

# Committee & Commission Processes

## Scrutiny



As this is the first meeting of the new municipal year, it was thought it might be useful to highlight some of the procedural aspects relating to how the commissions and committees work and where the basis for their procedures comes from.

## In the Constitution

- article 8, Scrutiny Committees – Part 2
- Terms of reference at Part 3
- Access to Information Procedure Rules - 4B
- City Mayor & Executive Procedure Rules - 4D
- Scrutiny Procedure Rules 4E
- Political Conventions Part 5
- Code of Conduct Part 5

Constitution is on the website at  
<https://www.leicester.gov.uk/your-council/how-we-work/our-constitution/>



There are various different government Regulations and specific pieces legislation that govern the way the Council and its committees and commissions operate. These are brought together in the Council's Constitution.

This slide therefore highlights the main sections that guide the operation of scrutiny committees and commissions.

The slides, and the Constitution, often refer to scrutiny committees. This is because they are referred to as that in legislation / regulations. Our "in-house" term for them is scrutiny commissions, but in this context the terms mean the same thing.

The Parts of the Constitution are:

Part 1 – introduction

Part 2 – Articles - set the general position of various aspects of the Council. The main one to mention here is Article 8, which sets out how the scrutiny committees / commissions are appointed, their role and that they should conduct their proceedings (meetings) in accordance with scrutiny procedure rules (part 4 of the Constitution).

Part 3 – Responsibility for Functions – so sets out the Terms of Reference which define role of committee and relationship with OSC / Commissions. Page 74 of the

Constitution sets out scrutiny functions.

Part 4 – Rules of Procedure –  
There are 9 sections to this part.

Part 4A relates to general procedures.

Part 4B sets how things work with Access to Information rules. These set out requirements for openness / access to documents (rule 21) and role in Key Decision Call in (rule 15-17)

[Part 4C sets out the budget and policy framework rules]

Part 4D relates to City Mayor and Executive procedure rules, including the rule about the call-in of executive decisions (rule 12).

Part 4E is the main one for tonight. This sets out Scrutiny procedure rules, which amongst other things set out how the committee operates and how the public can be involved.

[Parts 4F to 4I cover financial procedure rules, contract procedure rules, land and property transaction rules and officer employment processes]

Part 5 – Contains the codes such as the member code of conduct and the conventions which gives guidance on the management of the relationships which sit at the heart of scrutiny

For most of the provisions mentioned in this briefing, the Constitution directly follows the requirements placed on the Council by one of the many acts or Regulations surrounding local government meetings.

# Openness 1

- Agenda published 5 clear days in advance
- Specific procedure for reports to be taken as urgent and reasons must be recorded.
- Task groups and their conclusions do not have a formal status without acceptance by the Commission.
- Public are allowed to attend meetings and film without prior permission
- Standard items



Scrutiny committees / commissions are formal public meetings. NB These are meetings held in public, they are not public meetings that people can attend for the sole purpose of a general discussion on a particular topic.

It is essential that meetings operate in an open and transparent way and protect the public's right to be aware of the work of the committee / commission and the information these discussions are based upon should they wish to.

Therefore

- The full papers for the meeting must be published 5 clear days in advance. Required by law (section 100B Local Government Act 1972). This means the day of receipt of meeting papers, the day of the meeting, weekends or bank holidays are not counted. In practice, this usually means that the agenda will be published a week and a day before the meeting.
- Any matter of which no notice has been given cannot be taken unless it is urgent. However, this should be avoided wherever possible, as no notice of it has been given. It can only be taken where the Chair agrees the reason for urgency, which is then recorded in the minutes, (rule 14, part 4E (scrutiny procedure rules)).
- The only forum where a decision can be treated as taken by the Committee / Commission is if a minuted resolution is made at the formal meeting.

- The public have a right to attend and film meetings. The policy for this is in the constitution and in each committee room.

The standard items such as questions & statements of case are included in agendas to be open about the ways the public can get involved. The procedures for these (including deadlines) are covered in the Constitution – part 4E (scrutiny procedure rules) rules 9 (petitions) and 10 (questions, representations and statements of case).

A “Matters Arising” item for the minutes of the previous meeting is not included in agendas, as the impact of such an item could be to allow discussion of something that has not been listed on the agenda and so would contravene the Local Government Act 1972, s100B. Consideration of the minutes therefore is restricted to assessing their accuracy. This follows direct government guidance.

## Openness 2

- Declaration of Interest – if on register don't need to declare.
- Code of Conduct
- Making sure what is proposed and agreed is clearly understood
- Exempt items

Further information and advice



Some of the matters aspects about which Democratic Support Officers often get asked about are:

- Declarations of interest. As they are formal meetings, declarations need to be made at Scrutiny meetings, but of course if the matter is already on a Member's register entry, they are not specifically required to declare it. If there are any queries about something that it is thought may need to be declared, please contact any of the Democratic Support Officers – but if its for a meeting, please let them know as far in advance of that meeting as possible, then a full answer can be provided. One thing to bear in mind is that officers will not tell a Member how to proceed, they will only advise, as the decision on whether or not to declare something can only be taken by individual Members.
- The Code of Conduct at part 5 in the Constitution explains the meaning of Disclosable Pecuniary Interests and Other Disclosable Interests and explains the complaints and standards processes
- Whilst scrutiny commission meetings are not as formal as Council meetings, and it won't always be appropriate to formally move, second and vote on motions, it is still important that it is clear what has been suggested / agreed. Being clear at the time avoids later confusion, which can cast doubt on the decision. This is especially important as the content of the minutes can only be challenged for accuracy and it is not possible to add in clarifications that weren't made at the

meeting.

- The law is very specific on the very limited number of grounds on which the press and public can be excluded from a meeting. These include, for example, where there is commercial information or it relates to an individual. Best practise is that occasions where the public are excluded are rare and options are sought to avoid, eg use an exempt appendix (separating out reports) so as much can be published in public as possible.

This has been a very brief run through of some of the key aspects, so please contact any member of the Democratic Support Officers, or the Monitoring Officer, if you would like any further information.

