

PART 4.5 - SCRUTINY PROCEDURE RULES

1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR SCRUTINY COMMITTEES?

The Council will have the Scrutiny Committees with the membership, powers and terms of reference as identified in Article 6.

2. WHO MAY SIT ON SCRUTINY COMMITTEES?

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

3. NON-VOTING CO-OPTEEES

Each Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-opted members, if considered appropriate. Co-opted members should be able to represent the interests of those who receive the services within a scrutiny remit or contribute expert knowledge and skills that will strengthen the scrutiny process. The number of co-opted members on a scrutiny committee should not exceed a third of the total membership of the committee.

Council will ensure that recruitment processes in relation to co-optees, whether on an individual or representational basis, are inclusive and fair to encourage people with a wide diversity of knowledge and experience to participate in scrutiny activity.

Appointment of co-optees may be for:

- i) The life of a committee;
- ii) Until such time as Council decides to terminate the appointment; or
- iii) For the purpose of a particular review or performance monitoring exercise.

4. VOTING EDUCATION REPRESENTATIVES

Each relevant Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- (a) one Church in Wales representative;
- (b) one Roman Catholic Church representative;
- (c) three elected parent governor representatives;

A relevant Scrutiny Committee in this paragraph is a scrutiny committee of a local education authority, where the committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive. If the scrutiny committee deals with other matters, these representatives shall not vote on those other matters although they may stay in the meeting and participate in the discussion.

5. MEETINGS OF SCRUTINY COMMITTEES

There shall be at least six ordinary meetings of each Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate and following the agreement of the Chief Executive in consultation with the Chair of the appropriate committee.

6. VENUES

Scrutiny Committees will usually meet in one of the Council's administrative offices but from time to time will meet in appropriate community facilities.

7. QUORUM

The quorum for a scrutiny committee shall be one third of the Members rounded up to the nearest whole number.

8. WHO CHAIRS SCRUTINY COMMITTEE MEETINGS?

Chairs and Vice Chairs of scrutiny committees will be drawn from among the Councillors sitting on the committee and will be appointed by the council at its annual meeting in accordance with the procedure set out in the Council Procedure Rules in Part 4 of this Constitution.

9. FORWARD WORK PLAN

Subject to overall co-ordination of the exercise by the Corporate Performance & Resources Scrutiny Committee in order to avoid duplication of resources, Scrutiny Committees will be responsible for setting their own forward work plans. Prior to the development of their work plans, Scrutiny Committees will seek views from the public on topics that could be considered as part of their work. Copies of final forward work plans will be sent to public sector and other relevant partners.

The plan itself will also be subject to ongoing review during the year as circumstances change. Updated forward work plans will be made available on the Council's website throughout the municipal year.

10. AGENDA ITEMS

- (1) Any member of a Scrutiny Committee may, between meetings, ensure that any matter relevant to the remit of their Committee is placed on the agenda and considered at a meeting of that Committee by submitting a request in writing to the Chief Executive, in consultation with the Chair of the relevant Scrutiny Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next appropriate agenda.
- (2) At a meeting of a Scrutiny Committee any member under the agenda item "Forthcoming Items" may request that an item be placed on the agenda of the next meeting for consideration. The committee will then consider the member's rationale for the request and decide:

- i) to approve or disallow the request
 - ii) that they require additional information prior to considering the request
- (3) Any member of the public may request that an item relevant to the remit of a Scrutiny Committee may be placed on its agenda. A formal request will need to be submitted to the Council's Democratic Services Unit by 10 a.m. 7 clear working days before the date of the Committee meeting (i.e. clear days does not include the day the request is received or the day of the meeting). This will outline the nature of the item and why it should be considered at a Scrutiny Committee. The person submitting the request will be entitled to present this case in person. This request will be considered by the Scrutiny Committee at its next available meeting. The Committee will then decide whether the request is approved and included on a future agenda of a Committee or whether to reject the request. Feedback on the committee's decision regarding the request and the outcome of any scrutiny debate will be conveyed to the person submitting the request.
- (4) Any member of the public, if they are residents of the County, own a business located within the County or are employed within the County, may ask questions of the Scrutiny Committee at its ordinary meetings subject to notice of the question having been given by delivering it in writing or by electronic mail to the Council's Democratic Services Unit by 10 a.m. 7 clear working days before the date of the Committee meeting (i.e. clear days does not include the day the question is received or the day of the meeting) and the question being about a matter for which the County Council has a responsibility or which affects the County and being within the remit of the Committee. Each question must give the name and address of the questioner. The Chair will invite the questioner to put the question to the Committee. If the questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf, in which case the Chair may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner that the question will not be dealt with.

11. REPORTS FROM SCRUTINY COMMITTEES

Once it has formed recommendations on proposals for review, a Scrutiny Committee will prepare a formal report and submit it to the Chief Executive for consideration by the Cabinet.

12. PRESENTATION OF TASK AND FINISH GROUP REPORTS

Task and Finish Group interim and final reports will be presented by the Group's Chair to the Scrutiny Committee for consideration.

The final report will set out its recommendations in order of achievability with associated cost implications i.e.:

- What could be implemented immediately or in the very near future at none or very little cost
- What could be implemented in the middle term
- Long term goals

The recommendations would also identify the Lead/Responsible Officers for implementing the immediate/short term recommendations and for drawing up and implementing a programme for the medium/long term recommendations.

Following adoption of the Group's final report and any further amendments or additional recommendations agreed by the Scrutiny Committee, the final report will initially be presented by the Chair of the Scrutiny Committee to Cabinet Members for an informal discussion. The Chair will give an overview of the task undertaken by the group and its findings and the Cabinet Members may provide an indication of any additional views they may have in respect of the report's findings. This will provide the Chair and supporting Officers with an opportunity to obtain additional information prior to the report being formally submitted to the Cabinet for consideration.

At the formal meeting of the Cabinet the Chair of the Scrutiny Committee will formally present the final report for the Cabinet's consideration and provide the Cabinet Members with an overview of the task undertaken, a brief description of the process followed and the findings.

Cabinet Members will then have the opportunity to question the Chair on the report's findings and consider the recommendations being put forward for consideration.

13. REPORTING CABINET AND COUNCIL DECISIONS

Following consideration of a Scrutiny Committee's report and recommendations the Cabinet's decision will be reported back to the next meeting of the Scrutiny Committee.

In not adopting any recommendations submitted by a Scrutiny Committee the Cabinet should record the reasons for not doing so.

14. RIGHTS OF SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

In addition to their rights as Councillors, members of Scrutiny Committees 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.

When dealing with crime and disorder matters, the Communities, Homes and Regeneration Scrutiny Committee has a right to information from Responsible Authorities and Co-operating persons and bodies (as defined by Section 5 of the Crime and Disorder Act 1998) on written request. Information provided will be normally be de-personalised and will exclude information likely to prejudice legal proceedings or current or future operations.

15. MEMBERS AND OFFICERS GIVING ACCOUNT

- (a) Any Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council and /or Cabinet functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may request, any member of the Cabinet, the Head of Paid Service and/or any Director and /or Head of Service to attend before it to provide further explanation in respect of any matters within their remit:

- i) any particular decision or series of decisions; and/or
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) 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 a Scrutiny Committee under this provision, the Chair of that committee will inform the Chief Executive who will inform the member or officer in writing giving at least 15 working days notice 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 an additional fifteen working days to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the the required date, then the Scrutiny Committee shall, in consultation with the member or officer, arrange a convenient alternative date for attendance.

16. OFFICER ATTENDANCE AT MEETINGS OF SCRUTINY COMMITTEES

There is no requirement for Directors or Heads of Service to routinely attend meetings of Scrutiny Committees. However, Heads of Service and/or other relevant officers, whose attendance has been requested by the Chair, or who have produced materials for consideration by the Committee will be expected to attend.

Once an Officer's item of business has been considered by the committee they will, with the Chair's agreement, then withdraw from the meeting.

17. CABINET MEMBER ATTENDANCE AT MEETINGS OF SCRUTINY COMMITTEES

There is no requirement for Cabinet Members to routinely attend meetings of Scrutiny Committees.

Cabinet Members will normally be expected to attend meetings of the Scrutiny Committee to allow scrutiny of their respective portfolios in relation to decisions taken. Cabinet Members will present reports and answer questions in relation to proposed decisions that have been included within the Forward Work Plan/included on the agenda. Cabinet Members may call upon Officers to provide additional information on operational issues.

Cabinet Members are encouraged at Scrutiny Committee meetings to avail themselves of every opportunity to gauge the views of non-Executive Members on any issues falling within their remit. A close working relationship and an open exchange of views will be of particular importance to the Cabinet Member, Scrutiny Chairs and Vice Chairs and to Scrutiny Members, where consideration is being given to the development of the Council's budget or policy framework.

18. SCRUTINY PARTICIPANTS

A Scrutiny Committee may invite members of the public or representatives of other bodies to address it and to discuss issues of local concern and/or answer questions.

A member of the public may also request to submit either written or verbal evidence to a Scrutiny Committee, Joint Overview and Scrutiny Committee or a Scrutiny Committee Task and Finish Group in support of a scrutiny topic or review or Call-in request (see Article 6.6 Call-in procedures).

A formal request will need to be submitted to the Council's Democratic Services Unit by a minimum of seven working days before the date of the Committee meeting. This request will outline the nature and purpose of the evidence to be provided at the meeting.

The Chair, in conjunction with the Monitoring Officer, can decide to refuse a request if this is considered to be potentially vexatious, discriminatory, inappropriate or unreasonable. The justification for the refusal will be communicated to the person making the request.

The Chair will allocate a timeslot on the agenda for verbal evidence from the member of the public. The Chair will have discretion to stop a speaker at any time in proceedings if, in their view, a speaker is making comments that are, or appear to be, defamatory, vexatious, discriminatory or offensive.

Where evidence has been submitted, the outcome of the scrutiny debate or review will be communicated to the individual in question.

Council recognises the need to support participants invited to attend Scrutiny Committees and Scrutiny Task & Finish Groups and the valuable contribution that they will make to the scrutiny process.

A Charter and Guidance for Participants has therefore been drawn up which sets out:

- what participants can expect when attending a Scrutiny Committee / Task & Finish Group meeting;
- the steps that will be taken to keep participants informed about the procedure; and
- what will be expected of participants throughout the scrutiny process they are involved in.

19. CALL-IN

The procedures for call in are set out in Article 6.6 of Part 2 of this Constitution.

20. PROHIBITION OF WHIPPED VOTES AND DECLARATION OF PARTY WHIPS

When considering any matter in respect of which a member of a 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.

A member of a Scrutiny Committee shall not be allowed to vote on any matter if he or she is subject to a party whip in respect of that matter. If a decision made with a party whip declared is materially affected, it should be treated as if it has not been made.

21. PROCEDURE AT SCRUTINY COMMITTEE MEETINGS

- (a) Scrutiny Committees shall consider the following business:
 - i) Declarations of interest;
 - ii) Declarations of prohibited party whips;
 - iii) Receive and consider Petitions in accordance with the Council's Petition Scheme
 - iv) Receive questions on notice from, and provide answers to, the public (in accordance with 10(4) above);
 - v) Consideration of any matter referred to the committee for a decision in relation to call in of a decision or other matters referred to the committee by members of the public and through the Councillor Call for Action and Local Crime and Disorder referral process;
 - vi) Responses of the Cabinet to reports and requests of the Scrutiny Committee on a quarterly basis;
 - vii) Forthcoming items;
 - viii) The business otherwise set out on the agenda for the meeting;
 - ix) Minutes of the last meeting.
- (b) Where a Scrutiny Committee conducts reviews or considers other matters, the committee may invite individuals, representatives of key partner organisations or other outside bodies to attend and give evidence at committee meetings. The meetings of the committees will be conducted in accordance with the following principles:
 - i) that the review will be conducted fairly and all members of the committee will be given the opportunity to ask questions of participants, and to contribute and speak;
 - ii) that those assisting the committee by giving evidence will be treated with respect and courtesy; and
 - iii) that the review will be conducted so as to maximise the efficiency of the process.
- (c) Following any review, a committee will prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

22. MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE

Where a matter for consideration by a scrutiny committee also falls within the remit of one or more other scrutiny committees, the decision as to which scrutiny committee will consider it will be resolved by the Corporate Performance and Resources Scrutiny Committee where the Chief Executive deems this appropriate.

23. REFERRALS TO CABINET, CABINET MEMBERS AND OTHER SCRUTINY COMMITTEES

These should only be made:

- if the committee is recommending that existing policy should be amended;
- if the committee is recommending that a new policy should be introduced;
- if the committee is drawing attention to new areas of risk.

All recommendations should also be accompanied by details of the relevant implications e.g. policy, legal, finance, human resource etc.

24. COUNCILLOR CALL FOR ACTION AND LOCAL CRIME AND DISORDER REFERRAL

Any member may refer a local government or crime and disorder matter that has not been resolved through any other avenue to the relevant Scrutiny Committee through the Councillor Call for Action (CCfA) and Local Crime and Disorder Referral (LCDR) procedure. The procedure for CCfA and LCDR are set out in Part 5 of this Constitution.

25. PETITIONS

Valid petitions will be tabled to the relevant Scrutiny Committee in accordance with CPR 10B and the Council's Petition Scheme.

The Petitioner will be invited to present the petition formally to the Scrutiny Committee. The Petitioner's presentation shall be limited to not more than five minutes, and shall be confined to reading out or summarising the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks to the petition as the person presenting it shall think fit. The Scrutiny Committee will be able to ask the Petitioner questions on the petition. The Cabinet Member will not respond to the petition at the Scrutiny Meeting. If the lead petitioner is unable to be present to present the petition, it will be read out by the Chair. If the petition impacts on only one ward then the Chair in consultation with the Chief Executive may invite the local member(s) for that ward to the meeting to speak in support or against the petition. The local members(s) shall not be entitled to vote on the petition and may speak only once.

Scrutiny Committees do not have decision-making powers; however, they will discuss the issue and determine what steps to take as a result.

The Scrutiny Committee as part of considering the petition, may decide to :-

- i) ask officers to provide additional information in respect of the content of the petition. In such instances the petition will stand adjourned and be further heard at the next meeting of the appropriate Scrutiny Committee. The petitioner can attend but will not be able to make further observations.
- ii) decide to enhance the petition in their referral, by adding recommendations.
- iii) decide to scrutinise the topic in the future, by including it in their forward work programme
- iv) to take no further action.

Following debate, the Scrutiny Committee can refer the petition and its recommendations to :-

- a) Full Council for consideration (if a Council function)
- b) Cabinet for consideration (if an executive function)
- c) the relevant Cabinet Member with a request to respond in writing to the Scrutiny Committee and the Lead Petitioner within 8 weeks.
- c) Director or Head of Service to respond.

The views of the Scrutiny Committee will be presented in a report to the appropriate body, by the Chair of the Scrutiny Committee, the petitioner does not have the right to re-present the petition to another forum,