

## Appendix 1: Extract from [Scrutiny Board Procedure Rules](#)

The extract below sets out the Scrutiny Board Procedure Rules so far as they relate to the referral of matters to scrutiny boards (as amended May 2019).

### **G - REFERRAL OF MATTERS TO SCRUTINY BOARDS<sup>1</sup>**

25. The Scrutiny Officer may receive referrals for scrutiny from:-

25.1. The Executive Board;

25.2. Full Council;

25.3. Healthwatch Leeds<sup>2</sup> in relation to the planning, provision and operation of the health service in the Leeds City Council area<sup>3</sup>, or social care services<sup>4</sup>; or

25.4. Any Member of the authority<sup>5</sup> in relation to a matter which is relevant to the functions of a Scrutiny Board<sup>6</sup> and is not<sup>7</sup>:-

a a planning decision;

b a licensing decision;

c Any matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment;

d Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny Board.

e For the avoidance of doubt the following matters will not be considered reasonable to include in the agenda for a meeting of a Scrutiny Board:-

i Matters which are subject to ongoing judicial proceedings, Ombudsman or audit inquiry;

ii Matters which are subject to an ongoing complaint under the Council's formal complaints procedure;

iii Matters which relate to individual personnel issues.

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<sup>1</sup> S9FC Local Government Act 2000; S19(3&4) Police and Justice Act 2006; Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218

<sup>2</sup> As the Local Healthwatch Organisation for the Leeds area

<sup>3</sup> Reg 21 Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013/218; S221 Local Government and Public Involvement in Health Act

<sup>4</sup> S226 Local Government and Involvement in Health Act 2007

<sup>5</sup> Sometimes known as a Councillor Call for Action - In considering whether to exercise this right to refer the Member shall consider any guidance for the time being issued by the Secretary of State.

<sup>6</sup> Local Crime and Disorder Matters shall only be referred to the Scrutiny Board with responsibility for Crime and Disorder functions S19(3b) Police and Justice Act 2006 and S9FC(5a) Local Government Act 2000.

<sup>7</sup> Local Government Act 2000 S9FC; Overview and Scrutiny (Reference by Councillors)(Excluded Matters)(England)Order 2012/1022

25.5. The exclusions set out in Rule 28.4 shall not prevent a Member from referring an allegation that a function for which the authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis.

26. Referrals under this Part shall be made in writing to the Scrutiny Officer who will:-

26.1. Acknowledge receipt of the referral within 20 working days<sup>8</sup> beginning with the date on which the referral was made; and

26.1.1. add the referral to the agenda for the next meeting of the relevant Scrutiny Board and advise the referrer as to which Scrutiny Board will consider the referral and the date of the meeting at which that consideration will take place; or

26.1.2. inform the referrer that the matter will not be considered by a Scrutiny Board giving reasons for this decision; and

26.2. keep the referrer informed of any action taken in relation to the matter.

27. The Scrutiny Officer will receive requests for Call In in accordance with Part 5 of the Executive and Decision Making Procedure Rules

#### **H – CONSIDERATION OF REFERRAL**

28. Any matter referred to a Scrutiny Board in accordance with Part G of these rules shall be included in the agenda and discussed at a meeting of that Scrutiny Board.

29. The person making the referral will be invited to attend the relevant 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 for the person to address the Scrutiny Board.

30. The Scrutiny Board shall consider whether to exercise its power to review or scrutinise the matter referred and may have regard to:-

30.1. Any relevant information provided by or representations made by the Referrer as to why it would be appropriate for the Scrutiny Board to exercise any of its powers in relation to the matter; and

30.2. The principles set out within the 'Vision for Leeds at Scrutiny' document as part of Article 6.

31. If the Scrutiny Board decides not to exercise its powers in relation to the matter it will notify the Referrer of its decision and the reasons for it.

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<sup>8</sup> Acknowledgement of receipt and all other correspondence will be with the Referrer, in the case of a petition requesting Scrutiny this will be the petition organiser.