

Scrutiny Procedure Rules

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

1. The Council will have the Scrutiny Committees (five in total), as set out in Article 6 of this Constitution and will appoint to them at Annual Council.
2. Such Committees may appoint smaller groups to carry out detailed examination/review of particular topics or on forthcoming Cabinet decisions for report back to the Committee. Such groups may be appointed for a fixed period on the expiry of which they shall cease.
3. The five Scrutiny Committees will perform all overview and scrutiny functions on behalf of the Council. They will comprise of between ten and twelve Members and will be politically balanced (unless the Full Council determines otherwise with no Member dissenting).
4. The Terms of Reference of the Scrutiny Committees will be to :
 - (a) perform all overview and scrutiny functions on behalf of the Council;
 - (b) identify areas which require emergency scrutiny, based on the decisions of Cabinet, Officers or otherwise;
 - (c) propose to undertake an annual programme of work of not more than two policy reviews or inquiries - either of the Council's work or of other bodies/agencies who impact on the local community;
 - (d) review policy outcomes;
 - (e) consider and undertake policy reviews referred by Cabinet;
 - (f) receive and review external audit reports relevant to the Committee's area of influence;
 - (g) review Service Plans and performance management relevant to the Committee's area of influence and make recommendations to Cabinet;
 - (h) initiate and consider Best Value reviews established by a corporate timetable to the Committee's area of influence and make recommendations to Cabinet;
 - (i) respond to consultation requests as referred by Cabinet; and
 - (j) refer reports to Cabinet or Council as appropriate.

Further details about the terms of reference of the Scrutiny Committees are appended.

5. There will be a Monitoring and Co-ordination Group whose role will be to :-

- (a) propose an annual overview and scrutiny work programme, based on proposals from each Scrutiny Committee, to ensure that there is efficient use of the Committee's time, and that the potential for duplication of effort is minimised;
- (b) ensure that each Committee works to a guideline of not more than two reviews per year and that the balance of reviews overall is manageable within the resources of the Council and potential call on external organisations and agencies;
- (c) where matters fall within the remit of more than one Scrutiny Committee, determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute between Scrutiny Committees;
- (d) to receive requests from Cabinet and/or Full Council for reports from Scrutiny Committees and to allocate them, if appropriate, to one or more Scrutiny Committees;
- (e) to put in place and maintain a system to ensure that referrals from Scrutiny Committees to Cabinet, either by way of report or for reconsideration, are managed efficiently and do not exceed the limits as set out in this Constitution;
- (f) at the request of Cabinet, make decisions about the priority of referrals made if the volume of such reports creates difficulty for the management of the Cabinet business or jeopardises the efficient running of Council business;
- (g) recommend resource allocation to Scrutiny Committees to the Director of Corporate Services; and
- (h) receive quarterly reports from each of the Scrutiny Committees on their reviews and workings in the previous quarter.
- (i) Overall responsibility for the Scrutiny of Social Inclusion.
- (j) Members of the Corporate Management Team shall meet quarterly with the Monitoring and Co-ordination Group to discuss reviews/possible outcomes.

WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?

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

CO-OPTEEES

- ~~7. With the exception of the Lifelong Learning Scrutiny Committee, co-optees be only appointed to Review Groups and Task and Finish Reviews.~~ In addition to the mandatory co-optees on Children and Young People Scrutiny Committee, other Scrutiny Committees can appoint co-optees to the Scrutiny Committee or the Task and Finish Review Groups to assist in the work of the committee, non statutory co-optees have no voting powers.

EDUCATION REPRESENTATIVES

8. The relevant Scrutiny Committee (the Lifelong Learning Scrutiny Committee) dealing with educational matters shall include in its membership, the following voting representatives :-
 - (a) one Church of England diocese representative;
 - (b) one Roman Catholic diocese representative; and
 - (c) three Parent Governor representatives.

The relevant Scrutiny Committee (the Lifelong Learning Scrutiny Committee) referred to in this paragraph, is a Scrutiny Committee of this Local Education Authority, where the Committees functions relate wholly, or in part, to any education functions which are the responsibility of Cabinet. If the Scrutiny Committee/Sub-Committee, etc. deals with other matters, these representatives shall not vote on those matters, though they may stay in the meeting and speak.

MEETINGS OF THE SCRUTINY COMMITTEES

9. In addition to the ordinary scheduled meetings, special meetings may be called from time to time, as and when, appropriate. A Scrutiny Committee meeting may be called by the Chair or Vice-Chair of the relevant Scrutiny Committee, by any four Members of the Committee, or by the Proper Officer (the Director of Corporate Services) if he/she considers it necessary or appropriate.

QUORUM

10. The quorum for a Scrutiny Committee shall be one quarter of the Members of the Committee.

WHO CHAIRS SCRUTINY COMMITTEE MEETINGS?

11. Chairs of Scrutiny Committees will be drawn from amongst the Members sitting on the Committee and, subject to this requirement, the Committees may appoint such a person as it considers appropriate as Chair, subject to at least one of the Chairs being appointed from one of the minority groups, when the Council is in majority control and similarly one of the Vice-Chairs. In the absence of the Chair, the Vice-Chair can exercise the powers of the Chair. In the absence of both the Chair and the Vice-Chair, the Committee will appoint, from amongst those present, a person to preside at the meeting.

WORK PROGRAMME

12. The Scrutiny Committee will, subject to the Monitoring and Co-ordination Group's views, be responsible for setting their own work programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

AGENDA ITEMS

13. The agenda for Scrutiny Committees is set by Scrutiny Members themselves and published and advertised to the public to enable public consultation through involvement in discussion on key policy issues.
14. Any member of a Scrutiny Committee shall be entitled to give notice to the Proper Officer (the Director of Corporate Services) that he/she wishes an item, relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. 10 working days notice (that is not counting the day of the meeting or the day of delivery) of an item shall be given to the Director of Corporate Services in writing together with sufficient information to enable the Officer to advise about the nature and purpose of the item.
15. On receipt of such a request, and so long as it is an appropriate matter to be considered, the Proper Officer (the Director of Corporate Services) will ensure that it is included on the next available agenda.
16. The Scrutiny Committees shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, Cabinet, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report its findings and any recommendations back to Cabinet and/or the Council. The Council and/or Cabinet shall normally consider the report of the Scrutiny Committee within two months of receiving it.

REVIEWS AND REVIEW GROUPS

17. Scrutiny Committees shall appoint smaller ‘task and finish’ working groups of small groups of Members from the relevant Scrutiny Committees to carry out detailed examination/review of particular topics or on forthcoming Cabinet decisions and report back their findings to the Scrutiny Committee, who will then decide what action to take.
18. All Members of the Scrutiny Committee shall be involved in large-scale reviews (sub-dividing into smaller groups if necessary) and only one large-scale review shall be undertaken at any one time.
19. All Members are encouraged to take part in one major and two task and finish reviews each Municipal Year.
20. The methodology (Appendix A) to these Procedure Rules, shall be the basis for Scrutiny Committees to work to in undertaking a review.
21. All reviews being undertaken should be Member-led.
22. All reviews shall be meaningful, relevant and focused, by taking the views of the Council’s Corporate Management Team into consideration, prior to suggesting a review to the Monitoring and Co-ordination Group.
23. The Monitoring and Co-ordination Group shall have regular meetings with the Council’s Corporate Management Team to discuss reviews/possible outcomes.

POLICY REVIEW AND DEVELOPMENT

24. The role of the Scrutiny Committees 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 at Part 4 of this Constitution.
25. In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, a Scrutiny Committee, may make proposals to Cabinet for development insofar as they relate to matters within their terms of reference.
26. Scrutiny Committees may hold enquiries and investigate the available options for further direction in policy development 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.

REPORTS FROM SCRUTINY COMMITTEE

27. Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Proper Officer (the Director of Corporate Services) for consideration by Cabinet (if the proposals are consistent with the existing budgetary and policy framework), 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).
28. If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet.
29. The Council or Cabinet shall consider the report of the Scrutiny Committee within two months of it being submitted to the Director of Corporate Services.

MAKING SURE THAT SCRUTINY REPORTS ARE CONSIDERED BY CABINET

30. The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny'. The reports of Scrutiny Committees referred to 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) within two months of the Scrutiny Committee completing its report/recommendations.
- ~~31. Only one report every six months may be submitted by each Scrutiny Committee to Cabinet.~~
32. Scrutiny Committees will, in any event, have access to the Cabinet's Forward Plan and timescale for decisions and intentions for consultation. Even when an item is not the subject of detailed proposals from a Scrutiny Committee following consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

RIGHTS OF SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

33. 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 the Constitution.
34. Nothing in this paragraph prevents more detailed liaison between Cabinet and Scrutiny Committee, as appropriate depending on the particular matter under consideration.

MEMBERS AND OFFICERS GIVING ACCOUNT

35. Any Scrutiny 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 Chief Executive and/or any Senior Officer to attend before it to explain in relation to matters within their remit :

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance;

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

36. Where any Member or Officer is required to attend Scrutiny Committee under this provision, the Chair of that Committee will inform the Director of Corporate Services. The Director shall inform the Member or Officer, in writing, giving at least ten working days notice of the meeting 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.
37. 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 30 days from the date of the original request.

ATTENDANCE BY OTHERS

38. A Scrutiny Committee may invite people other than those people referred to in paragraph 30 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 people to attend. Such attendance is at the discretion of the people asked.

CALL-IN

39. Call-in should be kept to a minimum and be used in exceptional circumstances. These are when Members of the appropriate Scrutiny Committee have evidence which suggests that Cabinet did not take the decision in accordance with the principles, as set out in Article 13 (Decision Making) of this Constitution. Wherever possible, they shall be divided equally between the Scrutiny meetings.
40. When a decision is made by Cabinet or a key decision is made by an Officer with delegated authority from 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 within five working days of being made. Scrutiny Committee Members will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
41. That 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 five clear working days after the publication of the decision, unless a Scrutiny Committee objects to it and calls it in.
42. During that period, the Director of Corporate Services shall call-in a decision for scrutiny by the Committee if so requested by at least three Members of the Scrutiny Committee and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Committee on such a date as he/she may determine, where possible after consultation with the Chair of the Committee and, in any case, within ten working days of the decision to call-in.
43. A report will be presented to the Scrutiny Committee by the Officer concerned, followed by either a brief statement by the Member requiring the call-in, or where applicable, a summary of the findings of the sub-group which has been delegated to consider call-in of a key decision.
44. Requests referred to in (42) above, shall be in writing, by fax or e-mail stating the reasons for call-in and highlighting those areas in the report where specific consideration should be given, and be jointly signed or named. A pro-forma for call-in requests is appended to these Procedure Rules and are available on request from Democratic Services Section. 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, what it expects Cabinet to reconsider and any alternative recommended action.
45. 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 Committee meeting, or the expiry of the further 15 working day period, whichever is the earlier. The Leader or relevant Cabinet Member shall in any case be advised of the decision of the Scrutiny Committee in writing.

46. 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 a decision in respect of a Cabinet decision unless it is contrary to the Budget and 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 Cabinet, as a whole, a meeting will be convened to reconsider within 20 working days of the Council's request.
47. 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.

Exceptions

- ~~48. In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations may be placed on its use.~~

Call-in and Urgency

49. The call-in procedure, as set out above, shall not apply where the decision being taken by Cabinet or an Officer is urgent. 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. The record of the decision, and notice by which it is made public shall state whether, in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
50. 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.

PROCEDURE AT SCRUTINY COMMITTEE MEETINGS

51. Scrutiny Committees shall consider the following business and a standard agenda format to be followed (Appendix B) is attached to these Procedure Rules :
- (a) Attendance at Meeting;
 - (b) Minutes of the last meeting;
 - (c) declarations of interest (including whipping declarations);
 - (d) work programme (including the Forward Plan of Cabinet);
 - (e) Policy Review;

- (f) Executive Call-in;
 - (g) Best Value; and
 - (h) the business otherwise set out on the agenda for the meeting.
52. Additional items shall only be included if they add value to service delivery.
53. Scrutiny agendas shall not be dominated by consideration of strategy reports. The procedure (Appendix C) to these Procedure Rules shall be followed by Officers prior to submitting a report to a Scrutiny Committee.
54. Presentations shall only be held at Scrutiny Committee meetings if they are part of a report on a review being undertaken by the Committee.
55. Information reports shall not be included on Scrutiny Committee agendas, they shall be included in the Councillors' Information Folders on Microsoft Exchange.
56. Officers shall submit abbreviated reports to Scrutiny Committees with the full report being placed on Public Folders.
57. Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles :
- (a) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
58. Following any investigation or review, the Committee shall prepare a report, for submission to Cabinet and/or Council as appropriate and shall make its report and findings public.

MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE

59. 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 Monitoring and Co-ordination Group.

METHODOLOGY FOR UNDERTAKING A REVIEW

1. Is the Committee satisfied that the suggested topic is a valid topic to scrutinise and will it improve service delivery?
2. Is anything being duplicated – what is behind the suggestion for this review?
3. Define and agree the Scope of the Scrutiny :-
 - (a) What are the objectives?
 - (b) Is it a quick informal review or a more considered formal review?
4. What will be the timescale of the Review?
5. What resources will the review need?
6. Has the Monitoring and Co-ordination Group approved the review and resources?
7. Members of the Review Group – who should serve?
 - (a) All Committee – undertaking separate tasks/enquiries.
 - (b) Smaller number of Members.
 - (c) Co-optees with specific expertise.
 - (d) Member of other Scrutiny Committees where cross-cutting issues are involved.
 - (e) Stakeholders/Customers/Partner agencies/providers.
8. What Officer support is needed for the Review?

List who will be needed, identify a possible Lead Officer, in addition to Democratic Support Officer.
9. What lines of enquiry does the review wish to undertake?
10. Who to interview/visit.
11. What written information/documentation/previous studies/inspection reports etc. are needed to be collated?
12. Are any independent experts needed?
13. Does the public need to be involved/how will the public be involved
 - (a) Telephone lines/numbers/website
 - (b) Surveys
 - (c) Public Meetings.
 - (d) Written submissions.
 - (e) Press Releases.
 - (f) Workshops
 - (g) Radio Announcements
14. Where should we hold meetings to secure public engagement?
15. Identify resource implications and possible funding opportunity
16. How will we prepare our final report?

**AGENDA
SCRUTINY COMMITTEE
(DATE)**

A meeting of the Scrutiny Committee will be held in Committee Room No. at the Town Hall, Darlington on (or other venue) commencing at at which the items below are to be discussed.

PART I

1. Attendance at Meeting :-
 - (a) Present;
 - (b) Apologies for Absence; and
 - (c) Absent.
2. Declarations of Interests (including whipping declarations).
3. Minutes of the Last Meeting.
4. Work Programme.
5. Policy Review :-
 - (a) Review of Progress on Policy Review Items (consideration of any additional enquiries or resources) (single report item prepared as standard by Democratic Support Officer).
 - (b) Review Items Final Report Back (no more than one or two) detailed analysis of key policy areas.
 - (c) Responses of the Executive to Reports of the Scrutiny Committee.
6. Executive Call-in :-
 - (a) Call in Items relating to Key Decisions of the Executive (no more than one or two).
 - (b) Other Call-in items requested by three Members.
7. Best Value
 - (a) Review of progress on Best Value Work Programmes
8. **SUPPLEMENTARY ITEM(S)** (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting.
9. Questions.

**Paul Wildsmith
Director of Corporate Services**

Membership

**Town Hall,
Darlington.**

Should you have any queries on this agenda please contact initially

SHOULD I SUBMIT A REPORT TO SCRUTINY?

1. Do I need to seek Scrutiny Committee's views on a report prior to its consideration by Cabinet/Council – will this report improve service delivery?

e.g. Strategic Plans/Policies
2. Is the report being submitted for information purposes only and does it need to go to Scrutiny Committee?

e.g. update/progress reports
3. Do I need to consult/discuss with Scrutiny Committee?

e.g. Departmental Service Plans/Consultation documents.
4. If a presentation is to accompany a report, should I open the presentation to the wider audience, as part of the Members' Training and Development Programme?

FOR URGENT DELIVERY

DARLINGTON BOROUGH COUNCIL

To: DIRECTOR OF CORPORATE SERVICES
For the immediate attention of the Support Manager,
Corporate Services Department, Town Hall, Darlington.

From: Councillor

**NOTICE OF 'CALL-IN' OF CABINET
CONCLUSION**

CABINET CONCLUSION TO BE CALLED IN:

CABINET MINUTE NO:	DATE OF CABINET MEETING:
Subject of Minute:	
Reason for 'Call-In'	
.....	
.....	
.....	

CABINET CONCLUSION CALLED IN BY :

(A minimum number of 3 Voting Members of the appropriate Scrutiny Committee)

Councillor/Voting Co-optee	Signature (see Note 1 below)
1.	
2.	
3.	

(NOTE – It is not necessary for each Member to sign the pro forma, but each Member must be named).