

**SCRUTINY COMMITTEE
20 FEBRUARY 2023**

REPORT ON ACCESS TO SCRUTINY

Responsible Officer: District Solicitor and Monitoring Officer

Reason for Report: Requested by Scrutiny Committee

Recommendation: To note the contents of the report

Financial Implications: N/A

Budget and Policy Framework: N/A

Legal Implications: None

Risk Assessment: N/A

Equality Impact Assessment: N/A

Impact on Climate Change: N/A

1.0 Background

1.1 The District Solicitor and Monitoring Officer was asked at the previous Scrutiny Committee what was 'the rights of members to place items for discussion relating to Council business on the agenda of the Scrutiny Committee'.

1.2 A response was verbally provided to committee, however it was agreed that members would be provided again with the training material (the scrutiny proposal form, the flow chart for scrutiny prioritisation and the selection criteria) referred to by the District Solicitor and Monitoring Officer and then a report would be prepared for the next committee. I am aware that the training material was sent to all scrutiny committee members on the 17 January 2023.

2.0 Constitution

2.1 Article 7 – Overview and Scrutiny on page 20 of the Constitution sets out under 7.3 the committees specific functions which are:

(a) Review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;

(b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(c) Question members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;

- (d) Make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (e) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
- (f) Question and gather evidence from any person with a relevant knowledge, expertise or responsibility (with their consent).

2.2 Scrutiny Committee, Audit Committee, Standards Committee and Policy Development Group Procedure Rules are set out within the constitution starting on page 124. Under 3 Scrutiny Committee, the terms of reference are as below:

- a) the performance of all Scrutiny Committee functions as defined in Article 7 on behalf of the Council;
- (b) the appointment of such time limited working groups as it considers appropriate to fulfil those functions, subject to approval from the Programming Panel;
- (c) to receive reports from the Leader of the Council at its first meeting after each annual Council meeting on 'the state of the district', the Cabinet's priorities for the coming year and its performance in the previous year;
- (d) to approve its work programme in consultation with the Programming Panel;
- (e) to refer those matters which fall within the remit of the Scrutiny Committee, the Policy Development Groups or the Audit Committee, to the Programming Panel for allocation;
- (f) to review the system of referrals from Scrutiny Committee to the Cabinet to ensure that these are managed efficiently and do not exceed reasonable limits as set out in this Constitution;
- (g) to respond to reasonable requests from the Cabinet to develop or review policy not within the remit of any Policy Development Group;
- (h) in the event of reports to the Cabinet exceeding reasonable limits, or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made.

2.3 In relation to Agenda Items for Scrutiny Committee again this is referred to within the constitution under page 127 point 13:

- (a) Any member of Scrutiny Committee or Policy Development Group shall be entitled to give notice to the Head of Paid Service that he/she wishes an item relevant to its functions to be included on the agenda for the next available meeting. On receipt of such a request the Head of Paid Service will ensure that it is included on the next reasonably available agenda.
- (b) Any Member of the Council who is not a member of the Scrutiny Committee shall be entitled to refer to that Committee any local government matter which is relevant to the functions of that Committee. On receipt of such

a request the Head of Paid Service will ensure that it is included on the next reasonably available agenda.

(c) Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet to review particular areas of Council activity. Where it does so, Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of Scrutiny Committee within one month of it being submitted to the Head of Paid Service or at the next available meeting thereafter.

- 2.4 Any member of scrutiny committee as in 2.3 can request that an item relevant to its functions is put on the Agenda. However, it must be noted that this was subject to a process which was agreed with the previous Scrutiny Chairman. Each member of the scrutiny committee when they join is given training and a Flow Chart for Scrutiny Prioritisation and a Selection Criteria and a Scrutiny Proposal Form. These documents assist members when considering what to propose for the agenda. The proposal form would then be sent to the Scrutiny Officer.

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