

## 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><u>Economy, Residents, Community and Governance Scrutiny Committee</u></b></p> <p>A maximum of 14 Members including: 13 Councillors – Politically Balanced and 1 Non-Voting Co-optee for crime and disorder</p>	<p style="text-align: center;"><b><u>Vision 2025 objectives:</u></b></p> <p><b><u>Economy:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Providing support for businesses to grow</u></li> <li>• <u>Promoting Powys as a place to live, visit and do business</u></li> <li>• <u>Improving the availability of affordable and sustainable housing</u></li> <li>• <u>Improving our infrastructure to support regeneration and attract investment</u></li> <li>• <u>Improving skills and supporting people to get good quality jobs</u></li> </ul> <p><b><u>Residents and Community:</u></b></p>

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<p><u>functions</u></p> <ul style="list-style-type: none"> <li>• <u>Strengthening community development and resilience</u></li> <li>• <u>Support communities to be able to do more for themselves and reduce the demand on our public services</u></li> <li>• <u>Strengthening our relationship with residents and communities</u></li> <li>• <u>Improve our understanding of our residents needs and improve our service delivery</u></li> </ul> <p style="text-align: center;"><b><u>SERVICE AREAS:</u></b></p> <p><b><u>CHIEF EXECUTIVE</u></b></p> <ul style="list-style-type: none"> <li>• <u>Finance</u></li> <li>• <u>Legal and Democratic Services</u></li> </ul> <p><b><u>ECONOMY AND ENVIRONMENT</u></b></p> <ul style="list-style-type: none"> <li>• <u>Property, Planning and Public Protection</u></li> <li>• <u>Highways, Transport and Recycling</u></li> <li>• <u>Housing and Community Development</u></li> </ul> <p><b><u>TRANSFORMATION</u></b></p> <ul style="list-style-type: none"> <li>• <u>Strategy, Performance and Transformation Programmes</u></li> <li>• <u>Customers and Communications</u></li> <li>• <u>Workforce and OD</u></li> </ul> <p style="text-align: center;"><b><u>PARTNERSHIPS</u></b></p> <ul style="list-style-type: none"> <li>• <u>Growing Mid Wales</u></li> <li>• <u>Powys Regeneration Partnership</u></li> <li>• <u>TRACC</u></li> <li>• <u>BBNP</u></li> <li>• <u>MWWFRA</u></li> <li>• <u>WLGA</u></li> <li>• <u>Central Wales Infrastructure Collaboration</u></li> <li>• <u>Central Wales Waste Partnership</u></li> <li>• <u>North and Mid Wales Trunk Road Agency Partnership Board</u></li> <li>• <u>Tourism Partnership Mid Wales</u></li> <li>• <u>Western Valleys Strategic Regeneration Area Board</u></li> <li>• <u>Powys Community Endowment Fund</u></li> </ul>	<p><b>Formatted:</b> Font: (Default) Arial, 12 pt</p> <p><b>Formatted:</b> Indent: Left: 0", Hanging: 0.22", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"</p> <p><b>Formatted:</b> Font: (Default) Arial, 12 pt</p> <p><b>Formatted:</b> Font: (Default) Arial, 12 pt</p> <p><b>Formatted:</b> Font: (Default) Arial, 12 pt</p> <p><b>Formatted:</b> Font: (Default) Arial, 12 pt</p> <p><b>Formatted:</b> Font: (Default) Arial, 12 pt</p> <p><b>Formatted:</b> Font: (Default) Arial, 12 pt</p> <p><b>Formatted:</b> Font: Arial</p> <p><b>Formatted:</b> Font: Arial, Not Bold</p> <p><b>Formatted:</b> Indent: Left: 0", Hanging: 0.22", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"</p> <p><b>Formatted:</b> Font: Arial</p> <p><b>Formatted:</b> Font: Arial, Not Bold</p> <p><b>Formatted:</b> Indent: Left: 0", Hanging: 0.22", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"</p> <p><b>Formatted:</b> Font: Arial</p> <p><b>Formatted:</b> Font: Arial, Not Bold</p> <p><b>Formatted:</b> Indent: Left: 0", Hanging: 0.22", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"</p> <p><b>Formatted:</b> Font: Arial</p> <p><b>Formatted:</b> Font: Arial, Not Bold</p> <p><b>Formatted:</b> Font: Arial</p> <p><b>Formatted:</b> Font: Arial, Not Bold</p>
<p style="text-align: center;"><b><u>Vision 2025 objectives:</u></b></p>	<p><b>Formatted:</b> Font: Arial</p>
<p><b>Health and Care Scrutiny Committee</b></p> <p><b><u>Health and Care:</u></b></p> <ul style="list-style-type: none"> <li>• <u>Focussing on well-being</u></li> </ul>	<p><b>Formatted:</b> Font: (Default) Arial, 12 pt</p> <p><b>Formatted:</b> Indent: Left: 0", Hanging: 0.22", Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"</p>

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<p>A maximum of 14 Members including: 14 Councillors – Politically Balanced</p>	<ul style="list-style-type: none"> <li>• <a href="#">Early help and support</a></li> <li>• <a href="#">Providing joined up care</a></li> <li>• <a href="#">Developing a workforce for the future</a></li> <li>• <a href="#">Creating innovative environments</a></li> <li>• <a href="#">Developing digital solutions</a></li> <li>• <a href="#">Transforming in partnership</a></li> </ul> <p style="text-align: center;"><b><u>SERVICE AREAS:</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Children’s Services</a></li> <li>• <a href="#">Adult Services</a></li> <li>• <a href="#">Commissioning (Children and Adults)</a></li> </ul> <p><b><u>TRANSFORMATION</u></b></p> <p><b><u>PARTNERSHIPS</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Regional Partnership Board</a></li> <li>• <a href="#">Powys Executive Safeguarding Group</a></li> <li>• <a href="#">Regional Safeguarding Group</a></li> <li>• <a href="#">Youth Justice Board</a></li> <li>• <a href="#">Health, Social Care and well-Being Partnership</a></li> <li>• <a href="#">Powys Community Health Council</a></li> </ul>
<p><b>Learning and Skills Scrutiny Committee</b>                  Membership:                  A maximum of 14 Members including:                  9 Councillors – Politically Balanced;                  3 parent governor representatives;                  1 Church in Wales Diocese representative;                  1 Roman Catholic Church Diocese representative,</p>	<p style="text-align: center;"><b><u>Vision 2025 objectives:</u></b></p> <p><b><u>Learning and Skills:</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Improving the educational attainment of all pupils</a></li> <li>• <a href="#">Supporting children and families to have the best start in life</a></li> <li>• <a href="#">Improving our schools infrastructure</a></li> <li>• <a href="#">Improving the skills and employability of young people and adults</a></li> </ul> <p style="text-align: center;"><b><u>SERVICE AREAS:</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">Education</a></li> </ul> <p><b><u>TRANSFORMATION</u></b></p> <p><b><u>PARTNERSHIPS</u></b></p> <ul style="list-style-type: none"> <li>• <a href="#">ERW</a></li> </ul>
<p><b>Co-Ordinating Committee</b>                  Membership:                  Chairs and Vice</p>	<p>Functions specified under Rules <a href="#">7.38 – 7.39</a></p>

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<p>Chairs of the 3 Scrutiny Committees; Chair and Vice- Chair of the Audit Committee; 3 Representatives of the Cabinet; 2 Representatives of the Executive Management Team</p>	
<p>Public Service Board Scrutiny Committee</p>	As set out in Rules 7.43 to 7.45
<p><b>Audit Committee</b> Membership: 14 Members plus 1 Independent / Lay Member</p>	<ul style="list-style-type: none"> <li>• <u>To approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).</u></li> <li>• <u>Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified</u></li> <li>• <u>Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised</u></li> <li>• <u>To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements</u></li> <li>• <u>Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan.</u></li> <li><u>Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented</u></li> <li><u>Consider and approve the annual letter, regulatory plan and specific reports as agreed.</u></li> <li><u>Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions</u></li> <li><u>Comment on the scope and depth of the external audit work, to ensure it gives value for money</u></li> <li><u>Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings</u></li> <li><u>Promote effective relationships between external and</u></li> </ul>

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	<u>internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted</u> • <u>regularly monitor treasury management reports</u>
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### Membership of the Audit Committee.

7.5.1 The Audit Committee will comprise ~~24~~14 Councillors, appointed to achieve as far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of the total membership).<sup>1</sup>

7.5.2 In accordance with Section 82 of The Measure:

7.5.2.1 At least one member of the Audit Committee must be a voting Lay Member;

7.5.2.2 An act of the Audit Committee will be invalid if the membership of the committee breaches any of the membership requirements set out in Rules 7.5.1 and 7.5.2.1.

7.5.2.3 The Chair of the Audit Committee is appointed by the Committee at the first meeting following the Council's Annual Meeting and the Chair:

- cannot be a member of the Cabinet;
- can be a Lay Member or a Co-Opted Member;
- can only be a member of an executive group if there are no opposition groups. (See Rule 7.5.4 below);

7.5.2.4 The Measure does not require a Cabinet Member to be a member of the Audit Committee but a maximum of one member of Cabinet (but not the Leader) may be a member of the Audit Committee;

7.5.2.5 The Chair of the Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Audit Committee pursuant to Rule 4.38.1

7.5.3~~A~~The Vice-Chair of the Audit Committee will be appointed annually by the Committee at the first meeting following the Council's Annual Meeting who may appoint a Councillor, the Lay Member or a Co-Opted Member. (see Rule 7.5.4 below)

7.5.3~~B~~4 The Vice-Chair of the Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Audit Committee pursuant to Rule 4.38.1

7.5.4~~5~~A person presiding at an Audit Committee can only be a member of an executive group if there are no opposition groups.

### General Functions

<sup>1</sup> See Section 82 of The Measure.

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- 7.6 Within their terms of reference, Scrutiny Committees will:
- 7.6.1 review and / or scrutinise decisions made, or other action taken in connection with the discharge of any function of the authority;
  - 7.6.2 make reports and / or recommendations to the Full Council and / or the Cabinet, and / or any joint committee ~~or Area (Shire) Committee~~ in connection with the discharge of any function of the authority;
  - 7.6.3 consider any matter affecting the area or its inhabitants;
  - 7.6.4 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, ~~and / or any Area (Shire) Committee exercising functions delegated by the Cabinet.~~ (See Call-In Procedure – Rule 7.37);

### Specific Functions

#### Policy Development and Review

- 7.7 The Scrutiny Committees may:
- 7.7.1 assist the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues, including pre-scrutiny of draft or amended policies;
  - 7.7.2 conduct research, site visits, community and other consultation in the analysis of policy issues and possible options;
  - 7.7.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
  - 7.7.4 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;
  - 7.7.5 consider the impact of policies to assess if they have made a difference;
  - 7.7.6 consider and implement mechanisms to encourage and enhance community participation in the scrutiny of the development of policy options; and
  - 7.7.7 investigate or review a particular matter in depth, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate.

#### Scrutiny

- 7.8 Scrutiny Committees may:
- 7.8.1 review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
  - 7.8.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - 7.8.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance,

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- whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- 7.8.4 make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
  - 7.8.5 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;
  - 7.8.6 question and gather evidence from any person (with their consent);
  - 7.8.7 review and scrutinise the budget setting process;
  - 7.8.8 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
  - 7.8.9 consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options.

### Finance

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

### Annual Report

- 7.10 The Scrutiny Committees may report annually to the Full Council on their workings.

### Head of Democratic Services

- 7.11 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 ?

- 7.12.1 Subject to Rule 7.12.2. below all Councillors (except members of the Cabinet) may be members of the Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which s/he has been directly involved.
- 7.12.2 In accordance with Section 82 of The Measure no more than one member of the Cabinet may be a member of the Audit Committee (but there is no requirement for Full Council to appoint a member of the Cabinet to the Audit Committee ). The Leader cannot be a member of the Audit Committee.

### Co-Optees

- 7.13.1 The Learning and Skills ~~and Economy~~ Scrutiny Committee shall include in its membership the following voting representatives:
  - 7.13.1.1 One Church in Wales diocese representative;
  - 7.13.1.2 One Roman Catholic diocese representative; and
  - 7.13.1.3 Three parent governor representatives (covering so far as practicable the primary, secondary and special needs sectors)

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- 7.13.2 When matters which are not education matters, which are the responsibility of the Cabinet, fall to be considered by the Learning and Skills ~~and Economy~~ Scrutiny Committee, the co-opted representatives specified in rule 7.13.1 shall not vote, although they may stay in the meeting and speak.
- 7.13.3 The Health ~~and~~ Care ~~and Housing~~ 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), subject to that representative not being a Powys County Council representative on the Police and Crime Panel.
- 7.13.4 In addition to co-optees appointed under rules 7.13.1.1 to 7.13.1.3 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
- 7.13.5 The total number of co-optees on each Scrutiny Committee may not exceed more than one third the membership of the committee.<sup>2</sup>

### **Who Chairs Scrutiny Committees (other than the Chair of the Audit Committee)?**

- 7.14 The arrangements included in sections 66-75 of The Measure will be followed for appointing persons to chair Scrutiny Committees as set out in Rule 4.6.6 (other than the Chair of the Audit Committee who will be appointed in accordance with Rule 7.5.2.3)<sup>3</sup>.

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

- 7.15.1 The chairs of the Scrutiny Committees will liaise with the Cabinet and the Head of Paid Service and will supervise the work programme for their Scrutiny Committee and identify cross cutting themes arising from the various Scrutiny Committees .
- 7.15.2 In summary, therefore, the Chair will:
- 7.15.2.1 be accountable for delivering effective scrutiny;
  - 7.15.2.2 will regularly monitor the work programmes for their Scrutiny Committee; and
  - 7.15.2.3 will liaise with the Cabinet on issues affecting the scrutiny work programme.

### **Work Programme**

- 7.16 The ~~Joint Chairs Steering Group~~ Co-ordinating Committee 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 focus on strategic and important issues. Any requests from scrutiny members for matters to be scrutinised should be sent to the ~~Joint Chairs Steering Group~~ Co-ordinating Committee for consideration.

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<sup>2</sup> Paragraph 8.19 Statutory Guidance from the Local Government Measure 2011 (issued by Welsh Government June 2012)

<sup>3</sup> For provisions relating to the Chair of the Audit Committee See Rule 7.3.2(b)(ii) above.



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### Joint Scrutiny Committees

7.17 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.

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

7.18 Rules 7.18 to 7.37 (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 ?

- 7.19.1 Subject to Rules 7.43 to 7.45 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 Co-ordinating Committee ~~Chair of a Scrutiny Committees~~ 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. In addition, in the case of urgency, the Chair of the relevant scrutiny committee and the Co-ordinating Committee can establish a Member and Officer Working Group
- 7.19.2 The terms of reference / areas of responsibility of the various Scrutiny Committees will be as set out in Rule 7.4 above.
- 7.19.3 Each Scrutiny Committee (with the exception of ~~the Audit Committee and~~ 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

- 7.20.1 The three Scrutiny Committees will meet ~~at least monthly~~ on a 6 weekly cycle (except for August and December).
- 7.20.2 The Audit Committee must also meet if:
- the Full Council resolves that the Committee should meet; or
  - at least one third of the members of the Audit Committee requisition a meeting by one or more notices in writing to the chair.
- 7.20.3 In addition, extraordinary meetings may be called from time to time by:
- 7.20.3.1 the Full Council by resolution; or
  - 7.20.3.2 the relevant Scrutiny Committee by resolution; or
  - 7.20.3.3 the chair of the relevant Scrutiny Committee; or
  - 7.20.3.4 any 5 members of the relevant Scrutiny Committee; or
  - 7.20.3.5 the Head of Paid Service; or
  - 7.20.3.6 the Monitoring Officer; or
  - 7.20.3.7 the Section 151 Officer;

as s/he / they considers necessary or appropriate.

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### Quorum

7.21 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

- 7.22 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):
- 7.22.1 elect a chair of the Audit Committee and the PSB Scrutiny Committee;
  - 7.22.2 elect a person to preside if the chair of the Committee is not present;
  - 7.22.3 elect the vice-chair of the Committee
  - ~~7.22.4 (unless the committee decides unanimously to dis-apply the political balance requirements) allocate seats to political groups on sub-committees authorised by the Full Council.~~
  - 7.22.4<sup>5</sup> 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;
  - 7.22.5<sup>6</sup> make recommendations to the Co-ordinating Committee for the establishment or re-establishment of Member and Officer Task and Finish Working Groups and make appointments thereto as appropriate;
  - ~~7.22.7 to approve the committee's work programme for the forthcoming year;~~
  - 7.22.8<sup>6</sup> deal with those items of business listed in Rule 7.24 below as may be appropriate.

The order of business, with the exception of items 7.22.1 and 7.22.2 may be altered by the chair.

### Business at Other Meetings

- 7.23 At all other meetings of committee, the committee will (as may be appropriate)
- 7.23.1 elect a person to preside if the chair and vice-chair of the Committee are not present;
  - 7.23.2 elect the chair of the Audit Committee or the PSB Scrutiny Committee in the event of there being a vacancy
  - 7.23.3 elect a vice-chair of the Committee in the event of there being a vacancy;
  - 7.23.4 receive declarations of interest (including whipping declarations);
  - 7.23.5 make appointments to sub-committees and Member and Officer Task and Finish Groups in the event of there being a vacancy;
  - 7.23.6 receive apologies for absence;

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- 7.23.7 approve the minutes of the last meeting;
- 7.23.8 receive any announcements from the chair;
- 7.23.9 receive reports from the Cabinet and / or from any other committees, and / or from officers;
- 7.23.10 make recommendations to the Cabinet or Full Council;
- 7.23.11 deal with any business outstanding from the last meeting;
- 7.23.12 (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;
- 7.23.13 put questions to the chair or relevant officers of the Council where appropriate on items of business before the committee and to receive responses.
- 7.23.14 receive reports from sub-committees and Member and Officer Task and Finish Groups;
- 7.23.15 to consider requests from members of the committee for items of business to be recommended to the Co-ordinating Committee 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;
- 7.23.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
- 7.23.17 review the Committee's Work Programme for the forthcoming year and make such recommendations to the ~~Joint Chairs and Vice-Chairs Steering Group~~ Co-ordinating Committee as are necessary;
- 7.23.18 consider such other business specified in the summons to the meeting;
- 7.23.19 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;
- 7.23.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;
- ~~7.23.21 receive notes of meetings of the Joint Chairs and Vice-Chairs Steering Group.~~

The order of business, with the exception of items 7.23.1 to 7.23.4 may be altered by the chair.

### Agenda Items

- 7.24.1 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 to be recommended to the Co-ordinating Committee for inclusion on the agenda for the next available meeting. ~~The chair will decide in his / her absolute discretion whether or not the matter will be placed on the agenda for the next meeting.~~
- 7.24.2 Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Full Council and/or the Cabinet to review

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## SECTION 7 – SCRUTINY COMMITTEES

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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 Council and/or the Cabinet shall consider the report of the Scrutiny Committee and respond (if appropriate) ~~within 6 weeks of its consideration~~ as soon as possible or at the latest within 2 months of the date of the meeting.

### Policy Review and Development

- 7.25.1 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.
- 7.25.2 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.
- 7.25.3 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

- 7.26.1 All formal reports from Scrutiny Committees will be submitted ~~to the Monitoring Officer~~ 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).
- 7.26.2 If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by Full Council or Cabinet with the majority report.
- 7.26.3 A Scrutiny Committee may publish any non-confidential report.

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

- 7.27.1 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 Full Council or Cabinet 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.
- 7.27.2 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)

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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

- 7.28.1 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.
- 7.28.2 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

- 7.29.1 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:
- 7.29.1.1 any particular decision or series of decisions; and / or
- 7.29.1.2 the extent to which the actions taken implement Council policy; and/or
- 7.29.1.3 the implementation of decision(s) and or Council policy

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

- 7.29.2 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.

- 7.29.3 Where any ~~Member Cabinet Member or Officer~~ is required to attend Scrutiny Committees / Working Group under this provision, the Chair of that Committee / Working Group will inform the ~~Monitoring Officer~~ relevant Cabinet Member. ~~The Monitoring Officer (or officers nominated by him / her) shall inform the Member or Officer, if necessary in writing, giving at least 5 working days' notice of before~~ the meeting at which s/he is required to attend (unless agreed otherwise). ~~Any~~ The written notice ~~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.

- ?? 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.

- 7.29.4 For the purposes of attendances of members or Officers at the Audit Committee only, in accordance with Section 83(6) of The Measure, a person

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is not obliged to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.

7.29.5 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.

7.29.6 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

7.30 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

7.31.1 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.

7.31.2 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.

7.31.3 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

7.32 Scrutiny Committees / Working Group may invite people other than those people referred to in Rules 7.29 and 7.30 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.

#### The Party Whip in Scrutiny

7.33 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

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existence of a whip may speak at the meeting but is not entitled to vote on the question.<sup>4</sup>

### Procedure at Scrutiny Committee Meetings

- 7.34.1 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.
- 7.34.2 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:
- 7.34.2.1 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;
  - 7.34.2.2 that those assisting by giving evidence be treated with respect and courtesy;
  - 7.34.2.3 that the business be conducted as efficiently as possible.
- 7.34.3 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

- 7.35 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, the ~~Joint Chairs and Vice-Chairs Steering Group~~ Co-ordinating Committee, or if they fail to agree, the decision will be made by Monitoring Officer.

### Call-In Procedure Rules

- 7.36 The Call-In Procedure Rules set out in this Rule 7.36 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.
- 7.36.1 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.
- 7.36.2 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

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<sup>4</sup> Section 78(1) of the Local Government (Wales) Measure 2011.

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decision will come into force (subject to Rule 7.37.3) 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.

- 7.36.3 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>5</sup>) by the chair or 5 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

**Commented [WR1]:** Note to Council – this was increased from 4 to 5 in May 2018 when the numbers on scrutiny committees was increased from 14 to 21. Should this now be reduced.

- 7.36.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
- 7.36.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
- 7.36.3.3 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.

- 7.36.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.36.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer will then arrange for a “Call-In Notice”<sup>6</sup> to be issued in accordance with Rule 7.36.5 below.

- 7.36.5 A Call-In Notice must contain the following:

- 7.36.5.1 details of the condition set out in rule 7.36.3 above being relied upon;
- 7.36.5.2 the reasons why it is believed one or more of the conditions are satisfied;

- 7.36.6 The Monitoring Officer 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 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).

- 7.36.7 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.

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<sup>5</sup> See Appendix 1 to this Section.

<sup>6</sup> See Appendix 2 to this Section.



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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.

- 7.36.8 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 7.36.6 as the case may be).
- 7.36.9 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.
- 7.36.10 If a Scrutiny Committee refers the matter to Full Council, the Monitoring Officer 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).
- 7.36.11 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.
- 7.36.12 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.
- 7.36.13 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.
- 7.36.14 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:
- 7.36.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
  - 7.36.14.2 where a Call-in Request has been made by five members of a Scrutiny Committee in accordance with Rule 7.36.3 those five members must come from at least two political groups, or one political group and / or one or more non-aligned Councillor(s);
  - 7.36.14.3 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.
  - 7.36.14.4 no Education Co-opted members may request a decision be called in.
  - 7.36.14.5 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.
  - 7.36.14.6 the decision being called-in, or broadly the same decision, has

**Commented [WR2]:** Note to Council – this was increased from 4 to 5 in May 2018 when the numbers on scrutiny committees was increased from 14 to 21. Should this now be reduced.

**Commented [WR3]:** Note to Council – this was increased from 4 to 5 in May 2018 when the numbers on scrutiny committees was increased from 14 to 21. Should this now be reduced.

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- been called in during the last 6 months.
- 7.36.14.7 the provisions of Rule 7.37.1 apply (Urgency)
- 7.36.15 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.
- 7.36.16 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.
- 7.36.17 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

- 7.37.1 The call-in procedure set out in Rule 7.36 above shall not apply where the decision being taken is urgent. A decision will be urgent if:
- 7.37.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council's or other public interests; and
- 7.37.1.2 the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer certifies in writing that any delay likely to be caused by the call-in process could seriously prejudice the Council, or the public interest; and
- 7.37.1.3 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
- 7.37.1.4 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 Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.
- 7.37.2 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.

~~Joint Chairs and Vice-Chairs Steering Group – Scrutiny Committees (“the Steering Group”)~~Co-ordinating Committee.

### Role, Scope and Membership.

7.38

- 7.38.1 Membership: Chairs and Vice-Chairs of the following committees:

Health, ~~and~~ Care ~~and Housing~~ Scrutiny Committee;  
Learning and Skills ~~and Economy~~ Scrutiny Committee;  
Economy, Residents, Community and Governance

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Scrutiny Committee;  
Audit Committee;

For the sake of clarity the Chair of the Public Service Board Scrutiny Committee will not be a member of the ~~Joint Chairs Steering Group~~ Co-ordinating Committee.

3 Representatives of the Cabinet to be appointed by the Leader

2 Representatives of the Executive Management Team

- 7.38.2 Chair : Elected annually in rotation by the ~~Steering Group Committee from the Chairs of the Committees detailed in “Membership” above.~~
- 7.38.3 Vice-Chair: Elected annually in rotation by the ~~Steering Group Committee from the Chairs of the Committees detailed in “Membership” above.~~
- 7.38.4 Meetings: Meetings of the ~~Steering Group Committee~~ will be held bi-monthly. Additional meetings of the ~~Steering Group Committee~~ can be called with the consent of the Chair.
- 7.38.5 Notes of Meetings: ~~Agendas and Notes of the meetings of the Steering Group will be considered by the Scrutiny Committees~~ made available to Members.

### Terms of Reference:

7.39 The ~~Steering Group~~ Co-ordinating Committee will:

- 7.39.1 co-ordinate the work programmes of the Scrutiny Committees;
- 7.39.2 assess potential items for their suitability for a scrutiny review, and allocate those items if suitable to the appropriate scrutiny committee / Working Group for review;
- 7.39.3 consider items referred from the Scrutiny Committees for inclusion in the scrutiny work programme;
- 7.39.4 ensure the co-ordination of the Scrutiny Committees' Work Programmes with the Cabinet Work Programme;
- 7.39.5 receive ~~a summary the final report on the progress being made a review undertaken by scrutiny working groups in relation to their reviews prior to its submission to the Cabinet;~~ discuss with the Chief Executive and Strategic Directors/ Directors any items for inclusion on Scrutiny Committees' Work programmes consider any requests for the establishment of a Member and Officer Working Group;
- ~~7.39.7 undertake an annual review of the Draft One Powys Plan and make recommendations to the Cabinet;~~
- ~~7.39.8 undertake an annual review of the draft budget proposals and make recommendations to the Cabinet;~~
- ~~7.39.9 review the Cabinet's Statement of Intent and make recommendations to the Cabinet;~~

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- ~~7.39.10 review the draft Annual Governance Statement and make recommendations;~~
- ~~7.39.11 review as appropriate the performance evaluation grids which form the basis of the draft Annual Improvement Report;~~
- ~~7.39.12 review the draft Annual Improvement Report and make recommendations to the Cabinet;~~
- 7.39.137 consider the Wales Audit Office Annual Improvement Report and consider any matters for inclusion in the Scrutiny Committees' Work Programmes;
- 7.39.148 to ensure in conjunction with the Public Service Board Scrutiny Committee that there is no duplication of work between the County Council scrutiny committees, the Public Service Board Scrutiny Committee and any other joint scrutiny arrangements with other authorities;
- 7.39.159 such other matters which relate to or affect the operation of the Scrutiny Committees.
- 7.39.10 Review the Scrutiny Committee structure on a regular basis.

### Finance Scrutiny Panel.

#### Role, Scope and Membership.

7.40

- 7.40.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
- Portfolio Holder for Finance
- Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.
- Other representatives from the Audit Committee one of which should be the Independent "Lay" Member appointed by the Audit Committee.
- 7.40.2 Chair : The Chair of the Panel will be elected from the Panel's membership, (excluding the Portfolio Holder for Finance).
- 7.40.3 Vice-Chair: The Vice-Chair of the Panel will be elected from the Panel's membership.
- 7.40.4 Meetings: Meetings of the Panel will be held on a schedule to be determined by the Panel.
- 7.40.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

#### Terms of Reference:

- 7.41 The Panel will concentrate on strategic financial matters including the

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following:

- 7.41.1 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;
- 7.41.2 consider the robustness of the evidence base upon which the MTFS and Council budget are predicated;
- 7.41.3 review and scrutinise:
  - Assumptions underlying the budget strategy;
  - The Medium Terms Financial Strategy / Finance Resource Model;
  - Budget Assumptions;
  - Annual Local Government Settlement and any legislative changes affecting local government;
  - Draft Budget and Impact Assessments;
  - Financial aspects of the Risk Register;
  - Financial Monitoring;
- 7.41.4 provide evidence based recommendations to the Cabinet on its findings;
- 7.41.5 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

### Public Service Board Scrutiny Committee.

- 7.42 Members on the ~~The Joint Chairs and Vice Chairs Steering Group~~ Co-ordinating Committee shall appoint two Members to act as representatives of the Council on the Public Service Board Scrutiny Committee.
- 7.43 In addition Members on the the ~~Joint Chairs and Vice Chairs Steering Group~~ Co-ordinating committee shall appoint a substitute for each of the two Members of the Public Service Board Scrutiny Committee appointed under Rule 7.43 above, such substitute shall not be a member of the Public Service Board.
- 7.44 The Terms of Reference and Membership 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.

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### Councillor Call for Action

- 7.45.1 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".
- 7.45.2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.
- 7.45.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors attached to this section of the

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Rules at 7.46 to 7.51

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### Councillor Call for Action - Guidance for Councillors

#### Introduction

- 7.46.1. The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for “Councillor Calls for Action” (CCfA) which enables Councillors to refer issues of local importance to Scrutiny Committees .
- 7.46.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which Councillors have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Councillor to the designated Health, ~~and Care~~ ~~and Housing~~ Scrutiny Committee for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation.
- 7.46.3 As part of their community leadership role, Councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for Councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.
- 7.46.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Councillor to refer to a Scrutiny Committee, “a local government matter” which falls within the Scrutiny Committee’s remit.

#### How Should I Normally Attempt to Resolve a Local Issue in My Area?

- 7.46.5 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government’s Statutory Guidance from the Local Government Measure 2011:
- 7.46.5.1 informal discussions with Officers or other Councillors;
  - 7.46.5.2 informal discussions with partner representatives;
  - 7.46.5.3 referral to other “scrutiny” bodies such as Community Health Councils or internal audit committee;
  - 7.46.5.4 formal discussions with Officers and Councillors;
  - 7.46.5.5 formal letters to the Cabinet members;
  - 7.46.5.6 asking questions at Full Council;
  - 7.46.5.7 submitting a motion to Full Council;
  - 7.46.5.8 organising public meetings;
  - 7.46.5.9 use of petitions;
  - 7.46.5.10 making a complaint;
  - 7.46.5.11 freedom of information requests;

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- 7.46.5.12 communication with local AMs or MPs;
- 7.46.5.13 use of social media or email based campaigns.

7.46.6 This is not an exhaustive list and Councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible alternative routes, then a local Councillor can refer it to the appropriate Scrutiny Committee as a CCfA.

### What is a Councillor Call For Action?

7.46.7.1 In order for a Scrutiny Committee to accept a CCfA as an agenda item for discussion at one of their meetings, the issue must affect either all or part of a Councillor's electoral area or it must affect someone who lives or works in that area and come within that Scrutiny Committee's remit.

7.46.7.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that a CCfA is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

### How and When Should I Make a CCfA?

7.46.8.1 A flowchart showing the process is provided at Rule 7.45. A Councillor may initiate the process by completing the form at Rule 7.46. Further copies are available from the Scrutiny Manager. It is important that the local Councillor specifies what outcome is expected from the referral. After completion the form should be returned to the Scrutiny Manager who will log and acknowledge the referral within five working days, to track its progress and forward a copy of the form to the Monitoring Officer.

7.46.8.2 The Monitoring Officer will confirm whether or not the referral satisfies the requirements outlined in Rule 7.42.9 below to enable it to be placed on the agenda for discussion at a meeting of the relevant Scrutiny Committee. The Monitoring Officer reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or otherwise potentially unlawful; and the Councillor will be informed of this outcome as soon as practicable.

### Criteria To Be Followed By A Scrutiny Committee Dealing With CCfAs

7.46.9 It is up to the chair of a Scrutiny Committee in consultation with the Monitoring Officer to decide whether, and in what form, to take the matter further. The chair will use the following criteria to decide whether or not the referral is appropriate to be considered by its Scrutiny Committee :

- 7.46.9.1 does the matter fall within the remit of that Scrutiny Committee?  
NB: Crime and Disorder referrals should be directed to the Health, ~~and Care~~ ~~and Housing~~ Scrutiny Committee.
- 7.46.9.2 is that Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
- 7.46.9.3 has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?
- 7.46.9.4 is there a similar or related issue which is the subject of a review

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on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

- 7.46.9.5 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
  - 7.46.9.6 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
  - 7.46.9.7 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
  - 7.46.9.8 is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?
  - 7.46.9.9 is this an issue currently being looked at by another form of external scrutiny?
  - 7.46.9.10 and, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Councillor's electoral division?
- 7.46.10 If a Scrutiny Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it.
- 7.46.11 If a Scrutiny Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol, e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee's meeting. The Councillor will be requested to attend the Scrutiny Committee and informed that s/he will have five minutes in which to address the Scrutiny Committee. The Scrutiny Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:
- 7.46.11.1 asking the relevant responsible authorities to respond to the CCfA;
  - 7.46.11.2 setting up a research or task and finish group to undertake a more in-depth review;
  - 7.46.11.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request "designated persons"<sup>7</sup> such as representatives from other public bodies/agencies to attend, where relevant, and to request information.

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### Potential Outcomes From a CCfA

7.47.1 A Scrutiny Committee could:

- 7.47.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
- 7.47.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;

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<sup>7</sup> The Welsh Government have yet to publish a list of "designated persons".



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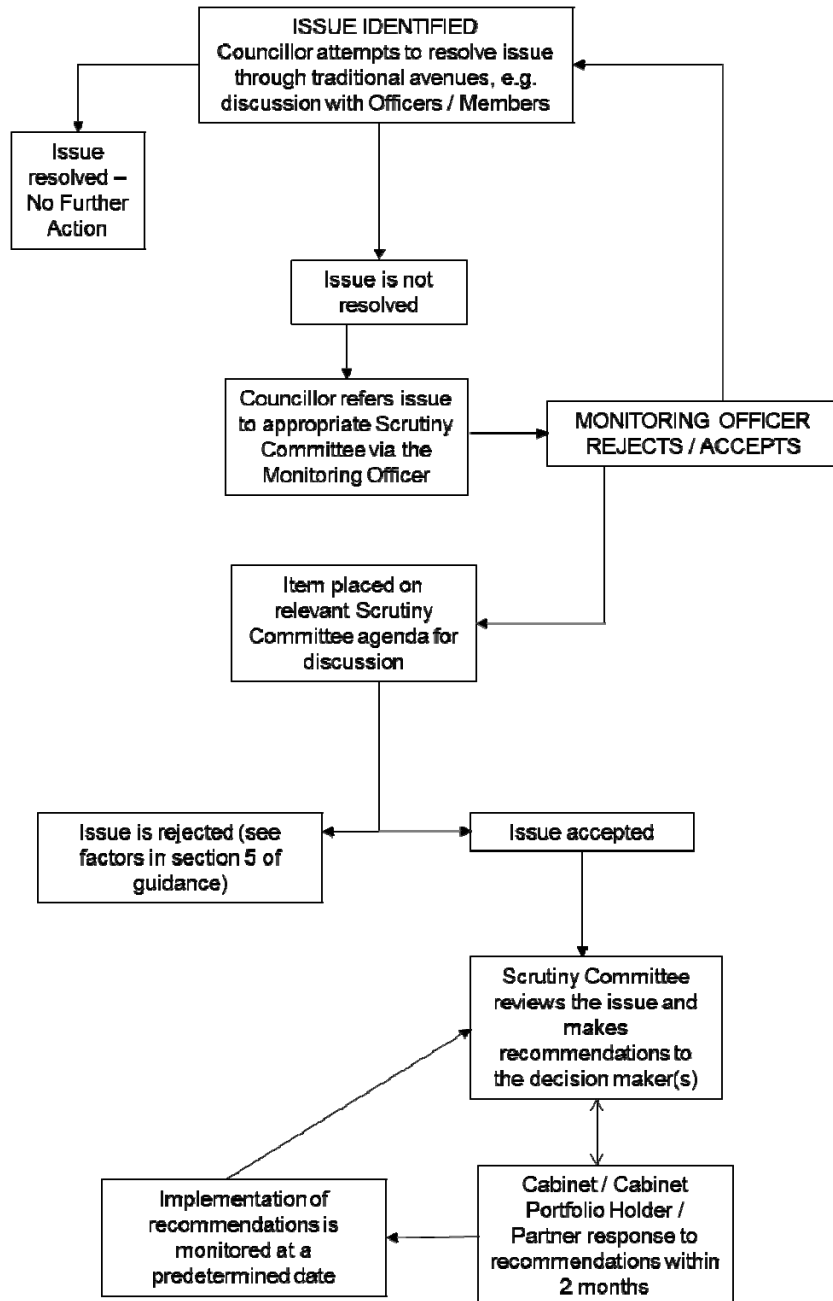
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- 7.47.1.3 decide that further action is not appropriate giving its reasons.
- 7.47.2 Once a Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

### **Timescales for Dealing With a CCfA**

- 7.48.1 Within 10 working days of receipt of a CCfA the chair of the relevant Scrutiny Committee will consult with the Monitoring Officer to determine if the criteria set out in Rule 7.46.9 above have been met so as to ensure that it is appropriate for the CCfA to be dealt with at the next meeting of the Scrutiny Committee.
- 7.48.2 In exceptional circumstances, for example where there are unavoidable time constraints, the chair may convene a special meeting of the Scrutiny Committee.
- 7.48.3 Should a CCfA result in recommendations to the Cabinet or other responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.
- 7.48.4 The Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.
- 7.49

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### Councillor Call for Action Referral Form 7.50

<b>Name of Scrutiny Committee</b>	
<b>Date given to the Monitoring Officer</b>	
<b>Name of Councillor making CCfA</b>	Councillor .....
<b>Councillor's Electoral Division</b>	
<b>Councillor's Address</b>	
<b>Councillor's Telephone</b>	
<b>Councillor's E-mail</b>	
<b>SUBJECT of CCfA</b>	
<b>Details</b> Please briefly explain what the issue is and how it affects either all or part of your electoral area, or how it affects someone who lives or works in your electoral division.	
<b>Action taken to date</b> Please explain what steps you or others have taken, and with whom, to try to resolve the issue (please tick the actions you or others have taken to date) or add additional actions.	<input type="checkbox"/> Informal discussions with Officers or other councillors <input type="checkbox"/> Informal discussions with partner representatives <input type="checkbox"/> Referral to other "scrutiny" bodies such as Community Health Councils or internal audit committee <input type="checkbox"/> Formal discussions with Officers and councillors <input type="checkbox"/> Formal letters to the Cabinet members <input type="checkbox"/> Asking questions at Full Council <input type="checkbox"/> Submitting a motion to Full Council <input type="checkbox"/> Organising public meetings <input type="checkbox"/> Use of petitions <input type="checkbox"/> Making a complaint <input type="checkbox"/> Freedom of Information requests <input type="checkbox"/> Communication with local AMs or MPs <input type="checkbox"/> Use of social media or email based campaigns

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	Other Actions (Please Specify).
<b>Expected Outcome</b> Please describe the outcome you hope to gain via this referral.	
<b>Papers attached</b> Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.	1. 2. 3. 4. 5. 6.

**Administration only.**

<b>Date received by Monitoring Officer</b>	
<b>Date CCfA accepted by Monitoring Officer</b>	
<b>Date of Next Scrutiny Committee Meeting</b>	

**Notes for Councillors:**

- 7.51.1 The following criteria will be taken into consideration when a Scrutiny Committee decide whether to progress with your CCfA:
- 7.51.1.1 have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
  - 7.51.1.2 has the committee considered a similar issue recently – if yes have the circumstances or evidence changed?
  - 7.51.1.3 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

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- 7.51.1.4 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
  - 7.51.1.5 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
  - 7.51.1.6 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
  - 7.51.1.7 is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
  - 7.51.1.8 is this an issue currently being looked at by another form of external scrutiny?
  - 7.51.1.9 and, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations, which could realistically be implemented and lead to improvements for anyone living or working in your electoral division.
- 
- 7.51.2.1 Consider whether your referral might be considered premature by the Scrutiny Committee .
  - 7.51.2.2 Consider whether other potential remedies have been exhausted, before a referral is made.
  - 7.51.3 Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Monitoring Officer believes that the referral is premature, s/he will advise you accordingly.

## SECTION 7 – SCRUTINY COMMITTEES

Appendix 1 – "Call-In Request"

Commented [WR4]: Do we need to simplify these forms as they do not get used?

### CALL-IN OF LEADER / CABINET / CABINET COMMITTEE / PORTFOLIO HOLDER DECISION - REQUEST FORM.

#### CALL-IN REQUEST FOR A MATTER TO BE CALLED-IN BY A SCRUTINY COMMITTEE.

TO: The Monitoring Officer.

I County Councillor \_\_\_\_\_ Chair of the

Health, <del>and Care</del> <del>and Housing</del> Scrutiny Committee	YES / NO
Learning, <del>and Skills</del> <del>and Economy</del> Scrutiny Committee	YES / NO
<del>Audit Committee</del> <u>Economy, Residents, Community and Governance</u> <u>Scrutiny Committee</u>	YES / NO

We 5 County Councillors being Members of the

Commented [WR5]: Note to Council – this was increased from 4 to 5 in May 2018 when the numbers on scrutiny committees was increased from 14 to 21. Should this now be reduced.

Health, <del>and Care</del> <del>and Housing</del> Scrutiny Committee	YES / NO
Learning, <del>and Skills</del> <del>and Economy</del> Scrutiny Committee	YES / NO
<u>Economy, Residents, Community and Governance</u> <u>Scrutiny Committee</u> <del>Audit Committee</del>	YES / NO

Request the call in of the decision referred to in Schedule 1 (Attached) to be reviewed by the Committee of which [ I am Chair] [ We are Members].

I / We confirm that the matter is one which falls within the remit of the Committee of which [I am Chair] / [We are Members].

I / We make this request on the ground(s) following written advice from the Monitoring Officer and / or Chief Finance Officer (Attached at Schedule 2):

- (i) that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or
- (ii) that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or
- (iii) that 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.

Date: \_\_\_\_\_

Name:	Signature:

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### **IMPORTANT NOTE TO CHAIRS AND MEMBERS OF A SCRUTINY COMMITTEE:**

If you consider that a Cabinet decision falls within one or more of the categories set out above it is **your** responsibility to obtain from the Monitoring Officer and / or the Chief Finance Officer their written confirmation that he / she / they agree with your view and that their written advice is appended to this request for a Call-In.

This form must be wholly completed – including Schedules 1 and 2 and must be received by the Monitoring Officer **by no later than 5 p.m. on the 5<sup>th</sup> Working Day following publication of the Cabinet decision.**

Thus by way of example where (as is usually the case) a Cabinet decision is published on a Thursday this completed form must be received by the Monitoring Officer by no later than 5 p.m. on Thursday of the following week. Where a bank holiday Monday intervenes then this deadline will be extended to 5 p.m. on the Friday of the following week.

Chairs / Members are particularly asked to note that incomplete forms **WILL NOT** be accepted nor will those received after 5 p.m. on the 5<sup>th</sup> day. No exception whatsoever will be made to this rule.

This process applies to all decisions relating to “Cabinet Functions” and so applies equally to decisions of the Leader, the Cabinet a Cabinet Committee or any decision by an individual Portfolio Holder.

**PLEASE NOTE** the following exceptions which apply to a Call-In Request:

In order to ensure that call-in is not abused or causes undue delay, certain limitations are to be placed on its use. These are:

- (i) that a scrutiny committee may only call-in 5 decisions per year.
- (ii) only decisions involving expenditure or reduction in service over a value of £25,000 may be called-in.
- (iii) ~~five members of a scrutiny committee are needed for a decision to be called-in.~~
- (iv) once a member has signed a request for a call-in s/he may not do so again until a period of 6 months has expired.
- (v) the decision has not been determined to be urgent and not subject to a Call-In.

**Commented [WR6]:** Note to Council – this was increased from 4 to 5 in May 2018 when the numbers on scrutiny committees was increased from 14 to 21. Should this now be reduced.

## SECTION 7 – SCRUTINY COMMITTEES

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### SCHEDULE 1.

#### **TO BE COMPLETED BY THE CHAIR OR 4 MEMBERS REQUESTING THE CALL-IN.**

**Commented [WR7]:** Note to Council – this was increased from 4 to 5 in May 2018 when the numbers on scrutiny committees was increased from 14 to 21. Should this now be reduced.

<b>1.</b>	<b>Leader / Cabinet / Cabinet Committee / Individual Portfolio Holder Decision To Be Called-In</b> <i>(Please include Date of Meeting and Agenda Reference Number):</i>

**2. Reason for Call-In:**

**2.1 What is the reason for the Call-In Request. Please tick which of the conditions which you believe apply:**

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	
(iii)	that 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.	

**2.2 Please provide an explanation in the box below as to why you believe that the conditions in 2.1 above apply.**



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*(Please continue on a separate sheet if necessary)*

**SECTION 7 – SCRUTINY COMMITTEES**

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**SCHEDULE 2.**

**TO BE COMPLETED BY THE MONITORING OFFICER AND CHIEF FINANCE OFFICER.**

**1. Chief Finance Officer’s Advice.**

**Chief Finance Officer’s Advice on the Call-In Request.**

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*(Please continue on a separate sheet if necessary)*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

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**SECTION 7 – SCRUTINY COMMITTEES**

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**2. Monitoring Officer's Advice.**

**Monitoring Officer's Advice on the Call-In Request.**

*(Please continue on a separate sheet if necessary)*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## SECTION 7 – SCRUTINY COMMITTEES

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### FOR INTERNAL USE ONLY:

(a)	Date of Request to Call-In Decision (as above):	
(b)	Date of Cabinet Decision:	
(c)	Is Date of Request within 5 Working Days of Cabinet Decision:	YES / NO
(d)	Does the matter fall within the remit of the Scrutiny Committee?	YES / NO
(e)	Does the Chief Finance Officer's advice support a Call-In Request:	YES / NO
(f)	Does the Monitoring Officer's advice support a Call-In Request:	YES / NO
(g)	Signature(s) of Chair or <u>5</u> Members of Relevant Committee included:	YES / NO
(h)	Call-In Notice to be Issued:	YES / NO

**Commented [WR8]:** Note to Council – this was increased from 4 to 5 in May 2018 when the numbers on scrutiny committees was increased from 14 to 21. Should this now be reduced.

(i)	Date of Committee Meeting to consider Call-In (within 10 working days of issue of notice):	
(j)	Name(s) of Relevant Cabinet Portfolio Holders to be Invited to Attend Meeting:	
(k)	Details of <del>Strategic Directors</del> / Heads of Service to be Invited to Attend Committee:	
(l)	Cabinet Portfolio Holders <del> / and Strategic Directors</del> / Heads of Service Advised of Committee Meeting ( <i>insert date</i> ):	YES / NO
(m)	Questions and Checklist prepared for the Committee:	YES / NO

**SECTION 7 – SCRUTINY COMMITTEES**

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**Appendix 2 – “Call-In Notice”**

**TO BE COMPLETED BY THE MONITORING OFFICER AND CHIEF FINANCE OFFICER.**

**1. Chief Finance Officer.**

**1.1 Please tick which of the conditions which you believe apply for a “Call-In Notice” to be issued:**

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	
(iii)	that 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.	

**Please set out the reasons why it is believed that one or more of the conditions are satisfied:**

*(Please continue on a separate sheet if necessary)*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

## SECTION 7 – SCRUTINY COMMITTEES

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**2. Monitoring Officer.**

**2.1 Please tick which of the conditions which you believe apply for a “Call-In Notice” to be issued:**

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	
(iii)	that 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.	

**Please set out the reasons why it is believed that one or more of the conditions are satisfied:**

*(Please continue on a separate sheet if necessary)*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_