

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 work.

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 and Families) shall confirm the appointment of 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.¹

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

The Scrutiny Officer², 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.

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.

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

¹ 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.

² Designated in accordance with Section 9FB Local Government Act 2000 (the 2000 Act). See further Article 6

Deleted: 21ZA

Scrutiny Board Procedure Rules

Scrutiny Board to withdraw from the meeting at which that issue is under discussion.

- 2.3 The Scrutiny Board (Health and Well-being and Adult Social Care) may include Members who are involved in the executive of a local NHS body³, as a member or an employee. Where such a Member has a personal or prejudicial⁴ 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 and Well-being and Adult Social Care) Members may not be involved in any scrutiny exercise that may advantage the NHS body where they have a prejudicial interest.

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.

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

Formatted: Indent: Left: 1.27 cm, Bulleted + Level: 1 + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm, Tabs: -0.63 cm, List tab + Not at 0.63 cm

Crime and disorder functions

3.4 The Scrutiny Board (Safer and Stronger Communities) must meet as the Scrutiny Board considers appropriate to review or scrutinise the exercise of crime and disorder functions⁵ by responsible authorities⁶, but no less than once in every twelve month period⁷.

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 The Council shall appoint substitute members, comprising all other members of the other Scrutiny Boards.

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

5.0 NOTICES OF MEETINGS

³ In Leeds this means NHS Leeds, the Leeds Community Healthcare NHS Trust the Leeds Teaching Hospitals NHS Trust, Leeds Partnerships NHS Foundation Trust, the NHS Yorkshire and Humber, and the Yorkshire and Humber Specialised Commissioning Group

⁴ See the Members Code of Conduct paragraphs 8 to 12 on Interests

⁵ 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)

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

⁷ Regulation 4 Crime and Disorder (Overview and Scrutiny) Regulations 2009

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 Rules⁸. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

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. All oral evidence given to a Scrutiny Board may be recorded in full as shall appear to the Scrutiny Board to be appropriate, and shall be retained for an appropriate period of time to be determined in each case.

8.0 RIGHTS OF SCRUTINY BOARD MEMBERS TO DOCUMENTS

8.1 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.

8.2 When a Scrutiny Board conducts a review, every member of the Scrutiny Board⁹ shall have a right of access to any documents which are relevant to the subject matter of the review.

8.3 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.

9.0 AGENDA ITEMS

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

- appeals against refusal of inspection of documents;

⁸ These are in Part 4 of the Constitution

⁹ 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.

Scrutiny Board Procedure Rules

- 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.

10.0 WORK PROGRAMMING

10.1 No Scrutiny Board may undertake a review into:

- any decision of a Plans Panel, the Licensing Committee or a Licensing sub-committee;¹¹
- any decisions which may be appealed against under the terms of reference of the Licensing Sub-Committees;
- any decision taken by an officer under delegated authority which falls within the terms of reference of a Plans Panel, the Licensing Committee or a Licensing Sub-Committee;¹²
- any decision taken prior to 24 May 1999¹³, 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; or
 - individual personnel issues.

Deleted: or

Deleted: or

10.2 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.

10.3 At a time in the municipal year¹⁴, all Scrutiny Boards will act as "critical friend" to the relevant partnership and consider and report on the following areas:

¹¹ In respect of a licence or permission granted to an individual or in respect of an individual premises

¹² In respect of a licence or permission granted to an individual or in respect of an individual premises

¹³ This was the date of the commencement of scrutiny arrangements in Leeds.

¹⁴ The appropriate time for this review will be established by the Scrutiny officer in conjunction with Scrutiny Chairs and the Head of the Leeds Initiative.

1. What contribution the Partnership Board is making to tackle poverty and inequality, and the progress being made against this?
2. How successfully the Board's partnership arrangements are working?
3. To what extent are significant benefits being seen from partnership working? How has partnership working ensured increased pace of change to address the issue in hand?

11.0 REQUESTS FOR SCRUTINY

Reviews requested by the Executive Board or Council

11.1 Where the Executive Board 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.

Reviews requested by a member of a Scrutiny Board

11.2 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.

Councillor calls for action

11.3 Any Member may refer any matter, which is relevant to the functions of a Scrutiny Board¹⁶, but is not an excluded matter¹⁷, to that Scrutiny Board – a “councillor call for action”. In considering whether to refer a matter, the Member must have regard to any guidance issued by the Secretary of State.¹⁸

- Deleted: local government
- Deleted: ¹⁵
- Deleted: e
- Deleted: relevant

11.4 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.

11.5 The Scrutiny Officer shall acknowledge all such referrals.

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

11.7 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

¹⁶ In accordance with Section 9FC Local Government Act 2000

¹⁷ An excluded matter means any matter which is a local crime and disorder matter under Section 19 Police and Justice Act 2006 (see below), or a matter of any description specified in an order made by the Secretary of State (SI 2012/1022).

¹⁸ See further SBPR Guidance Notes

Scrutiny Board Procedure Rules

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.

11.8 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.

11.9 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 it.

Local crime and disorder matters

11.10 Any Member may refer any local crime and disorder matter²⁰ to the Scrutiny Board (Safer and Stronger Communities) as the Council's designated Crime and Disorder Committee..

11.11 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.

11.12 The Scrutiny Officer shall acknowledge all such referrals.

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

11.14 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

11.15 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.

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

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

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)

- 11.18 At the next Ordinary Meeting, the Scrutiny Board shall consider any such referral which the Scrutiny Officer has added to the agenda.
- 11.19 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.
- 11.20 The Scrutiny Officer will inform the Local Involvement Network about any action taken in relation to the matter.

Requests for reviews from other sources

- 11.21 The appropriate Scrutiny Board shall consider a request from any other source²² to conduct a review²³, including any petition requesting Scrutiny²⁴.

12.0 UNDERTAKING SCRUTINY INQUIRIES -

- 12.1 Where a Scrutiny Board undertakes an Inquiry the Scrutiny Board shall consult with any relevant Director²⁵ and Executive Member on the terms of reference.

~~12.2~~ Where any Scrutiny Board decides that there shall be an Inquiry, the Scrutiny Board shall

- consult with any 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 Scrutiny Board require evidence²⁶; and
- compile a preliminary list of documents which the Scrutiny Board require to be produced.

12.3 Where appropriate, all terms of reference for work undertaken by Scrutiny Boards will include:

"To review how and to what effect consideration has been given to the impact of a service or policy on all equality areas, as set out in the Council's equality and Diversity scheme".

13.0 REPORTS AND RECOMMENDATIONS

²² including Scrutiny Chairs.

²³ See further Scrutiny Board Procedure Rules Guidance Notes

²⁴ Where a Scrutiny Board Chair receives a petition in their capacity as a Scrutiny Chair, the Chair will respond to the petition organiser only. Thereafter, the Scrutiny Officer will be responsible for notifying the petition organiser of the date on which the petition will be considered, and of the outcome of that meeting. The Scrutiny Officer will ensure that the appropriate Executive Board Member receives a copy of the petition.

²⁵ Any reference to a Director within these Rules should be deemed to include reference to all officers listed in Article 12 of the constitution. In relation to health matters it also includes the Director of Public Health

²⁶ As an Inquiry proceeds it may become apparent that further witnesses are required

Deleted: 12.2 Before deciding to undertake a scrutiny Inquiry, a Scrutiny Board must¶
<#>consider how the proposed Inquiry meets criteria approved from time to time; and¶
<#>consider the current workload of the Scrutiny Board and the available resources required to carry out the work.¶
<#>¶

Deleted: 3

Formatted: Indent: Left: 1.03 cm, Bulleted + Level: 1 + Aligned at: 0 cm + Tab after: 0.63 cm + Indent at: 0.63 cm, Tabs: 1.67 cm, List tab + Not at 0.63 cm

Scrutiny Board Procedure Rules

- 13.1 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.
- 13.2 Where a Scrutiny Board is considering making specific recommendations it shall invite advice from the appropriate Director(s) prior to it finalising its recommendations. The Director shall consult with the appropriate Executive Member before providing any such advice. The detail of that advice shall be reported to the Scrutiny Board and considered before the report is finalised.
- 13.3 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)²⁷ ;
 - a list of all documentation that has been considered by the Board; and
 - any conclusions and recommendations on the matter reviewed or scrutinised.
- 13.4 Where a Scrutiny Board is to publish or copy a report, it must comply with relevant statutory provisions relating to exempt or confidential information.
- 13.5 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 intention to submit a minority report should be declared within the Board meeting at the time the majority report is agreed and be both formally minuted and referred to in the final report as part of the Board's resolutions. The Chair can give this notice on behalf of a Member who cannot be present when the majority report is agreed. Where a Scrutiny Board has agreed its final report and there has been no declared intention to produce a minority report, a minority report cannot then be subsequently submitted. Where the intention to produce a minority report has been minuted, the Scrutiny Support Unit will contact the appropriate Member or Members to confirm submission dates. The minority report should be delivered to the Scrutiny Support Unit within 5 working days after the Scrutiny Board meeting. The Minority Report will be an appendix to the Scrutiny Board's Report.²⁸

Councillor calls for action

- 13.6 Where a Scrutiny Board is considering making a report or recommendations in relation to a matter referred as a councillor call for action, it may have regard to:
- any powers which the Member may exercise in relation to the matter²⁹; and
 - any representations made by the Member.

Deleted: local government matter,

²⁷ 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.

²⁸ The Scrutiny Board Procedure Rules Guidance Note provides guidance on Minority Reports.

²⁹ Under Section 236 of the 2007 Act

- 13.7 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.
- 13.8 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..

Health scrutiny functions

- 13.9 The Scrutiny Board (Health and Well-being and Adult Social Care) may make reports and recommendations to local NHS bodies, or the Executive or Council. Such reports and recommendations shall include:
- 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.
- 13.10 Where the Scrutiny Board (Health and Well-being and Adult Social Care)) has completed its review and made reports and recommendations to local NHS bodies scrutinised, the Scrutiny Officer will copy the report 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.
- 13.11 The Scrutiny Officer will place a copy of the report on the Council's web-site.

Crime and disorder functions

- 13.12 Where the Scrutiny Board (Safer and Stronger Communities) makes a report or recommendations to the Council or Executive about the exercise of crime and disorder functions by responsible authorities³⁰, the Scrutiny Officer will provide a copy to
- each of the responsible authorities; and
 - each of the co-operating persons and bodies.
- 13.13 Whenever the Scrutiny Board provides a copy of a report or recommendation the Scrutiny Officer will also notify any authority, person or body to whom it provides the copy, of the steps they must take³¹.

Local crime and disorder matters

³⁰ See footnote 7

³¹ In accordance with Section 19 (8B) 2006 Act.

Deleted: See further the Protocol between Scrutiny and the Community Safety Partnership, detailing these arrangements.

Scrutiny Board Procedure Rules

13.14 In deciding whether to make a report or recommendations in relation to a local crime and disorder matter, the Scrutiny Board will have regard to:

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

13.15 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.

13.16 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 matter³², the Scrutiny Officer will copy the report to:

- 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 bodiesas it thinks appropriate.

13.17 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.

14.0 RESPONSES TO REPORTS AND RECOMMENDATIONS

14.1 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 received³³. The Council or Executive is under a duty to respond to the Scrutiny Board, indicating what action (if any) it proposes to take and to publish its response.³⁴

14.2 The Scrutiny Officer will place a copy of the response on the Council's web-site³⁵.

Partner authorities³⁶

14.3 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 functions of a relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area, the Scrutiny Board may by notice³⁷ in writing require the relevant partner authority to have regard to the report or recommendation in

Deleted: a local improvement target which relates to a partner authority

³² See footnote 19

³³ Or (if later) the notice – Section 9FE of the 2000 Act

³⁴ Section 9FE of the 2000 Act

³⁵ Confidential information must be excluded, and relevant exempt information may be excluded, in accordance with SI 2012/1021

³⁶ 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 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 13.9.

³⁷ Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act Part 4 (c)

Deleted: 21B

Deleted: 21B

Deleted: police authority or a

Deleted: 21D

question in exercising their functions. The notice must be accompanied by a copy of the report or recommendations³⁸.

Councillor calls for action

- 14.5 Where a Scrutiny Board has made a Report in relation to a councillor call for action, any response must also be sent to the Member who referred the matter.

Deleted: local government matter

Crime and disorder functions

- 14.5 Where a relevant authority, or co-operating person or body has been notified by the Scrutiny Officer, it must:
- consider the report or recommendations;
 - respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations³⁹, 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

- 14.6 Where the Council or the Executive other relevant authority, person or body has been notified by the Scrutiny Officer, it must:
- consider the report or recommendations;
 - respond in writing to the Scrutiny Board within 28 days of the date of the report or recommendations⁴⁰, indicating what (if any) action it proposes to take; and
 - have regard to the report or recommendations in exercising its functions.

Health scrutiny functions

- 14.7 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 days⁴¹.
- 14.8 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

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

Flood risk management

³⁸ Subject to provisions relating to confidential and exempt information in Section 9FG of the 2000 Act
³⁹ or if this is not reasonably possible, as soon as reasonably possible thereafter
⁴⁰ or if this is not reasonably possible, as soon as reasonably possible thereafter
⁴¹ Regulation 3(3) Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

Deleted: 21D

14.10 A risk management authority must have regard to reports and recommendations of the relevant Scrutiny Board exercising statutory functions in relation to the scrutiny of flood risk management.

14.11 Where that Scrutiny Board requests a response to a report from a risk management authority, the risk management authority must:

- respond to the Board within 28 days or a longer period as agreed between the risk management authority and the Scrutiny Board, and
- indicate what (if any) action the risk management authority proposes to take, if a response to a report is requested.

15.0 WITNESSES – GENERAL PRINCIPLES

15.1 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.

15.2 Those assisting the Scrutiny Board by giving evidence shall be treated with respect and courtesy⁴².

16.0 MEMBERS AND OFFICERS GIVING ACCOUNT/ INFORMATION

16.1 A Scrutiny Board may require any Executive Member, or Member in relation to a matter where the Member has exercised functions⁴³, the Chief Executive and/or any senior officer to attend before it to answer questions and provide information about any matter within its terms of reference;

16.2 It is the duty of those officers and Members to attend and to answer questions⁴⁴.

16.3 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.

16.4 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.

16.5 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.

⁴² see Member/Officer Protocol in Part 5 of the Constitution.

⁴³ under Section 236 of the 2007 Act

⁴⁴ 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 9FA of the 2000 Act.

- 16.6 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.
- 16.7 Directors may be accompanied by any other officer the Director feels appropriate.
- 16.8 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.
- 16.9 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.

Health scrutiny functions

- 16.10 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (Health and Well-being and Adult Social Care)) 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.⁴⁵
- 16.11 Scrutiny Board (Health and Well-being and Adult Social Care)) 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.
- 16.12 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.⁴⁶

Crime and Disorder Committee

- 16.13 Subject to giving reasonable notice of the intended date of attendance, the Scrutiny Board (Safer and Stronger Communities)⁴⁷ may require an officer or employee of a responsible authority⁴⁸ or of a co-operating person or body⁴⁹ in order to answer questions.

⁴⁵ 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.

⁴⁶ Regulation 5 Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

⁴⁷ In its capacity as crime and disorder committee

⁴⁸ See footnote 7

⁴⁹ See footnote 7

Scrutiny Board Procedure Rules

16.14 The Scrutiny Board (Safer and Stronger Communities) may in writing request responsible authorities and co-operating persons and bodies to provide it with information.

Partner authorities

16.15 Scrutiny Board may in writing request a partner authority to provide such information, as the Scrutiny Board may reasonably require in order to discharge its functions, being information which relates to the functions of the relevant partner authority so far as exercisable in relation to the authority's area, or the inhabitants of that area.

16.16 A partner authority must comply with any such request.⁵¹

Flood risk management

16.17 The Scrutiny Board exercising the authority's statutory functions in relation to the scrutiny of flood risk management may request information from any risk management authority. This may be a request to attend to give information orally to the Board.

16.18 The risk management authority must comply with any such request made in writing within 28 days, or longer period as agreed between the risk management authority and the Board.

16.17 Where confidential information must be disclosed by a risk management authority, the Scrutiny Board must hold that meeting in private, and not disclose the information except as provided for in regulations.⁵²

17.0 ATTENDANCE BY OTHERS

17.1 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 questions on matters within its Terms of Reference⁵³.

18.0 NHS BODIES - CONSULTATION WITH THE SCRUTINY BOARD (HEALTH AND WELL-BEING AND ADULT SOCIAL CARE)

⁵¹ Subject to Regulations 5 and 6 Local Authorities (Overview and Scrutiny Committees) (England) Regulations 2012 (SI 2012/1021).

⁵² See further Flood Risk Management Overview and Scrutiny Committee (England) Regulations 2011/697

⁵³ It may for example wish to hear from residents, stakeholders, Members or officers in other parts of the public sector.

⁶⁰ Under the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 as amended.

Deleted: ⁵⁰

Deleted: .

Deleted: **18.0 EXECUTIVE DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK¶**

¶
18.1 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.¶

¶
18.2 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.¶

¶
18.3 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.¶

¶
18.4 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. ¶

¶
18.5 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.¶

¶
¶
19.0 KEY DECISIONS NOT CONTAINED WITHIN THE FORWARD PLAN¶

¶
General exception¶

¶
19.1 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 ... [1]

Deleted: 11

Deleted: 12

Deleted: 2009

Scrutiny Board Procedure Rules

- 18.1 A local NHS body must consult the Scrutiny Board (Health and well-being and Adult Social Care) 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 service⁶⁰. Deleted: 21
- 18.2 The Scrutiny Board may make comments on the proposal consulted on by such date as may be specified by the NHS body. Deleted: 21
- 18.3 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.
- 18.4 Where the Scrutiny Board (Health and well-being and Adult Social Care) is not satisfied that:
- consultation on any proposal has been adequate in relation to content or time allowed; or
 - , 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. Deleted: 21
- 18.5 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. Deleted: 21
- 18.6 In any case where the Scrutiny Board (Health and well-being and Adult Social Care) 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. Deleted: 21

18.0 EXECUTIVE DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 18.1 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.
- 18.2 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.
- 18.3 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.
- 18.4 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.
- 18.5 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.

19.0 KEY DECISIONS NOT CONTAINED WITHIN THE FORWARD PLAN

General exception

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

Special urgency

- 19.2 If by virtue of the date by which a decision must be taken, it is not possible to give 5 clear 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.

- 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.

Report to Council

- 19.4 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 provisions¹.

20.0 CALL-IN

- 20.1 Subject to the exceptions set out below, the following may be called in to be reviewed and scrutinised by the relevant Scrutiny Board²:
all decisions of the Executive Board;
executive decisions taken by Area Committees; and
Key and Major Decisions taken by Officers.

- 20.2 The power to call in decisions does not extend to³:
decisions made under regulatory arrangements;
decisions made by Joint Committees; or
decisions not taken by the authority.
Budget and Policy framework documents reserved for full council

The decision taker may declare a decision as being exempt from Calling In if they consider that any delay would seriously prejudice the Council's or the public's interests; or where the decision has been the subject of a previous Call In. 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. There is no appeal mechanism against a decision to exempt a decision from Calling In

- 20.4 When a decision is made which is subject to Call-In, the Head of Governance Services shall publish the decision, and make it available on the Council database within two days of the decision being made.
- 20.5 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.

¹ See Access to Information Procedure Rules

² Where a decision falls within the terms of reference of more than one Scrutiny Board, the Scrutiny Officer will determine the relevant Scrutiny Board, after consultation with Scrutiny Chairs.

³ 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.

20.6 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 days⁴ after the publication of the decision, unless the decision is called in.

20.7 During that period, the Scrutiny Officer shall Call-In a decision for scrutiny by the

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 so⁵. 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 or a Member withdraws their signature after the Call In period resulting in insufficient signatures to meet the requirements for Call In

20.8 A request for Scrutiny must be made on the approved pro forma and contain the

original signatures of those Calling In the decision.

20.9 Prior to submitting a Call In, a nominated signatory first must contact the relevant officer or Executive Member to discuss their concerns and their reasons for wanting to call in the decision. The nominated signatory must also ascertain the financial consequences to the authority of having the decision Called In. The outcome of this contact including any financial implications must be detailed on the Call In request pro-forma.

20.10 All requests must detail on the pro forma why in the opinion of the signatories the decision was not taken in accordance with the principles set out in Article 13 (Decision Making) (Principles of Decision Making) or where relevant issues do not appear to have been taken into consideration.

20.11 At the meeting the Scrutiny Board will invite signatories to the notification⁶ to explain the reasons for the Call-In. 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

⁴ Which shall be taken to expire at 5.00 p.m. on the fifth working day.

⁵ Those Scrutiny Board Members not in a political group (excluding co-optees) would be eligible to sign a Call In request. A Member cannot be a signatory to call-in a decision of the Area Committee of which they are a member.

⁶ or their nominees

invitation to other relevant witnesses, as considered appropriate, in order to specifically assist the Board in its deliberations over the called in decision.

- 20.12 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.
- 20.13 If any decisions are to be referred back for consideration, then a report will be prepared to the relevant decision making body within three days of the Scrutiny Board meeting.

Executive Board Decisions

- 20.14 The Scrutiny Board report will be submitted to the next appropriate Executive Board meeting.
- 20.15 Executive Board will either confirm the original decision or vary the original decision. The decision will be implemented without further recourse to Call In.

Delegated Decisions

- 20.16 The Scrutiny Board report will be submitted to the relevant Director³.
- 20.17 Where the Director believes that the original decision should be confirmed, they will refer the matter to the next Executive Board for a decision.
- 20.18 In cases where the Director believes that the original decision should be confirmed, and in their view urgency prevents them from submitting the decision to Executive Board, the approval from the relevant Executive Board Member will be required before implementation. This Executive Member approval together for reasons of urgency will be included in the new delegated decision form. The Director and relevant Executive Board Member may also be required to attend and give their reasoning to the relevant Scrutiny Board
- 20.19 Where the Director agrees with the views of Scrutiny a new delegated decision form will be submitted indicating ineligible for Call In.

Area Committee Decisions

³ This also refers to the Chief Executive, Deputy Chief Executive and Assistant Chief Executive where they have delegated authority to take decisions

- 20.20 The Scrutiny Board report will be submitted to the next appropriate Executive Board meeting.
- 20.21 Executive Board will either confirm the original decision or vary the original decision. The decision will be implemented without further recourse to Call In.
- 20.22 In all instances a revised record of the decision, indicating the outcome of decision taker's further deliberations, will be published on the Corporate Information System.
- 20.23. 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 clear working days.