

## Part Three - Chapter 9 - Rights of the Scrutiny Panels

### General

- 9.1 This procedure defines the operational rights and the rights of access to information of the Scrutiny Panels. It is to be read in conjunction with these other related sections of this Constitution – Part One, Chapter 16, Appendix 6 & Part Three, Chapter 1.
- 9.2 In any case where a Scrutiny Panel undertakes a review which has an effect on any other Scrutiny Panel, the Chairman of that Scrutiny Panel will be entitled to attend its meeting when the matter is to be discussed.

### Areas of activity

- 9.3 All Scrutiny Panels will have the right to be involved in and consulted on: -

#### **Policy Formulation**

Where the Council gives instructions to the Executive to undertake development of a new policy, it will be deemed to include an instruction to consult with the relevant Scrutiny Panel during development of the new policy.

In conjunction with the relevant portfolios specific service responsibilities each Scrutiny Panel can be assigned work to deliver priorities to the Corporate Vision.

#### **Policy Scrutiny**

After initial consideration by the Executive and before submission of any report by the Executive to the Council, details of any policy reviews will be supplied to the relevant Scrutiny Panel. The Scrutiny Panel will agree, and consult on any timescales for which policy reviews are conducted.

The Scrutiny Panels have the right to hold the relevant Executive Member and Senior Officers to account in delivering assigned work on the priorities of the Corporate Vision.

#### **Call-in**

Where any decision of the Executive is referred to the relevant Scrutiny Panel by not less than three non-executive members of the Council, in accordance with the call-in procedures set out in Part Three, Chapter 10 of this Constitution (in which case the decision would not have been implemented), the relevant Scrutiny Panel will: -

- unless agreed otherwise, meet within ten working days of the request made for the purpose of reviewing the Executive's decision
- make such arrangements as the Chairman of the relevant Scrutiny Panel, in consultation with the Chief Executive Officer, deems necessary to enable the Scrutiny Panel to carry out an objective review of the Executive's decision

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- unless agreed otherwise, ensure that within seven working days of the completion of the review, the outcome is reported to the Executive
- where the relevant Scrutiny Panel determines that the Executive's decision should be referred to the Council, unless agreed otherwise make such arrangements as are necessary to call a special meeting of the Council within fourteen working days.

9.4 The Policy and Resources Scrutiny Panel will have the right to be involved in and consulted on: -

### **Budget Setting**

As set out in the Budget and Policy Framework Procedure Rules set out in Part three, Chapter 4 of this Constitution.

### **Reports**

- 9.5 As legislation prescribes, when a Scrutiny Panel has finalised its views on any issue, it will submit its report on that issue to the Proper Officer. The Proper Officer will arrange for the Council, the Executive, an Executive Member, an Ordinary Committee or an officer, as appropriate, to consider that report within one month of its receipt.
- 9.6 In any case where the Executive, Executive Member, Ordinary Committee or officer does not respond in writing within one month, the report will be submitted to the next ordinary meeting of the Council.

### **Access to information**

- 9.7 In order to enable the Scrutiny Panels to undertake their duties under the terms of this procedure, the Scrutiny Panel will have access in good time to: -
- a) all reports and supporting papers, including exempt information, considered by the Executive as soon as practicable after the Executive has reached a decision;
  - b) supporting papers, including documents prepared or supplied by officers, which had an effect on the decision taken, including any papers containing information about options rejected by the Executive; and
  - c) such other information and reports as the Scrutiny Panel may request Directors or Chief Officers to supply or prepare, subject to the right of the Chief Executive Officer to refer the need for such work to the Council for agreement.
- 9.8 Members of the Scrutiny Panels must respect the confidentiality of confidential and exempt information and will not provide or disclose it to any person who is not a Councillor.
- 9.9 Notwithstanding the provisions of the Code of Conduct for Members and S.O.39 of Standing Orders with Respect to Meetings, co-opted non-voting members of the

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Scrutiny Panels who are co-opted for the consideration of specific business or for a specified period only, such appointment being less than a full municipal year, shall not be entitled to receive copies of reports relating to other business of the Scrutiny Panel containing information which is exempt or confidential under the Local Government Act 1972 and nor shall such business be discussed in their presence.

- 9.10 The Scrutiny Panels will not automatically be entitled to have access to:
- a) any document that is in draft form, or
  - b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

### Attendance of Executive Members at Scrutiny Panel meetings

- 9.11 When considering any decision taken by the Executive, the Scrutiny Panel will have the right to require the decision-maker, or a member of the Executive where the decision was taken at an Executive meeting, to attend any meeting called to review the decision of the Executive.
- 9.12 Reasonable notice of the date, time and location of the meeting and of the issues to be discussed will be given to the decision maker, or the Executive Leader if the decision was taken at a meeting of the Executive.
- 9.13 A decision of the Executive that is called in will not be implemented until such time as the member of the Executive or its representative has attended a meeting of the Scrutiny Panel or the Scrutiny Panel has reported on the decision to the Council at its next ordinary meeting.
- 9.14 The Scrutiny Panel may request copies of information or documents to enable it to review a decision of the Executive. If such papers have not been supplied at least two days prior to the meeting of the Scrutiny Panel, the Executive's decision will stand deferred to a further meeting of the Scrutiny Panel, which will be arranged as soon as practicable.

### Attendance of officers at Scrutiny Panel meetings

- 9.15 The Scrutiny Panel will be entitled to require any officer to attend its meetings who: -
- a) took a decision on behalf of the Executive;
  - b) was involved in providing information to enable a decision to be reached by another officer or by the Executive, or
  - c) has some material information that will assist the Scrutiny Panel in reviewing the decision.
- 9.16 Reasonable notice of the date, time and location of the meeting and of the issues to be discussed will be given to the officer requested to attend the meeting. A copy of the notice will also be sent at the same time to the appropriate Director or Chief Officer.

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- 9.17 Where any officer fails to attend a meeting of the Scrutiny Panel without good cause, he/she may be subject to action under the Council's disciplinary rules.
- 9.18 In determining which officers to call to provide information, the Scrutiny Panel will have due regard to the seniority of officers and will normally only invite those officers to give evidence who hold supervisory and management posts.
- 9.19 Officers will only be required to give evidence on questions of fact when called to attend meetings of the Scrutiny Panel. They will not be expected, or required, to comment on the merit of any options considered by the Executive or to justify the decision reached, except insofar as the decision being reviewed is that taken by the officer.

### Attendance of other persons at Scrutiny Panel meetings

- 9.20 Where the Scrutiny Panel considers it necessary, to enable it to undertake a review of any matter coming before it, it will: -
- a) be entitled to call any person who is not a councillor or officer to provide information to assist in its deliberations;
  - b) make reasonable travel and subsistence payments to any such persons attending meetings for the purpose of providing information.

### Additional support

- 9.21 The Scrutiny Panel will be entitled to appoint a consultant, other person or organisation to undertake research or other tasks on its behalf, subject to budget provision having been made for that purpose or such other amount as may be agreed by Council.

### Variation of procedure

- 9.22 This procedure may be amended at any time by Council on a recommendation from the Executive, following consultation with the Council's Scrutiny Panels and, as appropriate, Ordinary Committees.

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