

# Scrutiny and Policy Development Group Procedure Rules

## 1. **General arrangements**

The Council will have one Scrutiny and three policy development groups as set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such groups, subject to the approval of the Programming Panel, may appoint working groups which shall be time limited.

The Programming Panel, comprising the Chairmen of the Executive, Scrutiny and policy development groups, will co-ordinate the forward programme of these five bodies. However Scrutiny will have the primary responsibility for setting its own agenda.

The number of members of Scrutiny shall be 8. The number of members of each policy development group shall be 8.

Scrutiny and policy development groups shall meet in accordance with the Council's Procedure Rules and the Access to Information Rules. Working groups will meet informally, subject to the approval of the Programming Panel, to help inform the Scrutiny and policy development process and may submit reports to Scrutiny and the policy development groups.

## 2. **Programming Panel**

(a) The Programming Panel will comprise the Chairmen or Vice Chairmen of Scrutiny and Policy Development Groups and the Leader of the Council or Deputy Leader of the Council;

(b) The panel shall have the following terms of reference:

- i) To oversee the workloads of the five bodies to ensure efficiency of the scrutiny and policy development process;
- ii) To coordinate requests for reviews referred to by the Executive or the Council which do not fall within the remit of any one group;
- iii) To resolve any disputes between groups.

The panel shall not have the power of call in.

(c) The panel will normally meet on two to four times per year when necessary at the request of the Chairman of Scrutiny, the Leader of the Council or Head of Paid Service. The Chairman will be elected by the meeting from the membership.

### 3. **Scrutiny**

The terms of reference of the Scrutiny will be:

- i) the performance of all Scrutiny functions as defined in Article 6 on behalf of the Council;
- ii) the appointment of such time limited working groups as it considers appropriate to fulfil those functions, subject to approval from the Programming Panel;
- iii) to receive reports from the Leader of the Council at its first meeting after each annual Council meeting on 'the state of the district', the Executive's priorities for the coming year and its performance in the previous year;
- iv) to approve its work programme in consultation with the Programming Panel;
- v) to refer those matters which fall within the remit of more than one of Scrutiny or the policy development groups, to the Programming Panel for allocation;
- vi) to review the system of referrals from Scrutiny to the Executive to ensure that these are managed efficiently and do not exceed reasonable limits as set out in this Constitution;
- vii) to respond to reasonable requests from the Executive to develop or review policy not within the remit of any policy development group;
- viii) in the event of reports to the Executive exceeding reasonable limits, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business, at the request of the Executive, to make decisions about the priority of referrals made.

### 4. **Policy Development Groups**

The terms of reference of the policy development groups will be:

- i) The performance of policy development functions as defined in Article 6 on behalf of the Council;
- ii) the appointment of such time limited working groups as it considers appropriate to fulfil those functions, subject to approval from the Programming Panel;
- iii) to approve a work programme on the advice of the Programming Panel;
- iv) to refer those matters which fall within the remit of more than one of Scrutiny or policy development groups to the Programming Panel for allocation;

4. **Policy Development Groups (cont'd)**

- v) to respond to reasonable requests from the Executive to develop or review policy within their remit;

5. **Who may sit on Scrutiny and policy development groups?**

All councillors except members of the Executive may be members of one of the Scrutiny or policy development groups.

6. **Co-optees**

Scrutiny and policy development groups shall each be entitled to involve up to two people at any time as non-voting co-optees. The appointment of co-optees shall be time limited.

7. **Meetings of Scrutiny**

There shall be at least six ordinary meetings of Scrutiny in each year. In addition, provision for a further six meetings shall be made which may be called when appropriate and specifically where there is a need to call in an Executive decision. A Scrutiny meeting may be called by the Chairman of Scrutiny, by any four members of Scrutiny or by the Head of Paid Service if he/she considers it necessary or appropriate. Cancellation of any meeting shall be with the agreement of the Chairman.

8. **Meetings of Policy Development Groups**

There shall be at least four ordinary meetings of each policy development group in each year. There shall normally be a further two meetings and other informal sessions shall be held as necessary to deliver the pre-agreed work programme. The frequency and number of meetings and informal sessions shall not overstretch the resource of the Council. Meetings shall be called by the Head of Paid Service.

9. **Quorum**

The quorum for Scrutiny and Policy Development Groups shall be five normally including the Chairman or Vice Chairman or any five councillors in circumstances considered to be exceptional by any two of the statutory officers.

10. **Who chairs meetings?**

The Chairman or Vice-chairmen of Scrutiny and Policy Development Groups shall be appointed by the Council. Without limiting the discretion of the Council, consideration shall be given to the selection of a chairman on ability and expertise without reference to party political affiliation. In these circumstances, there will be a presumption that the chair of Scrutiny will be drawn from the minority group(s).

11. **Work programme**

Scrutiny will, subject to co-ordination by the Programming Panel and reasonable request from the Executive, be responsible for setting its own work programme and in doing so shall take into account wishes of councillors who are not members of the largest political group on the Council.

Policy development groups will, on the advice of the Programming Panel and in response to reasonable requests from the Executive, set a work programme

12. **Agenda items : Scrutiny**

(a) Any member of Scrutiny or policy development group shall be entitled to give notice to the Head of Paid Service that he/she wishes an item relevant to its functions to be included on the agenda for the next available meeting. On receipt of such a request the Head of Paid Service will ensure that it is included on the next reasonably available agenda.

(b) In addition any four councillors of the Council who are not members of Scrutiny may give written notice to the Head of Paid Service that they wish an item to be included on the agenda of Scrutiny. If the Head of Paid Service receives such a notification, then he/she will include the item on the first reasonably available agenda.

(c) Scrutiny shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Executive to review particular areas of Council activity. Where it does so, Scrutiny shall report its findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of Scrutiny within one month of it being submitted to the Head of Paid Service or at the next available meeting thereafter.

13. **Policy review and development**

(a) The role of Scrutiny and policy development groups 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 and in Article 6.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, policy development groups (and where relevant Scrutiny) may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.

**13. Policy review and development (cont'd)**

- (c) Policy development groups (and where relevant Scrutiny) may hold enquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They 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 advisors, assessors and witnesses a reasonable fee and expenses for doing so.

**14. Reports on policy proposals**

- (a) Once they have formed recommendations on proposals for policy development, policy development groups (and where relevant Scrutiny) will prepare a formal report and submit it to the Head of Paid Service for consideration by the Executive, or to the Council as appropriate (e.g., if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If Scrutiny or policy development groups cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider such report of Scrutiny within 2 months of being submitted to the Head of Paid Service.

**15. Rights of Scrutiny Members to documents**

- (a) In addition to their rights as councillors, members of Scrutiny 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 Executive and Scrutiny as appropriate depending on the particular matter under consideration.

**16. Councillors and Officers giving account**

- (a) Scrutiny 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 a member of the Executive, 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
  - iii) their performance.

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

**16. Councillors and officers giving account (cont'd)**

- (b) Where any councillor or officer is required to attend Scrutiny under this provision, the chairman will inform the Head of Paid Service. The Head of Paid Service shall inform the councillor or officer in writing giving at least 5 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. Where the account to be given to Scrutiny will require the production of a report, then the councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the councillor or officer is unable to attend on the required date, then, Scrutiny shall in consultation with the councillor or officer arrange an alternative date for attendance.
- (d) Non-Executive members may attend. Non-Executive members may speak subject to prior notice to the chairman.

**17. Attendance by others**

- (a) When discussing policy development and review, policy development groups shall and Scrutiny may invite relevant members of the Executive to attend and speak. Other councillors, who are not members of the relevant Scrutiny, or policy development group or invited members of the Executive, may attend and may speak subject to prior notice to the chairman.
- (b) Scrutiny or policy development groups may also invite people other than those people referred to in paragraph 17 (a) above to address them, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector and shall invite such people to attend.
- (c) Members of the public may make written submissions for items under consideration by 10.00 am 3 working days before the meeting. The relevant chairman can subsequently choose to invite the person.

**18. Call-in**

Call-in by Scrutiny should only be used in exceptional circumstances. These are where members of Scrutiny have evidence which suggests that the Executive did not take the decision in accordance with the principles set out in Article 13 (Decision Making).

- (a) The operation of the provisions relating to call-in and urgency shall be monitored regularly, and a report submitted to Council with proposals for review if necessary.
- (b) The process begins with the distribution of the Executive agenda which will give all councillors the opportunity to examine items for discussion and clarify issues before meetings.

## 18. Call-in (cont'd)

- (c) When a decision is made by the Executive, or a key decision is made by an officer, with delegated authority from the Executive, 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 3 working days of being made. Decisions will be sent to all councillors within the same timescale.
- (d) The decisions will indicate the date on which decisions will come into effect unless:
  - i) called-in;
  - ii) they are adjudged to be not in accordance with the Council policy or budget framework (see Policy and Budget Framework Procedure Rules – paragraphs 3, 4 and 5) and the decision falls to be referred to Council or is urgent and otherwise satisfies paragraph 4 of the Policy and Budget Framework Procedure Rules or where paragraph 7 of those Rules has been triggered.
- (e) A decision will normally come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless Scrutiny objects to it and calls it in (except in cases of urgency and special urgency as defined in the Access to Information Procedure Rules).
- (f) During that period, the Head of Paid Service shall call-in a decision for Scrutiny by Scrutiny if so requested by the Chairman or any three members of Scrutiny or 4 other councillors of the Council, and shall then notify the decision-taker of the call-in. Members who wish to call-in a decision are required to seek guidance from the Monitoring Officer on the veracity of their stated grounds for the call-in and demonstrate that they have been mindful of the advice they have received when deciding whether or not to proceed. The Head of Paid Service shall refer the matter to the next available meeting of Scrutiny.
- (g) Those councillors calling-in will need to specify the reasons for the call-in.
- (h) When the relevant Executive minutes are put before Scrutiny, together with the advice from the Monitoring Officer on the grounds for the call-in, the councillors who called in the decision shall have the right to attend and speak. The Leader of the Council and/or relevant Executive members shall be invited to attend to explain the basis for the decision but may then be asked to leave. They may choose also to make submissions in writing. Relevant officers shall also be invited to attend.
- (i) If, having considered the decision, Scrutiny 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 the next full Council meeting or, if urgent to a Special Council meeting. If referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.

## 18. **Call-in (cont'd)**

- (j) If following an objection to the decision, Scrutiny meets but does not refer the matter back to the decision making person or body or refer it to full Council, the decision shall take effect on the date of the Scrutiny meeting, whichever is the earlier.
- (k) If the matter was referred to 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. However, if the Council does object, it has no locus to make decisions in respect of an executive 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 Executive, a meeting will be convened to reconsider within 15 working days of the Council request.
- (l) If Council 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.
- (m) The call-in procedure set out above shall not apply where the decision being taken is urgent as defined in the Access to Information Procedure Rules. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

## 19. **The party whip**

There is a presumption that a party whip shall not be applied to matters considered by Scrutiny.

## 20. **Procedure at Scrutiny meetings**

- (a) Scrutiny shall consider the following business:
  - i) minutes of the last meeting;
  - ii) declarations of interest (including whipping declarations);
  - iii) consideration of any matter referred to Scrutiny for a decision in relation to call in of a decision;
  - iv) responses of the Executive, or Council where relevant to reports of Scrutiny; and
  - v) the business otherwise set out on the agenda for the meeting.

22. **Procedure at policy development group meetings**

- (a) Policy development groups shall consider the following business:
- i) minutes of the last meeting;
  - ii) declarations of interest;
  - iii) responses of the Executive or Council where relevant to reports of the policy development group;
  - iv) requests from the Executive for policy development work;
  - v) the business otherwise set out on the agenda for the meeting.

23. **Conduct towards invitees to Scrutiny and policy development groups meetings**

- (a) Where Scrutiny or policy development groups conduct investigations and ask people to attend to give evidence at meetings these are to be conducted in accordance with the following principles:
- i) that the investigation be conducted fairly and all councillors be given the opportunity to ask questions of attendees, and to contribute and speak;
  - ii) that those assisting by giving evidence be treated with respect and courtesy; and
  - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (b) Following any investigation or review, Scrutiny or policy development groups shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.