



## **PROTOCOL FOR REPORT REQUESTS**

### **INTRODUCTION**

This protocol provides guidance on how Scrutiny Committees consider report requests.

### **BACKGROUND**

Requests for reports can be made by Scrutiny Committee Members, the public and stakeholders and this procedure seeks to clarify the process for determining how the requests will be dealt with.

The Local Government Act 2000 gave the Scrutiny Committee Members the right to request reports be added to agendas for scrutiny committees. Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee (including delegated powers decisions subject to scrutiny) to be included on the agenda for, and be discussed at, a meeting of the committee or sub-committee.

The Council's Constitution also states that:

1. Any ten members of the Council who are not members of the overview and scrutiny committee may give written notice to the proper officer that they wish an item to be included on the agenda of a named overview and scrutiny committee. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the relevant overview and scrutiny committee for consideration by the committee.
2. Any councillor not in any political group may request the chairman to include an item on the agenda of the next meeting.
3. The overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committee shall report their findings and any recommendations back to the Council and/or executive.

### **PROCEDURE**

The prioritisation form (appendix 1) assists the committee to determine which report requests are added to the scrutiny committee work programme and when. The aim is to ensure that the scrutiny committee prioritises its agendas and reduces the number of items it discusses.

All scrutiny committee members have the right to request that items be added to agendas, and this procedure aims to assist those Members to identify the purpose and benefit of a report being submitted to the scrutiny committee and also explore other means to receive information. In addition it will assist scrutiny committees in understanding the purpose and their role in scrutinising all reports.

The procedure will be as follows:

### **Scrutiny Committee Member**

- The Scrutiny Manager discusses with the Member the reason, content and outcome desired.
- The Scrutiny Manager in discussion with the relevant Director/Head of Service completes the prioritisation form.
- The Scrutiny Manager liaises with the Member on the outcome of the prioritisation to determine if they still wish to pursue their request or if an alternative means of resolving the issue or providing the information can be identified. For example: information provided on the Members Portal, Council Website, and email.
- The summary sheet listing all requests received in priority order will be submitted to the respective scrutiny committee along with the individual prioritisation forms at every meeting (appendix 2).
- Scrutiny Committee determines which requests are added to the work programme in consultation with Senior Officers at the Scrutiny meeting (with due regard to the statutory right of scrutiny committee members for items be added to an agenda).

### **Other Report Requests**

The Scrutiny committee will also consider requests from Councillors who are not members of the scrutiny committee, members of the public and stakeholders. The following procedure is followed:

### **Councillor, Public and Stakeholders**

- The Scrutiny Manager will determine the reason, content and what outcome is desired. The criteria for report requests will be applied (appendix 3)
- If the criteria are not met the Scrutiny Manager will contact the person/stakeholder to inform them of the outcome.
- If the criteria are met the Scrutiny Manager in discussion with the relevant Director/Head of Service will complete the prioritisation form.
- The summary sheet listing all requests received in priority order will be submitted to the respective scrutiny committee along with the individual prioritisation forms at every meeting.
- Scrutiny Committee will determine which requests are added to the work programme in consultation with Senior Officers at the Scrutiny meeting.
- Where it is determined that an item will not be added to the work programme the outcome will record if it is to be considered elsewhere, ie by a different committee or task and finish group or if it will be dealt with in a meeting with Officers.
- Where requests are not added to the work programme, the Scrutiny Manager will contact the person/stakeholder who made the request with the reasons for the refusal and the outcome.

**Prioritisation of Report Requests for Scrutiny Committee Forward Work Programmes**

| Topic                                                                          | Requested By | Date Requested | Scrutiny Committee         |
|--------------------------------------------------------------------------------|--------------|----------------|----------------------------|
|                                                                                |              |                |                            |
| <b>Selection Criteria</b>                                                      |              | <b>Yes/No</b>  | <b>Score (yes=1 No= 0)</b> |
| Issue of Strategic Importance                                                  |              |                |                            |
| Evidence of Poor Performance                                                   |              |                |                            |
| Significant Budget Issue                                                       |              |                |                            |
| Corporate Priority                                                             |              |                |                            |
| Service Improvement Plan – High Risk                                           |              |                |                            |
| Corporate Risk Register                                                        |              |                |                            |
| Recommendation by Auditor, Regulator or Inspector                              |              |                |                            |
| Evidence of Public Dissatisfaction – (e.g. Public Satisfaction Survey)         |              |                |                            |
| Scrutiny can make recommendations                                              |              |                |                            |
| Change to Legislation or Guidance                                              |              |                |                            |
|                                                                                |              |                |                            |
| <b>Total</b>                                                                   |              |                |                            |
| <b>Mitigation, consider the following</b>                                      |              |                |                            |
| Is the issue within the terms of reference for the scrutiny committee?         |              |                |                            |
| Issue will be affected by planned legislation or guidance due within 12 months |              |                |                            |
| Scrutiny has already dealt with this issue within last 12 months               |              |                |                            |
| Scrutiny cannot make a recommendation – legal requirement                      |              |                |                            |
| Comments:                                                                      |              |                |                            |



## **Criteria for Report Requests**

### **Criteria – issues already on forward work programme**

The following criteria will assist the Chair when determining if a request from a member of the public or stakeholder to give evidence at scrutiny committee can be accommodated:-

- The request refers to an issue already on a scrutiny committee forward work programme.
- The request is not deemed vexatious, discriminatory or there have been repeated similar requests.
- The request is not being made to highlight a specific complaint (complaints should be dealt with in accordance with Council's complaints procedure).
- The member of the public or stakeholder has given evidence on the same issue within the last 12 months.

### **Criteria – issues not on forward work programme**

The scrutiny committee will consider the request based on the following criteria:-

- The issue is within the terms of reference of the scrutiny committee.
- The scrutiny committee has the responsibility to prioritise issues according to the time available to it and will use the attached prioritisation matrix to help it determine its priorities.
- The request is not deemed vexatious, discriminatory, or there have been repeated similar requests.
- The request is not being made to highlight a specific complaint (complaints should be dealt with in accordance with Council's complaints procedure).
- The scrutiny committee has not already considered the issue within the last 12 months.

### **Third Parties**

If the request involves the attendance by a 3rd party organisation it should be noted that the Council could request but not compel that organisation to attend.

### **Outcome**

Following representations from and discussions with members of the public or stakeholders, the scrutiny committee may decide on the following:-

- To alter, amend or make recommendations to a report.
- To undertake further scrutiny of the issue and commission a further report or undertake other activities.
- To call upon a 'Designated Person' to attend a future scrutiny committee.
- To set up a task and finish group to undertake a detailed review of an issue.

## **Explanatory Notes**

### **Designated Person**

The Local Government (Wales) Measure 2011 places a duty on local authority scrutiny committees to scrutinise other public service providers in its area. Section 61 of the Measure gave Welsh Ministers powers to “designate” individuals and organisations to be subject to scrutiny by local authority scrutiny committees. Welsh Government is in the process of consulting on which public service providers will be included in the first Ministerial Order.

### **Vexatious/Persistent**

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

### **Discriminatory**

Discrimination” can be described as when person (A) discriminates against person (B) on the grounds of real or perceived differences, background or individual circumstances, where A treats B less favourably than he treats others.

The Equality Act 2010 has extended the groups of people who have the right not be discriminated against. People who belong to these groups have what are called protected characteristics. The 2010 Act now also protects you if people in your life, such as family members, friends or co-workers have a protected characteristic and you are treated less favourably because of that.

Other groups are covered by various UN Conventions, EU, UK and Welsh Government legislation and regulations (e.g. on Human Rights and Welsh Language). The Council’s Strategic Equality Plan 2012 has greater detail on this.

If you are treated worse because someone thinks you belong to a group of people with protected characteristics, this is discrimination.

The characteristics that are protected by the Equality Act 2010 are:

- age
- disability
- gender identity and gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

If you have one or more of these protected characteristics, it is also now against the law to treat you the same as everyone else if this treatment will put you at a disadvantage.