PART 4E - SCRUTINY PROCEDURE RULES

This section includes changes approved by Council on 17 May 2012.

RULE 1 – The number and arrangements for Scrutiny Committees

The Council will have Scrutiny Committees as set out in Article 7 appointed in accordance with this Constitution.

RULE 2 – Quorum

The quorum of every Scrutiny Committee shall be three.

RULE 3 – Dates of meetings

a. Scrutiny Committees

The dates of Committees and Sub-Committees shall be set by the Monitoring Officer in consultation with the Head of Paid Service and Chairs and Vice Chairs and an agreed programme of dates shall be presented to Annual Council for confirmation.

b. Variation of dates

The date and/or time of any ordinary meeting of a Scrutiny Committee may be varied or cancelled by the Monitoring Officer in consultation with the Chair and Vice-Chair of the Committee, provided that any variation shall be reasonable and compatible, so far as is practicable, with the cycle of meetings as agreed by the Council.

RULE 4 – Special meetings

In addition to the dates of meetings agreed by a Committee at its first ordinary meeting in the municipal year, any Scrutiny Committee / Commission may be summoned specially if so required by either:-

(i) The Chair after consultation with the Vice-Chair; or

(ii) A written request to the Monitoring Officer signed by three members of the Committee.

The agenda of a special meeting shall include declaration of interests, plus the item(s) for which the special meeting has been called. Matters of other urgent business may be transacted at the discretion of the Chair and Vice-Chair.

RULE 5 – Notice of meetings

Notice of the time and place of a Scrutiny Committee meeting shall be published by the Monitoring Officer at the Council's offices at least five clear days before the meeting unless a special meeting is called within five days in which case the required notice must be given as soon as the special meeting is called. (Five clear days excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays.)

RULE 6 – Absence of Chair from a meeting

a. Where the Chair is absent from a meeting the Vice-Chair shall take the Chair's place.

b. Should the Chair arrive at a meeting which is in progress with the Vice-Chair presiding over the meeting, the Chair shall, from a convenient point, preside over the meeting.

c. Where there is no Chair or Vice-Chair present, the Committee shall elect one of their number to preside over the meeting. If at such a meeting, the Chair or Vice-Chair arrives after the meeting has started s/he shall, from a convenient point, preside over the meeting.

RULE 7 – Attendance at meetings by Councillors and others who are not members of that Committee

a. A Councillor may attend a meeting of a Scrutiny Committee of which s/he is not a Member, and with the prior approval of the Chair s/he may be invited to sit at the meeting table and speak by the Committee on a specific item but may not vote on any item on the agenda, subject to the following:-

(i) Where a Councillor has an interest in any item of business, s/he shall declare the interest and will be bound by the same rules of procedure as if a member of the Committee.

(ii) The right to attend shall not apply to any part of a meeting during which a report is considered which contains exempt or confidential information of a description which does not require the report to be open to inspection, in accordance with the Access to Information Procedure Rules unless the Councillor requires access to the meeting during consideration of such an item in order to properly carry out his/her duties as a Councillor, in accordance with this Constitution.

RULE 8 – Attendance at meetings by members of the public

Members of the public are welcome to attend Scrutiny meetings and meetings will be conducted in an open manner.

The Committee Chair may invite members of the public or interested parties to attend or speak at a Scrutiny meeting to provide information, opinion or expert

advice where the Committee considers that to do so will assist in performance of the Committee's functions.

A member of the public may make a request to be allowed to speak by the Chair in advance of the meeting.

The Chair shall at all times make clear to the member of the public and the meeting the extent to which they may participate in the meeting.

If a formal officer response is requested at the meeting the question / representation / statement of case should be submitted in advance of the meeting under the process identified in Rule 10. Otherwise a formal officer response will only be prepared where this is resolved by the meeting.

No topic raised by a member of the public shall be accepted:-

(a) from or on behalf of a political party or organisation or in connection with the activities and aims of such a party or organisation;
(b) from a staff group, which instead should use the proper procedures, such as through management and trades union representatives;
(c) in relation to an individual's particular circumstances;
(d) about any matter where there is a right of appeal to the courts, a tribunal or to a government minister or on any matter which, in the opinion of the Monitoring Officer, is of a quasi-judicial nature;
(e) which contains abusive, defamatory or offensive language;
(f) or relates to a specific and identifiable person.

RULE 9 – Petitions and questions at Scrutiny Committee Meetings

(a) <u>PETITIONS</u>

(i) <u>Referred from Council</u>

Where a petition has been referred to a Scrutiny Committee by the Council that Committee shall consider a report on the action taken as soon as practicable and in any case not later than at the second ordinary meeting after the Council meeting at which the petition was presented.

(ii) <u>Petitions Presented to Committee</u>

(a) The Committee shall only receive petitions which comply with the Council's Scheme for Petitions,

(b) Petitions shall be presented to the Committee in the order in which they have been received with petitions presented by members of the public taking precedence.

(c) The reading of the subject matter shall not be of excessive length.

(d) If, subsequent to the meeting, it becomes apparent that the petition is more relevant to some other Committee, it may instead or also be submitted by the Monitoring Officer to that Committee.

(e) If the petition is presented at the same Committee meeting at which there is a report on the agenda on the same subject, a Councillor may propose that the petition be considered with the report.

(f) Further to the presentation of a petition, a report shall be submitted to the Committee on the action taken as soon as practicable.

(iii) <u>Petitions Presented to a Director</u>

A petition received by a Director shall be referred to the appropriate Committee.

RULE 10 – Questions, representations and statements of case

This rule shall apply where a detailed response is required at the meeting.

Questions, representations and statements of case:

(a) Should be received by the Monitoring Officer not later than five clear days before the meeting. (Five clear days excludes the day of receipt, the day of the meeting, Bank Holidays, Saturdays and Sundays). The notice shall be signed and shall include the questioner's address. The Monitoring Officer shall decide at which Committee an issue shall be addressed.

(b) At the meeting, matters will normally be discussed in the order in which they have been received

(c) Where the person who gave notice of the topic does not wish personally to address the Committee s/he may have a friend do so on her/his behalf, provided that the Monitoring Officer is notified prior to the meeting.

(d) Where the person presenting is not present at the meeting when the appropriate point is reached on the agenda a written response will be sent to the person who submitted the request.

(e) At the meeting, the Chair shall notify the member of the public the extent to which they may participate in the meeting

(f) The name of the person who gave notice of the topic, the text of the question and a summary of the representation, statement of case or response shall be recorded in the Minutes.

(g) The Chair of the meeting will manage the process in order to balance the principles of openness with the need to ensure the efficient operation of the meeting.

No topic raised by a member of the public shall be accepted:-

(a) from or on behalf of a political party or organisation or in connection with the activities and aims of such a party or organisation,
(b) or from a staff group, which instead should use the proper procedures, such as through management and trades union representatives;
(b) in relation to an individual's particular circumstances;
(c) about any matter where there is a right of appeal to the courts, a tribunal or to a government minister or on any matter which, in the opinion of the Monitoring Officer, is of a quasi-judicial nature;
(d) which contains abusive, defamatory or offensive language;
(e) or relates to a specific and identifiable person.

Rules 9 & 10 applies to Councillors who are not members of the relevant Scrutiny Committee.

RULE 11 – Procedure at meetings

a. The procedure to be followed at a Scrutiny Committee meeting shall be in accordance with these Rules, but where a point of procedure arises which is not covered, the matter shall be determined by the person presiding at the meeting. Such rulings shall not be challenged at any meeting.

b. In determining procedure, the person presiding shall have regard to the Council Procedure Rules for the conduct of meetings and debate.

RULE 12 – Education representatives

The Children, Young People and Schools Scrutiny Commission (or relevant Scrutiny Committee dealing with education matters) shall include in its membership such co-opted voting members as are required by statute. The Council shall determine such membership from time to time and review this at its annual meeting.

A relevant Scrutiny Committee in this paragraph is a Scrutiny Committee of the Council where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the Council's executive. If the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, although they may stay in a meeting and speak.

RULE 13 – Agenda items

a. Any member of a Scrutiny Committee / Commission may place an item within its terms of reference on its next agenda by giving at least three weeks notice to the Monitoring Officer of the item and why the Committee is being asked to consider it.

b. This right does not apply when the matter has been considered and determined by the Council or a Scrutiny Committee / Commission has decided not to further pursue the matter, within the preceding six months.

c. The item shall be considered in accordance with the Political Conventions in Part 5 of the Constitution.

RULE 14 – Urgent business

The Chair of a meeting can decide to accept an urgent item on to the agenda where, in their opinion, the item should be considered as a matter of urgency because of special circumstances which shall be specified in the minutes.

RULE 15

No video, film, sound recording, photographic or like equipment shall be used during any Scrutiny Committee / Commission without the consent of the Chair of the meeting.