

SCRUTINY PROCEDURE RULES

1. Proceedings

- 1.1 The following procedures apply to the Scrutiny Committee.
- 1.2 The Scrutiny Committee meeting will comply with the relevant sections of Part 4 of the Constitution – Rules of Procedure – as well as the following procedure rules.
- 1.3 The Scrutiny Committee is not a decision making committee but may make recommendations to Policy Committees, Full Council or any other relevant authority.

2. Quorum

- 2.1 The quorum for Scrutiny Committee meetings is one third of the total membership, but not less than three councillors.

3. Membership

- 3.1 Substitute members are permitted on the Scrutiny Committee.

4. Non-Councillor Representatives

- 4.1 Advisory, non-councillor representatives may be members of the Scrutiny Committee. Such members may participate at meetings but may not vote, unless they have statutory authority to do so.
- 4.2 The Scrutiny Committee can request individuals from outside organisations to attend meetings but cannot compel them to do so.

5. Interests and Participation

- 5.1 A councillor may speak at a Scrutiny Committee meeting where a specific decision or proposal of a Committee of which s/he is a Member is being scrutinised, but must then leave the meeting for the remainder of the debate on that item.
- 5.2 Where a Scrutiny Committee is reviewing policy generally, Members should declare any interest before the relevant agenda item is reached.
- 5.3 Scrutiny Committee members may not scrutinise decisions they have made as a member of a Policy Committee. In this case, they should declare an interest and leave the meeting room. If a Member feels that there is a particular reason why he or she should participate, a dispensation must be sought from the Monitoring Officer.

6. Business at Meetings

- 6.1 The business at each meeting of the Scrutiny Committee will be conducted as set out on the agenda for the meeting, subject to the Chair having discretion to change the order of the items to be discussed.
- 6.2 Any member of the Scrutiny Committee is entitled to give notice to the Proper Officer that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request, the Proper Officer will ensure that it is included on the next available agenda.
- 6.3 To fulfil its role of holding other Committees to account through an agreed programme of Chairs' Question and Answer sessions or such other mechanism as shall be determined by the Scrutiny Committee each year)

7. Ways of Working

- 7.1 The Scrutiny Committee in carrying out the scrutiny function and establishing any Task and Finish Groups is not constrained by traditional working practices. There is wide scope for it to adopt innovative ways of doing things and its ability to do so is fundamental to its success. It may operate more like a Parliamentary select committee, taking evidence through oral witness hearings or in writing.
- 7.2 In carrying out reviews, the Scrutiny Committee will be able to set up informal cross-party Task and Finish Groups, which may include members from other committees, as well as advisory, non-voting, non-councillor members. Task and Finish Groups will make recommendations to the Scrutiny Committee, which will determine whether to adopt the recommendations for referral to the relevant Committee for decision.
- 7.3 The Scrutiny Committee may adopt innovative ways of working. It will operate more like select committees, taking oral evidence through select committee style witness hearings.
- 7.4 The Scrutiny Committee can require members and officers to attend their meetings and answer questions. This power does not relate only to scrutiny of decisions but can also be used to ask a Councillor or Officer about forthcoming issues.
- 7.5 When officers attend to answer questions, their evidence will be confined to questions of fact and explanation relating to policies and decisions. They may also be asked to explain and justify decisions they themselves have taken under the Scheme of Delegation where they fall within the terms of the matter under review.

8. Notice of Meetings

- 8.1 The agenda for the Scrutiny Committee will be sent out five clear days before the meeting.

9. Call-in

9.1 *Publication of Policy Committee decisions*

9.1.1 A decision of a Policy Committee will be published online, ordinarily within three working days of the decision being made.

9.1.2 A notice of such decisions and the date on which they were made will be published and state that any decision specified in the notice will come into force on the expiry of 7 working days after its publication (“the notification period”), and may then be implemented, unless the decision is called-in. Decisions that may be called-in

9.1.3 Any decision of a Policy Committee may be called-in unless it is:

- (a) in the form of a recommendation to the Council;
- (b) an urgent decision (as defined by rule 14 (2)) and the reason for urgency is recorded in the body of the decision;
- (c) concerned with procedural matters; or

9.1.4 Where a Policy Committee decision takes the form of an approval of details only, the principle having been established by an earlier Policy Committee decision, then call-in shall be confined to those details.

9.2 *Call-in of decision for scrutiny*

9.2.1 During the notification period –

- (a) a member of the Council who is supported by at least three other members may request to call-in a decision for scrutiny by the Scrutiny Committee;
- (b) The Members seeking to call-in a decision for scrutiny should complete and submit a “call-in form” to the Monitoring Officer setting out:
 - (i) the decision to which the call-in relates;
 - (ii) the names of the Member requesting call-in of the decision;
 - (iii) the reason for the call-in
 - (iv) the proposed alternative decision

9.2.2 The Monitoring Officer will determine whether the request to call-in a decision is procedurally compliant with the provisions of Scrutiny Procedure Rule 9.2.1(b). Where the Monitoring Officer has a conflict of interest, the validation of a call-in request will be undertaken by a Deputy Monitoring Officer.

9.2.3 The Monitoring Officer will notify the Chairman of the relevant Policy Committee and the relevant Service Director of the call-in request and advise them that implementation of the decision be delayed until conclusion of the call-in process.

9.2.4 Where appropriate, and after consulting the chairman of the Scrutiny Committee, the Monitoring Officer will add the call-in request to the agenda for the next following meeting of the committee.

9.3 Consideration of Call-In

9.3.1 The procedure for considering a called-in decision at a meeting of the Scrutiny Committee shall be:

- (a) Presentation of reasons for call-in and alternative proposals by lead call-in Member – up to ten minutes
- (b) Questions to Lead Call-in Member by Scrutiny Committee
- (c) Explanation of original decision by the Chairman of the Policy Committee, supported by the Service Director
- (d) Questions to the Chairman of the Policy Committee and Service Director by the Scrutiny Committee Members
- (e) Scrutiny Committee to evaluate the reasons for call-in and alternative proposal
- (f) Debate and decision

9.3 If the Scrutiny Committee does not object to the decision called-in, it will come into force and take effect immediately.

9.3.2 If having considered the decision the Scrutiny Committee is still concerned about it, the committee may refer it back to the relevant Scrutiny Committee for reconsideration with reasons.

9.3.3 A meeting of the Policy Committee that made the called-in decision will be convened within ten working days of the Scrutiny Committee's request to reconsider it.

9.4 Call-in and urgency

9.4.1 The call-in procedure shall not apply where the decision being taken by a Policy Committee is urgent.

9.4.2 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.

9.4.3 The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-maker, the decision is an urgent one and therefore not subject to call-in.

9.4.4 The Chairman of the Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The leader of the main opposition group shall be consulted on any decision to designate a Cabinet decision as urgent.

- 9.4.5 In the absence of the Chairman, the Vice Chairman's consent must be obtained and in the absence of both, the Chief Executive's consent, or their nominee's consent in their absence, must be obtained.
- 9.4.6 Where the Chairman of the Scrutiny Committee, Vice Chairman or Chief Executive consents to exempting a decision from call-in on grounds of urgency, the Monitoring Officer will be informed as soon as possible after the decision is made.
- 9.4.7 Decisions taken as a matter of urgency must be reported to a meeting of the Council, together with the reasons for urgency.
- 9.4.8 The operation of the procedures relating to scrutiny, call-in and urgency will be monitored annually, and a report submitted to the Council with proposals, if necessary, for review of the procedures.

10. Officer Support

- 10.1 Officer support to the function will be provided to advise members in discharging their functions of monitoring, reviewing and scrutinising decisions and contributing to policy formulation.

References:

[The Local Authorities \(Committee System\) \(England\) Regulations 2012](#)
[Local Government Act 2000 9F to 9FI Oversight and Scrutiny Committee](#)
[Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#)