

SCRUTINY PROCEDURE RULES

1 Scrutiny Arrangements

- 1.1 The Shadow Council has established Scrutiny arrangements in accordance with the Local Government Act 2000.
- 1.2 It is recognised that these arrangements are an important and integral part of the Shadow Council's functions, not only in relation to calling the Cabinet to account but in allowing all Members of the Shadow Council to participate in the development of the Shadow Council's policies, plans and strategies, including budgetary work, and to contribute to decision making in the Shadow Council, and to work with partners in developing services and improving outcomes for local people.
- 1.3 The Shadow Council's political structure seeks to provide a wide-ranging, robust and well managed Scrutiny function with particular emphasis on ensuring that the Shadow Council and its successors can meet obligations and deliver services effectively and as efficiently as possible to its people. The monitoring, reviewing and developing of the Shadow Council's policies, plans and strategies is also recognised as a key and important function for the authority on both the Cabinet and Scrutiny sides of the organisation.
- 1.4 The Shadow Council will keep under review its Scrutiny arrangements and will make changes where it considers these are appropriate and will lead to improvements and an improved Scrutiny function.

2 Scrutiny Structure

- 2.1 Subject to any matters reserved to the Shadow Council, the Scrutiny Committee will oversee the discharge of the Shadow Council's Scrutiny functions and responsibilities. The detailed responsibilities of the Committee are set out in Part 3 of this Constitution.
- 2.2 The Committee may appoint such task and finish panels as it considers appropriate to undertake specific tasks on its behalf, with the same powers as the Committee. Whilst these will be on a task and finish basis in most cases, the Committee is not precluded from establishing such Panels on a more permanent basis subject to regular review. Task and finish panel members do not have to be members of the Scrutiny Committee, but may not be members of the Cabinet.
- 2.3 Where the Committee establish any Panel under 2.2 above, it will set out the name of the Panel, its membership (including the Chairman and, if appropriate, the Vice-Chairman) and the terms of reference including relevant dates for completion of the task or review.

- 2.4 The Shadow Council may from time to time, as it considers appropriate, review and change its Scrutiny arrangements.
- 2.5 The functions of the Council's Scrutiny Committee are set out in detail in Part 3 of this Constitution.
- 2.6 Any body established under these Scrutiny arrangements will be a politically proportionate body reflecting the overall political representation on the Shadow Council.
- 2.7 The Shadow Council will appoint the Chairman and Vice-Chairman of the Scrutiny Committee at its first meeting.
- 2.8 A Member who is appointed to and sits on the Cabinet shall not be appointed as a Member of the Scrutiny Committee, or any task and finish panels.
- 2.9 No Member of the Shadow Council shall be involved in scrutinising a decision where he/she has been directly involved.

3 Co-option

- 3.1 The Scrutiny Committee shall be entitled to appoint persons to be non-voting co-optees taking into account any advice or guidelines issued from time to time by the Shadow Council. Such co-options may relate to a prescribed period of office or to specific issues under consideration. Any person co-opted under these arrangements will be entitled to participate fully in the work of the Committee subject to any conflicts of interests.

4 Work Programme

- 4.1 The Scrutiny Committee will consult with other parts of the organisation as appropriate, including the Cabinet, on the preparation of any work programme.
- 4.2 The Committee will take into account any views expressed following consultation under 4.1 above in drawing-up and agreeing any work programme. It should also take into account the resources, both officer and financial, available to support its proposals.
- 4.3 Once any programme has been approved, a copy will be sent to all Members of the Shadow Council and all relevant officers.
- 4.4 The Scrutiny Committee shall respond, as soon as it may consider it is possible to do so, to requests from the Shadow Council and the Cabinet, to review particular areas of Shadow Council activities. Where it does so, it will report its findings and any recommendations back to the Cabinet and/or Shadow Council.

5 Agenda for Scrutiny Committee

- 5.1 Matters to be considered will be set out in an Agenda, together with appropriate and relevant supporting papers.
- 5.2 Any Member of the Committee shall be entitled to require, in writing, that an item be included on the agenda, and such item shall appear on the agenda for the next meeting of the Committee in question. The Committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 5.3 Similarly, the Leader of the Cabinet or a Cabinet Member with specific portfolio responsibilities may give notice in writing requiring an item to appear on an agenda of the Committee, relating to their area of responsibilities. The Committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 5.4 Subject to Council Procedure Rule 34 and Appendix 6 of the Shadow Council Procedure Rules, any other Member may give notice in writing to the Monitoring Officer, requesting an item to appear on an agenda of a Committee. The item shall be included after consulting the Chairman of the Committee.
- 5.5 Any Member raising an item under 5.2, 5.3 and 5.4 above shall be precluded from raising the matter again for a period of six months from the date it is considered by the Committee.

6 Policy Review and Development

- 6.1 The Scrutiny Committee has a key role in policy and budget development in the approach to the creation of the new Unitary Authority.

7 Reports from the Scrutiny Committee

- 7.1 The Shadow Council or Cabinet shall consider any report from the Committee at its next programmed meeting.

8 Access to the Forward Plan

- 8.1 The Scrutiny Committee will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation.

9 Rights of Scrutiny Members to documents

- 9.1 In addition to their rights as Shadow Councillors, Members of the Scrutiny Committee have the additional right of access to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 9.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee depending on the particular matter under consideration.

10 Members and Officers giving account

- 10.1 The Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Shadow Council function. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require any Member of the Cabinet, to attend before it to explain in relation to matters within their remit:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Shadow Council policy; and/or
- their performance.

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

- 10.2 Where the Scrutiny Committee requires an officer to attend to answer questions or discuss issues, this will be agreed with the lead officer of the Joint Implementation Team.

Where it is agreed that an officer should appear to answer questions, their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain:-

- what the policies are;
- the justification and objectives of those policies as the Cabinet sees them;
- the extent to which those objectives have been met; and
- how administrative factors may have affected both the choice of policy measures and the manner of their implementation.

- 10.4 Officers may be asked to explain and justify advice they have given to the Cabinet prior to decisions being taken. They may also be asked to explain and justify decisions they have taken under delegation powers from the Cabinet.
- 10.5 Officers should not be expected and should avoid being drawn into discussions of politically contentious matters and any officer input should be consistent with the requirements for political impartiality.

- 10.6 The requirements of any protocols on Member/Officer relationships and the Officer Code of Conduct must be adhered to where an officer is attending the Scrutiny Committee.
- 10.7 Where any Member or Officer is required to attend the Scrutiny Committee under this provision, the Chairman of that Committee will inform the Interim/Appointed Monitoring Officer, who will inform the Member or Officer in writing giving at least ten clear working days notice of the meeting. 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 Committee. Where the account to be given to the Committee or Select Committee will require the production of a report, then the Member or Officer concerned will be given reasonable and sufficient notice to allow for its preparation.
- 10.8 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Committee shall, in consultation with the Member or Officer, arrange an alternative date for attendance.

11 Attendance by others

- 11.1 The Scrutiny Committee may invite individuals other than those referred to in paragraph 10.1 and 10.2 above to address it, discuss issues of local concern and/or answer questions.

12 Call-in

- 12.1 When a decision is made by the Cabinet, or a Committee or Sub-Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, the decision shall be published, by electronic means, and shall be available at the main offices of the Shadow Council normally within 2 clear working days of being made. All Members of the Shadow Council will be sent an electronic record of all such decisions within the same timescale.
- 12.2 Subject to paragraphs 12.3 and 12.4 below a decision taken and to which paragraph 12.1 above refers will not come into force, and may not be implemented, until the expiry of 5 clear working days after the decision was made and recorded.
- 12.3 Where a decision referred to in paragraph 12.1 has been made, any 8 or more Members of the Shadow Council may submit a call-in notice, in writing, within the period specified in paragraph 12.2 above, to the Interim/Appointed Monitoring Officer. Where the notice is valid, the decision cannot be implemented until the procedures in this section have been followed. Where a valid notice is received the decision shall stand referred to the Scrutiny Committee for advice.

- 12.4 Where as a result of a corporate electronic system failure or planned shutdown, which prevents the issuing of or access to Cabinet decisions or the submission of a call-in notice by electronic means in accordance with the Shadow Council's call-in provisions, the periods for notification or submission shall be extended by the period of delay, provided that period is in excess of four hours. When, in the opinion of the Interim/Appointed Monitoring Officer, the period of delay is likely to extend beyond two clear working days, he/she shall agree with the Chairman of the Scrutiny Committee, alternative arrangements to avoid any delay in implementing Cabinet decisions not subject to "call-in".
- 12.5 The decision will be referred to the first available meeting of the Scrutiny Committee, subject to the Access to Information Procedure Rules.
- 12.6 The Committee may decide to offer no advice, in which case the decision may be implemented. Where advice is offered, the Cabinet will reconsider the decision as set out in paragraph 12.8 below.
- 12.7 Once the Scrutiny Committee has decided to offer advice or not to offer advice, no further call in notices may be served in respect of that matter subject to the decision in question. This does not prevent the matter being scrutinised further by the Committee after the decision has been implemented in accordance with these rules.
- 12.8 Where a matter is considered and advice is offered by the Scrutiny Committee, its advice will be submitted to the Cabinet for a decision to be made on the matter. The Cabinet shall consider the advice but shall not be bound to accept it in whole or in part. It shall have sole discretion to decide on any further action to be taken in relation to the decisions in question, including confirming with or without amendment, of the original decision or deferment pending further consideration, or making a different decision. There are no further rights to enable a Member of the Shadow Council to submit a call-in notice. The decision may then be implemented.
- 12.9 If under this procedure the Scrutiny Committee, having considered the matter, indicates that it does not wish to offer any advice to the Cabinet, then the decision can be implemented immediately.
- 12.10 A submitted call-in notice can only be withdrawn with the written consent of all of its signatories.
- 12.11 The "call-in" facility does not apply to the determination of a Motion under Standing Order 12 (Notices of Motion) – Appendix 2.

13 Call-in and Urgency

- 13.1 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, caused by the call-in process, would be likely to seriously prejudice the Shadow Council's or the public's interests. The Chairman of the Scrutiny committee or, in his/her absence, the Chairman of the Shadow Council must agree that the decision should be treated as urgent, and that the call-in procedure should not apply. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.

14 The Party Whip

- 14.1 It is generally accepted that the Party Whip should be suspended in respect of Scrutiny matters. However, when considering any matter in respect of which a Member of the Scrutiny Committee is subject to a formal party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

15 Procedure at Scrutiny Committee Meetings

- 15.1 The Scrutiny Committee shall consider the following business:
- record of the last meeting;
 - consideration of any matter referred to the Committee by the Shadow Council or by the Cabinet;
 - consideration of any matter referred to the Committee for advice in relation to call-in or a decision;
 - responses of the Cabinet on reports of the Scrutiny Committee; and
 - the business otherwise set out on the agenda for the meeting.
- 15.2 Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:
- the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 15.3 Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Shadow Council as

appropriate and shall, unless there are exceptional reasons, make its report and findings public.