

7.1. **Forward Plan and other Information**

The Overview and Scrutiny Committees/Sub-Committees will be responsible for setting its own work programme and in doing so it shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council.

7.2. The Overview and Scrutiny Committees shall comply with regulations made by the Welsh Ministers in relation to the provision of prescribed information about the exercise of Overview and Scrutiny functions.¹⁵

8. **Agenda items**

8.1. Any member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give 8 clear working days written notice before the date of the next meeting to the Chief Executive that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for, and be discussed at, a meeting of the Committee or Sub-Committee.¹⁶

8.2. On receipt of such a request, the Chief Executive shall ensure that it is included on the agenda for the next or subsequent meeting (the determination as to which meeting to rest with the Committee chair).

8.3.1. Any member of the Council who is not a member of an Overview and Scrutiny Committee may give 8 working days written notice before the date of the next meeting to the Chief Executive that he/she wishes a local government matter which is relevant to the

¹⁵ Section 77 Local Government (Wales) Measure 2011

¹⁶ Section 21A (1) (a) and (b) and Section 21A (2) Local Government Act 2000 ("LGA 2000")

functions of the committee to be included on the agenda of the relevant Overview and Scrutiny Committee.¹⁷ If the Chief Executive receives such a notification, then he will include the item on the agenda for the next or a subsequent meeting (the determination as to which meeting to rest with the Committee Chair). Such member may then attend the Committee to speak, but not vote, nor move, second or amend any motion on that item.

- 8.3.2. In exercising his or her power to give notice requiring an item to be placed on an agenda under paragraph 8.3.1. the Member must have regard to any guidance issued by the Welsh Ministers.¹⁸
- 8.3.3. A “local government” matter means a matter:-
- 8.3.3.1. Which relates to the discharge of any function of the Council or
- 8.3.3.2. Affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.
- 8.3.3.3. and in either case is not an “excluded matter”.¹⁹
- 8.3.4. An “excluded matter” is a matter which comes under Section 19 Police and Justice Act 2006 or a matter of a description specified by order of the Welsh Ministers
- 8.3.5. When an overview and Scrutiny Committee has considered a requisition to place an item on the agenda of a Committee under this Paragraph of these procedure rules the requisition or request shall be advised of the Member or Members who submitted the Committee’s consideration and the reason for such outcome.²⁰

¹⁷ Section 21A (1) (c) Local Government Act 2000 (“LGA 2000”)

¹⁸ Section 21A (3) Local Government Act 2000 (“LGA 2000”)

¹⁹ Section 21 A (13) Local Government Act 2000 (“LGA 2000”)

²⁰ Section 21 (4) Local Government Act 2000 (“LGA 2000”)

- 8.4. Any non-Committee Member may also as of right (subject to any relevant Code provisions) attend in respect of a particular item (or items) of interest/concern with prior notification to the Chief Executive and Chair. The Member may speak, but not move second or amend a motion. The attendance in the latter context is not meant to relate to attendance and participation for all or most of the items on the agenda, and if such a request is made, the decision on attendance shall rest with the Committee.
- 8.5. The agenda of an Overview and Scrutiny Committee may include a schedule of forthcoming or other executive issues, and any member of the Committee is entitled to raise any of those issues at the meeting.
- 8.6. The Overview and Scrutiny Committees shall also respond, as their work programme permits, to requests from the Council and if it considers it appropriate the executive, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Council and/or executive.
9. **Policy review and development**
- 9.1. The executive has the responsibility for proposing the annual budget, and the policies under the policy framework to the full Council - and the role of the Overview and 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.
- 9.2. In relation to the development of other matters not forming part of its policy and budget framework, Overview and Scrutiny Committee or Sub-Committees may make proposals to the executive for developments in so far as they

relate to matters within their terms of reference, but there shall be consultation with the executive to avoid any duplication of work.

- 9.3. Overview and 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 to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
- 9.4. Once it has formed proposals for development, the Overview and Scrutiny Committee shall submit these for consideration by the executive (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). These recommendations shall be considered at the next available meeting of the executive or the Council, or at such later meeting with the agreement of the Chairman and Vice Chairman of the Committee, or Council, as the case may be.
- 9.5. If an overview and scrutiny committee cannot agree on one single proposal to the Council or executive as appropriate, then up to one minority proposal may be prepared and submitted for consideration by the Council or executive with the majority proposal.
- 9.6. Overview and scrutiny committees will have access to the executive's forward work programme for decisions and intentions for

consultation. Even where an item is not the subject of detailed proposals from an overview and scrutiny committee following a consideration of possible policy/service developments, the committee will be able to respond in the course of the executive's consultation process.

- 9.7. Both the Executive and Overview and Scrutiny Committees shall draw up co-ordinated work programmes where:-
 - 9.7.1. An Overview and Scrutiny Committee will consider appropriate draft policies or plans being drawn up by the Executive under the policy framework.
 - 9.7.2. An Overview and Scrutiny Committee will have a direct involvement in a review of existing policies/ procedures and make recommendations to the executive.
 - 9.7.3. An Overview and Scrutiny Committee may be asked by the Executive to join with it in a policy development task, which may not form part of the policy and budget framework.
- 9.8. Those in 9.7.1 and 9.7.2 above would be expected to fall within the Overview and Scrutiny Committee Forum itself, whereas that in 9.7.3 may require an ad hoc "Policy Development Group", led by a Cabinet Member but involving other Cabinet and Overview and Scrutiny Committee members as well.
- 10. **Rights of overview and scrutiny committee members to gain access to documents**
 - 10.1.1. In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
 - 10.1.2. Nothing in this paragraph prevents more

detailed liaison between the executive and overview and scrutiny committee as appropriate depending on the particular matter under consideration.

11. Members and officers giving account

11.1. Any Overview and Scrutiny 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 other member of the executive or Officers of the Authority to attend before it to explain in relation to matters within their remit:²¹

- 11.1.1. Any particular decision or proposed decisions or series of decisions; and/or
- 11.1.2. The extent to which the actions taken implement Council policy; and/or
- 11.1.3. their performance.

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

It is expected that Officers asked to attend for the above purposes will be at Chief Officer, Head of Service or Accountable Manager level.

11.2. Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chair of that committee will inform the Chief Executive who shall inform the member or officer in writing giving at least 8 clear working days notice of the meeting at which he/she is

²¹ Section 21 (13) (a) Local Government Act 2000 (“LGA 2000”)

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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.

- 11.3. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.
- 11.4. It is ultimately the elected executive which will be required to answer questions about its policies and decisions. Officers contributions should as far as possible be confined to questions of fact and explanation relating to policies and decisions, though they can be asked to explain and give reasons for decisions they themselves have taken under delegated authority.
- 11.5.1. Attendance by members of the Neath Port Talbot Public Services Board (the Board)
- 11.5.2. The Committee designated with the powers contained in section 35 of the Well-being of Future Generations Act 2015 (the Act) can require any statutory member of the Board to give evidence, but only in respect of the exercise of joint functions conferred on them as a statutory member of the Board under the Act. This includes any person that has accepted an invitation to participate in the activity of the Board.

- 11.5.3. The statutory members of the Board are:
 - 11.5.3.1. Neath Port Talbot County Borough Council (Leader and Chief Executive)
 - 11.5.3.2. Abertawe Bro Morgannwg University Health Board (Either the Chairman, Chief Executive or both)
 - 11.5.3.3. Mid and West Wales Fire and Rescue Service (Either the Chairman, Chief Officer or both)
 - 11.5.3.4. Natural Resources Wales (Chief Executive)

12. **Attendance by Cabinet Members**

- 12.1. There would also be attendance by the relevant Cabinet Members as a standing arrangement on policy, budget or other forthcoming issues, in order to provide evidence and information for the Overview and Scrutiny Committee, and to ensure the “executive” and “scrutiny” work constructively and inclusively together in the best interests of the Council and its communities.
- 12.2. In particular Cabinet Members may attend any meeting of an Overview and Scrutiny Committee which is undertaking pre-scrutiny of any proposed executive decision.

13. **Attendance by others**

- 13.1. An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 11 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. Attendance is entirely voluntary.

- 13.1.2. An Overview and Scrutiny Committee shall make arrangements to enable all persons who live or work in the area of the Council to bring to the attention of the Committee their views on any matter under consideration by the Committee.
- 13.1.3. These arrangements shall include the publication on the Council's website of the forward work programme of the Committee and any agenda for a meeting of the Committee and or the publication of the agenda in accordance with the statutory rules contained in the Local Government Act 1972.
- 13.1.4. Persons who live or work in the Council's area may submit written representations on any matter under consideration by the Committee by submission to the Chief Executive up until one clear day before any relevant meeting of the Committee and these representations shall be reported to the Committee either in full or in summary at the discretion of the Chair.
- 13.1.5. In making any report or recommendations the Committee shall comply with Section 21F of the Local Government Act 2000.

13.2. **Scrutiny of Designated Persons**

- 13.2.1. An Overview and Scrutiny Committee may (in connection with the making of a report or recommendations of a kind referred to in paragraph 6.1.7.):-
- 13.2.2. require a Designated Person to provide the committee with information except information that relates to an excluded matter.
- 13.2.3. require an officer, employee or other representative of a Designated Person to attend

meetings of the Committee except in relation to an excluded matter.²²

- 13.2.4. For the definition of Designated Person see paragraph 6.1.7.1.
- 13.2.5. An excluded matter is (for the purposes of Paragraphs 13.2.2. and 13.2.3.) any matter with respect to which a Crime and Disorder Committee (being the Policy and Resources Committee of the Council) could make a report or recommendations under Section 19 (1) (b) and (3) (a) of the Police and Justice Act 2006.
- 13.2.6. Paragraphs 13.2.2. and 13.2.3. do not require a Designated Person to provide any information which is not reasonably required in connection with the making of the report or recommendation.²³

14. **Call-in**

- 14.1. When a decision is made by the executive, a committee of the executive or an individual member of the executive, a summary of the decision shall be circulated by the Chief Executive (normally within 2 days of the decision being made and where possible by electronic means) to all members of the relevant Overview and Scrutiny Committee (with copies also to all other members of Council).
- 14.2. 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 3 days after the publication of the decision, unless an overview and scrutiny committee, or the requisite number of members thereof (referred to in paragraph

²² Section 21 (13) (c) LGA 2000

²³ Section 21 (15A) Local Government Act 2000 (“LGA 2000”)

- 14.3. below) objects to it and calls it in.
- 14.3. Except as provided in Paragraph 14.11 if the Chief Executive shall receive during the call in period a request:-
- 14.3.1. by virtue of a decision of a relevant Overview and Scrutiny Committee, or
- 14.3.2. by three or more members of a relevant Overview and Scrutiny Committee together with the Chair (or in the absence of the Chair the Vice Chair), or
- 14.3.3. by one third or more of the Members of a relevant Overview and Scrutiny Committee
- the Chief Executive shall convene a meeting of the relevant Overview and Scrutiny Committee on such date as is agreed with the Chair (or Vice Chair in the absence of the Chair)(but in any case not later than seven working days of the decision or request for call in.
- 14.4. Where it is not possible in the time available for the requisite number of members to call-in the decision, the Chair (or in absence the Vice Chair) may allow the call-in if it is considered that the circumstances so warrant a call-in.
- 14.5. For the purposes of Paragraph 14.3. a member for the above purposes shall be a voting member of the Committee and an Overview and Scrutiny Committee will be the relevant Committee where the proposed decision comes within its terms of reference.
- 14.6. Having considered the decision, the overview and scrutiny committee may refer it back to the decision making body or person for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council under the provisions of Article 6.01. If referred to the decision maker, that body or person shall then reconsider within a further 10 working days (or such other time as may be

agreed by the decision-maker with the Chair – or in absence Vice Chair - of the Overview and Scrutiny Committee) amending the decision or not, before adopting a final decision.

14.7. If following the call in, the overview and scrutiny committee decides not to refer the matter back to the decision making body or person , the decision shall take effect on the date of the overview and scrutiny meeting.

14.8. 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 refer any decision to which it objects back to the decision making person or body, together with the Council’s views on the decision. That decision making body or person shall choose whether to amend the decision or

not before reaching a final decision and implementing it. Where the decision was taken by the executive as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Ultimately, a decision which is within the definition of executive functions, and which is in accordance with the policy and financial framework agreed by the Council, will be one for the executive to take.

14.9. If the Council does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting.

14.10. There can only be one call-in of the particular executive decision. If the decision is reconsidered by the decision maker under the

procedures above, the decision then made after reconsideration shall be final and may be implemented immediately.

14.11. **Exceptions to call in**

14.11.1. The call in procedures above shall not apply in the following cases:-

14.11.1.1. Where the decision being taken by the Cabinet or a Cabinet Committee is urgent. A decision will be urgent if any delay likely to be caused by the call in process would prejudice the interests of the Council or the public interest. The formal record of the decision, and the summary sent to Overview and Scrutiny members, shall state the opinion of the decision making body that the decision is an urgent one, and therefore not subject to call-in. The other provisions in 13.1 of the Access to Information Rules shall apply to the decision record. However, the decision may only be taken if the chair of the relevant overview and scrutiny committee (or in absence the vice chair) decides to allow the decision to proceed for implementation as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Overview and Scrutiny Committee.

14.11.1.2. In respect of Officers executive decisions under their delegated urgency powers (Part 3 of this Constitution). A decision will be urgent if any delay likely to be caused by the call in process would prejudice the interests of the Council or the public interest. The formal record of the decision shall state the opinion of the officer that the decision is an urgent one, and therefore not subject to call-in. The other provisions in 13.1 of the Access to Information Rules shall apply to the decision record.

However, the decision may only be taken if the chair of the relevant overview and scrutiny committee (or in absence the vice chair) decides to allow the decision to proceed for implementation as a matter of urgency. Where an Officer takes a decision under his delegated urgency powers, there shall be consultation in respect of the decision with the Leader and relevant Cabinet member (or in the absence of either or both, any other two Cabinet members). Decisions taken as a matter of urgency must be reported to the next available meeting of the Cabinet or Cabinet Committee and relevant Overview and Scrutiny Committee. The urgency action shall include the standard compliance statement.

- 14.11.1.3. In respect of other (non-urgency) Officer executive or non-executive decisions under delegated powers.
- 14.11.1.4. Where Cabinet or Cabinet Committees take an executive decision, implementation of which is deferred pending consultation with the relevant Overview and Scrutiny Committee and whereby subsequently there are no objections or alternative proposals raised at the Committee under that consultation process by a majority of the Committee members present. On this basis, the call-in procedure will not apply to the executive decision which can be implemented immediately following the Overview and Scrutiny meeting. However, if there are any objections or alternative proposals by a majority of the Committee members present, the matter will be referred back to Cabinet or Cabinet Committee to consider those views.
- 14.11.1.5. Where the Cabinet, a Cabinet committee or an officer take an executive decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. A decision will be urgent if any delay likely to be caused by the call in process would prejudice the Council's or

the public's interests. However, the decision may only be taken if it is not practical to convene a quorate meeting of the full Council; and if the chair of the relevant overview and scrutiny committee (or in his/her absence the Mayor or Deputy Mayor) decides to allow the decision to proceed for implementation as a matter of urgency. Where an Officer takes a decision here under his delegated urgency powers, there shall be consultation in respect of the decision with the Leader and relevant Cabinet member (or in the absence of either or both, any other two Cabinet members). The reasons why it is not practical to convene a quorate meeting of full Council and the agreement to allow the decision to proceed for implementation as a matter of urgency must be noted on the record of the decision. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

14.12. Members who have requested that a decision be called in shall be advised of the outcome of that call in.

14.13 The operation of the provisions relating to call-in and urgency shall be monitored, and a report submitted to Council with proposals for review if necessary.

15. **The party whip**

15.1. Section 78 (1) of the local Government (Wales) Measure 2011 provides that a Member of an Overview and Scrutiny 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 a prohibited party whip).

15.2. The statutory definition of a party whip is

reproduced at paragraph 15.6.

- 15.3. Any vote that is given in breach of the rule declared in paragraph 15.1. must be disregarded.
- 15.4. It is for the person chairing the meeting of an Overview and Scrutiny to determine whether a member of the Committee has been given a prohibited party whip in relation to the meeting.
- 15.5. At each meeting of an overview and Scrutiny 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.
- 15.6. 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 local 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 committee of the local authority;
 - (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 local authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989;”

16. **Procedure at Overview and Scrutiny Committee meetings**
- 16.1. Overview and scrutiny committees and sub-committees shall consider the following business:
- 16.1.1. Minutes of the last meeting;
- 16.1.2. Consideration of any matter referred to the committee for a decision in relation to call in of a decision;
- 16.1.3. Responses of the executive to proposals of the overview and scrutiny committee; and, in the case of the committee designated with the powers contained in section 35 of the Well-being of Future Generations (Wales) Act 2015, responses of Board to the Committee's reports and/or recommendations and
- 16.1.4. The business otherwise set out on the agenda for the meeting.
- 16.2. Where the overview and 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:
- 16.2.1. That the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- 16.2.2. That those assisting the committee by giving evidence be treated with respect and courtesy; and
- 16.2.3. That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 16.3. Following any investigation or review, the committee/sub-committee shall prepare a proposal for submission to the executive and/or

Council as appropriate, and shall make its proposal and findings public.

- 16.4. No member may be involved in scrutinising a decision in which he/she has been directly involved.

17. **Matters within the remit of more than one Overview and Scrutiny committee**

Where an overview and scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another overview and scrutiny committee, then the committee conducting the review may invite the chair of the other committee (or his/her nominee), to attend its meetings when the matter is being reviewed or joint sessions of the Committee may be arranged.

18. **Publication of Reports Recommendations and Responses Confidential and Exempt Information**

In publishing any report recommendation or responses an Overview and Scrutiny Committee shall comply with the provisions of Section 21D of the Local Government Act 2000.