

CHAPTER 2 – 10 - SCRUTINY COMMITTEE

FUNCTIONS AND PROCEDURE RULES

As the Council operates a Leader and Cabinet model of governance, it is required under Section 9F of the Local Government Act 2000 to have at least one Scrutiny Committee. The purpose of the Committee is to influence the policies and decisions made by the Council and other organisations involved in delivering public services. They do this through meeting regularly and having input into some policies and decisions before they are made, investigating important public issues through Task and Finish Groups and where appropriate challenging or reviewing decisions once they are made through the Call In Procedure Rules.

Scrutiny Committees are not decision-making bodies but their influence and challenge is vital to effective decision making. The Scrutiny Committee can scrutinise, and review decisions made or actions taken in connection with the discharge of any Council functions. As they do not have decision making powers, they cannot delegate any powers to Sub Committees or Officers.

The Council has one Scrutiny Committee which will perform all scrutiny functions on behalf of the Council. The Scrutiny Committee can only consider matters within the functions shown below.

1.0 Functions of the Scrutiny Committee

- 1.1 To review and scrutinise decisions made, or other action taken, in connection with the discharge of any function.
- 1.2 To make reports or recommendations to Council or the Cabinet as appropriate with respect to the discharge of any function.
- 1.3 May recommend that a decision made but not yet implemented, be reconsidered by the Cabinet through the Call-In Procedure.
- 1.4 To fulfil all the functions of the Council's designated Crime and Disorder Committee under the Police and Justice Act 2006.
- 1.5 To fulfil all the functions conferred on it by virtue of regulations under the National Health Service Act 2006 (local authority scrutiny of health matters).

2.0 Procedure Rules

2.1 Application of the Meetings Procedure Rules

These Rules should be read in conjunction with The Meetings General Procedure Rules which detail the rules of debate and apply to all meetings of Council except as varied below.

3.0 Composition of the Committee

3.1 The Committee shall comprise ten Councillors all of whom shall have undertaken mandatory training contained within the Members' Development Programme. Attendance must be for the duration of each training session, at least every other year. The Committee is politically balanced.

3.2 A record of attendance at training sessions will be maintained by Democratic Services.

3.3 All Councillors (except members of the Cabinet, the Mayor and Deputy Mayor) may be members of the Scrutiny Committee.

3.4 There shall be no substitutes on Scrutiny Committee.

4.0 Quorum

4.1 The quorum for the Committee shall be five members which must be maintained for the duration of the meeting.

5.0 Who shall Chair the Meeting?

5.1 The Chair of the Scrutiny Committee as determined by Council at the Annual Council Meeting, shall preside and in their absence the Vice Chair of Scrutiny shall preside (this cannot be a Member of Cabinet). If neither are in attendance, the Chair shall be elected by attending Members by a majority of votes.

6.0 Annual Work Programme

6.1 Each year the Scrutiny Officer will ensure that proposals for the Scrutiny Committee's Annual Work Programme are provided to all Members. The Scrutiny Chair and Vice Chair will be responsible for setting the Annual Work Programme for the Scrutiny Committee and in doing so it shall consider the wishes of all members including the wishes of those who are not members of the largest political group on the Council.

6.2 The Annual Work Programme is a living document and will be reviewed at each meeting of the Scrutiny Committee.

6.3 In adding items for review to the Annual Work Programme, the Chair of the Scrutiny Committee shall consider:

- Which Corporate Priority the item links to
- If the item is of significant community concern
- If the issue is significant to Partners and/or Stakeholders
- What the added value is of doing the work
- What evidence there is to support the work
- If the Scrutiny work can be completed within a proportionate time to the task identified
- If the work is being done somewhere else
- What will be achieved
- If the Council has the resources to carry out the work effectively

6.4 The Annual Work Programme shall consist of

Work Programme	Detail
Matters which inform the development of the Council's Budget and Policy Framework.	The Scrutiny Committee shall follow the Budget and Policy Framework Procedure Rules.
Matters which inform the development of the Council's approach to matters not forming part of the Council's Budget and Policy Framework.	This may result in a report to Council.
Holding enquiries and investigating the available options for future direction in policy development, matters of public concern and any other issues within their Functions.	This may result in a report to the Cabinet. This may result in the establishment of a Task and Finish Group.
Call in of Key Decisions.	The Scrutiny Committee shall follow the Call-In Procedure Rules.
Requests by a member of the Scrutiny Committee.	Any member of the Scrutiny Committee shall be entitled to ask the Chair for an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. The Chair shall have discretion as to whether this should be included in the next meeting's agenda.
Requests from the Council and if it considers it appropriate, the Cabinet	The Scrutiny Committee shall respond, as soon as their Annual Work Programme permits, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council.

7.0 **Who can attend Scrutiny Committees?**

7.1 All meetings of the Scrutiny Committee shall be open to the public except where the item under discussion is considered exempt or confidential in accordance with the Access to Information Procedure Rules.

7.2 The Scrutiny Committee may require any Cabinet member or Chief Officer 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 Council policy.
- service performance.

7.3 Members of the Cabinet and/or Chief Officers have a duty to attend the Scrutiny Committee when requested.

- 7.4 Portfolio Holders shall attend Scrutiny Committee on an annual basis to report on their portfolios budget and performance.
- 7.5 Where, in exceptional circumstances, the Portfolio Holder or Chief Officer is unable to attend on the required date, the Chair of the Scrutiny Committee shall in consultation with the Officer or Portfolio Holder arrange an alternative date for attendance.
- 7.6 The Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, expert witnesses, officers, members, partners, and officers in other parts of the public sector and shall invite such people to attend. Attendance is entirely optional and shall relate to an item on the agreed Annual Work Programme.
- 7.7 The Scrutiny Committee may consult and involve the local community and other local public, private and voluntary bodies, or organisations on any matter within their work programme as they see fit.
- 8.0 Scrutiny Task and Finish Groups**
- 8.1 The Scrutiny Committee may establish Scrutiny Task and Finish Groups for specific investigation contained within their Annual Work Programme. There shall be a maximum of two Task and Finish Groups at any one time.
- 8.2 The Scrutiny Committee shall decide on the number of Members to form the group and seek volunteers from within the Committee's membership to join the group who will be advised by the Scrutiny Officer. The Committee may also decide to open membership of the Task and Finish group to other Members or co-opt other Members on to the group from relevant partners, organisation or community groups.
- 8.3 The Scrutiny Committee shall agree the scope of the Task and Finish Group using the Scoping Document which shall include a timescale for the process.
- 8.4 The Scrutiny Committee may go on site visits, conduct public surveys, hold public meetings, commission research undertake consultation and do all other things that they reasonably consider necessary to inform their deliberations if resources allow.
- 8.5 Once the evidence has been gathered, the Task and Finish Group will produce a report to be submitted to the Scrutiny Committee outlining details of the review process, evidence gathered, conclusions and subsequent recommendations.
- 8.6 The Task and Finish Groups are informal meetings without decision making powers and will not generally be open to the public. They shall not be formally minuted and the General Meetings Procedure shall not apply.

9.0 Reports from the Scrutiny Committee

- 9.1 Once the Scrutiny Committee has completed its deliberations on any matter a copy of its final report will be forwarded to the Chief Executive who will allocate it to either or both the Cabinet and the Council for consideration.
- 9.2 Where the proposals are consistent with the existing Budget and Policy Framework the report shall be considered by the Cabinet at its next ordinary meeting following submission of the report to the Chief Executive.
- 9.3 Where the proposals would require a departure from or a change to the agreed Budget and Policy Framework the report shall be considered by Council at the next ordinary meeting of the Council. The Cabinet shall have six weeks in which to respond to the Scrutiny report. Their response would be included within the consultation section of the Scrutiny Report. If the next ordinary Council meeting is prior to the Cabinet having formed a response to the report, the report will be considered at the following meeting of the Council.

10.0 The Party Whip

- 10.1 When considering any matter in respect of which a member of the relevant Scrutiny Committee is subject to a 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.