

SCRUTINY PROCEDURE RULES

These Rules are divided into three sections relating to the different types of scrutiny meeting:

- **Section A:** Overview and Scrutiny Commission (Commission/OSC) Procedures.
- **Section B:** Specific Scrutiny Panel Procedures.
- **Section C:** Specific Joint Scrutiny Procedures.

SECTION A: OVERVIEW AND SCRUTINY COMMISSION (COMMISSION/OSC) PROCEDURES

1. COMMISSION MEMBERSHIP

- 1.1. All Councillors, except Cabinet Members, will be eligible for appointment as a Commission Member. However, no Councillor may be involved in scrutinising a decision in which they have been directly involved.

2. SCHEDULED COMMISSION MEETINGS

- 2.1. Ordinary meetings of the Overview and Scrutiny Commission will take place as scheduled in the Calendar of Meetings unless amended with the agreement of the Chair of the Commission, or in the Chair's absence, the Vice Chair of the Commission.

3. ORDER OF BUSINESS

- 3.1. Agendas for ordinary meetings of the Commission (and Scrutiny Panel meetings for items a-c only) will incorporate:
 - a) Apologies for absence.
 - b) Declarations of interest from Councillors.
 - c) Approve the minutes of the previous meeting.
 - d) Public Question Time.
 - e) Scrutinise and comment upon reports including the Budget and Policy Framework Documents that the Cabinet, or other Committees, will be making decisions upon.
 - f) Review and scrutinise the Transformation Plan and receive presentations.
 - g) Cabinet Member and Chief Executive Discussions as appropriate.
 - h) Monitor the Cabinet's Forward Plan.
 - i) Consider the business otherwise detailed on the agenda.
 - j) Consider any urgent business.

3.2. Other items that may be considered include the following:

- a) Approve and co-ordinate an annual work programme.
- b) Appoint Scrutiny Panels, set the terms of reference, their duration and their Chairs.
- c) Receive and review the Scrutiny Panel findings.
- d) Respond to requests from the Cabinet for Scrutiny involvement in policy review and development.
- e) Scrutinise any matter referred to the Commission which may include inviting/requesting the evidence of third parties, that impacts upon the Borough's residents and, where appropriate, make recommendations to the Full Council or the Cabinet (exclusions may apply – see Rule 4).
- f) Consider petitions (50-999 signatories).
- g) Consider decisions which have been Called-In.
- h) Where appropriate, recommend to the Full Council the appointment of Co-optees to serve on the Commission following discussions between the Head of Governance, People & Performance and Group Leaders. Co-optees will not have voting rights.
- i) Where appropriate, to appoint Co-optees to serve on Scrutiny Panels (following discussions between the Chair of the Commission, Head of Governance, People & Performance and Group Leaders). Co-optees will not have voting rights.
- j) Where appropriate, and having received a request in writing for information relating to the functions of a relevant partner authority, obtain the information and require Executives of local authorities to exclude confidential and exempt information when publishing their response to reports and recommendations of the Commission.

4. EXCLUDED MATTERS

4.1. Matters which must not be considered by Scrutiny include:

- a) Any matters relating to a planning decision, a licensing decision or where a person has right of recourse to a review or right of appeal.
- b) Any matter which is vexatious, discriminatory or not reasonable; any matter referring to an individual complaint.
- c) Any local crime and disorder matter excluded under S.19 of the Police and Justice Act 2006.

4.2. A matter is not considered excluded if it consists of an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis.

5. INTERPRETATION OF THE PROCEDURE RULES

- 5.1. The Chair or in their absence the person chairing the meeting will decide on all matters of order and interpretation of these rules and their decision will be final and not open to discussion. In presenting a ruling they must explain their decision.
- 5.2. In reaching their decision, they must give due consideration to the advice of the Democratic Services Officer. The Chair may defer to the Democratic Services Officer to provide the interpretation on their behalf.

6. NOTICE AND SUMMONS TO MEETINGS

- 6.1. The Head of Governance, People & Performance will give notice to the public of the time and place of Commission and Scrutiny Panel meetings in accordance with the Access to Information Procedure Rules. The summons (in the form of an agenda) will be published at least five clear working days before a meeting and will detail the time, location and items to be discussed including any associated reports being considered. The date and time of scheduled Commission meetings will be published in the Calendar of Meetings.

7. CANCELLATION OF SCHEDULED COMMISSION OR SCRUTINY PANEL MEETINGS

- 7.1. A scheduled meeting may be cancelled in writing by the Head of Governance, People & Performance if there is insufficient business, following consultation with the Chair of the Commission or the relevant Scrutiny Panel.

8. EXTRAORDINARY MEETINGS OF THE COMMISSION

- 8.1. An Extraordinary meeting of the Commission may be called:
 - a) If the Head of Governance, People & Performance considers it necessary or appropriate.
 - b) At the written request of any three Commission Members or the Chair.

NB: No business, other than that contained within the issued summons/agenda shall be considered at Extraordinary Commission meetings.
- 8.2. Notice of the time, date and location of any Extraordinary meeting will be sent by the Head of Governance, People & Performance to every Councillor no less than five clear working days before the meeting is to be held.

9. COMMENCEMENT OF MEETING

- 9.1. All Commission meetings will commence at the time specified in the scheduled Calendar of Meetings, unless the summons/agenda issued by the Head of Governance, People & Performance, following consultation with the Chair, alters this time.

