

## SCHEDULE 3

# Protocol on Scrutiny of the East Kent Services Committee

Canterbury City Council

Dover District Council

Thanet District Council

together referred to as 'the Parties'

### **1.0 Key Principles for the Scrutiny of the East Kent Services Committee**

- 1.1 The members of the all the parties will work together to maximise the exchange of information and views, to minimize bureaucracy and make best use of the time of members and officers.
- 1.2 The guiding principle for the operation of scrutiny is that it should be consensual, positive and transparent. The emphasis of the work should be on making proactive contribution to the development of policy and the discharge of the functions of the East Kent Services Committee ('EKSC'). This is best achieved by an inclusive process covering members, the parties' partners, service users and officers.

### **2.0 Purpose**

- 2.1 The purpose of this protocol is to facilitate the performance of the scrutiny function of each of the parties under the Local Government Act 2000.
- 2.2 If any party changes its political management arrangements this Protocol shall cease to apply to that party insofar as its statutory powers are concerned but it would seek to carry out non-statutory scrutiny in a manner consistent with its constitution and this protocol

### **3.0 Pre-Decision Scrutiny**

- 3.1 The parties agree to use their publicity in connection with key decisions, residents surveys and other material to identify topics for future scrutiny and for inclusion in their scrutiny work programme. To this end the parties shall endeavour to co-ordinate their activities.

### **4.0 Call-In**

- 4.1 A procedure for the operation of call-in by the parties has been agreed and is set out in the Schedule.
- 4.2 Where there is a call-in by any of the parties each of the other Parties will be notified forthwith. The call-in shall be heard by the call-in Party's appropriate scrutiny committee in accordance with the call-in Party's own arrangements. Where there is

more than one call-in on the same subject the parties shall endeavour to co-ordinate their activities.

- 4.3 The call-in procedure set out in clauses 4.1 and 4.2 above shall not apply where the decision being taken by or on behalf EKSC is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interests of any of the Parties or the public interest. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision maker, the decision is an urgent one and therefore not subject to call-in. The suspension of call-in (including the obtaining of any necessary consents) shall be dealt with in accordance with each parties' constitutional arrangements. Decisions taken as a matter of urgency must be reported to the next available full Council meetings of each of the Parties, together with the reasons for urgency.

## **5.0 Amendments to this Protocol**

- 5.1 This protocol may be amended by the unanimous agreement of the parties.

## **6.0 Administration**

- 6.1 The decisions and recommendations of the parties scrutiny committees will be communicated to EKSC and the participating councils as soon as possible after the resolution of the committee.

## **7.0 Exercise of Statutory Authority**

- 7.1 Without prejudice to these arrangements, nothing in this protocol shall be construed as a fetter or restriction on the exercise by any of the parties of their statutory functions.

## **The Schedule to Protocol on Scrutiny of the East Kent Services Committee**

### **PROCEDURE FOR THE OPERATION OF CALL-IN**

1. When a decision is made by EKSC, a sub-committee of EKSC, or a key decision is made by an officer with delegated authority from EKSC, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of each of the Parties normally within two days of being made. Each of the Parties will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. Each of the Parties shall thereafter publish and distribute the records as appropriate to their own constitutional arrangements (including distribution to chairs of all overview and scrutiny committees).
2. That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 12.00 noon, on the fourth working day after the publication of the decision, unless it is called-in.
3. If a decision is called-in by a scrutiny committee of one of the parties that party shall hold a meeting of the appropriate scrutiny committee within 10 working days of the decision to call-in. Reasons for calling-in a decision should be given and recorded in the agenda.
4. If, having considered the decision, the appropriate scrutiny committee of one of the parties is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to its full Council and may circulate them to the other Parties. If referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.
5. If the scrutiny committee or council of any of the Parties to whom the matter has been referred does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the relevant meeting of the scrutiny committee or the full Council or expiry of the period in which the scrutiny committee meeting or meeting of the Council should have been held, whichever is the earlier.