

Report of Head of Scrutiny and Member Development

Report to Tenant Scrutiny Board

Date: 16th April 2014

Subject: Tenant Scrutiny Board – Procedure Rules

Are specific electoral Wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, name(s) of Ward(s):		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. The Tenant Scrutiny Board will conduct its proceedings in accordance with agreed procedure rules. These rules are designed to provide robust rights and responsibilities for the Board and to provide the framework from within which meaningful scrutiny can take place.
2. Draft Procedure Rules are attached as Appendix 1. These have been endorsed by the Housing Advisory Board.

Recommendations

3. Members of the Board are asked to approve the attached procedure Rules.

Background documents¹

None used

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

TENANT SCRUTINY BOARD - PROCEDURE RULES

1.0 FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS

- 1.1 The Tenant Scrutiny Board will meet every ??????(monthly. Quarterly?)
- 1.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 1.3 A meeting may be called by
 - the Chair or
 - the Scrutiny Officer if he/she considers it necessary or appropriate.
- 1.4 The Tenant Scrutiny Board may sit at such place and at such time as it considers necessary and appropriate.
- 1.5 The Tenant Scrutiny Board may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work².

2.0 QUORUM / SUBSTITUTE MEMBERS

- 2.1 The quorum for a Scrutiny Board shall be ??? (Depending on Board membership numbers)
- 2.2 Substitute members will not be allowed

3.0 NOTICES OF MEETINGS

- 3.1 Notices for all meetings of a Tenant Scrutiny Board shall be issued from the office of the Scrutiny Officer.

4.0 ADMISSION TO MEETINGS

- 4.1 All meetings of the Tenant Scrutiny Board shall be open to the public unless identified as confidential. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.
- 4.2 The Tenant Scrutiny Board may resolve to exclude the press and public from a meeting (whether the whole or part only of the proceedings) by passing a resolution.

5.0 MINUTES

- 5.1 All meetings of each Tenant Scrutiny Board shall be minuted.

² These must be appointed to carry out specific tasks such as visits to premises or other information gathering activities as part of an on-going Inquiry.

- 5.2 Oral evidence given to a Tenant Scrutiny Board may be recorded via tape recording as shall appear to the Tenant Scrutiny Board to be appropriate.

6.0 RIGHTS OF TENANT SCRUTINY BOARD MEMBERS TO DOCUMENTS

- 6.1 When a Tenant Scrutiny Board conducts a review, every member of the Board³ shall have a right of access to any documents which are relevant to the subject matter of the review and are not deemed confidential.

7.0 AGENDA ITEMS

- 7.1 A Scrutiny Board shall as a minimum consider the following business at an Ordinary Meeting:
- apologies for absence;
 - minutes of the last meeting;
 - the Board's work programme; and
 - the business otherwise set out on the agenda for the meeting.

8.0 WORK PROGRAMMING

- 8.1 No Tenant Scrutiny Board may undertake a review into:
- any decision of a Plans Panel or the Licensing Committee or a Licensing sub-committee;
 - any decision taken by an officer under delegated authority which falls within the terms of reference of a Plans Panel or the Licensing Committee or a Licensing Sub-Committee;
 - any matter which falls outside of the Tenant Scrutiny Board's Terms of Reference
 - any decision in respect of which there are:
 - ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure;⁵ or
 - individual personnel issues.

9.0 REQUESTS FOR SCRUTINY

9.1 Reviews requested by a member of the Tenant Scrutiny Board

Any member of the Tenant Scrutiny Board may propose that a review be undertaken into a relevant matter. The Board will then consider whether to undertake the review. In doing so, it shall take into account the wishes of all members of that Board.

9.2 Requests for reviews from other sources

³ Information received as a member of a Tenant Scrutiny Board should be used only in this capacity.

The Tenant Scrutiny Board shall consider a request from any other source to conduct a review.

- 9.3 If the Scrutiny Board decides not to carry out a review into the matter, the Scrutiny Officer will inform the referring body about the decision of the Tenant Scrutiny Board, and the reasons for its decision

10.0 SELECTING SCRUTINY INQUIRIES

- 10.1 Before deciding to undertake a scrutiny Inquiry, the Tenant Scrutiny Board must
- consider how the proposed Inquiry falls within its terms of reference and
 - consider the current workload of the Tenant Scrutiny Board and the available resources required to carry out the work.
- 10.2 Where any Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board shall
- consult with the relevant Director and Executive Member.
 - agree the Terms of Reference of the Inquiry;
 - agree the period within which the Inquiry's Report is to be completed;
 - compile a preliminary list of witnesses from whom the Tenant Scrutiny Board require evidence; and
 - compile a preliminary list of documents which the Tenant Scrutiny Board requires to be produced.

11.0 REPORTS AND RECOMMENDATIONS

- 11.1 At the conclusion of a review the Tenant Scrutiny Board shall, where it considers it to be appropriate, produce a written report summarising the evidence that it has taken and set out its recommendations.
- 11.2 Where the Tenant Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations. The detail of that advice shall be reported to the tenant Scrutiny Board and considered before the report is finalised.
- 11.3 The review report shall include:
- an explanation of the matter reviewed or scrutinised;
 - a list of the participants involved in the Inquiry (save where the Board considers that a name of a witness should be withheld for reasons of confidentiality) ;
 - a list of all documentation that has been considered by the Board; and
 - any conclusions and recommendations on the matter reviewed or scrutinised.
- 11.4 Where any member of the Tenant Scrutiny Board does not agree with the content of the Board's Report, they may produce a Minority Report setting out their findings and recommendations. The Minority Report will be an appendix to the Tenant Scrutiny Board's Report.

12.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

- 12.1 The Housing Advisory Board, the Executive Board, Area Committees or officers shall consider any report and recommendations of the Tenant Scrutiny Board within two months of it being received. The Council or Executive is under a duty to respond to the Tenant Scrutiny Board, indicating what action (if any) it proposes to take and to publish its response.

13.0 WITNESSES – GENERAL PRINCIPLES

- 13.1 Where the Tenant Scrutiny Board wishes to take evidence from a witness, the Scrutiny Officer shall notify the witness of:-
- the date upon which their evidence is to be taken;
 - the matters upon which evidence is sought;
 - any documents that the Tenant Scrutiny Board wishes to have produced; and
 - the date upon which the Board requires any written evidence from the witness.
- 13.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy.

14.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION

- 14.1 The Tenant Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about:
- any particular decisions or series of decisions;
 - the extent to which actions taken implement Council policy
- 14.2 It is the duty of those officers and Members to attend and to answer questions.
- 14.3 The Chair of the Tenant Scrutiny Board will inform the Scrutiny Officer if the Scrutiny Board requires any Member (including an Executive Member) or officer to attend a Scrutiny Board under this provision. The Scrutiny Officer shall inform the Member or officer of this, giving at least 7 working days' notice of the meeting at which he/she is required to attend.
- 14.4 The notice will state:
- the nature of the item on which he/she is required to attend to give account; and
 - whether the Tenant Scrutiny Board requires him/her to produce any documents or reports.
- 14.5 Where the Scrutiny Board requires the person to produce a report, then the Scrutiny Officer will give the Member or officer concerned sufficient notice to prepare it.
- 14.6 The Chair of the Tenant Scrutiny Board will inform the Scrutiny Officer where a Scrutiny Board requires a Director to attend the Tenant Scrutiny Board in person.
- 14.7 Directors may be accompanied by any other officer the Director feels appropriate.
- 14.8 Where the Tenant Scrutiny Board does not require a Director to attend in person, he/she will be responsible for ensuring that an officer of sufficient knowledge and

requisite seniority attends. Any such witness may be accompanied by such adviser(s) as he/she considers necessary.

- 14.9 Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, and then the Scrutiny Officer shall, in consultation with the Chair of the Tenant Scrutiny Board and the Member or officer, arrange an alternative date for attendance, or agree an appropriate substitute.

15.0 ATTENDANCE BY OTHERS

- 15.1 A Tenant Scrutiny Board may invite members of the public or other persons to attend meetings, address it, discuss issues of local concern and/or answer questions.