

## SECTION 7 – SCRUTINY COMMITTEES

### Introduction

- 7.1 The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. The Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.
- 7.2 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

### Scrutiny Committees

- 7.3 In order to achieve this, the Council will appoint three Scrutiny Committees (and in addition the Council will participate in a PSB Scrutiny Committee) which between them will:
- 7.3.1 review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions whether by the Cabinet or another part of the Council;
  - 7.3.2 make reports or recommendations to the Cabinet or the Council in connection with the discharge of any functions;
  - 7.3.3 consider any matter which affects the Council’s area or its inhabitants; and
  - 7.3.4 exercise the right to call in for reconsideration decisions made, but not yet implemented, by the Cabinet and Officers.

### Role, Scope and Membership

- 7.4 The role, scope and Membership of the Scrutiny Committees are described in the table below:

Committee and Membership	Terms of Reference / Areas of Responsibility
<p style="text-align: center;"><b>Economy, Residents, and Communities Scrutiny Committee</b></p> <p>11 Councillors – Politically Balanced; 1 Non-Voting Co-optee for crime and disorder functions</p>	<p style="text-align: center;"><b>Vision 2025 objectives:</b></p> <p><b>Economy:</b></p> <ul style="list-style-type: none"> <li>• Providing support for businesses to grow</li> <li>• Promoting Powys as a place to live, visit and do business</li> <li>• Improving the availability of affordable and sustainable housing</li> <li>• Improving our infrastructure to support regeneration and attract investment</li> <li>• Improving skills and supporting people to get good quality jobs</li> </ul> <p><b>Residents and Community:</b></p> <ul style="list-style-type: none"> <li>• Strengthening community development and resilience</li> </ul>

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	<ul style="list-style-type: none"> <li>• Support communities to be able to do more for themselves and reduce the demand on our public services</li> <li>• Strengthening our relationship with residents and communities</li> <li>• Improve our understanding of our residents needs and improve our service delivery</li> </ul> <p style="text-align: center;"><b>SERVICE AREAS:</b></p> <p><b>CHIEF EXECUTIVE</b></p> <ul style="list-style-type: none"> <li>• Finance</li> <li>• Legal and Democratic Services</li> </ul> <p><b>ECONOMY AND ENVIRONMENT</b></p> <ul style="list-style-type: none"> <li>• Property, Planning and Public Protection</li> <li>• Highways, Transport and Recycling</li> <li>• Housing and Community Development</li> </ul> <p><b>TRANSFORMATION</b></p> <ul style="list-style-type: none"> <li>• Strategy, Performance and Transformation Programmes</li> <li>• Customers and Communications</li> <li>• Workforce and OD</li> </ul> <p style="text-align: center;"><b>PARTNERSHIPS</b></p> <ul style="list-style-type: none"> <li>• Growing Mid Wales</li> <li>• Powys Regeneration Partnership</li> <li>• TRACC</li> <li>• BBNP</li> <li>• MWWFRA</li> <li>• WLGA</li> <li>• Central Wales Infrastructure Collaboration</li> <li>• Central Wales Waste Partnership</li> <li>• North and Mid Wales Trunk Road Agency Partnership Board</li> <li>• Tourism Partnership Mid Wales</li> <li>• Western Valleys Strategic Regeneration Area Board</li> <li>• Powys Community Endowment Fund</li> </ul>
<p><b>Health and Care Scrutiny Committee</b> 11 Councillors – Politically Balanced</p>	<p style="text-align: center;"><b>Vision 2025 objectives:</b></p> <p><b>Health and Care:</b></p> <ul style="list-style-type: none"> <li>• Focussing on well-being</li> <li>• Early help and support</li> <li>• Providing joined up care</li> </ul>

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	<ul style="list-style-type: none"> <li>• Developing a workforce for the future</li> <li>• Creating innovative environments</li> <li>• Developing digital solutions</li> <li>• Transforming in partnership</li> </ul> <p style="text-align: center;"><b>SERVICE AREAS:</b></p> <ul style="list-style-type: none"> <li>• Children’s Services</li> <li>• Adult Services</li> <li>• Commissioning (Children and Adults)</li> </ul> <p><b>TRANSFORMATION</b></p> <p><b>PARTNERSHIPS</b></p> <ul style="list-style-type: none"> <li>• Regional Partnership Board</li> <li>• Powys Executive Safeguarding Group</li> <li>• Regional Safeguarding Group</li> <li>• Youth Justice Board</li> <li>• Health, Social Care and well-Being Partnership</li> <li>• Powys Community Health Council</li> </ul>
<p><b>Learning and Skills Scrutiny Committee</b>          Membership:          11 Councillors – Politically Balanced;          2 parent governor representatives;          1 Church in Wales Diocese representative;          1 Roman Catholic Church Diocese representative,</p>	<p style="text-align: center;"><b>Vision 2025 objectives:</b></p> <p><b>Learning and Skills:</b></p> <ul style="list-style-type: none"> <li>• Improving the educational attainment of all pupils</li> <li>• Supporting children and families to have the best start in life</li> <li>• Improving our schools infrastructure</li> <li>• Improving the skills and employability of young people and adults</li> </ul> <p style="text-align: center;"><b>SERVICE AREAS:</b></p> <ul style="list-style-type: none"> <li>• Education</li> </ul> <p><b>TRANSFORMATION</b></p> <p><b>PARTNERSHIPS</b></p> <ul style="list-style-type: none"> <li>• ERW</li> </ul>
<p>Public Service Board Scrutiny Committee</p>	<p>As set out in Rules 7.39 to 7.40</p>

### General Functions

7.5 Within their terms of reference, Scrutiny Committees will:

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- 7.5.1 review and / or scrutinise decisions made, or other action taken in connection with the discharge of any function of the authority;
- 7.5.2 make reports and / or recommendations to the Cabinet and / or the Full Council, and / or any joint committee in connection with the discharge of any function of the authority;
- 7.5.3 consider any matter affecting the area or its inhabitants;
- 7.5.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented, by the Cabinet, a committee of the Cabinet, a member of the Cabinet, an officer exercising functions delegated by the Cabinet.(See Call-In Procedure – Rule 7.36);

### **Specific Functions**

#### **Policy Development and Review**

7.6 The Scrutiny Committees may:

- 7.6.1 assist the Cabinet and the Council in the development of its Budget and Policy Framework by in depth analysis of policy issues, including pre-scrutiny of draft or amended policies;
- 7.6.2 conduct research, site visits, community and other consultation in the analysis of policy issues and possible options;
- 7.6.3 question members of the Cabinet and / or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
- 7.6.4 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working;
- 7.6.5 consider the impact of policies to assess if they have made a difference;
- 7.6.6 consider and implement mechanisms to encourage and enhance community participation in the scrutiny of the development of policy options; and
- 7.6.7 investigate or review a particular matter in depth, reporting their conclusions and making any recommendations to the Cabinet or Council as appropriate.
- 7.6.8 Each scrutiny committee will regularly review the effectiveness of its meetings and will undertake an annual self-assessment exercise to be considered as part of the annual review of the Council's performance.

#### **Scrutiny**

7.7 Scrutiny Committees may:

- 7.7.1 review and scrutinise the decisions by and performance of the Cabinet and / or Cabinet Committees and Council Officers in relation to individual decisions and over time;
- 7.7.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 7.7.3 question members of the Cabinet and / or Cabinet Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- 7.7.4 make recommendations to the Cabinet and / or appropriate Committee and / or Council arising from the outcome of the scrutiny process;

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- 7.7.5 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
- 7.7.6 question and gather evidence from any person (with their consent);
- 7.7.7 review and scrutinise the budget setting process;
- 7.7.8 conduct research, site visits, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with the area/community partnerships; and
- 7.7.9 consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options.

### **Finance**

- 7.8 Scrutiny Committees may exercise overall responsibility for the finances made available to them.

### **Annual Report**

- 7.9 Each Scrutiny Committee shall report annually to the Full Council on their workings.

### **Head of Democratic Services**

- 7.10 One of the roles of the Head of Democratic Services under section 8 of The Measure is to promote the role of the Council's Scrutiny Committees and to promote support and guidance to members and Officers generally about the functions of the Scrutiny Committees .

### **Who May Sit on Scrutiny Committees ?**

- 7.11 All Councillors (except members of the Cabinet and Assistants to the Executive) may be members of the Scrutiny Committees. However, no Member may be involved in scrutinising decisions in which they have been directly involved.

### **Co-Optees**

- 7.12.1 The Learning and Skills Scrutiny Committee shall include in its membership the following voting representatives:
  - 7.12.1.1 One Church in Wales diocese representative;
  - 7.12.1.2 One Roman Catholic diocese representative; and
  - 7.12.1.3 Two parent governor representatives (covering so far as practicable the primary / special schools and secondary / all-through schools )
  - 7.12.1.4 The term of office for co-opted Members will be a period of no more than four years.
- 7.12.2 When matters which are not education matters, which are the responsibility of the Cabinet, fall to be considered by the Learning and Skills Scrutiny Committee, the co-opted representatives specified in rule 7.12.1 shall not vote, although they may stay in the meeting and speak.
- 7.12.3 The Economy, Residents and Communities Scrutiny Committee shall include in its membership in a non-voting capacity 1 representative from the Police and Crime Panel (or from such other body which replaces the Panel),

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subject to that representative not being a Powys County Council representative on the Police and Crime Panel.

- 7.12.4 In addition to co-optees appointed under rules 7.12.1.1 to 7.12.1.3 above, Scrutiny Committees may recommend to Full Council the co-option of other persons as voting or non-voting representatives. In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them
- 7.12.5 The total number of co-optees on each Scrutiny Committee may not exceed more than one third the membership of the committee.<sup>1</sup>
- 7.12.6 A co-optee cannot be a Vice-Chair of a Scrutiny Committee and cannot represent the Council on outside bodies.

### **Who Chairs Scrutiny Committees?**

- 7.13 The arrangements included in sections 66-75 of The Measure will be followed for appointing persons to chair <sup>2</sup>.

### **Role of the Chair of Scrutiny Committees**

- 7.14.1 The chairs of the Scrutiny Committees will liaise with the Cabinet and the Chief Executive and will supervise the work programme for their Scrutiny Committee and identify cross cutting themes arising from the various Scrutiny Committees .
- 7.14.2 In summary, therefore, the Chair will:
- 7.14.2.1 be accountable for delivering effective scrutiny;
  - 7.14.2.2 will regularly monitor the work programmes for their Scrutiny Committee; and
  - 7.14.2.3 will liaise with the Cabinet on issues affecting the scrutiny work programme.
  - 7.14.2.4 Prepare Annual Reports to Council in accordance with Rule 7.9 above
  - 7.14.2.5 To receive requests from Members of Scrutiny of potential matters to be scrutinised.

### **Work Programme**

- 7.15 The Chair in consultation with the Committee and officers will be responsible for setting the work programme for each scrutiny committee and in doing so they should take into account the Cabinet Forward Work Programme, and suggestions of scrutiny topics from other Members and the public and should focus on strategic and important issues.

### **Joint Scrutiny Committees**

- 7.16 Under section 58 of The Measure, regulations may be made to permit two or more local authorities to appoint a joint Scrutiny Committee. This is set out in the Local Authority (Joint Overview and Scrutiny) (Wales) Regulations 2012.

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<sup>1</sup> Paragraph 8.19 Statutory Guidance from the Local Government Measure 2011 (issued by Welsh Government June 2012)

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### **Rules of Procedure and Debate (“Scrutiny Procedure Rules”)**

7.17 Rules 7.17 to 7.36 (inclusive) shall be known as the Scrutiny Procedure Rules and will apply to meetings of the Scrutiny Committees.

### **What will be the Number and Arrangements for Scrutiny Committees ?**

- 7.18.1 Subject to Rules 7.39 to 7.41 the Council will have three Scrutiny Committees set out in the table in Rule 7.3 and will appoint to them as it considers appropriate from time to time. The Committee may appoint smaller groups (Member and Officer Working Groups) to carry out detailed examination of particular topics for report back to the committee. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist or may be appointed on a task and finish basis. Such Member and Officer Working Groups should work on a non-political basis and wherever possible should comprise as many political groups as practicable.
- 7.18.2 The terms of reference / areas of responsibility of the various Scrutiny Committees will be as set out in Rule 7.4 above.
- 7.18.3 Each Scrutiny Committee (with the exception of the Public Service Board Scrutiny Committee) will be Chaired by a chair appointed by the Full Council from the membership of that Scrutiny Committee and there will be cross party membership of all Scrutiny Committees.

### **Meetings of the Scrutiny Committees**

- 7.19.1 The three Scrutiny Committees will meet on a regular basis to meet the needs of Council and with the agreement of each Chair of Scrutiny.
- 7.19.2 In addition, extraordinary meetings may be called from time to time by:
- 7.19.2.1 the Full Council by resolution; or
  - 7.19.2.2 the relevant Scrutiny Committee by resolution; or
  - 7.19.2.3 the chair of the relevant Scrutiny Committee; or
  - 7.19.2.4 any 5 members of the relevant Scrutiny Committee; or
  - 7.19.2.5 the Chief Executive; or
  - 7.19.2.6 the Monitoring Officer; or
  - 7.19.2.7 the Section 151 Officer;

as s/he / they considers necessary or appropriate.

### **Quorum**

7.20 The quorum of a meeting will be 25% of the number of members of that Scrutiny Committee. During any meeting, if the chair declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting of the Scrutiny Committee..

### **Business at First Meeting Following the Annual Meeting of the County Council**

7.21 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):

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- 7.21.1 elect a chair of the PSB Scrutiny Committee;
- 7.21.2 elect a person to preside if the chair of the Committee is not present;
- 7.21.3 elect the vice-chair of the Committee
- 7.21.4 make appointments to sub-committees authorised by Full Council (see Rules 4.6.1; 4.6.7; 4.15.7; and 4.18.6); such appointments to be in accordance with the wishes of the groups unless the committee decides unanimously to dis-apply the political balance requirements;
- 7.21.5 deal with those items of business listed in Rule 7.23 below as may be appropriate.

The order of business, with the exception of items 7.21.1 and 7.21.2 may be altered by the chair.

### **Business at Other Meetings**

- 7.22 At all other meetings of committee, the committee will (as may be appropriate)
  - 7.22.1 elect a person to preside if the chair and vice-chair of the Committee are not present;
  - 7.22.2 elect the chair of the PSB Scrutiny Committee in the event of there being a vacancy
  - 7.22.3 elect a vice-chair of the Committee in the event of there being a vacancy;
  - 7.22.4 receive declarations of interest (including whipping declarations);
  - 7.22.5 make appointments to sub-committees and Member and Officer Task and Finish Groups in the event of there being a vacancy;
  - 7.22.6 receive apologies for absence;
  - 7.22.7 approve the minutes of the last meeting;
  - 7.22.8 receive any announcements from the chair;
  - 7.22.9 receive reports from the Cabinet and / or from any other committees, and / or from officers;
  - 7.22.10 make recommendations to the Cabinet or Full Council;
  - 7.22.11 deal with any business outstanding from the last meeting;
  - 7.22.12 (where the Leader or a Cabinet member attends a meeting of the committee) to receive a presentation from the Leader or a Cabinet member and / or to put questions to, and to receive responses from the Leader or a Cabinet member;
  - 7.22.13 put questions to the chair or relevant officers of the Council where appropriate on items of business before the committee and to receive responses.
  - 7.22.14 receive reports from sub-committees and Member and Officer Task and Finish Groups;
  - 7.22.15 to consider requests from members of the committee for items of business for consideration at a future meeting or at the meeting when the request is made if the chair is satisfied that the matter is urgent (the reason for the urgency being recorded in the minutes), and that the committee is able to have the necessary professional advice of officers;
  - 7.22.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
  - 7.22.17 review the Committee's Work Programme for the forthcoming year;
  - 7.22.18 consider such other business specified in the summons to the meeting;



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- 7.22.19 consider other business, not specified in the summons as the chair considers urgent, subject to the nature of the urgency being specified in the minutes;
- 7.22.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;

The order of business, with the exception of items 7.22.1 to 7.22.4 may be altered by the chair.

### **Agenda Items**

- 7.23.1 Any member of a Scrutiny Committee shall be entitled to give notice to the chair of the Scrutiny Committee that s/he wishes an item relevant to the functions of that Scrutiny Committee for inclusion on the agenda for the next available meeting.
- 7.23.2 Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Full Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and / or Council as appropriate. The Cabinet and / or the Council shall consider the report of the Scrutiny Committee and respond (if appropriate) as soon as possible or at the latest within 2 months of the date of the meeting.

### **Policy Review and Development**

- 7.24.1 The role of Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 15.
- 7.24.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 7.24.3 Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

### **Reports from Scrutiny Committees**

- 7.25.1 All formal reports from Scrutiny Committees will be submitted for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 7.25.2 If a Scrutiny Committee cannot agree on one single final report to the Cabinet or Council as appropriate, one minority report may be prepared and submitted for consideration by Cabinet or Council with the majority report.

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7.25.3 A Scrutiny Committee may publish any non-confidential report.

### **Making sure that Scrutiny Reports are considered by Full Council or Cabinet**

- 7.26.1 The reports of Scrutiny Committees shall be referred to the Cabinet (as determined by the Scrutiny Committee) within one month or to the next meeting of Full Council (where applicable). Where an item is not considered by Cabinet or Council within the period specified above, the Chair of Council or the Leader or Portfolio Holder will give an explanation of the reasons to the chair of the relevant Scrutiny Committee as soon as practicable.
- 7.26.2 Where a scrutiny report is referred to the Cabinet the relevant Portfolio Holder(s) and senior officers will attend the meeting of the Cabinet wherever possible. The Cabinet will prepare a written response to the scrutiny report, including an action plan where appropriate, as soon as possible or at the latest within 2 months of the date of the meeting. The Portfolio Holder(s) and senior officers if requested to do so will attend a future meeting of that Scrutiny Committee to present the Cabinet's response.

### **Rights of Members of Scrutiny Committees to Documents**

- 7.27.1 Members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section 14 of this Constitution.
- 7.27.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committees as appropriate depending on the particular matter under consideration.

### **Members and Senior Officers Giving Account**

- 7.28.1 Scrutiny Committees / Working Groups may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within its remit. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior Officer to attend before it to explain the following matters within their remit:
- 7.28.1.1 any particular decision or series of decisions; and / or
  - 7.28.1.2 the extent to which the actions taken implement Council policy; and/or
  - 7.28.1.3 the implementation of decision(s) and or Council policy

and it is the duty of those persons to attend if so required.

- 7.28.2 Where there are concerns about the appropriateness of the Officer who should attend, the relevant Chief Officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- 7.28.3 Where any Cabinet Member is required to attend Scrutiny Committees / Working Group under this provision, the Chair of that Committee / Working Group will inform the relevant Cabinet Member in writing at least 5 working days' before the meeting at which s/he is required to attend (unless agreed otherwise). The written notice will state the nature of the item on

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which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

- 7.28.4 Where any Officer is required to attend Scrutiny Committees / Working Group under this provision, the Chair of that Committee / Working Group will inform the relevant Head of Service. The relevant Head of Service shall inform the Officer, if necessary in writing, giving at least 5 working days' notice of the meeting at which s/he is required to attend (unless agreed otherwise). The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.
- 7.28.5 Where the account to be given to a Scrutiny Committee / Working Group will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for its preparation.
- 7.28.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Scrutiny Committee / Working Group shall in consultation with the Member or Officer arrange an alternative date for attendance.

### **Attendance by Others**

#### **Attendance of Leader or Cabinet Member**

- 7.29 Subject to the Members' Code of Conduct, the Leader or a Cabinet member in the role of the Leader's representative may attend and speak but not vote at meetings of Scrutiny Committees where the Leader has a specific issue to raise with the committee. The attendance of a Cabinet member in all other cases will be at the invitation of the chair or the Scrutiny Committee.

#### **Attendance of Members at Committee Meetings**

- 7.30.1 In addition to their right to attend all meetings of committees of which they are members, Members (with the exception of Cabinet members) shall have the right to attend any meeting of a Scrutiny Committee and to remain present notwithstanding the passing of a resolution to exclude the public.
- 7.30.2 Such attendance shall be as observer only, with no right to vote, the attendance not being included in the relevant quorum, and no right to speak, provided that the chair in his / her discretion may permit the member to speak on a particular issue.
- 7.30.3 Such right of attendance is subject to the Councillor not having a Prejudicial Interest in the matter under discussion under the Members' Code of Conduct and subject to any legal provisions and any limitations or restrictions within this Constitution.

#### **Others**

- 7.31 Scrutiny Committees / Working Group may invite people other than those people referred to in Rules 7.28 and 7.29 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend.

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### **The Party Whip in Scrutiny**

7.32 If a member of a Scrutiny Committee is subject to a party whip in respect of an issue to be considered by it, that member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting. The member declaring the existence of a whip may speak at the meeting but is not entitled to vote on the question.<sup>3</sup>

### **Procedure at Scrutiny Committee Meetings**

7.33.1 The Rules of Procedure at Scrutiny Committees will be the same as the Full Council Procedure Rules set out in Section 4 of this Constitution except that the chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether members of a Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

7.33.2 Scrutiny Committees may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:

7.33.2.1 that the business be conducted fairly and all members of the Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

7.33.2.2 that those assisting by giving evidence be treated with respect and courtesy;

7.33.2.3 that the business be conducted as efficiently as possible.

7.33.3 Following any investigation or review, a Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Full Council as appropriate and shall make its report and findings public.

### **Matters within the Remit of more than one Scrutiny Committee**

7.34 Where a matter for consideration by Scrutiny Committees falls within the remit of more than one Scrutiny Committee the decision as to which Scrutiny Committee is to consider the matter will be resolved by the respective Chairs or if they fail to agree, the decision will be made by Monitoring Officer.

### **Call-In Procedure Rules**

7.35A The Call-In Procedure Rules set out in this Rule 7.35 do not apply to the Public Services Board Scrutiny Committee. For the sake of clarity the Public Service Board Scrutiny Committee does not have the ability to call-in decisions / recommendations made by the Public Service Board.

7.35B For the purpose of Rule 7.35, where the Monitoring Officer and / or the Chief Finance Officer is the author of the report which is the subject of a potential Call-In to scrutiny, that officer cannot undertake the decisions described in Rules 7.35.3 and 7.35.15 in which event, the decision will be taken by the Chief Executive in consultation with the Deputy Monitoring Officer and / or Deputy Chief Finance Officer as appropriate.

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<sup>3</sup> Section 78(1) of the Local Government (Wales) Measure 2011.

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- 7.35.1 Where a decision is made by the Cabinet or an individual member of the Cabinet or a Committee of the Cabinet or under joint arrangements with other public bodies, the decision shall be published by the Monitoring Officer, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of it being made. All Councillors will be sent copies of the records of all such decisions within the same time scale.
- 7.35.2 The communication to Councillors sending them the decision will (a) bear the date on which the decision is published and (b) will specify the date when the decision will come into force (subject to Rule 7.36.3) and may then be implemented, on the expiry of five clear days (the “Call-in Period”) after the date of publication of the decision, unless the appropriate Scrutiny Committee objects to it and calls it in for review within the Call-in Period.
- 7.35.3 Subject to Rule 7.35B above, and during the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the relevant Scrutiny Committee if so requested in the specified format (“the Call-In Request”<sup>4</sup>) by the chair or 4 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

### Appendix 1 - Call In Request

- 7.35.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
- 7.35.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
- 7.35.3.3 the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council’s actions, or other guidance adopted by the Council.
- 7.35.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.35.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer (subject to Rule 7.35B above) will then arrange for a “Call-In Notice”<sup>5</sup> to be issued in accordance with Rule 7.35.5 below.

### Appendix 2 - Call In Notice

- 7.35.5 A Call-In Notice must contain the following:
- 7.35.5.1 details of the condition set out in rule 7.35.3 above being relied upon;
- 7.35.5.2 the reasons why it is believed one or more of the conditions are satisfied;
- 7.35.6 The Monitoring Officer (subject to Rule 7.35B above) shall call a meeting of that Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the chair or vice chair of that the appropriate

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<sup>4</sup> See Appendix 1 to this Section.

<sup>5</sup> See Appendix 2 to this Section.

## SECTION 7 – SCRUTINY COMMITTEES

Scrutiny Committee , and usually within 10 clear days of the receipt of the Call-In Request (the “Scrutiny Period”) (only in exceptional circumstances will the chair of the Scrutiny Committee consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).

- 7.35.7 If, having considered the decision, the Scrutiny Committee remains concerned about the decision, then the Committee may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council for review. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.
- 7.35.8 If a Scrutiny Committee does not meet within the Scrutiny Period the decision shall take effect and be implemented on the next day following the expiry of the Scrutiny Period (as extended pursuant to Rule 7.35.6 as the case may be).
- 7.35.9 If following an objection to the decision, a Scrutiny Committee does not refer the matter back to the decision making person or body or to Full Council, the decision shall take effect on the date of the Scrutiny Committee meeting.
- 7.35.10 If a Scrutiny Committee refers the matter to Full Council, the Monitoring Officer (subject to Rule 7.35 above) shall call a meeting of the Full Council on such a date as s/he may determine, where possible after consultation with the chair or vice chair of the Full Council, and usually within 10 clear days of the receipt of the referral (the “Council Scrutiny Period”) (only in exceptional circumstances will the chair of the Full Council consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- 7.35.11 If, having considered the decision, the Full Council remains concerned about the decision, then the Full Council may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.
- 7.35.12 If the Full Council does not meet within 10 clear days of the date of the reference (“the Council Scrutiny Period”), the decision shall take effect on the day after the expiry of the Council Scrutiny Period.
- 7.35.13 If the Full Council does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Full Council meeting.
- 7.35.14 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- 7.35.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
- 7.35.14.2 where a Call-in Request has been made by four members of a Scrutiny Committee in accordance with Rule 7.35.3 those four members must

## SECTION 7 – SCRUTINY COMMITTEES

- come from at least two political groups, or one political group and / or one or more non-aligned Councillor(s);
- 7.35.14.3 once a Member (the chair of the Scrutiny Committee excepted) has signed a Call-in Request s/he may not do so again until the period of six months has expired.
- 7.35.14.4 no Education Co-opted members may request a decision be called in.
- 7.35.14.5 only decisions involving expenditure or reduction in service over the threshold value for tenders set out in Section 17 of this Constitution may be called-in.
- 7.35.14.6 the decision being called-in, or broadly the same decision, has been called in during the last 6 months.
- 7.35.14.7 the provisions of Rule 7.36.1 apply (Urgency)
- 7.35.15 Subject to Rule 7.35B above, the Monitoring Officer and / or the Chief Finance Officer may veto any request for call-in if it falls outside the remit of this scheme.
- 7.35.16 Save in exceptional circumstances all members of a Scrutiny Committee requesting a matter be called in must attend the meeting at which the matter is being considered.
- 7.35.17 For the avoidance of doubt a Call-In remains valid even if one or more of the members who have signed the Call-in Request do not attend the Scrutiny Meeting at which the Call-in is debated.

### **Call-In and Urgency**

- 7.36.1 The call-in procedure set out in Rule 7.35 above shall not apply where the decision being taken is urgent. A decision will be urgent if:
- 7.36.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council's or other public interests; and
- 7.36.1.2 Subject to Rule 7.36.3 below the Chief Executive and / or the Monitoring Officer and / or the Chief Finance Officer certifies in writing the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest; and
- 7.36.1.3 the chair of the relevant Scrutiny Committee agrees in writing to the decision being treated as a matter of urgency. In the absence of the Scrutiny chair then either the Scrutiny vice chair or the chair of Council may agree to the decision being treated as a matter of urgency; and
- 7.36.1.4 the record of the decision, and notice by which it is made public, shall state that the decision is an urgent one, and that the urgency of the matter has been approved by the Chief Executive and / or the Monitoring Officer and / or the Chief Finance Officer (subject to Rule 7.35B above) and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.
- 7.36.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the relevant Scrutiny Committee, together with the reasons for urgency, such report to the scrutiny committee must contain the written certification as required in Rule 7.36.1.2 above.

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7.36.3 For the purposes of Rules 7.36.1.2 above the officer certifying the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest cannot be an officer whose report is being considered under the Rule 7.36 procedure.

### Finance Panel.

#### Role, Scope and Membership.

7.37

- 7.37.1 Membership: The Panel should be constituted as follows:
- 9 Members (politically balanced); plus
  - An Independent Member nominated by the Governance and Audit Committee
- 7.37.2 Other Attendees
- The Portfolio Holder for Finance will be required to attend all meetings, but will not have any voting rights.
  - Other Portfolio Holders together with relevant officers would be invited to attend meetings as necessary
- 7.37.2 Chair :
- The Chair of the Panel will be elected from the Panel's membership.
- 7.37.3 Vice-Chair:
- The Vice-Chair of the Panel will be elected from the Panel's membership.
- 7.37.4 Meetings:
- Meetings of the Panel will be held on a schedule to be determined by the Panel.
- Meetings of the Panel will be split as follows:
- Public Meetings - to review budget monitoring reports for Revenue and Capital and any other monitoring and performance reports as appropriate
- Closed Confidential Meetings - to discuss the development of the budget, future planning and finance transformation, allowing a more frank, open and honest discussion, and providing an opportunity to consider proposals in closed session prior to formal inclusion in the budget and public engagement
- 7.37.5 Reports by the Panel:
- The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

#### Terms of Reference:



## SECTION 7 – SCRUTINY COMMITTEES

7.38 The Panel will concentrate on strategic financial matters including the following:

7.38.1

- review and scrutinise in private session:
- assist with the delivery of financial plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
- consider the robustness of the evidence base upon which the MTFs and Council budget are predicated
- Assumptions underlying the budget strategy;
- The Medium Terms Financial Strategy / Finance Resource Model;
- Budget Assumptions;
- Draft Budget and Impact Assessments;
- Development of the budget, future planning and finance transformation
- provide evidence based recommendations to the Cabinet on its findings;
- develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

7.38.2

- to review and scrutinise in public session:
- Annual Local Government Settlement and any legislative changes affecting local government;
- Financial aspects of the Risk Register;
- Financial Monitoring;
- to review budget monitoring reports for Revenue and Capital
- any other monitoring and performance reports as appropriate
- provide evidence based recommendations to the Cabinet on its findings
- develop a forward work programme

### **Public Service Board Scrutiny Committee.**

7.39 Membership.

The membership of the Public Service Board Scrutiny Committee will be as follows:

9 Members in total, comprising:

- The 3 Vice-Chairs of the Scrutiny Committees (Economy, Residents and Communities, Health and Care and Learning and Skills), together with
- 2 additional representatives from each of the scrutiny committees (on a politically balanced basis based on a Committee of 6)

## SECTION 7 – SCRUTINY COMMITTEES

- 7.40 The Terms of Reference of the Public Service Board Scrutiny Committee are set out in the “Arrangements for the Scrutiny of the Public Service Board in Powys” document approved by Full Council from time to time.

### **Councillor Call for Action**

- 7.42.1 The Councillor Call for Action is a mechanism for enabling Councillors to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of “last resort”.
- 7.42.2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.
- 7.42.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors which can be found on the Council's website as follows:

**[Councillor Call for Action - Guidance for Members](#)**