

SCRUTINY PROCEDURE RULES

1. Number and Arrangements for Scrutiny Committees

- 1.1 The Council will have a Scrutiny Committee as set out in Article 6 and will appoint to it as it considers appropriate from time to time, usually at the Annual Meeting of the Council. Select Committees will also be appointed for a specific purpose and will cease to exist when that purpose is fulfilled.
- 1.2 The general role for the Scrutiny Committee is set out in Article 6 of the Constitution and should be read in conjunction with these Rules.

2. Scrutiny Committee

- 2.1 In summary, this Committee is required to maintain an overview of the discharge of the Council's executive function and has the right to scrutinise any executive decision made by the Cabinet or by Council Officers (under delegated powers); or to review the Council's policy-making or decision-making processes; or to undertake the work aimed at policy development within the Council.
- 2.2 Decisions of the Planning Applications Committee on specific applications and cases where applicants have a right of appeal, and similar decisions by the Licensing Committee are not subject to review by the Scrutiny Committee. Individual cases dealt with by the Personnel (Appeals) Panel are also not subject to scrutiny review.
- 2.3 The Scrutiny Committee can also review any matter after the event or ask a relevant sub-committee to do so.
- 2.4 The terms of reference of the Scrutiny Committee are set out in Appendix 6A to these Rules.

3. Membership of Scrutiny Committee

- 3.1 All councillors (except members of the Cabinet) may be members of the Scrutiny Committee. However, no member may be involved in scrutinising a decision with which he/she has been directly involved.

4. Co-optees/Advisers

- 4.1 In exceptional circumstances, the Scrutiny Committee shall be entitled to recommend to Council the appointment of a co-optee where particular skills or knowledge are justified and it is considered this can be best provided for in this manner. In deciding to make such a recommendation, the Committee shall first have regard as to whether the requirements can

be met by the appointment of an adviser in accordance with Rules 10.3 & 14 (below).

5. Meetings of Scrutiny Committee

5.1 Meetings of the Scrutiny Committee shall be held in accordance with the approved timetable of meetings. In addition, additional meetings may be called from time to time as and when appropriate. Such additional meetings shall be convened by the Executive Head of Strategy, People and Democracy, following consultation with the chair of the Committee. The chair of the Committee, any 3 members of the Committee or the Monitoring Officer may require the Executive Head of Strategy, People and Democracy to convene a meeting if he/she considers it necessary or appropriate.

6. Quorum

6.1 The quorum for the Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in this Constitution. (For ease of reference the quorum for the Scrutiny Committee shall be four.)

7. Chairing Scrutiny Committee Meetings

7.1 The chair of the Scrutiny Committee shall be appointed by the Council. Where one group has majority control of the Council, the chair will be drawn from a member of a minority group with the vice-chair of the Committee being drawn from any member of the Committee.

7.2 The chair of the Committee will undertake the following roles -

- a) To chair meetings of the Scrutiny Committee and promote the development and exercise of the scrutiny function according to the Council's Constitution.
- b) To ensure that the work of the Scrutiny Committee contributes to the Council's corporate objectives.
- c) Liaise with the Chief Executive and the Executive Head of Strategy, People and Democracy to ensure that the workload of the Scrutiny Committee is managed effectively to enable it to carry out its role of -
 - reviewing the formulation of policy development
 - best value service reviews
 - advising the Cabinet of areas of potential improvements.

- d) To liaise with Cabinet Members as appropriate.
- e) To contribute to the training and development of members engaged in the scrutiny and review role.
- f) To approve any report which the Committee may wish to submit to the Cabinet.
- g) To be the spokesperson for the Committee within the terms of the ODPM Code of Recommended Practice on Local Authority Publicity.

8. Work Programme

- 8.1 The Scrutiny Committee will be responsible for setting its own work programme on the advice of the Chief Executive and the Executive Head of Strategy, People and Democracy and in doing so it shall take into account wishes of members on that Committee who are not members of the largest political group on the Council.

9. Agenda Items

- 9.1 Any member of the Scrutiny Committee shall be entitled to give notice to the Executive Head of Strategy, People and Democracy that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request, the Executive Head of Strategy, People and Democracy will ensure that the request is included on the next available agenda, provided that it is received at least 14 working days prior to the date of the meeting.
- 9.2 Apart from the chair, no member of the Committee may place more than one item of business on the agenda for any one meeting.
- 9.3 Any member of the Council may request the Chief Executive to consider placing not more than one item of business on the agenda for a meeting of the Scrutiny Committee. The Chief Executive and the Monitoring Officer have delegated powers to place items on the agenda without the need to refer to the Cabinet, if necessary. If a request for such an item is agreed, the Executive Head of Strategy, People and Democracy will make the arrangements. The agenda for the meeting will give the name of the councillor who asked for the item to be considered and that member will be invited to attend the meeting when the item is to be considered.

10. Policy Review and Development

- 10.1 The role of the Scrutiny Committee in relation to the development of the Council's policy and budget framework is set out in detail in the and Policy and Budget Framework Procedure Rules.
- 10.2 In relation to the development of the Council's approach to other matters not forming part of the Policy and Budget Framework, the Scrutiny Committee may make proposals to the Cabinet for developments insofar as they relate to matters within its terms of reference.
- 10.3 The Scrutiny Committee and any Select Committees 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. The Committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that are reasonably considered necessary to perform the deliberations. The Committee may ask witnesses to attend to address it on any matter under consideration and may pay to any advisor, assessors and witnesses a reasonable fee and expenses for so doing.

11. Reports from Scrutiny Committee

- 11.1 Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Executive Head of Strategy, People and Democracy for consideration by the Cabinet.
- 11.2 The Council or the Cabinet shall consider the report of Scrutiny Committee as soon as practicable after it has been submitted. If for any reason, the Cabinet does not consider the report within 8 weeks, then the matter will be referred to the Council for review and the Executive Head of Strategy, People and Democracy will arrange for the matter to be considered at the next scheduled meeting of the Council. In such cases, the Council shall consider the report and make a recommendation to the Cabinet.
- 11.3 The agenda for Cabinet meetings shall include an item entitled "Matters referred by the Scrutiny Committee". The reports of Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of a substantive item elsewhere on the agenda).
- 11.4 Only one report every month may be submitted by the Scrutiny Committee to the Cabinet unless the Cabinet agrees to receive further reports.
- 11.5 The Scrutiny Committee will, in any event, have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the

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.

11. Rights of Scrutiny Committee Members to Documents

- 12.1 In addition to their rights as councillors, members of the Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in this Constitution.
- 12.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committee as appropriate, depending on the particular matter under consideration.

12. Members and Officers Giving Account

- 13.1 Within the scope of their terms of reference, the 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 the Leader, any other member of the Cabinet, the Head of the Paid Service and/or Chief Officers and Head of Services 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;
 - c) their performance.

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

- 13.2 Where any member or officer is required to attend the Scrutiny Committee under this provision, the chair of the Committee will inform the Head of the Paid Service and the Executive Head of Strategy, People and Democracy. The Executive Head of Strategy, People and Democracy shall inform the member or officer in writing giving at least seven 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 give account and whether any papers are required to be produced for the Committee. Where the account to be given to Committee will require the production of a report, then a member or officer concerned will be given 14 working days notice to allow for preparation of that documentation.

- 13.3 Where, in exceptional circumstances, the member is unable to attend on the required date, the Scrutiny Committee shall, in consultation with the member, arrange an alternative date for attendance.
- 13.4 Where, in exceptional circumstances, an officer is unable to attend on the required date, the Head of the Paid Service shall in consultation with the Scrutiny Committee arrange an alternative date for attendance.
- 13.5 There is a protocol for anybody being asked to assist the Scrutiny Committee with its work. This is attached at Appendix 6B to these rules.

13. Attendance by Others

- 14.1 The Scrutiny Committee may invite people other than those people referred to in the above paragraph 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 such people to attend. Attendance is, of course, entirely optional.

14. Call-In

- 15.1 When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, the decision will be sent to all members of the Council and shall be available at the main offices of the Council normally within 2 days of being made.
- 15.2 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 2 working days after the publication of the decision, unless the Scrutiny Committee objects to it and calls it in.
- 15.3 During that period, the Executive Head of Strategy, People and Democracy shall call-in a decision for scrutiny by the Scrutiny Committee if so requested in writing by no fewer than two members of the Council, representing at least two political groups. The request for a call-in must contain in writing the detailed reasons why the decision has been called-in. The members of the Council requesting a call-in must attend the Scrutiny Committee, called for that purpose, in order for the matter to be considered by the Committee.
- 15.4 The Executive Head of Strategy, People and Democracy shall then notify the Cabinet or the decision taker of the call-in. He/she shall call a meeting of the Scrutiny Committee on such date as he/she may determine, where possible after consultation with the chair of the Committee, and this will normally be within 5 working days of the decision to call-in.

- 15.5 If Scrutiny Committee does not refer the matter back to the decision making person or body, the decision shall take effect from the date of the Scrutiny Committee. If Scrutiny Committee does not meet, the decision shall take effect 6 working days after the decision to call-in.
- 15.6 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 or refer the matter to Council. If referred to the decision maker, he/she shall then reconsider the matter as soon as possible, amending the decision or not, before adopting a final decision.
- 15.7 If the matter was referred to 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, 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.
- 15.8 If the Council does not meet, or if it does but does not refer the decision back to the decision making person or body, 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.
- 15.9 A matter may not be called-in if it is a matter which has already been considered by the Scrutiny Committee or if the decision is urgent and any delay would prejudice the interest of the Council or the public in the opinion of the Monitoring Officer.
- 15.10 Once a decision making body or person has reconsidered the matter following call-in, no further call-in of that matter will be allowed.

15. Whipping

- 16.1 Applying the party whip can be defined as any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council, or any Committee or Sub-Committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.

The Party Whip

- 16.2 When considering any matter in respect of which a member of the 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.

16. Procedure of Scrutiny Committee Meetings

- 17.1 The Scrutiny Committee shall consider the following business –
- a) public questions
 - b) declarations of interest (including whipping declarations);
 - c) the response of Cabinet or other Committees to scrutiny reports of past decisions, if the Monitoring Officer is of the opinion that the reports' recommendations have not been substantially accepted;
 - d) the business otherwise set out on the agenda for the meeting.
- 17.2 Where the Scrutiny Committee or Select Committee conduct 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 can 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;
 - c) that the investigation be conducted to maximise the efficiency of the investigation or analysis.
- 17.3 Following any investigation or review, the Committee shall help prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

18. Select Committees

- 18.1 Where appropriate, these Rules shall apply to meetings and the conduct of business of any Select Committee established by the Council, the Cabinet or the Scrutiny Committee.

Terms of Reference of the Scrutiny Committee

1. To have a general remit to maintain an overview of the discharge of the Council's executive functions, and to have the right to scrutinise any decision made by the Cabinet or by Council officers, or to review the Council's policy making or decision making processes.
2. To have the right to review Council policies.
3. To receive requests from the Council and the Cabinet for reports on particular matters and to approve an annual overview and scrutiny work programme.
4. To have authority to require any member of the Council or any Chief Officer of the Council to assist in its work by attending at a meeting of the Committee, by supplying information or by other means.
5. To consider all reports on maladministration issues.
6. To consider Service Plans and the arrangements for complying with Best Value requirements.
7. To have the powers of a scrutiny committee in relation to executive decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000.

**GUIDE FOR PEOPLE ATTENDING SCRUTINY MEETINGS
AT NORWICH CITY COUNCIL**

Scrutiny is the way that the decisions and policies the Council make can be reviewed. Scrutiny can also be asked to assist with policy development

Assisting the Scrutiny Process

From time to time, the Scrutiny Committee may decide to ask people to assist in its work.

Council employees, representatives of organisations and individuals can be asked to come to a meeting to give their views, share their expertise and answer questions.

The formal arrangements for Members, senior managers and employees of the Council to attend Scrutiny are covered in the Council's Constitution.

People outside of the City Council who are invited will be advised that, although taking part in Scrutiny can be demanding, it is a vital part of local democracy and an important service to the community.

For anybody being asked to assist the Scrutiny Committee with its work the following protocol will be followed –

The Scrutiny Committee will identify the subject area to be considered and identify people who might assist with this work. The Committee will agree the issues to be explored with the people invited to assist.

The Executive Head of Strategy, People and Democracy will agree a set of questions with the Chair, Vice Chair or other member/s nominated by the Committee. The questions should be focussed on matters of fact and/or explanation.

The Executive Head of Strategy, People and Democracy will send an invitation to people invited to attend giving as much notice as possible and no less than 14 days. The letter will set out the purpose of the review, the areas the Committee would like to explore and, if applicable, the agreed list of questions.

Everyone attending to assist Scrutiny Committee will be treated with courtesy and respect at all times. Every effort will be made to ensure that the items are heard at an agreed time.

The Committee will follow the agreed questions that should be focussed on matters of fact and/or explanation. Supplementary questions will be limited to points of clarification.

When employees have been invited they will be asked only about matters of fact and will not be asked to express a personal opinion. Policy issues are matters for Members.

The letter of invitation and the Chair's introduction will make it clear to everyone attending to assist the Committee that they should tell the Chair of the meeting if they are asked a question that they feel is unfair, that they are not the right person to answer it, that they would like more time to think about it and ask someone else's advice.

Confidentiality

The Scrutiny Committee meets in public, unless there are very exceptional circumstances. Therefore, there might be members of the public in the meeting, as well as journalists who can report anything that is said in public during a committee meeting. The written reports and minutes are also public documents, which any member of the public is entitled to read.

If there is any reason why someone would like to give their views in private, or would want a written statement to be confidential they should tell the Head of Law and Governance when accepting the invitation.

After the Meeting

Everyone who assisted the Committee will be sent a copy of the minutes of the meeting.

If the process ends in a report, which could go to the Cabinet or to the Council for a decision on further action, people who have assisted the Committee will be advised when the report is posted on the Council website and provided with a paper copy if requested.

Expenses

The City Council will reimburse reasonable expenses incurred by anyone invited to attend such as travel costs and, in some cases, child or other carer's costs. The Executive Head of Strategy, People and Democracy will include details of expenses in the letter of invitation.