

SCRUTINY BOARD PROCEDURE RULES

1.0 GENERAL ARRANGEMENTS

1.1 The Council will have the Scrutiny Boards set out in Article 6 of its Constitution. It will appoint to them as it considers appropriate from time to time.

1.2 No Scrutiny Board may include an Executive Board Member.

1.3 Working Groups

A Scrutiny Board may appoint a Working Group as it feels appropriate and necessary to assist in ensuring the effectiveness and efficiency of its work¹.

1.4 Co-opted Members

Each Scrutiny Board shall be entitled to select non-voting co-opted members to assist in the discharge of the Board's role, in accordance with Article 6 of the Constitution.

Except as set out in Article 6, co-opted members may participate in the debate in the same way as Elected Members, but have no voting rights.

1.5 Education Representatives

The Scrutiny Board (Children's Services) shall select education representatives in accordance with Article 6 of the Constitution.

Any education representative appointed in accordance with Article 6 of the Constitution, shall serve as an education representative on all relevant Scrutiny Boards.²

1.6 Matters within the terms of reference of more than one Scrutiny Board

The Scrutiny Officer³, after consultation with Scrutiny Chairs, shall arrange for any matter to be dealt with, where it falls within the terms of reference of more than one Scrutiny Board.

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2.0 DECLARATIONS OF INTEREST

2.1 Elected Members and voting co-opted members of Scrutiny Boards must observe the authority's Code of Conduct.

¹ These must be appointed to carry out specific tasks such as visits to premises or other information gathering activities. The Scrutiny Board Procedure Rules Guidance Note provides guidance on Working Groups.

² A Scrutiny Board is a relevant Scrutiny Board where the Board's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive.

³ Designated in accordance with Section 21ZA Local Government Act 2000 (the 2000 Act). See further [Article 6](#)

Scrutiny Board Procedure Rules

2.2 Where any non-voting co-opted member of a Scrutiny Board has an interest in an item, he/she must declare the interest and may be required by the Chair of the Scrutiny Board to withdraw from the meeting at which that issue is under discussion.

2.3 The Scrutiny Board (Health) may include Members who are involved in the executive of a local NHS body⁴, as a member or an employee. Where such a Member has a personal or prejudicial⁵ interest in a matter, they must declare the interest. If the interest is prejudicial they must not participate in any Inquiry or consultation process which concerns that NHS body. In addition Scrutiny Board (Health) Members may not be involved in any scrutiny exercise that may advantage the NHS body where they have a prejudicial interest.

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3.0 FREQUENCY AND PLACE OF MEETINGS OF THE SCRUTINY BOARDS

3.1 Extraordinary meetings may be called from time to time as and when appropriate.

3.2 A Scrutiny Board meeting may be called by

- the Chair of the relevant Scrutiny Board; or
- any three Members of the Board; or
- the Scrutiny Officer if he/she considers it necessary or appropriate.

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3.3 A Scrutiny Board may sit at such place and at such time as it considers necessary and appropriate.

Crime and disorder functions

3.4 The Scrutiny Board (Environment and Neighbourhoods) must meet as the Scrutiny Board considers appropriate to review or scrutinise the exercise of crime and disorder functions⁶ by responsible authorities⁷, but no less than once in every twelve month period⁸.

4.0 QUORUM / SUBSTITUTE MEMBERS

4.1 The quorum for a Scrutiny Board shall be as set out for committees in the Council Procedures Rules in Part 4 of this Constitution.

4.2 A substitute Member shall be entitled to attend a meeting of a Scrutiny Board in place of a regular Member.⁹

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5.0 NOTICES OF MEETINGS

⁴ In Leeds this means NHS Leeds, the Leeds Teaching Hospitals, Leeds Partnerships NHS Foundation Trust, the NHS Yorkshire and Humber, and the Yorkshire and Humber Specialised Commissioning Group

⁵ See the Members Code of Conduct paragraphs 8 to 12 on Interests

⁶ As defined by Section 6 Crime and Disorder Act 1998 (the 1998 Act) (formulating and implementing crime and disorder strategies) - Section 19(11) Police and Justice Act 2006 (the 2006 Act)

⁷ These are the bodies and persons responsible for crime and disorder strategies – Section 1(6) 2006 Act

⁸ Regulation 4 Crime and Disorder (Overview and Scrutiny) Regulations 2009

⁹ The defined pool of substitutes will be any member of a Scrutiny Board *excluding* those who have been signatures to the Call In.

Part 4 (c)

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Deleted: the Leeds Primary Care Trust,

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5.1 Notices for all meetings of a Scrutiny Board shall be issued from the office of the Chief Executive. No matter shall be considered at such meeting without the prior agreement of the Chief Executive who shall first have been provided with any written report or with full details of any intended verbal report.

6.0 ADMISSION TO MEETINGS

6.1 Subject to any statutory prohibitions and to [Rule 6.2](#) below, all meetings of a Scrutiny Board shall be open to the public in accordance with the Access to Information Procedure Rules¹⁰. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

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6.2 A 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 under the Access to Information Procedure Rules.

7.0 MINUTES

7.1 All meetings of each Scrutiny Board shall be minuted.

7.2 All oral evidence given to a Scrutiny Board shall be recorded in full, either in writing or by such other method (such as tape recording) as shall appear to the Scrutiny Board to be appropriate.

7.3 The tapes of oral evidence must be kept for an appropriate period of time to be determined in each case.¹¹

8.0 CHAIRS

8.1 The Chair of a Scrutiny Board will be appointed in accordance with the Council's Procedure Rules.

9.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS

9.1 In addition to their rights as Councillors, Members on a Scrutiny Board have additional rights to documents as set out in the Access to Information Procedure Rules.

9.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board¹² shall have a right of access to any documents which are relevant to the subject matter of the review.¹³

¹⁰ [These are in Part 4 of the Constitution](#)

¹¹ The Scrutiny Board Procedure Rules Guidance Note provides guidance on the use of taped evidence to Scrutiny Boards.

¹² Information received as a member of a Scrutiny Board should be used only in this capacity. Such information should not for example be used by an elected Member to further their ward work.

¹³ The Protocol for Elected Member/Education Leeds Relations sets out rights of access to information relating to the activity of Education Leeds. Rights of access are subject to the Data Protection Act 1998.

Scrutiny Board Procedure Rules

9.3 Nothing in the above paragraph prevents more detailed liaison between the Executive and a Scrutiny Board as appropriate depending on the particular matter under consideration.

10.0 AGENDA ITEMS

10.1 A Scrutiny Board shall as a minimum consider the following business at an Ordinary Meeting:

- appeals against refusal of inspection of documents;
- exclusion of public;
- late items;
- declarations of interest;
- apologies for absence;
- minutes of the last meeting;
- the Scrutiny Board's work programme; and
- the business otherwise set out on the agenda for the meeting.

11.0 WORK PROGRAMMING

11.1 No Scrutiny Board may undertake a review into:

- any decision of a Regulatory Panel or the Licensing Committee or a Licensing sub-committee;¹⁴
- any decisions which may be appealed against to a Regulatory Panel;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Regulatory Panel or the Licensing Committee or a Licensing Sub-Committee;¹⁵
- any decision taken prior to 24 May 1999¹⁶, except where such a decision has influenced to a significant degree any action or decision taken subsequently to 24 May 1999 which is the subject of a review; or
- except in exceptional circumstances, any decision in respect of which there are:
 - ongoing judicial proceedings, Ombudsman or audit inquiry or complaint under the Council's formal complaints procedure;¹⁷ or

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¹⁴ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹⁵ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹⁶ This was the date of the commencement of scrutiny arrangements in Leeds.

¹⁷ It might be appropriate for a Scrutiny Board to conduct an Inquiry at the conclusion of any of the proceedings referred to. For example it could investigate why proceedings were started. Such an Inquiry should not however act as an appeal against those proceedings.

- o individual personnel issues.

11.2 The role of the Scrutiny Boards in the development of the Council’s Budget and Policy Framework is set out in the Budget and Policy Framework Procedure Rules.

11.3 In relation to the development of plans and strategies which are not part of the authority’s Budget and Policy Framework, a Scrutiny Board may investigate the available options for policy development.

12.0 REQUESTS FOR SCRUTINY

Reviews requested by the Executive or Council

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12.1 Where the Executive or Council resolves to recommend that a review should be undertaken into a particular matter, the Scrutiny Officer shall add this recommendation to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

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Reviews requested by a member of a Scrutiny Board

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12.2 Any member of a Scrutiny Board may propose that a review be undertaken by that Scrutiny Board into a particular matter. The Scrutiny 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 including those who are not Members of the political group(s) forming the administration.

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12.3 Any Member may refer any local government matter¹⁸ to the relevant Scrutiny Board. In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.

12.4 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

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12.5 The Scrutiny Officer shall acknowledge all such referrals.

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12.6 At the next Ordinary Meeting, the Scrutiny Board shall consider any referral which the Scrutiny Officer has added to the agenda.

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12.7 The Member making the referral will be invited to attend the Scrutiny Board’s meeting to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.

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¹⁸ This means a matter which relates to the discharge of any function of the authority, affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and which is not an excluded matter as defined by Section 21(11) of the 2000 Act.

Scrutiny Board Procedure Rules

12.8 In deciding whether to carry out a review, the Scrutiny Board may have regard to:

- any powers which the Member may exercise in relation to the matter¹⁹; and
- any representations made by the Member.

12.9 If the Scrutiny Board decides not to carry out a review into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for its decision.

Local crime and disorder matters

12.10 Any Member may refer any local crime and disorder matter²⁰ to the Scrutiny Board (Environment and Neighbourhoods).

12.11 All such referrals must be submitted in writing to the Scrutiny Officer. The Scrutiny Officer shall add this to the agenda for the next Ordinary Meeting of the Scrutiny Board.

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12.12 The Scrutiny Officer shall acknowledge all such referrals.

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12.13 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referrals which the Scrutiny Officer has added to the agenda.

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12.14 The Member making the referral will be invited to attend the Scrutiny Board's meeting to make representations as to why it would be appropriate for the Board to exercise its functions in relation to the matter. The Scrutiny Board Chair will decide how much time will be given to the Member for addressing the Scrutiny Board.

Health and social care matters

12.15 The Local Involvement Network may refer any matter relating to:

- the planning, provision and operation of health services; or
- social care services²¹

to the relevant Scrutiny Board.

12.16 The Scrutiny Officer shall add any such referral to the agenda for the next Ordinary Meeting of the relevant Scrutiny Board.

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12.17 The Scrutiny Officer shall acknowledge receipt of all such referrals on behalf of the Scrutiny Board, within 20 working days of its receipt.

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12.18 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Scrutiny Officer has added to the agenda.

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¹⁹ Under Section 236 of the 2007 Act

²⁰ This means a matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment); or
- the misuse of drugs alcohol and other substances which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area -Section 19(11) 2006 Act

²¹ These are services provided as part of the Council's social services functions (Section 226 Local Government and Involvement in Health Act 2007 – the 2007 Act)

12.19 In deciding whether to exercise any functions in relation to any health or social care matter, the relevant Scrutiny Board must take into account any relevant information provided by the Local Involvement Network.

12.20 The Scrutiny Officer will inform the Local Involvement Network about any action taken in relation to the matter.

Requests for reviews from other sources

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12.21 The appropriate Scrutiny Board shall consider a request from any other source²² to conduct a review²³.

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13.0 SELECTING SCRUTINY INQUIRIES

13.1 Where a review is particularly complex, a Scrutiny Board may undertake a full scrutiny Inquiry with formal terms of reference.

13.2 Before deciding to undertake a scrutiny Inquiry, a Scrutiny Board must

- consider how the proposed Inquiry meets criteria approved from time to time²⁴; and
- consider the current workload of the Scrutiny Board and the available resources required to carry out the work.

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¶ 13.2 In deciding whether to carry out an Inquiry into a local government matter²⁵ referred under Rule 12.3, the Scrutiny Board may have regard to:¶ <#>any powers which the Member may exercise in relation to the matter²⁶; and¶ <#>any representations made by the Member. ¶

¶ <#>If the Scrutiny Board decides not to carry out an Inquiry into the matter, the

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13.4 In deciding whether to exercise any functions in relation to any health or social care matter referred under Rule 12, the relevant Scrutiny Board must take into account any relevant information provided by the Local Involvement Network. ¶

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13.3 Where any Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board shall

- consult with any relevant Director²⁷ 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 Scrutiny Board require evidence²⁸; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

²² including Scrutiny Chairs.

²³ See further Scrutiny Board Procedure Rules Guidance Notes

²⁴ set out in the Scrutiny Board Procedure Rules Guidance Notes

²⁷ Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution. These include chief officers with concurrent delegations to directors. In relation to Scrutiny Board (Health), it also includes the Director of Public Health

²⁸ As an Inquiry proceeds it may become apparent that further witnesses are required

14.0 REPORTS AND RECOMMENDATIONS

Deleted: INQUIRY

14.1 At the conclusion of a review a 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.

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14.2 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations²⁹. The detail of that advice shall be reported to the Scrutiny Board and considered before the report is finalised.

14.3 The review report shall include:

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- 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)³⁰ ;
- a list of all documentation that has been considered by the Board; and
- any conclusions and recommendations on the matter reviewed or scrutinised.

14.4 Where a Scrutiny Board is to publish or copy a report, it must comply with relevant statutory provisions relating to exempt or confidential information.

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14.5 Where any voting member of the 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 Scrutiny Board's Report.³¹

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Councillor calls for action

14.6 Where a Scrutiny Board is considering making a report or recommendations in relation to a local government matter³², it may have regard to:

- any powers which the Member may exercise in relation to the matter³³; and
- any representations made by the Member.

14.7 If the Scrutiny Board decides not to make a report or recommendations into the matter, the Scrutiny Officer will inform the referring Member about the decision of the Scrutiny Board, and the reasons for its decision.

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14.8 Where a Scrutiny Board has made a report or recommendations in relation to a local government matter, the Scrutiny Board must also send a copy of the report and recommendations to the Member who referred the matter under Rule 12.3³⁴.

²⁹ The Director shall consult with the appropriate Executive Member before providing any such advice.

³⁰ Where it is necessary to preserve the confidentiality of a witness, their name need not be disclosed nor where the evidence which they gave amounted to exempt information, need this be disclosed if it would breach the witness's confidentiality.

³¹ The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

³² See footnote 18

³³ Under Section 236 of the 2007 Act

³⁴ Subject to the provisions of Section 21D 2000 Act re confidential and exempt information

Health scrutiny functions

14.9 The Scrutiny Board (Health) may make reports and recommendations to local NHS bodies, or the Executive or Council. Such reports and recommendations shall include³⁵:

- an explanation of the matter reviewed or scrutinised;
- a summary of the evidence considered;
- a list of the participants involved; and
- any recommendations on the matter reviewed or scrutinised.

14.10 Where the Scrutiny Board (Health) has completed its review and made reports and recommendations to local NHS bodies scrutinised, the Scrutiny Officer will copy the report to:

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- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Local Involvement Network; and
- Other bodies or organisations that have expressed an interest in the Inquiry.

14.11 The Scrutiny Officer will place a copy of the report on the Council's web-site.

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Crime and disorder functions

14.12 Where the Scrutiny Board (Environment and Neighbourhoods) makes a report or recommendations to the Council or Executive about the exercise of crime and disorder functions³⁶ by responsible authorities³⁷, the Scrutiny Officer will provide a copy to

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- each of the responsible authorities³⁸; and
- each of the co-operating persons and bodies³⁹.

14.13 Whenever the Scrutiny Board provides a copy of a report or recommendation under Rule 14.12 the Scrutiny Officer will also notify any authority, person or body to whom it provides the copy, of the steps they must take⁴⁰.

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Local crime and disorder matters

14.14 In deciding whether to make a report or recommendations in relation to a local crime and disorder matter⁴¹ referred under Rule 12, the Scrutiny Board will have regard to:

³⁵ See further the [Protocol between Scrutiny Board \(Health\) and NHS bodies which details these arrangements.](#)

³⁶ See footnote 6.

³⁷ See footnote 7

³⁸ See footnote 7

³⁹ These are the persons or bodies with whom the responsible authorities have a duty to co-operate under Section 5(2) of the 1998 Act.

⁴⁰ In accordance with Section 19 (8B) 2006 Act. [See further the Protocol between Scrutiny and the Crime and Disorder Reduction Partnership, detailing these arrangements.](#)

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- any powers which the Member may exercise in relation to the matter⁴²; and
- representations made by the Member about why it should make a report or recommendations.

14.15 The Scrutiny Officer will inform the Member who submitted the referral about any decision of the Scrutiny Board not to make a report or recommendation, and the reasons for its decision.

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14.16 Where the Scrutiny Board makes a report or recommendations to the Council or the Executive about any matter which is a local crime and disorder matter⁴³, the Scrutiny Officer will copy the report to:

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- the Member who referred the matter to the Scrutiny Board; and
- to such of
 - (i) the responsible authorities; and
 - (ii) the co-operating persons and bodies as it thinks appropriate.

14.17 Whenever the Scrutiny Board:

- makes a report or recommendation to the Council or to the Executive; or
- provides a copy of a report or recommendation, the Scrutiny Officer will notify the Council or the Executive, authority, body or person receiving the report and recommendations, or a copy of it, of the steps they must take.

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General

14.18 Any Scrutiny Board may publish their report or recommendations⁴⁴. Subject to any provisions above, the Scrutiny Board shall submit its report to the Scrutiny Officer for consideration by the Executive (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate.⁴⁵ The Scrutiny Board must by notice in writing require the Executive or the Council to:

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- consider the report or recommendations;
- indicate what (if any) steps the Executive or the Council propose to take;
- publish their response⁴⁶; and
- provide a copy of their response to the referring Member.⁴⁷

15.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

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15.1 Except as provided below, the Council, the Executive Board, Area Committees or officers shall consider any report and recommendations of a Scrutiny Board within two months of it being received⁴⁸. The Council or Executive is under a duty to

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⁴¹ See footnote [20](#)

⁴² Under Section 236 of the 2007 Act

⁴³ See footnote [20](#)

⁴⁴ Section 21B(2), 2000 Act, subject to provisions about confidential and exempt information set out in [Section 21D](#), and any provision made under [Section 22 \(12A\)](#).

⁴⁵ A Scrutiny Board may also send a copy of a report to any relevant partnership.

⁴⁶ If the Scrutiny Board published the report or recommendation

⁴⁷ Where the report or recommendations are about a local government matter

⁴⁸ [Or \(if later\) the notice – Section 21B 2000 Act](#)

respond to the Scrutiny Board, indicating what action (if any) it proposes to take and to publish its response.⁴⁹

15.2 The Scrutiny Officer will place a copy of the response on the Council's web-site.

Partner authorities⁵⁰

15.3 Where a Scrutiny Board makes a report or recommendations to the Council or the Executive, and the report or any of the recommendations relates to a local improvement target which:

- relates to a partner authority and
 - is specified in the Council's local area agreement
- the Scrutiny Board may by notice⁵¹ in writing require the relevant partner authority to have regard to the report or recommendation in question in exercising their functions. The notice must be accompanied by a copy of the report or recommendations⁵².

15.4 The partner authority must comply with any requirement imposed under 15.3.

Councillor calls for action

15.4 Where a Scrutiny Board has made a Report in relation to a local government matter, any response must also be sent to the Member who referred the matter under Rule 12.3.

Crime and disorder functions

15.5 Where a relevant authority, or co-operating person or body has been notified by the Scrutiny Officer under Rule 14.12, it must:

- consider the report or recommendations;
- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations⁵⁵, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

Local crime and disorder matters

15.6 Where the Council or the Executive other relevant authority, person or body has been notified by the Scrutiny Officer under Rule 14.16, it must:

- consider the report or recommendations;

Deleted: another body, except as provided below the body concerned will be asked to send its response to the Board within two months⁵³ of receipt of the report or recommendations.

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 ¶
 <#>the views of the body¶
 <#>details of any action already taken in response to the recommendations; ¶
 <#>proposed action and timescales; or¶
 <#>reasons for inaction.¶

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⁴⁹ Section 21B 2000 Act

⁵⁰ This means any person who is a partner authority for the purposes of Chapter 1 of Part 5 of the 2007 Act, other than a police authority or a chief officer of police. This provision will not apply if the partner authority is a health service body and the report was provided to the body under Rule 14.9.

⁵¹ Subject to provisions relating to confidential and exempt information in Section 21D 2000 Act

⁵² Subject to provisions relating to confidential and exempt information in Section 21D 2000 Act

⁵⁵ or if this is not reasonably possible, as soon as reasonably possible thereafter

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- respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations⁵⁶, indicating what (if any) action it proposes to take; and
- have regard to the report or recommendations in exercising its functions.

Health scrutiny functions

15.7 Where the Scrutiny Board requests a response from a local NHS body to whom it has made a report or recommendation, that body shall respond in writing to the Scrutiny Board within 28 days⁵⁷.

15.8 The response should also be copied to:

- Local MPs and MEPs;
- NHS Yorkshire and Humber;
- PCT and other NHS Trusts;
- Leeds Voice;
- Local Involvement Network; and
- Other bodies or organisations that have expressed an interest in the Inquiry

15.9 The Scrutiny Officer will also place a copy of the response on the Council's web-site

16.0 WITNESSES – GENERAL PRINCIPLES

16.1 Where a 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 Scrutiny Board wishes to have produced; and
- the date upon which the Board requires any written evidence from the witness.

16.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy⁶².

16.3 When a Member with a prejudicial interest in a matter is giving evidence to the Scrutiny Board⁶³, they should ensure they act as a witness by moving to the area in which other witnesses are giving evidence. The Member should only be present in

⁵⁶ or if this is not reasonably possible, as soon as reasonably possible thereafter

⁵⁷ [Regulation 3\(3\) Local Authority \(Overview and Scrutiny Committees Health Scrutiny Functions\) Regulations 2002](#)

⁶² see Member/Officer Protocol in Part 5 of the Constitution.

⁶³ Members' Code of Conduct paragraph 12(2)

Deleted: 16.0 RECOMMENDATIONS MADE OUTSIDE THE FORMAL SCRUTINY INQUIRY PROCESS¶

¶
16.1 It is recognised that from time to time Scrutiny Boards may wish to make comment or issue recommendations which have been generated outside of the formal Scrutiny Inquiry process.¶

Deleted: 16.2 Where a Scrutiny Board makes a recommendation outside of the formal Scrutiny Board Inquiry process this will be set out in a Statement⁵⁸ from the Scrutiny Board.¶

Deleted: 16.3 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations⁵⁹. The detail of that advice shall be reported to the Scrutiny Board and considered before the Statement is finalised.¶

Deleted: 16.5 Where the Scrutiny Board (Health) has made recommendations to local NHS bodies scrutinised, the

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¶
<#>Local MPs and MEPs;¶
<#>NHS Yorkshire and Humber;¶
<#>PCT and other NHS Trusts;¶
<#>Leeds Voice;¶
<#>Local Involvement Network; and¶
<#>Other bodies or organisations that have expressed an interest in the issue.¶

Deleted: 16.6 Where a Scrutiny Board has sent a Statement to a body, the body concerned will be asked to send its response to any recommendations to the Board within 2 months⁶⁰ of receipt of the Statement.¶

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16.7 The body should set out in response to the recommendations made: (... [1])

Deleted: 16.8 In the case of responses from NHS bodies the response should also be copied to:¶

¶
<#>Local MPs and MEPs;¶
<#>NHS Yorkshire and (... [2])

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the room when giving the evidence and must leave the room once they have given their evidence and answered any questions.

17.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION

17.1 A Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions⁶⁴, 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; and/or
- their performance.

17.2 It is the duty of those officers and Members to attend and to answer questions⁶⁵.

17.3 The Chair of a 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.

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17.4 The notice will state:

- the nature of the item on which he/she is required to attend to give account; and
- whether the Scrutiny Board requires him/her to produce any documents or reports.

17.5 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.

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17.6 The Chair of the Scrutiny Board will inform the Scrutiny Officer where a Scrutiny Board requires a Director to attend a Scrutiny Board in person.

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17.7 Directors may be accompanied by any other officer the Director feels appropriate.

17.8 Where the 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.

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

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Health scrutiny functions

⁶⁴ under Section 236 of the 2007 Act

⁶⁵ A Member or officer is not obliged to answer any question which he would be entitled to answer in or for the purposes of proceedings in a Court (Section 21 (15) 2000 Act .

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- 17.10 [Subject to giving reasonable notice of the intended date of attendance, the](#) Scrutiny Board (Health) may require an officer of a local NHS body to attend and answer such questions as appear to the Scrutiny Board to be necessary for discharging its functions.⁶⁶
- 17.11 Scrutiny Board (Health) in carrying out the review and scrutiny of a particular matter shall:
- invite interested parties to comment on the matter; and
 - take account of relevant information available to it and, in particular relevant information provided to it by the Local Involvement Network.
- 17.12 An NHS body must provide the Scrutiny Board with such information about the planning, provision and operation of health services in the area as the Board shall reasonably require in order to discharge its functions.⁶⁷

Crime and Disorder Committee

- 17.13 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (Environment and Neighbourhoods)⁶⁸ may require an officer or employee of a responsible authority⁶⁹ or of a co-operating person or body⁷⁰ in order to answer questions.
- 17.14 The Scrutiny Board (Environment and Neighbourhoods) may in writing request responsible authorities⁷¹ and co-operating persons and bodies⁷² to provide it with information⁷³.

Partner authorities

- 17.15 [Scrutiny Board may in writing request a partner authority to provide such information⁷⁴, as the Scrutiny Board may reasonably require in order to discharge its functions⁷⁵.](#)
- 17.16 [A partner authority must comply with any such request.⁷⁶](#)

18.0 ATTENDANCE BY OTHERS

⁶⁶ [The duty of the officer to comply with any requirement to attend and answer questions is subject to Regulations 6 and 10 Local Authorities \(Overview and Scrutiny Committees Health Scrutiny Functions\) Regulations 2002 as amended. Officer includes a Chief Executive.](#)

⁶⁷ Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

⁶⁸ In its capacity as crime and disorder committee

⁶⁹ See footnote [7](#)

⁷⁰ See footnote [39](#)

⁷¹ See footnote [7](#)

⁷² See footnote [39](#)

⁷³ This must be provided in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

⁷⁴ [The information must relate to a local improvement target which relates to the partner authority and is specified in the local area agreement](#)

⁷⁵ [See further Scrutiny Board Procedure Rule Guidance Note 8](#)

⁷⁶ [Subject to Regulations 11 and 12 Local Authorities \(Overview and Scrutiny Committees\) \(England\) Regulations 2009](#)

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- 18.1 A Scrutiny Board may invite members of the public or other persons to [attend meetings](#), address it, discuss issues of local concern and/or answer questions⁷⁷.
- 18.2 A Scrutiny Board may appoint advisers and assessors to assist them in their work.
- 18.3 A Member with a prejudicial interest in a matter may make representations and/or answer questions at a Scrutiny Board⁷⁸. In such circumstances the Member should move to the area of the room in which such other members of the public or persons are seated, and should only be present in the room while making representations and/or answering questions. The Member must leave the room once they have made their representations and/or answered any questions until the end of that item.

19.0 EXECUTIVE DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 19.1 The relevant Director shall seek the agreement of the Chair of the relevant Scrutiny Board that a decision can be taken as a matter of urgency where:
- a proposed decision is contrary to the Council's policy framework, or is not wholly in accordance with the budget approved by full Council; and
 - the decision is a matter of urgency; and
 - it is not practical to convene a quorate meeting of the full Council.
- 19.2 The Director shall give detailed reasons to the Chair about why it is not practical to convene a quorate meeting of full Council when seeking his/her agreement.
- 19.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.
- 19.4 The Director must note on the record of the decision:
- the consent of the Chair of the relevant Scrutiny Board to the decision being taken as a matter of urgency; and
 - the Chair's reasons for giving consent.
- 19.5 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining:
- the decision;
 - the reasons for it; and
 - the reason why taking the decision was treated as a matter of urgency.

20.0 KEY DECISIONS NOT CONTAINED WITHIN THE FORWARD PLAN

General exception

- 20.1 Where it is proposed to take a Key Decision which has not been included in the Forward Plan, the relevant Director will give the Chair of the relevant Scrutiny Board

⁷⁷ It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector.

⁷⁸ Members' Code of Conduct paragraph 12(2)

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Scrutiny Board Procedure Rules

not less than 5 days written notice of the matter on which the decision is to be made.

Special urgency

- | 20.2 If by virtue of the date by which a decision must be taken, it is not possible to give 5 days written notice of the matter, the decision taker (if an officer) or the Chair of the body making the decision shall seek the agreement of the Chair of the relevant Scrutiny Board that the decision cannot reasonably be deferred.
- | 20.3 In the absence of the Chair of the relevant Scrutiny Board, the Director may obtain agreement from the Lord Mayor or in the absence of both, the Deputy Lord Mayor.

Report to Council

- | 20.4 A Scrutiny Board can require the Executive to submit a report to Council where it considers that a Key Decision has been taken which was not in the Forward Plan or which has not been the subject of the general exception or special urgency provisions⁷⁹.

| 21.0 CALL-IN⁸⁰

- | 21.1 Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board⁸¹:
 - all decisions of the Executive Board;
 - executive decisions taken by Area Committees; and
 - Key and Major Decisions taken by Officers.
- | 21.2 The power to call in decisions does not extend to⁸²:
 - decisions made under regulatory arrangements;
 - decisions made by Joint Committees; or
 - decisions not taken by the authority.
- | 21.3 When a decision is made which is subject to Call-In, the Chief Democratic Services Officer shall publish the decision, and make it available on the Council database within two days of the decision being made.
- | 21.4 He/she will also send each elected Member of the relevant Scrutiny Board an electronic copy of the record of the decision within two days of it being made.
- | 21.5 The notice will bear the date on which it is published. It will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the decision is called in.
- | 21.6 During that period, the Scrutiny Officer shall Call-In a decision for scrutiny by the

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⁷⁹ See Access to Information Procedure Rules

⁸⁰ There is a separate Guidance Note which sets out in full the operation of the Call-In

| ⁸¹ Where a decision falls within the terms of reference of more than one Scrutiny Board, the Scrutiny Officer

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will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.
⁸² A decision which is a direct consequence of implementing a previous key or major decision, cannot be called in – see definition of key and major decisions, guidance notes on delegated decision-making.

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relevant Scrutiny Board if:

- two non executive elected Members (who are not from the same political group) or
- any five non executive elected Members

request him/her to do so⁸³. The Scrutiny Officer will call a meeting of the relevant Scrutiny Board to review or scrutinise the decision, unless a Member withdraws their signature, and no further signatures are obtained within the call-in period.

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21.7 A request for Scrutiny must be made on the approved pro forma and contain the original signatures of those Calling In the decision.

21.8 At the meeting the Scrutiny Board will invite signatories to the notification⁸⁴ to explain the reasons for the Call-In⁸⁵. The relevant member of the Executive Board, Area Committee Chair or officer (as appropriate) shall be required to attend the Meeting and shall be given the opportunity to respond to the reasons given for the Call-In. The Scrutiny Board shall make such further enquiries as it considers necessary and appropriate. The Scrutiny Board may also extend the invitation to other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision.

21.9 The Scrutiny Board shall then either;

- release the decision for implementation; or
- recommend to the decision-maker that the decision should be reconsidered; or
- where the decision is considered to fall outside the agreed budget or policy framework, recommend to the decision-maker that the decision should be reconsidered, and notify the decision-maker that if it is not, the Scrutiny Board will refer the matter to full Council.

21.10 If the Scrutiny Board resolves that a decision is to be referred back for consideration, the Scrutiny Officer will prepare a report⁸⁶ to the decision-maker within three working days of the Scrutiny Board meeting.

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21.11 In exceptional circumstances, the Scrutiny Board may resolve to adjourn the meeting to consider information regarded as essential for the Board to come to a conclusion. The maximum time allowed for an adjournment is 5 working days.

22.0 CALL-IN EXCEPTIONS

22.1 The Call-In procedure set out above shall not apply:

- where the decision being taken is stated by the decision maker to be urgent⁸⁷;

nor

⁸³ A Member cannot be a signatory to call-in a decision of the Area Committee of which they are a member. This also excludes members of the Scrutiny Board to which the Call In will be referred.

⁸⁴ or their nominees

⁸⁵ The signatories should specify which of the principles of decision making (set out in Article 13.2 of the constitution) has not been followed. The signatories may also provide further written evidence provided this supports the stated reasons for calling in the decision.

⁸⁶ the provisions relating to a minority report do not apply to any decision of the Committee in relation to a matter which has been called in.

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- where the decision is in relation to a matter which has been the subject of a previous Call-In.⁸⁸

23.0 NHS BODIES - CONSULTATION WITH THE SCRUTINY BOARD (HEALTH)

- 23.1 A local NHS body must consult the Scrutiny Board (Health) where it has under consideration any substantial development of the health service in the authority's area, or for a substantial variation in the provision of a service⁸⁹.
- 23.2 The Scrutiny Board may make comments on the proposal consulted on by such date as may be specified by the NHS body.
- 23.3 Where the NHS body is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff, the NHS body shall notify the Scrutiny Board immediately of:
- the decision taken; and
 - the reason why no consultation has taken place.
- 23.4 Where the Scrutiny Board (Health) is not satisfied that:
- consultation on any proposal referred to in [Rule 23.1](#) has been adequate in relation to content or time allowed; or
 - where [Rule 23.3](#) applies, the reasons given by the NHS body are adequate;
- it may report this to the Secretary of State in writing. The Secretary of State may require the local NHS body concerned to carry out such consultation, or such further consultation, with the Scrutiny Board as he/she considers appropriate.
- 23.5 Where further consultation has been required, the local NHS body shall, having regard to the outcome of such further consultation, reconsider any decision it has taken in relation to the proposal in question.
- 23.6 In any case where the Scrutiny Board (Health) considers that the proposal would not be in the interests of the health service in the authority's area, it may report this to the Secretary of State in writing. The Secretary of State may make a final decision on the proposal and require the local NHS body to take such action, or desist from taking such action, as he/she may direct.

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<#>25.1 . The Proper Officer will report to Council⁸⁹ annually about how the authority has carried out its overview and scrutiny functions.¶

⁸⁷ A decision may be declared urgent by the decision-maker if they consider that any delay in implementing the decision would seriously prejudice the authority's interest or the public interest.

⁸⁸ This includes a decision which has been modified by the decision making body following a recommendation by a Scrutiny Board after call in of the earlier decision

⁸⁹ Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

- 16.6 Where a Scrutiny Board has sent a Statement to a body, the body concerned will be asked to send its response to any recommendations to the Board within 2 months¹ of receipt of the Statement.
- 16.7 The body should set out in response to the recommendations made:²; the views of the body
details of any action already taken in response to the recommendations;
proposed action and timescales; or
reasons for inaction.

- 16.8 In the case of responses from NHS bodies the response should also be copied to:

Local MPs and MEPs;
NHS Yorkshire and Humber;
PCT and other NHS Trusts;
Leeds Voice;
Local Involvement Network; and
Other bodies or organisations that have expressed an interest in the Inquiry.

¹ For NHS Bodies this time limit is 28 days (the Local Authority (Overview and Scrutiny Committee Health Scrutiny Functions) Regulations 2002).

² Where a recommendation is to a Director, the Director shall consult with the appropriate Executive Member when formulating a proposed response. The Scrutiny Board report and proposed response will be considered by the Executive Board prior to a response being sent to the Scrutiny Board