

Section 10

Procedure Rules for Scrutiny Committees

- 1. Procedural Matters relating to Scrutiny**
 - 1.1 The role and function of Scrutiny
 - 1.2 Number and arrangements for Committees/Panels
 - 1.3 Membership
 - 1.4 Co-opted Members
 - 1.5 Frequency of meetings
 - 1.6 Order of Business and Rules of Debate
 - 1.7 Chairmen/Vice-Chairmen
 - 1.8 Terms of Reference
 - 1.9 Reports and Workload
 - 1.10 Review Panels
 - 1.11 Call in Procedure
 - 1.12 Joint working/matters which overlap
 - 1.13 Relationship to the Forward Plan
 - 1.14 The Party Whip
 - 1.15 Public Speaking at Scrutiny Committees

- 2. Appendix A, Scheme of Voting Rights for Co-opted Members to Wyre Forest District Council Scrutiny Committees**
 - 2.1 Definitions
 - 2.2 The Ethos of the Scheme
 - 2.3 Voting Protocol of the Scheme
 - 2.4 General Principles

- 3. Appendix B, Public Speaking at Scrutiny Committees - Code of Practice**

- 4. Appendix C, Protocol for the establishment of Scrutiny Review Panels**



Procedure Rules for Scrutiny Committees

1.1 The Role and Function of Scrutiny

A key function of the Overview and Scrutiny Committee is to hold the Cabinet to account for the discharge of its functions. This has four principal elements:

- (1) Scrutinising decisions which the Cabinet is planning to take (for example those on the Forward Plan)
- (2) Scrutinising Cabinet decisions before they are implemented (the call-in mechanism).
- (3) Scrutinising Cabinet decisions after they have been implemented, whether shortly afterwards or as part of a wider review of policy, to measure their effect.
- (4) Reviewing service performance.

The Overview and Scrutiny Committee will regularly review the Forward Plan with a view to deciding which, if any, of the forthcoming decisions they wish to enquire into. Such enquiry may consist of questioning members of the Cabinet and Officers and seeking the views of local stakeholders and other interested parties. The Cabinet should take into account any views expressed by the Overview and Scrutiny Committee when determining final decisions.

The following are the procedure rules for Scrutiny Committees:

1.2 Number of and Arrangements for Committee/Panels

There will be one Scrutiny Committee to be named the Overview and Scrutiny Committee.

1.3 Membership

- (1) Any Councillor who is not a Cabinet Member may be appointed by Council to be a member of the Overview and Scrutiny Committee.
- (2) Substitutes are only allowed on Overview and Scrutiny in exceptional circumstances.

1.4 Co-opted Members

The Overview and Scrutiny Committee may wish to appoint Co-Opted Members to sit on their meetings in order to add value to the scrutiny process.

To appoint a Co-Opted Member, the Committee must first agree to appoint either a specific person or to approach a relevant organisation to request that they put forward a suitable representative (e.g. the local Police Authority).



Co-opted Members may be appointed for a specific topic, or for all topics.

The Committee will decide whether to allocate voting rights to the Co-Opted Member in accordance with the Scheme of Voting Rights for Co-Opted Members at Appendix A to Section 10 of the Constitution.

Democratic Services will then contact the person/organisation to invite the Co-Option of the Member, which will last no longer than the remainder of the municipal year.

The Overview and Scrutiny Committee can at any meeting agree to terminate the Co-Option of a Co-Opted Member with immediate effect.

Where an organisation is appointed to put forward a Co-Opted Member, they are able to send a substitute in exceptional circumstances, provided that they notify Democratic Services in advance.

Co-Opted Members must sign up to the Members Code of Conduct before attending their first meeting, failure to sign will mean that they are unable to participate. This also applies to substitute Co-Opted Members, who will need to allow sufficient time before a meeting in order to sign the Code of Conduct.

1.5 Frequency of Meetings

Meetings of Committees will be held in accordance with the calendar of meetings agreed at the Annual meeting of Council. Special meetings of the Overview and Scrutiny Committee may be called if necessary.

1.6 Order of Business and Rules of Debate

The meetings shall accord with the Council's Standing Orders.

1.7 Chairmen/Vice Chairmen

The Chairmen and Vice Chairmen of the Committee(s) will be appointed at the Annual meeting of Council. An opposition Member will Chair the Overview and Scrutiny Committee.

1.8 Terms of Reference

Full Terms of Reference are set out in Section 5 of this Constitution.

1.9 Reports and Workload

The Overview and Scrutiny Committee will identify at the beginning of each Municipal Year a programme of work for the forthcoming year. The programme of work will be reviewed at regular intervals during the year.

Reports may be submitted to the Overview and Scrutiny Committee by one of the following routes:

- (1) Report referred to the Overview and Scrutiny Committee by Cabinet for



consideration.

- (2) Report submitted directly to the Overview and Scrutiny Committee as part of its work programme.
- (3) As a result of the 'Call In' procedure.
- (4) As a result of the Committee agreeing to a request in a Scrutiny Proposal Form.

The Overview and Scrutiny Committee may make recommendations or request reports be submitted to the Cabinet, or Council. The Committee may also establish time-limited Review Panels.

1.10 Review Panels

The Overview and Scrutiny Committee may delegate part or all of a review to a Review Panel convened for the purpose. Review Panels may meet formally or informally at any location to collect and consider evidence. Once the Review Panel has completed the tasks delegated by the Committee, it will disband.

Except in the case of the Local Plans Review Panel and any other review panel where full Council appoints the chairman, the chairman of each review panel shall be appointed by the Overview and Scrutiny Committee from among the members of that Committee.

A protocol for the establishment of Review Panels is attached in Appendix C.

1.11 Call in Procedure

Decisions of the Cabinet may be 'called-in' in accordance with the following procedure:-

- (1) Following the meeting of the Cabinet, decisions will be published no later than three working days and publication shall be deemed on the 3rd working day (the Deemed Publication date) and circulated to all Members.
- (2) The decision will come into force five working days from the Deemed Publication date unless it is "called in" by the Overview and Scrutiny Committee.
- (3) The Overview and Scrutiny Committee has the power to 'call-in' for scrutiny decisions made by the Cabinet but not implemented and recommend that they are reconsidered, reviewed or scrutinised.
- (4) The call-in procedure can be triggered by any three non-Cabinet Members and the Chairman or Vice-Chairman of the Overview and Scrutiny Committee by giving notice to the Solicitor to the Council. A decision must be called in within three working days of the publication of the Decision Notice. (The call-in period is specified on the Decision



Notice). With few exceptions, all decisions can be called in but the Committee cannot overturn a decision. It can refer the matter back to the Cabinet for a review in the light of comments made by the Committee. The Overview and Scrutiny Committee may also refer items to Council in certain circumstances.

- (5) Call-in allows an issue to be discussed in a public forum and should be carried out in a way that adds value to the decision-making process.
- (6) The Overview and Scrutiny Committee may use the power to refer any matter called in and referred to scrutiny to full Council if:
 - (i) The Committee considers that the decision is contrary to the policy framework.
 - (ii) The Committee considers that the decision is contrary to or not wholly in accordance with the budget.
 - (iii) Otherwise there is a difference of opinion between the Committee and the Cabinet.
- (7) If a decision is “called in”, implementation of the decision will be suspended for up to 2 weeks from the date of call in of the decision within which time the Overview and Scrutiny Committee may meet to decide whether to exercise the powers in Section 21(3) of the Local Government Act 2000 to recommend that a decision be re-considered by the person or body who made the decision or to recommend that the full Council consider whether that person or body should reconsider the decision.
- (8) The appropriate decision-maker must reconsider the decision and decide if the Overview and Scrutiny Committee exercises its Section 21(3) powers, whether or not to change it, before adopting a final decision.
- (9) If the decision-maker is not minded to reconsider the decision the Overview and Scrutiny Committee may, in specified circumstances, refer the matter to the Council where the decision and the reasons for it will be reconsidered. A Scrutiny Committee can only refer a decision to Council if it is a decision that will have a serious and long-term budgetary effect on the Council.
- (10) If the Cabinet needs to take an urgent key decision, the consent of the Overview and Scrutiny Committee Chairman must be obtained. If the Scrutiny Chairman is unable to act the Chairman of the Council or, in his/her absence, the Vice-Chairman of the Council must give consent. Such decisions will not be subject to the call-in procedure.

1.12 Joint Working/matters which overlap

Where there are two or more Scrutiny Committees and a matter overlaps their



areas of responsibility, this will not limit the area of responsibility of either Committee, but the Chairmen of the respective Scrutiny Committees may wish to discuss how the matter will be considered and if necessary, arrange a joint meeting of the Committees or the establishment of a Review Panel to discuss the matter.

1.13 Relationship to the Forward Plan

The Local Authorities (Cabinet Arrangements) (Access to Information) (England) Regulations 2000 require authorities to publish a Forward Plan giving details of key decisions which will be taken in the forthcoming four months. If however, key decisions have to be taken and they have not been included in the Forward Plan the following must be taken in to account:

- (1) If key decisions need to be taken and timing means it is unfeasible to include them on the Forward Plan, the decision maker or relevant committee to whom the decision has been delegated may make the decision provided at least five clear days notice is first given to the Overview and Scrutiny Committee Members and the public.
- (2) In rare cases, where it might be necessary to make an urgent decision with less than five clear days notice the decision-maker must obtain agreement from the Chairman of the Overview and Scrutiny Committee (or in his/her absence the Chairman of the Council or in their absence the Vice-Chairman of the Council) that the decision should be regarded as urgent. If the relevant person does not agree that the decision is urgent, then the decision may not be taken without five clear days notice for publication of the relevant papers. When an urgent decision is taken, it will need to be included in a quarterly report to Council, explaining the background to the decision and why it was urgent.
- (3) If a particular decision was not included in the Forward Plan or given notice as detailed above, but the Overview and Scrutiny Committee feels that it should have been, the Committee may require the Cabinet to make a report to the Council on the decision and obtain an explanation as to why it was not regarded as a key decision.

1.14 The Party Whip

When considering any matter in respect of which a Member of the Overview and Scrutiny Committee is subject to a party whip, the Councillor 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.

1.15 Public Speaking at Scrutiny Committees

Wyre Forest District Council has adopted The Code of Practice as detailed in Appendix B.



1.16 Annual Report

The Chairman of the Overview and Scrutiny Committee will report to Annual Council on the achievements of the Committee.

1.17 Officers

The Overview and Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.



2. Appendix A

The Scheme of Voting Rights for Co-opted Members to Wyre Forest District Council Scrutiny Committees

Wyre Forest District Council, in exercise of the powers conferred by Schedule 1 of the Local Government Act 2000, as amended by Section 115 of the Local Government Act 2003 has made the following scheme:

2.1 Definitions

- (1) The Council is Wyre Forest District Council.
- (2) Scrutiny Committees are any committee appointed pursuant to section 21 of Local Government Act 2000.
- (3) A co-opted Member is a member of the Overview and Scrutiny Committee who is not a member of the Council or Statutory Co-optee.

2.2 The Ethos of the Scheme

- (1) Overview and Scrutiny Committee may from time to time wish to draw on the expertise and knowledge of people within the community. In these circumstances, there may be occasions when to ensure and foster a sense of ownership, an active voice, inclusivity in the decision making process and improve decision making and a sense of 'partnership' Overview and Scrutiny Committee consider that such co-optees should be granted voting rights.
- (2) There will also be circumstances where Overview and Scrutiny Committee consider co-opting non-voting members will add value to the scrutiny process.

2.3 Voting Protocol of the Scheme

To recognise the overarching importance of the elected accountability of Council Members, the following Voting Protocol will be observed.

- (1) The total number of voting co-opted members on the Overview and Scrutiny Committee will not exceed 25% at any one time.
- (2) Co-opted members will exercise their voting rights in accordance with the Council's Standing Orders as set out at Section 7 of the Constitution.

Voting rights will not apply in the following matters of business:

- (1) Call-ins exercised under the relevant provisions of the Local Government Act 2000.
- (2) In setting recommendations to Cabinet regarding the budget.



2.4 General Principles

Co-opted members will be subject to the members' Code of Conduct and must sign a declaration of office and complete a Register entry of any relevant interests.



3. Appendix B

Public Speaking at Scrutiny Committees - Code of Practice

If there is an issue that the Overview and Scrutiny Committee is looking into that you feel particularly strongly about you have the opportunity to make your opinions known to the Committee in person.

If you decide that you would like to speak at a meeting, there are certain rules in place to ensure that as many people can be heard as fairly as possible:

- (1) If you wish to speak to the Committee about items included on the agenda, please contact the Democratic Services Officer whose name and details appear on the agenda by 12 noon the day before the meeting.
- (2) If you would like to circulate documents or photographs to support your discussion point, again please contact the Democratic Services Officer by 12 noon on the day before the meeting. The Chair will have discretion on items to be circulated.
- (3) When it comes to the item you would like to discuss, you will have the opportunity to speak for no more than three minutes. You will be allowed to ask the Committee one question and one supplementary question. The Chair of the meeting will let you know when you can speak.
- (4) You will be asked to give your name and provide details of any information that may be relevant to the item being discussed, e.g. the name of a group you may be representing.
- (5) Your comments must be relevant, and you must maintain respect for the members of the Committee and the meeting.
- (6) The Chair may intervene if they feel your comments are not relevant to the meeting, or inappropriate. If a large number of people wish to speak, it may not be possible for everyone to have the opportunity to speak because of the need to complete meetings within the allotted time. The Chair will have discretion over who can and cannot speak under these circumstances.
- (7) Up to five people who wish to speak on an item may address the Committee. If more than five people wish to speak they will be asked to agree amongst themselves nominated speakers.

When an issue is likely to be of interest to a particular group of people, or to a particular area of Wyre Forest, we will try to contact people or groups concerned to make sure their voices are heard by the Committee.

The agendas and reports for each scrutiny meeting are available on the Council's website five working days before the meeting itself. If you think one of the issues may be particularly relevant to you, and you would like to know more, please do not hesitate to contact Democratic Services on 01562 732928.



4. Appendix C

Review Panel Protocol

In order for a Scrutiny Review Panel to be established, it must be done so by agreement of the Overview and Scrutiny Committee.

There are several routes from which Review Panel requests may originate:

- Suggestion by a Councillor
- Recommendation by another Committee
- Recommendation from a Working Group
- Suggestion by an Officer

(1) Suggestion by a Councillor

In the case of a suggestion by a Councillor, the Member should complete a scrutiny proposal form and then submit it to Democratic Services.

The Democratic Services Officer will then meet with the Overview and Scrutiny Chairman to discuss and score the proposal against the scoring matrix. If the proposal scores 40 points or higher then the proposal will be put to the next meeting of the Committee.

(2) Recommendation from another Committee

Where another Committee recommends the establishment of a Scrutiny Review Panel, the Officer responsible for that Committee will inform the Democratic Services Officer of the recommendation and it will then be presented to the next meeting of the Overview and Scrutiny Committee.

(3) Recommendation from a Working Group

Where a working group recommends the establishment of a Scrutiny Review Panel, the procedure as part (2) will be followed, with the additional requirement that a Scrutiny Proposal Form must be completed, and then scored with the Overview and Scrutiny Chairman.

(4) Suggestion by an Officer

Suggestions for proposals from Officers will be handled in the same manner as those from Councillors, and will require the completion and submission to Democratic Services of a scrutiny proposal form.



Urgency

In exceptional circumstances issues may arise which require immediate scrutiny attention, and having to wait until the next Committee meeting to agree to a proposal could hinder effective scrutiny.

In these instances, the Officer, Councillor, or other Committee/Working Group should complete a Scrutiny Proposal Form and submit it to the Democratic Services Officer who will then contact the Overview and Scrutiny Chairman to discuss and score the item.

If the Chairman agrees that the item is urgent, and it scores sufficiently on the Scoring Matrix, the Democratic Services Officer will inform all members of the establishment of the review and request nominations for Membership.

Following the establishment of the review, a report will be submitted to the next meeting of the Overview and Scrutiny Committee which informs Members of the review and its estimated date of completion.

Process at Committee

The Chairman of the Overview and Scrutiny Committee will present Scrutiny Proposal Forms scoring over 40 points, and recommendations from other committees/working groups to the Overview and Scrutiny Committee for approval.

Following approval, Members will be asked to agree the following parameters:

- Title of Review
- Reason for Review
- Provisional Date of First Meeting
- Arrangements for appointing Members (it will be up to the Committee to decide whether or not to appoint from within the Committee or from across all Members)
- Appointment of Co-Opted Members (The Review Panel will still be able to invite as many guests as they deem necessary to as many meetings as they require, without formal co-option)

After the Committee

If the Committee decided to open the membership to all members, then following the meeting, the Democratic Services Officer will inform all members of the establishment of the review via email and request nominations for membership.

The Democratic Services Officer will then confirm the date of the first meeting of the Review Panel with the relevant Members.



**Wyre Forest District Council
Scrutiny Proposal Form**

| | |
|--|--|
| Name of Councillor: | |
| Subject Area to be Scrutinised: | |
| Rationale: Reason for scrutinising the subject area | |
| Evidence: What evidence is there to support the rationale and the need for the scrutiny review | |

| Please select from the list below which of the following is applicable to the subject area to be scrutinised: | Detail | Scoring |
|--|---------------|----------------|
| (1) Is there evidence of poor performance? | | 10 |
| (2) Is there a high level of dissatisfaction with the service? | | 10 |
| (3) Has there been a budgetary overspend? | | 10 |
| (4) Is there a high level of risk involved? | | 10 |
| (5) Is the review likely to identify better value for money for the Council? | | 10 |
| Key Outcomes: What do you think the review should achieve | | |



| | | |
|---|---|----|
| (6) | Does the service provide substantial benefits for all or a significant proportion of residents in the District? | 8 |
| (7) | Is there strong evidence linking the topic to the Corporate Plan and the Council's Key Aims and Priorities? | 8 |
| (8) | Is there public interest in this e.g. press coverage? | 6 |
| (9) | Officer led review planned. | 4 |
| (10) | New Legislation/good practice anticipated within the next year. | -4 |
| (11) | Topic has been reviewed in the last 3 years and there are likely to be no significant changes | -2 |
| TOTAL: | | |
| (Score of over 40 points meets criteria to set up a Scrutiny Review Panel) | | |

