members of the Joint HOSC with Shropshire is a sub-	Meets formally six times a year

	committee of the Health and Adult Care Scrutiny Committee.	
Meetings held in public		
Yes (subject to rules on exempt information and confidential information)	Yes (subject to rules on exempt information and confidential information)	Yes (subject to rules on exempt information and confidential information)
Joint working/ working groups		
	<p>Scrutiny Committee(s) can hold joint meetings/ scrutiny reviews with one or more other Scrutiny Committees and establish working groups, 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. Where 2 Scrutiny Committees work jointly on an issue under scrutiny and the meeting is held as a formal public Committee meeting one Scrutiny Committee will be the lead Committee for this area of work.</p> <p>Working Groups 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 consideration.</p>	
Calling meetings		
The Chairman may ask the Proper Officer to call a meeting.	A schedule of meetings is agreed by the Committee as required to deliver the work programme or the Chairman may ask the Proper Officer to call a meeting.	A schedule of meetings is agreed annually by the Board or the Chairman may ask the Proper Officer to call a meeting
Agenda items		
Agreed by the Chair of the Scrutiny Management Board	Agenda items are approved by the Scrutiny Committee Chairman as required to	Agenda items are approved by the Chair of the Scrutiny Management

	deliver the work programme agreed by the Scrutiny Committee.	Board as required to deliver the agreed work programme.
Scrutiny Reports		
n/a	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).	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).