

SCRUTINY PROCEDURE RULES

Introduction - Overview and Scrutiny Committees

This introduction is intended as a one-page summary of the purpose and statutory basis of Overview and Scrutiny. More details are given in the Scrutiny Procedure Rules.

Overview and Scrutiny Committees were introduced by the Local Government Act 2000. The same Act established executive arrangements for Local Government. Overview and Scrutiny Committees are intended as a means of holding the Executive (Cabinet) to account.

The overriding aim of Overview and Scrutiny Committees should be to act as a critical friend and aim to add value. Overview and Scrutiny should not be about political point scoring or apportioning blame and should look to work constructively with the Executive (Cabinet).

The powers and responsibilities of Overview and Scrutiny Committees are set out in Section 9F of the Local Government Act 2000. These are summarised below:

- Section 9F - An Overview and Scrutiny Committee may review any decisions or actions of the Executive (Cabinet) and it may make reports or recommendations to the Executive (Cabinet) or Full Council.
- Section 9FA - An Overview and Scrutiny Committee cannot include a Member of the Executive (Cabinet) and may require any Member or Officer to attend to answer questions. However, reasonable notice should be given to any Officers or Members that are required to attend.
- Section 9FB - Each Local Authority must appoint an Officer as the Scrutiny Officer to promote and provide support for Overview and Scrutiny Committees. At Dudley MBC the Scrutiny Officer is the Democratic Services Manager (Steve Griffiths).
- Section 9FE - An Overview and Scrutiny Committee may publish a report with recommendations and the Executive (Cabinet) must respond to any report issued under Section 9FE within two months.

The legislation referred to above applies to any Sub-Committees of an Overview and Scrutiny Committee.

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Scrutiny Procedure Rules

1. Appointment and Terms of Reference

The Council will appoint four Scrutiny Committees with the terms of reference set out in Table 1 attached to these Rules:

- Overview and Scrutiny Committee (Core Business)
- Communities and Growth Scrutiny Committee
- Housing and Assets Scrutiny Committee
- Social Care and Wellbeing Scrutiny Committee

2. Membership

All Councillors (except Cabinet Members) may be members of the Scrutiny Committees. The Council may also appoint non-elected co-opted Members or Independent Persons (to be appointed taking account of any statutory requirements and on the basis of their skills and experience).

Scrutiny Committees have the discretion to invite specialist/key contacts to advise the Committee, attend or speak at meetings depending on the specific topics under discussion.

3. Education representatives

The membership of the Social Care and Wellbeing Scrutiny Committee will include the following voting co-opted representatives:

- 1 Church of England diocese representative
- 1 Roman Catholic diocese representative
- 3 parent governor representatives.

These representatives are entitled to speak on all agenda items. They are, however, only entitled to vote or exercise the right of call-in on items concerning education functions of the Council.

4. Meetings

Ordinary meetings of Scrutiny Committees will be held on the dates and times in the calendar approved by the Council. The dates and times of Ordinary meetings will not be changed unless the Monitoring Officer, following consultation with the Chair and Vice-Chair of the relevant Committee, is satisfied that exceptional circumstances apply (for example due to inclement weather, significant national or local events or lack of business).

Additional meetings may be called by the Chair of the relevant Committee, the Monitoring Officer or the 'required number' of Councillors appointed to the

Committee. The 'required number' of Councillors shall be equal to the total number of opposition group Councillors appointed to the Committee concerned.

Members appointed to Scrutiny Committees are required to attend meetings physically in accordance with legal requirements. Other participants may be invited to join meetings remotely. Proceedings of Scrutiny Committee meetings may be recorded and made available via the Council's YouTube channel.

5. **Quorum**

The quorum for meetings of the Scrutiny Committees is one quarter of the total number of Councillors appointed to the Committee or three Councillors, whichever is the larger.

6. **Chairs and Vice-Chairs**

Chairs and Vice-Chairs of Committees will be appointed by the Full Council.

7. **Attendance of Members and Officers**

All decision takers must be accountable and be prepared to attend the Scrutiny Committees to explain and justify their decisions.

Cabinet Members shall have a standing invitation to attend the relevant Committee(s). Relevant Officers will attend meetings to give advice depending on the items under consideration.

Scrutiny Committees may require the relevant Cabinet Member(s), the Chief Executive and/or any Director to attend. The Chief Executive or Director may invite other Officers to attend.

Where a Cabinet Member or Officer is specifically required to attend a Scrutiny Committee, they will be given at least five clear working days' notice of the meeting.

In unavoidable circumstances, where a Cabinet Member or Officer is unable to attend on the required date, a Committee shall either arrange an alternative date for their attendance or require another Cabinet Member or Officer respectively to attend on their behalf. Officers will not attend to give evidence in place of Cabinet Members and vice versa.

8. **Attendance by Others**

Local residents, partner organisations, stakeholders and Members and Officers in other parts of the public sector may be invited to attend meetings to discuss issues of local concern and/or answer questions. All attendees and participants should be treated with respect and courtesy.

9. **Public Forum**

The agenda for all Scrutiny Committees will include a standard item entitled 'Public Forum'. This allows members of the public to ask questions on any matter falling within the terms of reference of the relevant Committee. The way in which the Public Forum session is conducted is at the discretion of the Chair of the meeting. Public speakers may be invited to make a contribution during the Public Forum, however, they should return to the public gallery whilst the Committee deliberate on any particular matter.

10. **Policy Review and Development**

Scrutiny Committees will oversee and co-ordinate a Work Programme, including agenda items to be considered during the municipal year.

Any Member of a Committee is entitled to give notice that he/she wishes an item relevant to the functions of that Committee to be considered during the municipal year.

Any amendments to programmed business will be made by the Monitoring Officer following consultation with the Chair and Vice-Chair of the relevant Committee.

Committees may make recommendations to the relevant decision taker(s). The Monitoring Officer shall make any necessary arrangements for any recommendations to be reported to the relevant decision taker(s).

11. **Scrutiny of Revenue Budget and Medium-Term Financial Strategy**

These rules complement the Budget and Policy Framework Procedure Rules.

All Scrutiny Committees have a role in scrutinising the Council's overall financial position and budget. Any formal recommendations concerning any specific aspects of budget proposals should be made at a properly constituted meeting of the Committee.

Scrutiny Committees will consider the draft revenue budget proposals and Medium-Term Financial Strategy in relation to matters falling within their terms of reference.

12. **Scrutiny Inquiries and Reviews**

Scrutiny Committees may hold detailed inquiries and reviews in respect of any items of business that are allocated or referred to them. This may involve site visits and any other means that the Committee considers are reasonably necessary to inform their discussions.

The way in which scrutiny inquiries/reviews are conducted shall be at the discretion of each Committee depending on the item under consideration.

A Committee may invite people to provide information or give submissions. Written information or submissions can be invited in advance and where possible, these should be circulated with the agenda for the meeting.

Following a scrutiny inquiry or review, a report and recommendations will be submitted to the relevant decision taker(s).

13. **Call-In**

Call-in applies to executive decisions made by the Cabinet, a Cabinet Member or a key decision made by an Officer under delegated powers. Table 2 attached to these Rules summarises the Call-in procedure.

Notice of executive decisions will normally be published within 2 working days of the decisions being made. The Chairs of the Scrutiny Committees will be notified of decisions within the same timescale.

Decisions will come into force, and may be implemented, on the expiry of 5 working days after the publication of the decision, unless a Scrutiny Committee objects and calls it in.

During that period, a decision will be called in for scrutiny if a written request is made to the Monitoring Officer by the Chair of a Scrutiny Committee or the required number of voting Members of a Scrutiny Committee. The required number shall be equal to the total number of opposition group Councillors appointed to the Committee concerned.

The decision-taker will be notified of the call-in. Within 5 working days of receiving notice of the call-in, a meeting of the relevant Committee will be arranged following consultation with the Chair and Vice-Chair.

Members of the relevant Committee will be invited to submit written questions in advance of the meeting. This will not prevent Members from asking questions at the meeting itself. Written questions should be submitted to the Monitoring Officer at least seven working days before the meeting.

Where possible the written responses to those questions should be provided at least two working days before the meeting but in any event the written responses should be circulated at the meeting.

The procedure at a Committee meeting dealing with a 'call-in' is as follows:

- The Chair will deal with preliminary items, set the context and outline the procedure for the meeting. The Chair or Member responsible for arranging the call-in should then outline the reasons for the call in.
- The relevant Cabinet Member and/or the relevant Officer, shall be invited to make representations concerning the decision.
- The Committee will deal with any written questions that have been submitted in advance.
- Members of the Committee will have the opportunity to ask questions.
- Contributions will be invited from any other persons present along with any further questions from the Committee.
- Following all questions and contributions, the relevant Cabinet Member and/or the relevant Officer will be invited to make a final statement.
- The Committee will review all the facts, opinions and comments and consider making any recommendations or observations to the relevant decision-taker and/or the Council.

If the relevant Committee considers the decision, and is concerned about it, the decision may be referred back to the relevant decision-taker or referred to full Council. The decision-taker will be advised of the Committee's concerns.

If the matter is referred back to the decision-taker, arrangements will be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.

If the relevant Committee does not refer the matter back to the decision-taker, or to full Council, the decision shall take immediate effect.

If a decision is referred to full Council and the Council raises no objections, the decision will take immediate effect.

If the Council objects to the decision, it will be referred back to the decision-taker along with the Council's views. Arrangements shall be made within 5 working days for the original decision to be reconsidered. The decision-taker will then make a final decision.

14. **Call-In and Urgency**

The call-in procedure will not apply if any delays in making a decision would seriously prejudice the Council's or the public interest. The notice and record of the decision will state the reason why the decision is urgent and not subject to call-in.

Before an urgent decision is taken, the Mayor must agree that the decision can be treated as a matter of urgency and is reasonable in all the circumstances.

In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency will be published on the Council's Website.

15. **Minority Reports**

If the relevant Committee is unable to reach a consensus view on the recommendations to the relevant decision taker, then a minority report may also be submitted for consideration alongside the recommendations agreed by the majority of the Committee.

16. **Scrutiny Committee reports and recommendations that are considered by the Cabinet and/or Council**

The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Scrutiny Committees'. Reports and recommendations from Scrutiny Committees shall be included at this point in the agenda (unless they have been considered by the Cabinet under another agenda item).

If a Committee's recommendations have implications for the Council's budget and policy framework, the Monitoring Officer will refer the matter to the next available meetings of the Cabinet and the Council.

Members have access to the Cabinet's Forward Plan of Key Decisions. This is available on the Council's website. This includes information about consultation undertaken on key decisions. Individual Councillors may respond to consultations in their own right.

17. **Rights of Members to documents**

Members of Scrutiny Committees have the right to documents as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

Nothing in these Rules prevents more detailed liaison between the Cabinet and Scrutiny Committees depending on the matters under consideration.

18. **Councillor Call for Action**

Any resident of the Borough can ask a Councillor to refer a matter to a Scrutiny Committee. The procedure for dealing with this is set out in Table 3 attached to these Rules. This procedure should only be used where there is an ongoing dispute about a community issue, which cannot be dealt with through any of the Council's established procedures. The Call for Action procedure will only be used when all other avenues for resolution have been considered and exhausted.

19. **Party whip**

Members of Scrutiny Committees must declare the existence of any party whipping arrangements before the Committee considers individual items of business. Any such declarations shall be recorded in the minutes of the meeting.

20. **Matters within the remit of more than one Committee**

The Overview and Scrutiny Committee (Core Business) will ensure liaison on cross-cutting issues as necessary.

TABLE 1:

TERMS OF REFERENCE

OVERVIEW AND SCRUTINY COMMITTEE (CORE BUSINESS)

Membership

11 Councillors

Terms of Reference

- (a) To oversee and monitor the Council's overview and scrutiny functions under the Local Government Act 2000, any subsequent legislation, regulations or statutory guidance.
- (b) To oversee a Scrutiny Work Programme to avoid duplication and ensure liaison on cross-cutting issues.
- (c) To scrutinise the Council's financial position and budget and to consider the draft revenue budget proposals and Medium-Term Financial Strategy in respect of matters falling within the terms of reference of the Committee.
- (d) To oversee scrutiny of the Council's target operating model, Dudley Improvement Plan and the process of organisational redesign.
- (e) To receive corporate performance monitoring reports and to prioritise areas of underperformance for more detailed consideration.
- (f) To undertake scrutiny investigations/inquiries and contribute to policy development relating to matters falling within the portfolio responsibilities of the Leader, Deputy Leader and the Cabinet Members for Resources and Transformation.
- (h) To consider and determine any items that are called in for scrutiny in accordance with the Scrutiny Procedure Rules.
- (i) To submit reports and recommendations to the Cabinet and/or the relevant decision taker(s).

COMMUNITIES AND GROWTH SCRUTINY COMMITTEE

Membership

11 Councillors

Terms of Reference

- (a) In accordance with the Scrutiny Programme, to undertake scrutiny investigations/inquiries and contribute to policy development relating to matters falling within the portfolio responsibilities of the Cabinet Members for Economy and Infrastructure and Neighbourhoods.
- (b) To scrutinise the Council's financial position and budget and to consider the draft revenue budget proposals and Medium-Term Financial Strategy in respect of matters falling within the terms of reference of the Committee.
- (c) To consider and determine any items that are called in for scrutiny in accordance with the Scrutiny Procedure Rules.
- (d) To submit reports and recommendations to the relevant decision taker(s).

HOUSING AND ASSETS SCRUTINY COMMITTEE

Membership

11 Councillors

Terms of Reference

- (a) In accordance with the Scrutiny Programme, to undertake scrutiny investigations/inquiries and contribute to policy development relating to matters falling within the portfolio responsibilities of the Cabinet Members for Development and Regulation and Housing and Homelessness.
- (b) To scrutinise the Council's financial position and budget and to consider the draft revenue budget proposals and Medium-Term Financial Strategy in respect of matters falling within the terms of reference of the Committee.
- (c) To consider and determine any items that are called in for scrutiny in accordance with the Scrutiny Procedure Rules.
- (d) To submit reports and recommendations to the relevant decision taker(s).

SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE

Membership

11 Councillors, 5 voting Church and Parent Governor Co-opted representatives,
1 Non-voting Co-opted Member – Dudley Healthwatch

Terms of Reference

- (a) In accordance with the Scrutiny Programme, to undertake scrutiny investigations/inquiries and contribute to policy development relating to matters falling within the portfolio responsibilities of the Cabinet Members for Adult Social Care & Public Health and Children and Young People.
- (b) To scrutinise the Council's financial position and budget and to consider the draft revenue budget proposals and Medium-Term Financial Strategy in respect of matters falling within the terms of reference of the Committee.
- (c) To fulfil scrutiny functions as they relate to the improvement of local health and associated services in accordance with relevant legislation, regulations and associated guidance.
- (d) To make reports and recommendations to local National Health Service (NHS) bodies and to the Council on any matter reviewed or scrutinised.
- (e) To proactively receive information within given timescales, with some exceptions, as per Government Guidance, requested from local NHS bodies.
- (f) To be consulted by and respond to (as appropriate) NHS bodies in connection with the rationale behind any proposal and options for change to local health services made by the NHS.
- (g) To ensure the involvement of local stakeholders in the work of the Committee.
- (h) To act in accordance with Government Guidance relating to Health and Scrutiny functions.
- (i) Where practical, necessary or appropriate, to establish and participate in joint Health scrutiny arrangements with other local authorities.
- (j) To consider and determine any items that are called in for scrutiny in accordance with the Scrutiny Procedure Rules.
- (k) To submit reports and recommendations to the relevant decision taker(s).

TABLE 2:

PROCEDURE FOR DEALING WITH A CALL IN

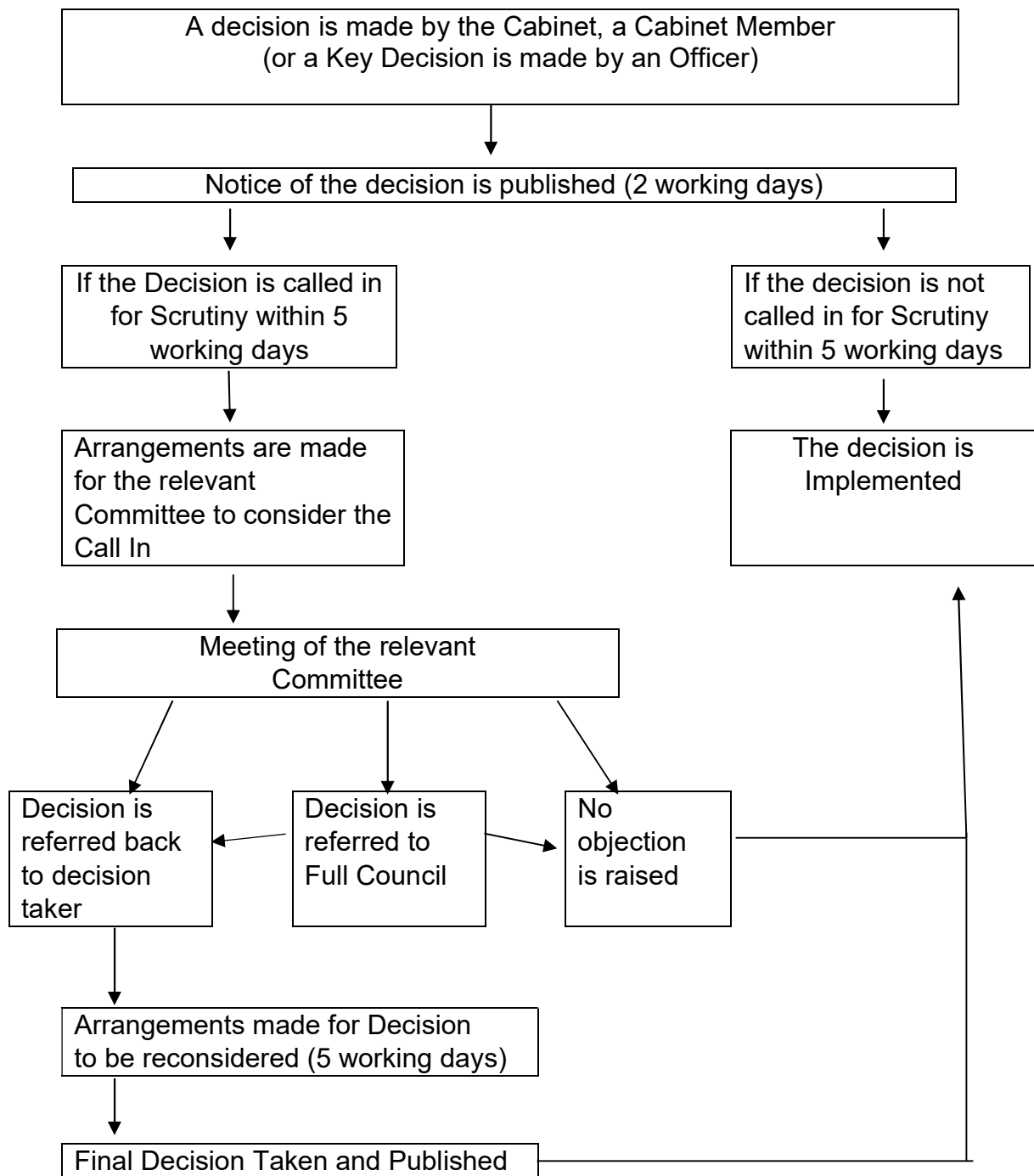


TABLE 3:

PROCEDURE FOR DEALING WITH A COUNCILLOR CALL FOR ACTION

