



TERMS OF REFERENCE OF THE CJC OVERVIEW & SCRUTINY SUB COMMITTEE (“OSSC”)

E1. Membership

- E1.1 Subject to 1.3 below, the Overview & Scrutiny Sub-Committee shall comprise of 10 members in total, 5 each from the relevant Overview and Scrutiny Committees of the Constituent Councils, ensuring political balance.
- E1.2 Executive members of the Constituent Councils shall not be members of the OSSC.
- E1.3 Where the OSSC is considering the Strategic Development Plan Function and any function that is ancillary or incidental to that function the Overview & Scrutiny Sub-Committee shall comprise of 11 members in total, 5 each from the relevant Overview and Scrutiny Committees of the Constituent Councils, ensuring political balance together with 1 representative of the Brecon Beacons National Park Authority.
- E1.4 Two nominated substitutes will be allowed for the representatives listed above from Constituent Councils and one substitute representative will be allowed from the Brecon Beacons National Park Authority provided that the substitutes are not involved in and have not attended meetings of the CJC or another Sub Committee of the CJC.
- E1.5 A Constituent Council may send a substitute from the relevant scrutiny committee of their own Council of the same political group if they are unable to attend, but this may not be a member of the Constituent Council's executive. A substitute will be able to vote.

E2. Purpose

- E2.1 The purpose of the Overview & Scrutiny Sub-Committee shall be:
- E2.1.1 Performing the overview and scrutiny function for the CJC on behalf of the Constituent Councils and the Brecon Beacons National Park Authority where appropriate, to:
- (a) review and or scrutinise decisions made, or other action taken, in connection with the discharge of any of the CJC's functions;
 - (b) make reports or recommendations to the CJC or its executive officers with respect to the discharge of any of those functions; (c) exercise such other functions as the CJC may determine.
- E2.1.2 To develop a Forward Work Programme annually, reflecting the functions under clause 2.1.1 above.

E2.1.3 To seek reassurance and consider if the CJC is developing according to guidance from WG.

E3. Chair

E3.1 The Chair and Vice-Chair of the OSSC shall be elected by the OSSC.

E3.2 The Chair and Vice-Chair of the OSSC shall be elected by the OSSC at its first meeting and then at each calendar year.

E3.3 The position of Chair and Vice-Chair will rotate between the Constituent Councils on an annual basis.

E3.4 Election of Chair – The OSSC will elect a Chair from the nominated membership of the committee. Substitute Members will not be eligible for election as the Chair.

E3.5 Election of Vice-Chair – The OSSC will elect a Vice Chair from the nominated membership of the committee. Substitute Members will not be eligible for election as Vice-Chair.

E4. Voting

E4.1 Each member of the OSSC shall have one vote. Decisions of the OSSC shall be made by simple majority vote.

E4.2 In the event of equality of votes the Chair of the OSCC shall have a casting vote.

E5. Conflicts of Interest

E5.1 Members of the OSCC must declare any interest either before or during the meetings of the OSCC (and withdraw from that meeting if necessary) in accordance with the Code of Conduct or as required by law.

E6. Proceedings of Meetings

E6.1 Rule 5.6 above will apply to the meetings of the OSCC.

E6.2 Members of the OSSC shall be subject to the Code of Conduct for Members.

E6.3 Meetings may be rearranged, cancelled or additional meetings scheduled with the agreement of the Chair.

E6.4 Each meeting will be recorded through the production of notes which will be made available to the public online after the meeting except for any exempt or confidential information. Notes of meetings will usually be brief, containing a summary of discussions, action points and recommendations.

E6.5 The OSSC is not a decision-making body, and the Chair should aim to facilitate consensual agreement on matters under consideration. Where a consensus cannot be reached, the Chair shall present the split views of the committee to the CJC.

E6.6 The Members' Code of Conduct in Section 9 will apply.

E7 Quorum

E7.1 The quorum for meetings shall be no less than 4 Members, which must include at least 2 Members from each of the Constituent Councils, but where the OSSC is considering the Strategic Development Plan Function and any function that is ancillary or incidental to that function, the quorum must include a representative of the Brecon Beacons National Park Authority.

E8. Frequency

E8.1 The OSSC shall meet quarterly, having regard of the CJC's meetings. Additional meetings may be convened by the Chair on at least 7 clear days' notice.

E9. Sub-Groups

E9.1 The OSSC by agreement may create Task and Finish Groups.

E10. Review

E10.1 The Terms of reference of the OSSC shall be reviewed annually.

E11. Call-In

E11.1 When a decision is made by the CJC a summary of the decision shall be circulated by the Monitoring Officer (normally within 2 days of the decision being made and where possible by electronic means) to all members of the CJC and members of the Overview and Scrutiny Sub Committee.

E11.2 That notice containing the decision summary will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 Clear days (the Call-in Period") after the publication of the decision, unless the Overview and Scrutiny Sub-Committee, or the requisite number of members thereof (referred to in paragraph 12.3 below) objects to it in writing and calls it in.

E11.3 During the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in the specified format ("the Call-In Request"¹) by 3 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

E11.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the CJC; or

E11.3.2 the CJC had not followed agreed procedures or failed to consult (where required) before reaching its decision; or

E11.3.3 the CJC had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the CJC's actions, or other guidance adopted by the CJC.

E11.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in Rule 12.3 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"² to be issued in accordance with Rule 12.5 below.

E11.5 A Call-In Notice must contain the following:

E11.5.1 details of the condition set out in rule 12.3 above being relied upon.

E11.5.2 the reasons why it is believed one or more of the conditions are satisfied.

- E11.6 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 Overview and 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 Overview and Scrutiny Committee consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).
- E11.7 If, having considered the decision, the Overview Scrutiny Committee remains concerned about the decision, then the Committee may refer it back to the CJC for reconsideration, setting out in writing the nature of its concerns. If the decision is referred back to the CJC, the CJC shall then reconsider the decision within 10 clear days of the date of the reference. The CJC 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.
- E11.8 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).
- E11.9 If following an objection to the decision, a Scrutiny Committee does not refer the matter back to the CJC, the decision shall take effect on the date of the Scrutiny Committee meeting.
- E11.10 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:
- E11.10.1 the Overview and Scrutiny Committee may only call-in a total of five decisions per year;
- E11.10.2 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.
- E11.10.3 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.
- E11.10.4 the decision being called-in, or broadly the same decision, has not been called in during the last 6 months.
- E11.11 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.
- E11.12 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.
- E11.13 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.

E12. Exceptions to call-in

- E12.1 The call-in procedure set out in clause 12 above shall not apply where the decision being taken is urgent. A decision will be urgent if:

E12.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council's or other public interests; and

E12.1.2 Subject to clause 13.3 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

E12.1.3 the chair of the Overview and Scrutiny Committee agrees in writing to the decision being treated as a matter of urgency. In the absence of the Overview and Scrutiny chair then the vice chair may agree to the decision being treated as a matter of urgency; and

E12.1.4 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 and by the chair or vice chair of the Overview Scrutiny Committee.

E12.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the Overview and Scrutiny Committee, together with the reasons for urgency, such report to the scrutiny committee must contain the written certification as required in clause E12.1.2 above.

E13. The Party Whip

E13.1 Section 78(1) of the Local Government (Wales) Measure 2011 provides that a Member of an Overview and Scrutiny Sub Committee must not vote on a question at a meeting of that Committee if before the meeting the Member has been given a party whip relating to the question (known as prohibited party whip). E13.2 The statutory definition of a party whip is reproduced at paragraph 14.6.

E13.3 Any vote is given in breach of the rule declared in paragraph 14.1 must be disregarded.

E13.4 It is for the person chairing the meeting of the Overview and Scrutiny Sub Committee to determine whether a member of the Committee has been given a prohibited party whip in relation to the meeting.

E13.5 At each meeting of an Overview and Scrutiny Sub Committee each Member must declare any prohibited party whip which the Member has been given in relation to the meeting and the minutes of the meeting shall record all such declarations.

E13.6 The definition of party whip in Section 81(10) of the Local Government (Wales) Measure 2011 is: "party whip means an instruction (however expressed) which:-

- (a) is given on behalf of a political group on a Constituent Authority;
- (b) is given to a person (P) who is:- (i) a member of the political group, and (ii) a member of an Overview and Scrutiny Sub Committee of the CJC;
- (c) is an instruction as to how P should vote on a question falling to be decided by the committee; and
- (d) if not complied with by P, would be likely to make P liable to disciplinary action by the political group which gives the instruction;

"Political group" means a group of members of a Constituent Authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989."