

SCRUTINY COMMITTEE PROCEDURE RULES

Governance Committee – 30 January 2024

Report of: Deputy Chief Executive and Chief Officer – Customer and Resources

Status: For consideration

Also considered by:

- Council – 20 February 2024

Portfolio Holder: Cllr. Thornton

Contact Officer: Jim Carrington-West, Ext. 7286; Martin Goodman, Ext. 7245

Recommendation to Governance Committee:

- a) That the contents of the report and appendices including Member suggestions in paragraph 5 be considered.
- b) That it be recommended to Council that the attached Appendix C (Scrutiny Committee Procedure Rules) and Part 5 (Scrutiny Function) be adopted.

Recommendation to Council: That the attached Appendix C (Scrutiny Committee Procedure Rules) and Part 5 (Scrutiny Function) be adopted.

Introduction and Background

- 1 The Scrutiny Committee discharges the functions conferred by Section 9F of the Local Government Act 2000 to support the work of the Cabinet and the Council as a whole.
- 2 The Scrutiny Committee Procedure Rules are set out in Appendix C of the Constitution here [Appendix C - Scrutiny Committee Procedure Rules](#). The functions of the Scrutiny Committee are set out in Part 5 of the Constitution here [Part 5 - Scrutiny Function](#).
- 3 The report proposes that Council adopts an updated Appendix C and Part 5, as attached to this report.
- 4 In order to compile this report, feedback was sought from Members and the Monitoring Officer following recent meetings of the Scrutiny Committee. The suggested, revised, relevant parts of the Constitution are appended to this report and are based primarily on clarifying existing procedures and assisting in the running of the Committee's business. A number of other suggestions have been put forward which would more appropriately fall to Members to consider, these are summarised below.

Member suggestions

- 5 Following a request for any comments, the following is a generalised summary of the suggestions received from Members:

General

- Consider the need for the Scrutiny function to be reviewed regularly
- Adequate resources should be given to the Scrutiny function
- Reaffirm the role of Advisory Committees in our system

Chairing and Membership

- The Chairman could be of an opposition party
- Consider whether Members should be allowed to sit on Scrutiny and on an Advisory Committee

Call-ins

- Consider the number of Members needed for call-in
- Consider allowing call-ins by just one group
- Consider requiring a statement of reasons for call-in
- Give thought to lengthening the call-in timetable
- Confirm the need for background papers on call-in
- Consider the need for Officer or public contributions
- Consider the possible resolutions after call-in
- Consider the need for Scrutiny to give reasons for its resolution

Necessary changes

- 6 The existing documents do not reflect current corporate writing style or organisational structure. They were not fully updated when changes were made to the Local Government Act 2000 by the Localism Act 2011. With this in mind, Members are asked to approve the documents appended to this report, which differ insofar as is necessary to ensure appropriate practicality, style and consistency.
- 7 Member suggestions in relation to the call-in process and Scrutiny in general as set out above have been taken into account. However, not all suggestions could be actioned for various reasons. In particular, Members should note that through our system of Advisory Committees, all political groups in our system have considerable engagement in the formulation of policy and decision-making. Any resolution to alter the provisions relating to the Scrutiny function should take this into account. Members are also asked to note the significant existing levels of support provided to the function.

Other options Considered and/or rejected

Making no change to the current constitution is an option which will not improve and clarify procedures for the Committee as required.

Key Implications

Financial

Members should note that any proposed increase in the resources available to the Scrutiny function will require budgetary provision through a saving elsewhere.

Legal Implications and Risk Assessment Statement.

None other than the statutory provisions referenced in the report.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Conclusions

Members are asked to agree the attached Appendices for adoption and publication.

Appendices

Appendix 1 – Revised Part 5 – Scrutiny Function

Appendix 2 - Revised Appendix C - Scrutiny Committee procedure Rules

Background Papers

Current Constitution of Sevenoaks District Council

Part 5 – Scrutiny Function:

<https://cds.sevenoaks.gov.uk/ecSDDisplayClassic.aspx?ID=2137&RPID=31658672&sch=doc&cat=13284&path=13284%2c13284&J=7>

Appendix C – Scrutiny Committee Procedure Rules:

<https://cds.sevenoaks.gov.uk/ecSDDisplayClassic.aspx?ID=2164&RPID=31658672&sch=doc&cat=13284&path=13284%2c13284&J=7>

Jim Carrington-West

Deputy Chief Executive and Chief Officer – Customer and Resources