

SCRUTINY AND OVERVIEW PROCEDURE RULES

1. What will be the number and arrangements for scrutiny committees?

- (a) The Council will have a principal scrutiny committee (~~which shall be called the Development Scrutiny Committee (Principal Scrutiny Committee)~~) and the general scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees. Scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.
- (b) Each scrutiny committee shall consist of 15 members, but no Board member can be a member of the committee.

2. What will be their terms of reference?

The terms of reference of the scrutiny committees will be to :

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Board and/or any joint or area committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) recommend, in the case of decision made but not yet implemented, that the decision be re-considered by the committee, sub-committee or person who made the decision.
- (v) in the case of the ~~Development Scrutiny Committee~~ Principal Scrutiny Committee) ~~and the Resources and Corporate Scrutiny Committee~~ exercise the power to call-in decisions of the Board and/or the portfolio leaders and refer them back to the decision-maker for reconsideration or refer them up to the full Council.

3. Who may sit on scrutiny committees?

All councillors (except Board members) may be members of a scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

4. Co-optees

Each scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

5. Education representatives

Each relevant scrutiny committee/sub-committee dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church in Wales representative;
- (b) 1 Roman Catholic Church representative; and
- (c) 3 parent governor representatives (one each to represent the areas of Arfon, Dwyfor and Meirionnydd);

A relevant scrutiny committee/sub-committee in this paragraph is a scrutiny committee or sub-committee of a local education authority, where the committee or sub-committee's functions relate wholly or in part to any education functions which are the responsibility of the Council. If the scrutiny committee/sub-committee deals with other matters, these representatives shall not vote on those other matters and may only attend as co-opted members of the committee for discussion of those other matters if invited to do so.

6. Meetings of the scrutiny committees

There shall be at least 6 ordinary meetings of each scrutiny committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. A scrutiny committee meeting may be called by the chair of the relevant scrutiny committee, or by the proper officer if he/she considers it necessary or appropriate.

7. Quorum

The quorum for a scrutiny committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

8. Who chairs scrutiny committee meetings?

Subject to the requirements of Regulation 5(3) of the Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 chairs of scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement the committee/sub-committee may appoint such a person as it considers appropriate as chair.

9. Work programme

The scrutiny committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

10. Agenda items

Any member of a scrutiny committee or sub-committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda and discussed at a meeting of the committee or sub-committee.

On receipt of such a request the proper officer will *consult with the chairman of the committee regarding the inclusion of the item* ~~ensure that it is included~~ on the next available agenda.

The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and the Board or the Principal Scrutiny Committee to review particular areas of Council activity. Where they do so, the scrutiny committee shall report their findings and any recommendations to the Board and/or Council.

11. Policy review and development

- (a) In relation to the development of the Council's budget and policy framework scrutiny committees may make proposals to the Council on matters within their terms of reference.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committee or sub-committees may make proposals to the Board for developments in so far as they relate to matters within their terms of reference.
- (c) Scrutiny committees may hold inquiries 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 to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

12. Reports from scrutiny committee

- (a) Once it has formed recommendations for development, the scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the Board (if the proposals are consistent with the existing budgetary 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).
- (b) If a scrutiny committee cannot agree on one single final report to the Council or the Board as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or the Board with the majority report.

13. Making sure that scrutiny reports are considered by the Board

- (a) Once a scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the Board and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the proper officer refers the matter to Council, he/she will also serve a copy on the chairperson of the Board with notice that the matter is to be referred to Council. The Board will have 8 weeks in which to respond to the scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any

referral from a scrutiny committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Board to the scrutiny proposals.

- (b) The agenda for Board meetings shall include an item entitled 'Issues arising from scrutiny'. The reports of scrutiny committees referred to the Board shall be included at this point in the agenda (unless they have been considered in the context of the Board's deliberations on a substantive item on the agenda) within 8 weeks of the scrutiny committee completing its report/recommendations.
- (c) Where a scrutiny committee or sub-committee prepares a report for consideration by the Board in relation to a matter where the Board has delegated decision making power to an individual member of the Board, then the scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the scrutiny committee shall serve a copy on the proper officer and the chairperson of the Board. If the member with delegated decision making power does not accept the recommendations of the scrutiny committee then he/she must then refer the matter to the next available meeting of the Board for debate before exercising his/her decision making power and responding to the report in writing to the scrutiny committee. The Board member to whom the decision making power has been delegated will respond to the scrutiny committee within 8 weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer. The member will attend a future meeting of the scrutiny committee to respond.

14. Rights of scrutiny committee members to documents

- (a) In addition to their rights as councillors, members of scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Committee Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Board and scrutiny committees or sub-committees as appropriate depending on the particular matter under consideration.

15. Members and officers giving account

- (a) Any scrutiny committee (or sub-committee) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Board, the head of paid service and/or any senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions; and/or
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance;

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

No officer need answer scrutiny committee questions which may lead to disciplinary action being taken against him/her.

- (b) Where any member or officer is required to attend a scrutiny committee under this provision, the chair of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 15 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

16. Attendance by others

A scrutiny committee may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

17. Call-in

- (a) When a decision is made by the Board, an individual member of the Board, a sub-committee of the Board or under joint arrangements (the decision-taker), the decision shall be published, including where possible by electronic means, and shall be sent to all members of the Council normally within 5 days of being made.
- (b) That decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision notice, unless the ~~Development Scrutiny Committee~~ Principal Scrutiny Committee or, where the matter has already been scrutinised by that Committee, the Resources and Corporate Scrutiny Committee objects to it and calls it in. ~~(In this rule 'relevant committee' shall mean the Development Scrutiny Committee (Principal Scrutiny Committee) or the Resources and Corporate Scrutiny Committee, whichever is appropriate).~~
- (c) During that period, the Monitoring Officer shall call-in a decision for scrutiny by the **Principal Scrutiny Committee** if so requested by the chair (or in his/her absence, the vice-chair) and any two members of the **Principal Scrutiny Committee**, and shall then notify the decision-taker of the call-in. The decision shall be considered at the next scheduled meeting. In the case of urgency the Monitoring Officer shall call a special meeting of the **Principal Scrutiny Committee** on such date as he/she may determine, where possible after consultation with the chair of the committee.
- (ch) The request to call in a decision shall be made in writing and shall specify clearly the reasons for so doing. Those reasons may include:-

- (i) A belief, on the basis of advice from the Monitoring Officer or the Chief Financial Officer, that the Board's decision is outside the Council's policy framework or the budget.
 - (ii) A belief that the Board has not followed consultation arrangements agreed and contained in the Council's constitution before reaching its decision.
 - (iii) A belief that the Board did not pay sufficient attention to legal requirements on statutory guidance in making its decision.
- (d) The Monitoring Officer may, after consultation with the Chairman of the Council and any other person he may consider appropriate, refuse to call in a decision if he considers that the reasons given are unreasonable, insufficient, frivolous or vexatious.
- (dd) If, having considered the decision, *Principal Scrutiny Committee* is still concerned about it, then it may refer it back to the decision-taker for reconsideration, setting out in writing the nature of its concerns or refer the matter to Council. If referred to the decision-taker they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the *Principal Scrutiny Committee* does not refer the matter back to the decision-taker or the Council, the decision shall take effect on the date of the relevant committee meeting.
- (f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object the Council will either take the decision itself, in which case the decision will be effective or the Council will refer any decision to which it objects back to the decision-taker, together with the Council's views on the decision. The decision-taker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Board as a whole or a committee thereof, the decision will be reconsidered at the next meeting of the Board. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.
- (ff) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision shall state whether in the opinion of the decision-taker the decision is an urgent one, and therefore not subject to call-in. The chairman of the relevant Scrutiny Committee or, in his/her absence, the Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Council, the consent of the Vice-Chairman of the Council shall be required. Decisions taken as a matter of urgency must be reported to the next meeting of the Council, together with the reasons for urgency.

- (g) The above call in procedure is not relevant when a decision has been referred to the Council under Procedure Rule 21.
- (ng) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

18. Procedure at scrutiny committee meetings

- (a) Scrutiny committees and sub-committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - (iv) responses of the Board to reports of the scrutiny committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the Board and/or Council as appropriate and shall make its report and findings public.

19. Matters within the remit of more than one scrutiny committee

- (a) Where a scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another scrutiny committee, before submitting its findings to the Board and/or Council for consideration, the report of the reviewing scrutiny committee shall be considered by the other scrutiny committee for comment. Those comments shall be incorporated into the report which is then sent to that body for consideration. Alternatively, the reviewing scrutiny committee may invite the chair of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.
- (b) The Resources and Corporate Scrutiny Committee has the right to consider any matter which falls within the terms of reference of more than one other scrutiny committee in order to provide an overview.