

Scrutiny And Review Panels (Overview and Scrutiny) Procedure Rules

1. Number and Arrangements for scrutiny and review panels

The council will have the standing scrutiny and review panels set out in Part 1 Chapter 6 of the Constitution and will appoint members to them in such numbers in political proportionality as it considers appropriate from time to time. The scrutiny and review (oversight) panel (hence forth referred to as the "scrutiny management panel") will appoint ad hoc panels for a fixed period, if appropriate, on the expiry of which they shall cease to exist.

Terms of reference - the scrutiny and review panels' terms of reference are to act in relation to the matters set up in the right hand column headed "scope" in paragraph 6.2 of Chapter 6, and to exercise the general role and specific functions set out in paragraphs 6.3 to 6.7 of Chapter 6.

2. Members of scrutiny and review panels

All councillors except members of the Executive, may be members of a scrutiny and review panel. No member may be involved in scrutinising a decision which he/she has been directly involved.

3. Education representatives

Each relevant scrutiny and review panel dealing with education matters shall include in its membership the following representatives -

- (a) one Church of England diocese representative (with voting rights);
- (b) one Roman Catholic diocese representative (with voting rights);
- (c) three parent governor representatives (with voting rights);
- (d) one governor forum representative (non-voting)
- (e) two teachers' liaison panel representatives (non-voting)

A relevant scrutiny and review panel in this paragraph is a scrutiny and review panel of a local education authority, where the panel's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If the scrutiny and review panel deals with other matters, these **representatives shall** not vote on those other matters, though they may stay in the meeting and speak.

4. Meetings of the scrutiny and review panels

Scrutiny and review panels will meet on a regular basis in accordance with a timetable to be published by the Local Democracy Manager. Additional meetings may be called from time to time as and when appropriate. A scrutiny and review panel meeting may be called by the chair of the relevant scrutiny and review panel, by a quorum of members of the panel or by the Local Democracy Manager if it is considered necessary or appropriate.

5. Quorum

The quorum for a scrutiny and review panel shall be one third of the Membership of the panel.

6. Chairing scrutiny and review panels

The chair and vice-chair of each standing scrutiny and review panel shall be appointed by the council at the annual meeting. In the absence of the chair, the vice-chair will preside. In the event that neither the chair nor the vice-chair are present within ten minutes from the time appointed for the commencement of any meeting, the panel may appoint a person to chair it from amongst the councillors sitting on the panel. The chairs and vice chairs of ad hoc scrutiny and review panels shall be appointed by the scrutiny management panel from among the councillors sitting on the ad hoc panel.

7. Work programme

The standing scrutiny and review panels will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on those panels who are not members of the largest political group on the council. In relation to scrutiny and review works programmes account shall be taken of the protocol adopted by the council, set out in paragraph 18 below.

8. Agenda items

Any member of a scrutiny and review panel shall be entitled to give notice to the Local Democracy Manager that they wish an item relevant to the functions of the panel to be included on the agenda for the next available meeting of the panel. On receipt of such a request the Local Democracy Manager will ensure that it is included. Any member of the council who is not a member of the scrutiny and review panel may give written notice to the Local Democracy Manager that they wish an item to be included on the agenda of a relevant scrutiny and review panel. If the Local Democracy Manager receives such a notification, they will include the item on the agenda of the scrutiny management panel for consideration, as to whether the matter should be included in a future work programme.

The council or the Executive may request a scrutiny and review panel to consider matters referred by it. Where this occurs, the matter shall be placed on the next available convenient meeting of the scrutiny and review panel.

The scrutiny management panel should consider on a regular basis the Executive's forward plan and decide what, if any, future matters coming forward for decision should be the subject of "pre-decision" scrutiny.

9. Scrutiny review and development

- (a) scrutiny and review panels may make proposals to the Executive in so far as they relate to matters within their terms of reference.
- (b) scrutiny and review panels may hold enquiries and investigate the available options for future direction in scrutiny development. They may go on site visits, conduct public surveys, hold public meetings, and do all other things that they reasonably

consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

- (c) panels may commission a report from or seek such professional or other advice as may be considered necessary from outside the council to assist in the remit it has been given. Any costs involved will be met from the budget allocation for this purpose.
- (d) panels will be provided with such professional officer support, including advisors, as the Local Democracy Manager, after consultation with the chief executive, considers appropriate. This support may be drawn from one or more departments, dependent upon the subject matter under consideration.
- (e) In the interest of objectivity, chief officers will be required to ensure that advice to panels in any case where that chief officer prepared a report which is the subject of scrutiny by the panel is given by an officer other than the principal author of the report.

10. Reports from scrutiny and review panels

- (a) Scrutiny & review panels should consult the relevant Executive Member at an appropriate stage during a review to ensure that there are no outstanding matters that need addressing prior to finalisation and publication of the report. Once it has formed recommendations on proposals for development, the scrutiny and review panel will prepare a formal report and submit it to the city solicitor for consideration by the Executive (if the proposals are consistent with the existing budgetary and scrutiny framework), or to the council as appropriate (for example if the recommendation would require a departure from or a change to the agreed budget and scrutiny framework).¹
- (b) If a scrutiny and review panel cannot agree on one single final report to the council or the Executive as appropriate, then the report shall contain a paragraph giving brief details of where there is dissent from the majority finding.
- (c) The council or Executive will consider the report of a scrutiny and review panel as soon as practicable after the report has been submitted to it.

11. Consideration by the Executive of scrutiny and review panel reports

- (a) Once a scrutiny and review panel has completed its deliberations on any matter it will forward a copy of its final report to the city solicitor who will allocate it to either or both the Executive and the council for consideration, according to whether the contents of the report would have implications for the council's budget and scrutiny framework. If the city solicitor refers the matter to the council a copy will also be

¹ Paragraphs 8 and 10(a) were amended by a council decision on 17 January 2006

served on the Leader with notice that the matter is to be referred to council. The Executive will have up to eight weeks in which to respond to the scrutiny and review Report, and the council shall not consider it within that period. When the

council does meet to consider any referral from a scrutiny and review panel on a matter which would impact on the budget and scrutiny framework, it shall also consider the response of the Executive to the scrutiny and review panel proposals.

- (b) The agenda for Executive meetings shall include when required an item entitled 'Issues arising from overview and scrutiny'. The reports of scrutiny and review panels referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda) within two months of the scrutiny and review panel completing its report/recommendations.
- (c) If for any reason the Executive does not consider the scrutiny and review panel report within eight weeks then the matter will be referred to the next council meeting to consider the report and make a recommendation to the Executive.
- (d) Where an scrutiny and review panel prepares a report for consideration by the Executive in relation to a matter where the decision making power has been delegated to an individual member of the Executive, then the scrutiny and review panel will submit a copy of its report to their for consideration. At the time of doing so, the scrutiny and review panel shall serve a copy on the city solicitor. The member with delegated decision making power must consider the report and respond in writing to the scrutiny and review panel within six weeks of receiving it. A copy of their written response to it shall be sent to the city solicitor and the Leader. The member will also attend a future meeting of the scrutiny and review panel to present their response.
- (e) scrutiny and review panels will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a scrutiny and review panel following a consideration of possible scrutiny/service developments, the panel will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.
- (f) In the event of any dispute between the Executive, the council, and/or any panel, it shall be resolved by the council. If there is any issue as to whether a matter is a dispute requiring resolution by the council, the city solicitor shall advise, and if necessary, will place the matter on the council agenda.
- (g) The scrutiny management panel will co-ordinate any issues arising between scrutiny and review panels and, if appropriate, reconcile differences and ensure that reports are consistent and take account of corporate issues.

12. Rights of scrutiny and review panel members to documents

- (a) In addition to their rights as councillors, members of scrutiny and review panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 3 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and scrutiny and review panels as appropriate depending on the particular matter under

consideration.

13. Members and officers attendance at scrutiny and review panels

- (a) Any scrutiny and review panel may, within its terms of reference, scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, head of paid service and/or any senior officer to attend before it to explain in relation to matters within their remit:
- I. any particular decision or series of decisions;
 - II. the extent to which the actions taken implement council scrutiny; and/or
 - III. issues relating to their performance.

It is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend a scrutiny and review panel under this provision, they shall be given reasonable notice of the meeting they are required to attend. The notice will state the nature of the matter upon which they will be asked to explain or answer, and they will also be given notice of whether any papers are required to be produced. Where attendance is likely to require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

14. Attendance by others

A scrutiny and review panel may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It could include, for example residents, stakeholders and members and officers in other parts of the public sector. In the case of these persons, attendance will be completely optional.

15. Call-in

- a) When a decision is made by the Cabinet, an individual Cabinet portfolio holder or a key decision is made by an officer with delegated authority, the decision shall be published within 2 working days of being made, either through the council's members' information service or the notification of decision process and shall be available at the main offices of the council.

- b) Any decision which is sought to be called in, must be called in within 5 working days after the publication of the decision.
- c) During that period, the city solicitor shall call-in a decision for scrutiny by the scrutiny management panel if so requested by not less than five Members of the council containing sufficient justification, as per these criteria:
 - (a) Believe the decision may be based on inaccurate or incorrect information (which is identified)
 - (b) Believe the decision may have been taken without adequate information (of which the nature has been identified)
 - (c) Believe the decision may be contrary to the council's agreed Budget and policy framework
- d) The call-in request may be made on the Form attached as Appendix One or by email to the local democracy manager. This form can be found at the end of this section.
- e) Any decision of the Cabinet which is not in accordance with the budget and scrutiny framework, will, if called in, have the effect of preventing the decision being actioned and shall be referred to Full council for decision.
- f) The city solicitor on being satisfied the call in request is valid, shall advise members of the date of the special Scrutiny Management Panel meeting (which is expected to be held within 10 working days, unless placed on existing scheduled meeting if earlier, only if the Chair so approves) to consider a valid call in request of a decision. The city solicitor will not call in:
 - i. Any decision which has already been the subject of call-in for the same reasons or with insufficient justification;
 - ii. A decision which is urgent as defined in the Access to Information Procedure Rules; and
 - iii. Decisions by regulatory and other committees;
 - iv. Decisions which are not subject to publication on the member information system or notification of decisions process;
 - v. A resolution which merely notes the report or the actions of officers;
 - vi. A resolution making recommendations to full council.
- g) Once a valid call-in is received by the city solicitor, they shall then notify the decision-taker of the call-in.
- h) If having considered the decision, the scrutiny management panel is still concerned about it, then it may refer it back to the Cabinet or decision making body for reconsideration, setting out in writing the nature of its concerns and the reasons. If referred to the decision-maker for their reconsideration, it shall be reviewed as soon as is reasonably practical thereafter, such review must address

the concerns identified by the Scrutiny Management Panel.

Process of call-in

If a decision is called in, the scrutiny management panel will consider it at its specially convened or the next scheduled meeting (if earlier as appropriate). The business procedure would then be as follows -

- Presentation of the call-in by one of the call-in members (known as the "Lead Call-In Member") followed by questions from scrutiny management panel members.
- Response from relevant Lead Cabinet members followed by questions from scrutiny management panel members.
- A further response may then be made by the call-in member.
- The lead call-in member may then sum up their case.
- The lead Cabinet member may then sum up their case.
- General debate among scrutiny management panel members followed by a decision.
- The call-in member who presented to scrutiny management panel would not be allowed to speak again or vote on the item, unless they are a member of the scrutiny management panel.
- The panel would then either resolve to take no action (in effect endorsing the original decision) or refer the matter back to Cabinet or decision making body for further consideration, setting out the nature of its concerns that are to be addressed in conjunction with the original matter.

16. Procedure at scrutiny and review panel meetings

(a) scrutiny and review panels shall consider the following business:

- I. declarations of interest;
- II. minutes of the last meeting;
- III. consideration of any matter referred to the panel for a decision in relation to call in of a decision;
- IV. Responses of the Executive to reports of the scrutiny and review panel; and
- V. the business otherwise set out on the agenda for the meeting.

(b) Where the scrutiny and review panel conducts investigations - for example with a view to scrutiny development, the panel may also ask people to attend to give evidence at panel meetings which will be conducted in accordance with the following principles:

- I. that the investigation be conducted fairly and all members of the panel be given the opportunity to ask questions of attendees, and to contribute and speak;
- II. that those assisting the panel by giving evidence be treated with respect and courtesy; and

- III, that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the panel will prepare a report, for submission to the Executive and/or council as appropriate and shall make its report and findings public. When finalising a report members of a Scrutiny panel should not -
- show draft copies of reports in the course of preparation to any other person;
 - speculate publicly on draft conclusions and recommendations while preparing the final report.²

17. Matters within the remit of more than one scrutiny and review panel

Where a matter for consideration by a scrutiny and review panel also falls within the remit of one or more scrutiny and review panels the decision as to which panel will consider it will be resolved by the scrutiny management panel.

18. Protocol on scrutiny and review Works Programme

- (a) Before embarking upon a review the scrutiny management panel should give a general indication of the amount of time to be allocated to the review, and the period over which the review will be undertaken.
- (b) Wherever possible, the aim should be to set a short timescale for the completion of a review.
- (c) The scrutiny management panel, will, in accordance with paragraph 6.1.2 of the Constitution, monitor the tasks referred to a panel to ensure they are carried out in accordance with the priorities set by the oversight panel.
- (d) A panel must advise the scrutiny management panel if, during a review, it becomes aware that the timescale set is unlikely to be met.
- (e) Timetabling should provide that scrutiny & review panels do not undertake reviews (excluding any matter which is the subject of call-in) or meet in formal session to 'sign-off' a report from the time notice of election is published until after that election.³
- (f) Executive/ Reports from scrutiny and review panels, produced in accordance with paragraph 10(a) of the scrutiny and review panels procedure rules, will be signed by the chair of the panel.
- (g) If a scrutiny and review panel cannot agree on one single final report, then, in accordance with paragraph 10(b) of the scrutiny and review panels procedure rules, will contain a paragraph giving brief details of where there is dissent from the majority finding. 'Minority reports' will not be prepared, but it will be for the panel to decide whether it wishes to indicate which member(s) dissented from the main report.
- (h) Unless circumstances otherwise require, generally the members appointed to a

scrutiny and review panel will remain unchanged during the course of a municipal year in order to provide continuity of membership, knowledge and experience of those matters being reviewed.

² Rule 16(c) was amended by the city council on 17 January 2006

³ Rule 18(e) was amended by the city council on 17 January 2006

⁴ Section 15 was amended by the city council on 15 October 2019



APPENDIX ONE

=====

“CALL IN” REQUEST

=====

WE THE UNDERSIGNED WISH TO “CALL IN” FOR CONSIDERATION BY THE SCRUTINY MANAGEMENT PANEL THE DECISION(S) OF

(Decision maker(s)) _____

TAKEN ON THE _____ (date)

IN RELATION TO THE REPORT/MINUTE NUMBER: _____ (min #)

(Entitle) _____

- Councillor _____ (Print) _____ (Sign)

Dated _____

VALID CATEGORIES FOR “CALL IN” and WHY		
Please select one or more categories that you believe apply, identifying and/or providing justification as appropriate.	Believe the decision may be based on inaccurate or incorrect information (which is identified)	<input type="checkbox"/>
	Believe the decision may have been taken without adequate information (of which the nature has been identified)	<input type="checkbox"/>
	Believe the decision may be contrary to the council’s agreed Budget and policy framework	<input type="checkbox"/>

***Please provide call in request form signed, with all necessary details to the Local Democracy Manager
Telephone: 023 9283 4055***