

Scrutiny Procedure Rules

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

1. The Council has appointed five Scrutiny Committees and appoints to them at Annual Council. For further information on these Scrutiny Committees and their remits, refer to the Responsibility for Functions Section.
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. Following appointment of such groups for a fixed period, they will be disbanded.
3. The five Scrutiny Committees will perform all overview and scrutiny functions on behalf of the Council. They will be politically balanced (unless the Full Council determines otherwise with no Member dissenting).
4. In addition, there is a Monitoring and Co-ordination Group, comprising the Chairs of the five Scrutiny Committees. For further information on the role of this Group, refer to the Responsibility for Functions Section.

WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?

5. 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-OPTees

6. 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

7. The relevant Scrutiny Committee (the Children and Young People 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 Children and Young People Scrutiny Committee) referred to in this paragraph, is a Scrutiny Committee of this Local 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

8. 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 Resources) if he/she considers it necessary or appropriate.

QUORUM

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

WHO CHAIRS SCRUTINY COMMITTEE MEETINGS?

10. 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

11. The Scrutiny Committees 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 all Members on that Committee.

AGENDA ITEMS

12. 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.
13. Any Member of a Scrutiny Committee of the Authority may refer to the Committee any matter which is relevant to the functions of the Committee.
14. Any Member of a Sub-Committee of such a Committee may refer to the Sub-Committee, any matter which is relevant to the functions of the Sub-Committee.
15. Any Member of the Authority may refer to a Scrutiny Committee of the Authority of which he is not a member, any local government matter which is relevant to the functions of the Committee.
16. Referral is by way of notice to the Proper Officer (the Director of Resources) that an item be placed on the next available meeting of the Committee. 10 working days' notice (that is not counting the day of the meeting of the day of delivery) of an item shall be given to the Proper Officer (Director of Resources) in writing together with sufficient information to enable the Officer to advise about the nature and purpose of the item. Referral under 15 above, is Councillor Call for Action and will be dealt with under the procedure set out in Appendix 1 to these rules.
17. On receipt of such a request, and so long as it is an appropriate matter to be considered, the Proper Officer (the Director of Resources) will ensure that it is included on the next available agenda.
18. 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.

COUNCILLOR CALL FOR ACTION (CCfA)

19. Any member of the public can approach a Member of the Council to ask that an issue is referred to a meeting of Scrutiny. This is referred to as a Councillor Call for Action (CCfA). The procedure for dealing with this is set out in the procedure at Appendix 1 to these Rules.

PETITION SCHEME

20. Any member of the public who either lives, works or studies in the Borough of Darlington, can submit a petition to the Council on an issue that is of concern to them. Should the petition contain sufficient signatures, as detailed within the Council's Petition Scheme, it will provide the opportunity to hold a senior officer to account, and for them to give evidence at a meeting of the appropriate Scrutiny Committee. The procedure for dealing with petitions is set out in the procedure at Appendix 2 to these rules.

REVIEWS AND REVIEW GROUPS

21. 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.
22. 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.
23. 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.
24. 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.
 25. All Members are encouraged to take part in one major and two task and finish reviews each Municipal Year.
 26. The agreed methodology shall be the basis for Scrutiny Committees to work to in undertaking a review.
 27. All reviews being undertaken should be Member-led.
 28. 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.
 29. 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

30. 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.
31. 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.
32. 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

33. 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 Resources) 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).
34. 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.
35. The Council or Cabinet shall consider the report of the Scrutiny Committee within two months of it being submitted to the Proper Officer (Director of Resources).

MAKING SURE THAT SCRUTINY REPORTS ARE CONSIDERED BY CABINET

36. 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.
37. 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

38. 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.

39. 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

40. Any Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Cabinet 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.

41. Where any Member or Officer is required to attend Scrutiny Committee under this provision, the Chair of that Committee will inform the Director of Resources. 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.

42. 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

43. A 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 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

44. 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 following principles:-
- proportionality (i.e. the action must be proportionate to the desired outcome);
 - due consultation and the taking of professional advice from Officers;
 - respect for human rights;
 - a presumption in favour of openness;
 - clarity of aims and desired outcomes; and
 - explaining what options were considered and giving reasons for the decision.
45. 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 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.
46. 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.
47. During that period, the Director of Resources 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.
48. A report will be presented to the Scrutiny Committee by the Officer concerned, followed by either a brief statement by the Member

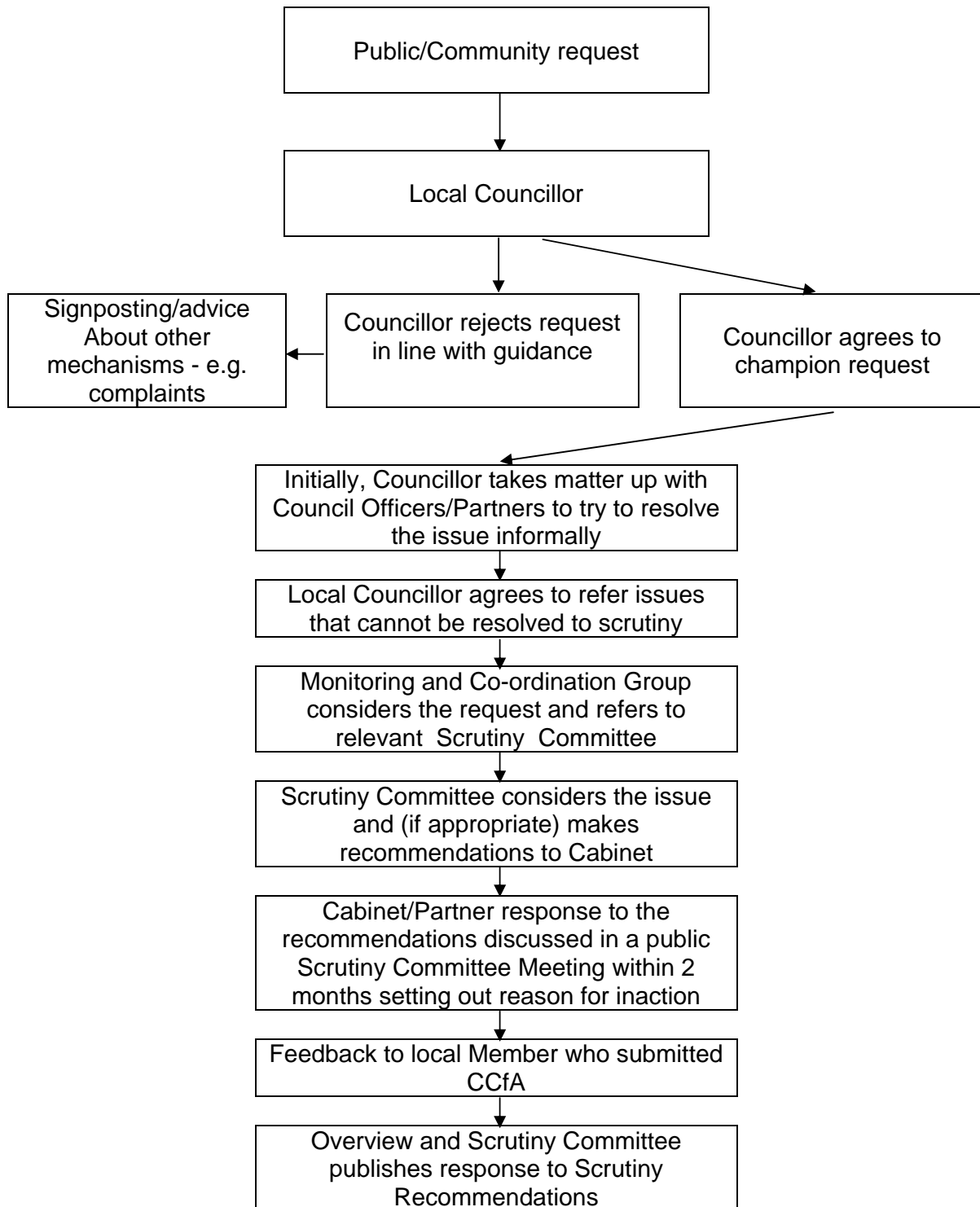
requiring the call-in, or where applicable, a summary of the findings of the sub-group which has been delegated to consider call-in of a key decision.

49. Requests referred to 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 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.
50. 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.
51. 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.
52. 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

53. 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.
54. 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 FOR DEALING WITH A COUNCILLOR CALL FOR ACTION



PROCEDURE FOR DEALING WITH A PETITION/e-PETITION

