

1. General

The Council will have one Scrutiny Committee (size to be reviewed annually) set out in Article 6 and will appoint to it as it considers appropriate from time to time. Such Committee may appoint Sub-Committees and/or Task and Finish Groups or other subsidiary meetings, for specific purposes, which shall be chaired by a member of the parent Scrutiny Committee for the purposes of proper reporting.

2. Who may sit on the Scrutiny Committee?

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

3. Co-optees

The Scrutiny Committee (or Sub-Committee/Task & Finish Group) shall be entitled to appoint one or more persons as non-voting co-optees either for fixed periods in relation to specific issues or as permanent members in relation to specific items of business. The Council has approved a scheme for co-optees to have a vote at meetings of the committee or sub-committee to which they have been appointed.

4. Meetings of the Scrutiny Committee

The Scrutiny Committee will meet at a frequency determined by the Council and specified in the approved Calendar of Meetings. Additional meetings may be called from time to time as and when appropriate.

5. Quorum

The quorum for the Scrutiny Committee shall be 3 elected Members.

6. Who chairs Scrutiny Committee meetings?

The Chairman of the Scrutiny Committee shall be appointed by the committee for the municipal year from among the elected members of the Scrutiny Committee.

7. Scrutiny Committee Work Programme

The Scrutiny Committee will perform the Work Programme it determines for itself, and in so doing, shall take into account the wishes of Committee members who are not members of the largest political group on the Council.

8. Agenda items

Any member of the Council shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to local government (as defined in the Local Government Act 2000) which is also relevant to the functions of the Scrutiny Committee to be referred to the Scrutiny Committee. Any member of the Scrutiny Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item which is relevant to the functions of the Scrutiny Committee to be referred to the Scrutiny Committee. On receipt of such a request the Proper Officer will ensure the item is added to the Committee Work Programme so that it is on the agenda of a

future meeting or, in consultation with the Chairman, the agenda for the next convenient meeting of the Committee, for further consideration.

9. Policy review and development

- (a) The role of the Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference. The Leader may appoint joint panels of Cabinet and Scrutiny Committee members to consider policy development and advise the Cabinet. Any decisions of such joint panels will not prevent either the Cabinet or Scrutiny Committee from carrying out their different roles independently.
- (c) The Scrutiny Committee 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. Committee members 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 and witnesses a reasonable fee and expenses for doing so.
- (d) Spend of Scrutiny Committee budgets shall be the responsibility of the Scrutiny Manager, in consultation with the Chairman of the Scrutiny Committee.

10. Reports from Scrutiny Committee

- (a) Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a report and submit it to the Proper Officer for consideration:
 - by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or
 - via the Cabinet to the full Council as appropriate (for instance, if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) The Council or Cabinet shall consider the report of the Scrutiny Committee within 2 meetings (of the Cabinet) of it being submitted to the Proper Officer.

11. Making sure that Scrutiny reports are considered by the Cabinet

The agenda for Cabinet meetings shall include an item entitled "Matters arising from Scrutiny". The reports of Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) and a response made within two months of the Scrutiny committee completing its report/ recommendations.

12. Rights of Scrutiny members to documents

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

13. Members and Officers giving account

- (a) The Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any senior Officer 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 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 the Scrutiny Committee (or Sub-Committee / Task & Finish Group) under this provision, the Chairman of that Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least 5 working days notice or such other period of notice as the Proper Officer shall deem appropriate 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 and whether any papers are required to be produced for the Committee. 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.
- (c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Scrutiny Committee shall, in consultation with the Member or Officer, arrange an alternative date for attendance to take place within a maximum of 28 days or such other period as the Proper Officer shall deem appropriate from the date of the original request.

14. Attendance by others

The Scrutiny Committee (or Sub-Committee/Task & Finish Group) may invite people other than those people referred to in paragraph 13 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 shall invite such people to attend. Attendance is of course entirely optional. Cabinet members may attend meetings of the Committee and with the agreement of the Chairman contribute on matters within their remit to assist the Committee other than when giving account under rule 13 above. Where the Committee is scrutinising a decision of the Cabinet or member concerned Cabinet Members may only attend by invitation under rule 13 above.

15. Call-in

Section 21(3) of the Local Government Act 2000.

Call-ins should only be used in exceptional circumstances and with the approval of the Chairman or in his absence the Vice-Chairman of the Scrutiny Committee. These are where the Scrutiny Committee or any 3 members of the Council have evidence which suggest that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making).

- (a) When a decision is made by the Cabinet, or a Key Decision is made by an Officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made, or as soon as reasonably practicable. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) The published decision (or notice) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, **on the expiry of 5 working days** after the publication of the decision, unless the Scrutiny Committee or any 3 members of the Council object to it and call it in.
- (c) During that period, the Proper Officer shall call-in a decision for scrutiny on request of the Scrutiny Committee or any three members of the Council, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case **within 5 working days** of the decision to call-in.
- (d) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker he/she/they shall then reconsider at the next appropriate meeting of the Cabinet, amending the decision or not, before adopting a final decision.
- (e) If, following an objection to the decision, the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny meeting, or the expiry of that further **5 working day period**, whichever is the earlier.
- (f) If the matter was referred to the full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below.
- (g) However, if the Council does object, it is not in a position to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a meeting will be convened to reconsider at the next appropriate meeting of the Cabinet.

- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

Call-in and urgency

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 likely to be caused by the call in process would, for example, seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making body or person the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

Call-in and recommended items

The Call-in arrangements do not apply to "Recommended" items. However, the Council may defer any recommendation of the Cabinet for consideration by a Scrutiny Committee (and see also item 8 above re general powers to raise Agenda Items).

16. Councillor call for action

The Overview and Scrutiny Committee will receive any request from a councillor for a discussion on behalf of residents on an issue affecting a single Council Ward where local problems have arisen and other methods of resolution have been exhausted.