

## APPENDIX A

### Appendix 4 Part 4: Additional Rules applying to the Scrutiny Committee and Select Committees

- 4.1 (1) These rules apply only to the Scrutiny Committee and Select Committees.
- (2) Members of a Cabinet Committee may serve as an ordinary or substitute member of the Scrutiny Committee unless the Scrutiny Committee is dealing with an item that has been considered by the Cabinet Committee on which they serve. In these circumstances, they should take no part in the debate or vote on the item.
- (3) Deputy Cabinet Members may not serve as ordinary or substitute members of the Scrutiny Committee or of Select Committees dealing with issues that are within their own areas of responsibility.
- (4) Reports or recommendations to the Leader, Cabinet Member, Cabinet, Council or officer may include the views of Members dissenting from the majority recommendation of the Committee.
- (5) These committees may:
- (a) require Members and officers of the authority to attend before them to answer questions and
  - (b) invite other persons to attend meetings
- (6) It is the duty of any Member or officer to comply with a requirement in (5)(a) above. However, officers below Senior Manager level are not required to attend meetings except with their agreement and that of the relevant Senior Manager.
- (7) If a Cabinet Member is unable to attend as requested, a Deputy Cabinet Member may attend on their behalf. Cabinet Members and officers will normally attend together for questioning.

#### ***Requests for information***

- 4.2 (1) This procedure shall be used by Members when seeking information on matters that the Scrutiny Committee is capable of considering.
- (2) Any requests for information shall be made in writing through the Clerk who will acknowledge receipt.
- (3) Members are encouraged to use the resources of the KCC Intranet and Corporate Library to identify information that is already available before instigating a request under this procedure.
- (4) A request for information will be forwarded by the Clerk to the relevant Senior Manager. The information requested will be supplied to the Clerk as soon as possible or an indication given when it will be available.

(5) If an officer feels unable to supply information requested, or considers it inappropriate to do so, the Senior Manager must be consulted. If the Senior Manager agrees, he will then supply to the Clerk a written explanation of why the information requested cannot be supplied. The Clerk will give this explanation to the Member and inform the Member of his right to request the Chairman of the Scrutiny Committee or their group spokesman on the Committee to have the matter considered by that Committee.

### ***Agenda Planning***

4.3 The agenda for ordinary meetings of the Scrutiny Committee shall be set through the procedure set out in Procedure Rules 7.10-7.17, below.

### ***Questioning***

4.4 The Chairman may permit a Member not on the Scrutiny Committee (including Cabinet Members and Deputy Cabinet Members) to speak and ask questions if a matter on the agenda has a particularly significant impact on the Member's division or if the Member has not been supplied with information under Procedure Rule 4.2(5).

4.5 Members should endeavour not to request detailed information from officers at meetings of the Committee, unless they have given prior notice through the Clerk. If, in the course of question and answer at a Committee meeting, it becomes apparent that further information would be useful, the officer being questioned may be required to submit it in writing to the Scrutiny Committee members through the Clerk.

4.6 In the course of questioning at meetings, officers other than Senior Managers may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to the relevant Senior Manager.

4.7 Cabinet Members and officers may decline to answer questions in an open session of the Committee on the grounds that the answer might disclose information that would be exempt or confidential as defined in the Access to Information Procedure Rules. In that event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session.

### ***Formulation of Recommendations and Reports***

*(4.8 and 4.9 only apply to the Scrutiny Committee)*

4.8 After answering questions, the Cabinet Member, Deputy Cabinet Member and Officers may remain but should not normally be invited to speak during debate unless it seems likely the Committee will be proposing an action on which they have not commented and on which advice is either sought or should be given in order to protect the Council's interests or for the purposes of clarification.

4.9 At the debate stage, the Committee has to decide whether to express comments on the proposal(s) to the Leader, Cabinet, Cabinet Member, the relevant officer or the Council.

(1) The Chairman shall first explore through debate if there is a consensus on the views to be expressed by the Committee.

(2) If there is no consensus, the Chairman will ask if any Member wishes to move a formal proposal as to the view to be expressed by the Committee. If seconded, a debate will take place under normal Procedure Rules applying to committees, including the possibility of amendments to the motion before the Committee.

(3) If the motion is passed, it will become the formal view of the Committee.

(4) If the motion is lost, but no other motion is put forward, the Committee will be deemed to have decided to make no comment.

4.10 The Committee may not criticise or adversely comment on any individual officer by name.

4.11 Committee meetings shall be recorded by the Clerk unless the Committee decides it is inappropriate. Procedure Rule 2.2(2) on making transcripts available shall apply to these recordings.

### **Topic Review Plans**

4.12 A rolling two year Select Committee Work Programme will be set by the Scrutiny Committee, subject to the endorsement of Cabinet as soon as possible after the Annual Council meeting following County Council elections and will be kept under review and added to on a rolling programme basis. In setting out the programme, ~~the~~ Scrutiny Committee ~~and Cabinet~~ will be mindful of the resources and officer and Member time required to implement the work programme it and will endorse at a formal meeting of the Committee, if the timescale allows, or via the Chairman and spokesmen for the Scrutiny Committee (with this agreement being reported retrospectively to the Committee) :

(1) the terms of reference of the review, including the general nature of the expected outcomes, which should be developed by a cross-party Member group (one from each political group) for approval by the Select Committee

(2) the names of any co-opted person from outside the Council to serve on the Select Committee (such co-opted Members will not have a vote)

(3) the staff and other resources required to deliver the review including, if required, the ability to appoint an adviser to the Select Committee

(4) an approximate timetable of meetings and final reporting date (normally within 6 months of the review commencing)

(5) the main witnesses and information sources expected to be involved in the review.

### **Meeting Arrangements**

4.13 Select Committees shall ensure that:

(1) dates and arrangements for witnesses to attend their meetings (or otherwise give evidence to Committee members) are agreed with witnesses in advance

(2) advance notice is given to witnesses of the areas to be covered in questioning

(3) information is, wherever possible, distributed to the Committee Members in writing before the witness attends.

## **Questioning**

4.14 Members should endeavour not to request detailed information from officers at Select Committee meetings unless they have given prior notice through the Clerk. If, in the course of question and answer at a meeting, it becomes apparent that further information would be useful, the officer being questioned may be required to submit it in writing to the Committee Members through the Clerk.

4.15 In the course of questioning at meetings, officers other than Senior Managers may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to the relevant Senior Manager.

4.16 Cabinet Members, officers and other witnesses may decline to answer questions in an open session of a Committee on the grounds that the answer might disclose information that would be exempt or confidential as defined in the Access to Information Procedure Rules. In that event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session.

4.17 ~~The Clerk shall record meetings of a Select Committee unless the Select Committee decides it is inappropriate.~~ A written summary of evidence given at Select Committee meetings will be prepared by the Clerk and agreed with the witness prior to its publication.

## **Review Reports**

4.18 During Topic Reviews, Select Committees shall ensure that relevant Cabinet Members and officers are kept informed of the progress of the review and have full opportunity to comment and inform the deliberations of the Committee.

4.19 Select Committees shall ensure that relevant officers are consulted on any statistics, data and information which are to be included in their reports or on which they intend to base conclusions. The report should include all such data and information or state where it is available to Members

4.20 Reports shall include [a link to](#) all summaries of evidence given to the Committee during the Topic Review.

4.21 When producing their reports, Select Committees should make explicit the likely resource implications of their proposals and have due regard to their affordability and deliverability, taking account of the resources available to the Council.

4.22 Select Committees may not in their reports criticise or adversely comment on any individual officer by name.

4.23 Once the draft report is prepared with its conclusions and recommendations, the Select Committee must ensure that relevant Cabinet Members and officers have the opportunity to comment on the draft report before it is published.

4.24 The Chairman of the Select Committee, the Chairman of the Scrutiny Committee and relevant Cabinet Members, in discussion with the Leader of the Council, will agree the order of the submission of the report to the ~~Cabinet, Scrutiny Committee, Council, or any other~~ committee.

4.25 The Scrutiny Committee will monitor and review the Executive's response to Select Committee reports, as set out below.

**Comment [FD-BG1]:** Cabinet may need to be deleted if it decided that Select Committee reports will be submitted direct to County Council.

### ***Monitoring of Select Committee recommendations***

4.26 (1) When a Select Committee has produced its report and Cabinet County Council has endorsed its recommendations, it is essential that monitoring takes place in relation to progress with the recommendations.

(2) Three months after Cabinet County Council has endorsed a Select Committee report, the Scrutiny Committee should receive an action plan from officers setting out how they propose to take the recommendations forward.

(3) One year after Cabinet County Council has endorsed a Select Committee report, the Select Committee will be reconvened to receive a report that details progress with each of the recommendations.

(4) The Minutes from this Select Committee meeting will be presented to the next meeting of the Scrutiny Committee for comment and noting or to request further monitoring.

(5) It is assumed that once this process has been carried out, the recommendations become embedded in the work of the Council, or an explanation will have been accepted by Members as to why this not possible. Therefore, in normal circumstances, it should not be necessary to receive a further report specifically on progress with the recommendations.

### ***Publicising and Launching Select Committee Reports***

4.27 All communications between Select Committee Members and the media shall be in accordance with the Public Relations Protocol for Select Committee Reviews and Reports (as approved by the Council on 11 December 2008).

### ***Overview and Scrutiny inter-authority co-operation***

4.28 The Scrutiny Committees in preparing Review Plans, and Select Committees in carrying out reviews and preparing reports, shall comply with the protocols agreed by the former Kent Association of Local Authorities governing co-operation between authorities on overview and scrutiny (Annex A to this Part) and overview and scrutiny of health services (Annex B to this Part).

