

13. Scrutiny Committee procedures

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13.1 Number of scrutiny committees

Council has appointed one Scrutiny Committee.

13.2 Membership of the Scrutiny Committee

(a) Members of the Scrutiny Committee

The Scrutiny Committee has twelve members. The number of members from each political group will be in proportion to its size.

Members of the Scrutiny Committee and their substitutes must be councillors but they cannot be members of the Cabinet.

(b) Conflicts of interest

Members of the Scrutiny Committee should not scrutinise decisions they have made but such occurrences will be rare because no member of the Cabinet can be a member of the Scrutiny Committee.

(c) Substitutes

Members of the Scrutiny Committee can send other councillors as substitutes. These will have the powers of an ordinary member of the committee.

Substitutions must be for a whole meeting. A councillor cannot take over from their substitute or hand over to them part of the way through. There is one exception to this: a member of the committee may not send a substitute to a meeting at which a scrutiny review is being conducted and which will continue to be conducted at a subsequent meeting.

If a councillor wants to send a substitute, they must tell the Head of Law and Governance the name of their substitute before the meeting.

Substitutes cannot appoint substitutes of their own. Substitutes cannot be members of the Cabinet. Substitutes cannot be appointed to attend meetings of a panel or review group established by the Committee.

(d) Procedures when a Councillor resigns from the Scrutiny Committee

A councillor can resign from a committee by writing to the Head of Law and Governance. A replacement member will be appointed at the next Council meeting.

(e) Procedure when a Scrutiny Committee member stops being a councillor

If a Scrutiny Committee member stops being a councillor, a replacement member will be appointed at the next Council meeting.

13.3 Co-opted members of the Scrutiny Committee

The Scrutiny Committee can appoint non-voting co-opted members to serve for a specific policy review or until the next annual Council.

13.4 Scrutiny Committee meetings

The Scrutiny Committee meets on dates set by Council. If it needs to have extra meetings, it sets the dates of these meetings itself.

The Head of Law and Governance or the Scrutiny Committee itself can decide to call a special meeting.

The Head of Law and Governance can be instructed to call a special meeting by the chair of the Scrutiny Committee or any four Councillors. The instruction must be in writing and must describe the business to be done.

The Head of Law and Governance will consult the chair about the time and place of a special meeting.

Special meetings will only deal with the business they have been called to deal with.

If a Scrutiny Committee has nothing to do at one of its fixed meetings, the Head of Law and Governance can cancel it after consulting the chair.

13.5 Quorum

The quorum for the Scrutiny Committee is four.

13.6 Chair and Vice Chair of Scrutiny Committee

(a) Election of Chair and Vice Chair

The Scrutiny Committee will elect a Chair and Vice Chair from among its voting members at the first meeting after annual Council. The chair of the Scrutiny Committee must be an opposition councillor.

(b) Resignation of Chair or Vice Chair

If a councillor wants to resign as Chair or Vice Chair, they must write to the Head of Law and Governance. A new Chair or Vice Chair will be elected at the Committee's next ordinary meeting.

13.7 Programme of work

The Scrutiny Committee sets its own programmes of work but must review anything it is asked to review by Council (13.8(c)).

13.8 Agenda

(a) Putting items on the agenda

Any councillor can put an item on the Scrutiny Committee agenda if they write to the Head of Law and Governance 10 working days before the meeting. The item must be relevant to the Scrutiny Committee.

(b) Speaking on agenda items

Any member of the public and any councillor who is not a member of the Scrutiny Committee can speak on an agenda item if the Chair agrees. The Chair will decide how long they can speak for.

(c) Requests for reviews from Council

The Scrutiny Committee must review anything Council asks it to review as soon as it can make space in its programme of work.

(d) Requests for reviews from the Cabinet

The Scrutiny Committee can (but does not have to) review things the Cabinet asks it to review.

13.9 Policy review and development

The Scrutiny Committee's role in developing the budget and policy framework is referred to in Part 16.2.

In areas that are not covered by the budget and policy framework, the Scrutiny Committee can suggest policies for the Cabinet to develop.

The Scrutiny Committee can hold inquiries and consider future policy. This may involve appointing advisers, inviting witnesses, making site visits, holding public meetings, commissioning research or doing anything else that is necessary.

13.10 Reports on scrutiny reviews

(a) Committee report

At the end of each policy review, the Scrutiny Committee will send a report to the Cabinet (if it is about executive responsibilities) or to Council (if it is about Council responsibilities).

(b) Minority report

For each policy review, there can be a minority report giving any dissenting views. The Cabinet or Council will consider the minority report at the same time as the committee report.

(c) Which report is the committee report and which is the minority one?

Each committee member can sign one report but no more than one. The report with the most signatures will be the committee report.

(d) Timing

Once a report reaches the Head of Law and Governance:

- The Cabinet must consider it at its next ordinary meeting if it is about executive responsibilities
- Council must consider it at its next ordinary meeting if it is about Council responsibilities.
- In each case if the next meeting is within seven clear working days of the report reaching the Head of Law and Governance then the report will go to the next meeting after that.

13.11 Arrangements for the Cabinet to comment on reports to Council

When the Scrutiny Committee sends a report to Council, the Head of Law and Governance will send a copy to each member of the Cabinet. Council must consider Cabinet member comments on anything that affects the budget and policy framework.

13.12 Scrutiny Committee members' rights to see documents

Scrutiny Committee members' rights to see document are set out in Part 15.11.

13.13 Duty of Cabinet members and officers to attend the Scrutiny Committees

(a) Duty to attend

The Scrutiny Committee can require members of the Cabinet and officers in the senior management structure (Part 9.1) to attend meetings and answer questions about:

- their performance
- decisions they were involved in
- the extent to which they have followed the budget and policy framework

The Scrutiny Committee can also require Cabinet Members and their advisors to attend and answer questions about shareholder decisions relating to companies wholly or partly owned by the Council and the performance of those companies.

(b) Procedure for attending

The Head of Law and Governance will tell the councillor or officer that they are required to attend, what it is about and whether they need to produce a report or provide papers.

The councillor or officer must be given reasonable time to compile information.

13.14 Whipping

Political groups should not pressure their members over how they speak or vote at Scrutiny Committee meetings.

13.15 Order of business at the Scrutiny Committee

The order of business will be:

- Election of Chair (at the first meeting after annual Council or after the post becomes vacant or if the Chair and Vice Chair are absent)
- Election of Vice Chair (at the first meeting after annual Council or after the post becomes vacant)
- Apologies for absence
- Declarations of interest
- Minutes of previous meeting
- Any decisions that have been called in
- Scrutiny work plan
- Cabinet responses to Scrutiny recommendations
- Anything else on the agenda
- Dates of future meetings

The Chair has the discretion to amend the order of the agenda items.

This order can be suspended if at least half of all the voting members are present and there is a simple majority in favour. It can only be suspended until the end of the meeting.

13.16 Guest speakers at Scrutiny Committee

Guest speakers should be treated with politeness and respect.

13.17 Gaps in these procedures

If there is a gap in these procedures, the Chair will decide what to do.

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