

## 1. **OVERVIEW AND SCRUTINY COMMITTEES**

### 1.1 **Introduction**

- 1.1.1 The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and 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.
- 1.1.2 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. Overview and Scrutiny should not shy away from the need to challenge and question decisions and make constructive criticism.

### 1.2 **Overview and Scrutiny Committees**

In order to achieve this, the Council have appointed [*insert number*] Overview and Scrutiny Committees which between them will:

- 1.2.1 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;
- 1.2.2 make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;
- 1.2.3 review or scrutinise decisions made, or actions taken, by the Public Services Board;
- 1.2.4 consider any matter which affects the Council's area or its inhabitants; and
- 1.2.5 exercise the right to call in for reconsideration decisions made but not yet implemented by the Cabinet and Officers.

### 1.3 **Role, Scope and Membership**

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

<b>Committee and Membership</b>	<b>Role and Scope</b>
Performance, Governance and Resources 13 Members	The powers conferred by Section 35 of the Well-being of Future Generations (Wales) Act 2015  Corporate Plan, including wellbeing objectives and wellbeing statement  Well-being Plan/Public Services Board

<b>Committee and Membership</b>	<b>Role and Scope</b>
	<p>Corporate Joint Committees (CJC's)</p> <p>Performance Monitoring</p> <p>Self Assessment</p> <p>Overview of regional and wider area collaborative working arrangements</p> <p>Corporate Governance and Risk Management, including Annual Governance Statement</p> <p>Communications and Marketing</p> <p>Medium Term Financial Plan</p> <p>Investment Strategy</p> <p>Budgets</p> <p>Budget monitoring</p> <p>Treasury Management</p> <p>Third Sector Relationships (including Grants)</p> <p>Relationships with Town and Community Councils</p> <p>Income Generation – Policy and Strategy Revenues and housing benefits</p> <p>Debt write off</p> <p>Corporate Performance Management oversight</p> <p>Social inclusion policies/strategies, including Strategic Equalities Plan, cost of living/anti-poverty policies, Welsh Language standards, plans and policies, support to equality/diversity networks and groups Executive personnel policy/strategy, including pay policy</p> <p>Trade Union relationships/Staff Council</p> <p>Occupational Health and Safety oversight (as an employer)</p> <p>Customer Services policies and strategies</p>

<b>Committee and Membership</b>	<b>Role and Scope</b>
	<p>Digital Strategy, including cyber security Procurement Strategy</p> <p>Legal and Democratic Services</p> <p>Business Continuity Planning and Emergency Planning oversight</p> <p>Facilities and Asset Management</p>
<p>Safeguarding 11 Members</p>	<p>Crime and Disorder matters (including those matters within Section 19 of the Police and Justice Act 2006)</p> <p>Community Relations</p> <p>Adult Social Services and Health</p> <p>Adult community care services policy</p> <p>Older people's community care services policy</p> <p>Local Area Co-ordination and early intervention/prevention policy</p> <p>Welfare Rights</p> <p>Health partnerships and integrated services oversight</p> <p>Safeguarding policy</p> <p>Support to Fostering and Adoption panels</p> <p>Older persons and carers champion</p> <p>Regional Partnership Board</p> <p>Adult Social Services functions under the Social Services and Wellbeing (Wales) Act 2014</p> <p>Retained Strategic Housing responsibilities Local Housing Strategy and relevant sub- strategies [with links to LDP and regeneration]</p> <p>Policy to support asylum seekers and refugees</p> <p>Homelessness policy</p>

<b>Committee and Membership</b>	<b>Role and Scope</b>
	<p>Housing, including private sector renewal, disabled facilities grants, registered social landlords, housing association partnerships and housing strategy</p> <p>Community Safety strategy</p> <p>Counter-terrorism and extremism policy</p> <p>Violence Against Women, Domestic Abuse and Sexual Violence strategy</p> <p>Anti-Social Behaviour policy</p> <p>Substance Misuse and Area Planning Board oversight</p> <p>CCTV policy</p> <p>Children in Need and families policy</p> <p>Youth Justice Plan and Youth Offending Service</p> <p>Hillside Secure Unit</p> <p>Team Around the Family policy</p> <p>Corporate Parenting policy</p> <p>Safeguarding policy</p> <p>Support to adoption and fostering panels</p>
<p>Education</p> <p>11 Members (plus 4 co-opted)</p>	<p>Regional education, skills and training arrangements</p> <p>Lifelong Learning, adult education, post-16 provision</p> <p>Integrated Planning and Commissioning for Children's Services – under Part 5 - Children's Act 2004 (Cabinet Member is Lead Member as required in the Act)</p> <p>Families First Plan</p> <p>Children's Rights</p> <p>Play Strategy</p>

<b>Committee and Membership</b>	<b>Role and Scope</b>
	<p>Childcare Strategy</p> <p>Youth engagement and progression framework, Youth Service, Youth Council</p> <p>School Improvement and Inclusion</p> <p>Welsh in Education Strategic Plan</p> <p>School governors</p> <p>School reorganisation (Strategic School Improvement Programme)</p> <p>Additional Learning Needs</p> <p>Access managed services, including catering, cleaning etc</p> <p>Home to School Transport (including contractual arrangements)</p> <p>West Glamorgan Trust Fund</p>
<p>Visual Services and Streetscene</p> <p>11 Members</p>	<p>Regional and local waste plans and policies</p> <p>Neighbourhood Services and Management oversight</p> <p>Town centre management oversight</p> <p>Grass verge and associated landscaping oversight</p> <p>Land Drainage oversight</p> <p>Flood Defence oversight</p> <p>In-house Building Services oversight</p> <p>Public Lighting oversight</p> <p>Maintenance and management of parks, playgrounds, sports fields, bowling greens etc. oversight</p> <p>Grounds maintenance, arboricultural services oversight</p> <p>Cemeteries and Margam Crematorium oversight</p>

Committee and Membership	Role and Scope
	<p>Waste management, including recycling oversight</p> <p>Dog and animal impounding policy</p> <p>Waste transfer station</p> <p>Highways Maintenance and Operations</p> <p>Litter enforcement policy</p> <p>Existing Route Map (ERM)</p> <p>Integrated Network Map</p> <p>Environmental Stewardship/quality including biodiversity</p> <p>Countryside Access including Footpaths, bridleways, public paths, rights of way, definitive map</p> <p>Street Naming</p> <p>Development Management</p> <p>Building Control</p> <p>High Hedges</p> <p>Coastal Protection policy</p> <p>Road Safety policy</p> <p>Highway Development Control – including Sustainable Urban Drainage (SUD'S)</p> <p>Traffic Orders</p> <p>Bus shelters</p> <p>Concessionary Fares</p> <p>Community Transport</p> <p>Fleet Management and Maintenance On and off street parking policy– including CCTV mobile enforcement</p> <p>Highway Asset Management oversight</p> <p>Biodiversity policy</p>

Committee and Membership	Role and Scope
	<p>Japanese Knotweed</p> <p>Environmental Health</p> <p>Trading Standards</p> <p>Executive Licensing Functions</p> <p>Rights of Way</p>
<p>Culture, Connection and Place</p> <p>11 Members</p>	<p>Culture, Heritage and Leisure Services</p> <p>Place making charter oversight</p> <p>Planning policy and guidance</p> <p>Local Development Plan</p> <p>Regional Development Plan</p> <p>Environmental Strategy</p> <p>Local and regional transport plans and policies</p> <p>Active travel plans and policy</p> <p>Sustainability policy</p> <p>Climate change policy, including decarbonisation and renewable energy strategy</p> <p>City Deal oversight</p> <p>Local and regional economic development and regeneration strategies</p> <p>Relationship with the private and not-for-profit businesses</p> <p>Freeport policy</p> <p>Foundational/circular economy strategies</p> <p>Business services and grants/loans to businesses</p> <p>Industrial estates</p> <p>Baglan Energy Park</p> <p>Coed Darcy</p> <p>Town Centres Strategies</p>

Committee and Membership	Role and Scope
	Seafront Strategies Valleys and villages strategies Europe and European Funding Levelling Up and Shared Prosperity programmes Architectural Design Construction project management Promotion of high quality design Canals Estate Management (non-housing/non-operational property) Estates and Valuation ( including acquisition and disposal of land/property) Energy Management, including renewable energy strategies Enterprise Zone

#### 1.4 **Specific Functions**

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

The Overview and Scrutiny Committees may:

- (a) assist the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) question Members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
- (d) 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; and
- (e) consider the impact of policies to assess if they have made a difference.

##### 1.4.2 **Scrutiny**

The Overview and Scrutiny Committees may:



- (a) 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;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question Members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- (d) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committees and local people about their activities and performance; and
- (f) Through consultation by/dialogue with the Cabinet on policy, budget or other forthcoming issues, with attendance by relevant Cabinet Members as a standing arrangement, in order to provide evidence and information for the Scrutiny Committee, and to ensure the “executive” and “scrutiny” work constructively and inclusively together in the best interests of the Council and its communities. The pre-decision scrutiny of Cabinet proposals may involve ensuring that policy and procedure has been complied with; assessing the likely impact or risk of a course of action; or questioning the values behind a recommendation. The process of scrutiny can also bring into question whether stakeholders have been adequately involved and whether their views have been properly taken into account. The pre-scrutiny should be on selective issues, both operational and financial.
- (g) question and gather evidence from any person (with their consent).

#### 1.4.3 Scrutiny of the Public Services Board

The Overview and Scrutiny Committees may:

- (a) review or scrutinise decisions made, or other action taken, by the Public Services Board;
- (b) review or scrutinise the Public Services Board's governance arrangements;
- (c) make reports or recommendations to the Public Services Board with respect to the board's functions or governance arrangements;
- (d) consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly; and

- (e) copy reports to the Public Services Board regarding the board's functions and governance arrangements to: -
  - (i) the Welsh Ministers;
  - (ii) Public Service Ombudsman for Wales
  - (iii) the Future Generations Commissioner for Wales; and
  - (iv) the Auditor General for Wales.
- (f) require one or more of the attendees at the Public Services Board, or anyone designated by such a person, to attend a meeting of the Overview and Scrutiny Committee and provide it with explanations of such matters as it may specify.

#### 1.4.4 Annual Report

The Overview and Scrutiny Committees must report annually to the Full Council on their workings with recommendations for their future work programme and amended working methods if appropriate.

#### 1.5 Head of Democratic Services

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 Overview and Scrutiny Committees and to promote support and guidance to Council Members and Officers generally about the functions of the Overview and Scrutiny Committees

#### 1.6 Who May Sit on Overview and Scrutiny Committees

All Councillors except Members of the Cabinet, any Executive Support Members] and any Chair of the Council may be Members of the Overview and Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which they have been directly involved.

All Scrutiny Committees shall be politically balanced in line with the Local Government Act 2000

Any non-executive 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 of the relevant Overview and Scrutiny Committee along with notification of the issues they wish to raise and the topics they wish to address. 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 Chair who shall consider whether it is appropriate for that member to contribute, taking into account the advice of the Head of Democratic Services or their representative – this being to ensure that the political balance of scrutiny is not impacted unfairly.

#### 1.7 Co-Optees

Each Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of people as non-voting co-optees. 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.

#### 1.8 **Education Representatives**

The Scrutiny 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; (c) 2 Parent Governor representatives. The Scrutiny Committee in this paragraph is one where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's executive. If the Committee deals with non-education matters, representatives may only attend as co-opted members of the committee for discussion of those other matters if invited to do so by the Chair and shall not vote. The Committee shall also include as non-voting co-optees for education functions, 4 Teacher Trade Union representatives. They may only attend for discussion of non-education matters if invited to do so by the Chair.

#### 1.9 **Who Chairs?**

The arrangements included in sections 66-75 of the Local Government (Wales) Measure 2011 will be followed for appointing persons to chair of Overview and Scrutiny Committees

#### 1.10 **Role of the Chair and the Overview and Scrutiny Committees**

1.10.1 The role of the Chair of the Overview and Scrutiny Committees will be essential in implementing the new method of working. The Chairs will liaise with the Cabinet and supervise the Work Programme and identify cross cutting themes arising from the various Overview and Scrutiny Committees

1.10.2 In summary, therefore, the Chair will:

- (a) be accountable for delivering the new way of working for scrutiny;
- (b) will meet regularly to monitor Work Programmes;
- (c) will liaise with the Cabinet on issues affecting the Scrutiny Work Programme; and

#### 1.11 **Work Programme**

The Overview and Scrutiny Committees will be responsible for setting their own Work Programme and in doing so they should take into account wishes of Members of that Committee who are not Members of the largest political group on the Council. It may also consider urgent and unforeseen matters not included in the Work Programme.

#### 1.12 **Meetings**

1.12.1 The Overview and Scrutiny Committees will have at least 8 meetings a year.

1.12.2 Extraordinary meetings may be called from time to time in order to deal with call-ins where the Chair of an Overview and Scrutiny Committee agrees it is necessary for that Overview and Scrutiny Committee to consider the called in decision before the Overview and Scrutiny Committee's next programmed meeting.

### 1.13 **Joint Overview and Scrutiny Committee**

Under section 58 of The Measure, regulations may be made to permit two or more local authorities to appoint a joint Overview and Scrutiny Committee This is set out in the Local Authorities (Joint Overview and Scrutiny) (Wales) Regulations 2013 and these regulations shall apply where so applicable..

### 1.14 **Rules of Procedure and Debate**

The Council Procedure Rules will apply to meetings of the Overview and Scrutiny Committees

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

1.15.1 The Council will have [*insert number*] Overview and Scrutiny Committees and will appoint to them as it considers appropriate from time to time. The Overview and Scrutiny Committees may appoint smaller groups to carry out detailed examination of particular topics for report back to them. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist.

1.15.2 The terms of reference of the various Overview and Scrutiny Committees will be:

(a) [*add relevant terms of reference*]

1.15.3 Each Overview and Scrutiny Committee will be Chaired by a Chair appointed by Full Council pursuant to sections 66-75 of the Local Government (Wales) Measure 2011

(a) there will be cross party membership of all Overview and Scrutiny Committees;

(b) the Overview and Scrutiny Committees shall undertake the following:

(i) investigate or review a particular matter in depth and without delay, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate;

(ii) conduct research, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with the area/community partnerships;

(iii) consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options;

- (iv) question Cabinet Members and Officers about their views and actions on issues and proposals affecting the County Borough
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (vi) question and gather evidence from any person (with his/her consent) whilst conducting investigative and reporting processes.

#### 1.16 **Meetings of the Overview and Scrutiny Committees**

The Council will determine a cycle of meetings for the Overview and Scrutiny Committees. If the Council do not set the cycle, each such Overview and Scrutiny Committee shall determine their own cycle of meetings. The Chair, or in their absence the Vice Chair, may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the Overview and Scrutiny Committees work programmes. A meeting of an Overview and Scrutiny Committee may be called by the Chair (or in his or her absence, the Vice Chair) or by the Chief Executive if he or she considers it necessary or appropriate.

#### 1.17 **Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out in the Council Procedure Rules.

#### 1.18 **Agenda Items**

- 1.18.1 Any Member of a particular Overview and Scrutiny Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of the that Committee to be included on the agenda for the next available meeting. Seven working days' notice of the item should be given to the Chief Executive together with sufficient information to enable the Officer to advise about the nature and purpose of the item.
- 1.18.2 On receipt of such a request, so long as it is an appropriate matter to be considered, the Chief Executive will ensure that it is included on the next available agenda.
- 1.18.3 An Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

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

- 1.19.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's Policy and Budget Framework is set out in detail in the Budget and Policy Framework Procedure Rules

- 1.19.2 In relation to the development of the Council's approach to other matters not forming part of its Policy and Budget Framework, an Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 1.19.3 An Overview and Scrutiny Committee 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.

#### 1.20 **Reports from the Overview and Scrutiny Committees**

- 1.20.1 All formal reports from the Overview and Scrutiny Committees will be submitted to the Chief Executive for consideration by the Cabinet (if the proposals are consistent with the existing Policy and Budget Framework or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Policy and Budget Framework).
- 1.20.2 If an Overview and 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 the Council or Cabinet with the majority report.
- 1.20.3 The Council or Cabinet shall consider the report of an Overview and Scrutiny Committee within one month of it being submitted to the Chief Executive

#### 1.21 **Making sure that Overview and Scrutiny Reports are considered by the Cabinet**

- 1.21.1 The agenda for Cabinet meetings shall include an item entitled "Issues Arising from Overview and Scrutiny". The reports of the Overview and Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Cabinet within two months, the Cabinet will give an explanation of the reasons to the Chair of the relevant Overview and Scrutiny Committee as soon as practicable.
- 1.21.2 Where the Cabinet has delegated decision making power to another individual Member of the Cabinet an Overview and Scrutiny Committee will submit a copy of their report to him or her for consideration. At the time of doing so the Overview and Scrutiny Committee shall serve a copy on the Chief Executive. The Member with delegated decision-making power must consider the report and respond in writing to the Overview and Scrutiny Committee within four weeks of receiving it. A copy of his written response to it shall be sent to Chief Executive and the Leader. The Member will also attend a future meeting of that Overview and Scrutiny Committee to present their response.

**1.22 Rights of Members of the Overview and Scrutiny Committees to Documents**

- 1.22.1 In addition to their rights as Councillors, Members of the 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.
- 1.22.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

**1.23 Members and Officers Giving Account**

- 1.23.1 The Overview and Scrutiny Committees 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 Cabinet, the Chief Executive and/or any senior Officer to attend before it to explain in relation to matters within their remit:
- (a) any particular decision or series of decisions;
  - (b) the extent to which the actions taken implement Council policy; and/or
  - (c) their performance
- and it is the duty of those persons to attend if so required.
- 1.23.2 For this purpose, senior Officer includes any Chief Officer, deputy Chief Officer and other appropriate senior Officer. Where there are concerns about the appropriateness of the Officer who should attend, the relevant Chief Officer shall discuss this with the appropriate Overview and Scrutiny Chair or Vice Chair with a view to achieving consensus.
- 1.23.3 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 Democratic Services Manager. The Democratic Services Manager (or an officer so nominated by them) shall inform the Member or Officer, if necessary, in writing, giving at least 5 working days' notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any 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.
- 1.23.4 Where the account to be given to an Overview and Scrutiny 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, which may be longer than 5 working days and shall be agreed between the Chair of that Committee and the said Member and Officer.
- 1.23.5 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.

## 1.24 **Attendance by Others**

An Overview and Scrutiny Committee may invite people other than those people referred to 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.

## 1.25 **Call-In**

### 1.25.1 **Rules**

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet or under joint arrangements, the decision shall be published by the Chief Executive (or any officers nominated by them), including where possible by electronic means, and shall be available at the main offices of the Council normally within two clear working days of it being made. All Members of the Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That 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 three clear working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in for review.
- (a) During that period the Chief Executive shall call-in a decision for scrutiny by an Overview and Scrutiny Committee if so requested (a) by virtue of a decision of a relevant Overview and Scrutiny Committee, or (b) 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 (c) by one third or more of the Members of a relevant Overview and Scrutiny Committee. The Chief Executive shall call a meeting of that Overview and Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the Chair or Vice Chair of that Overview and Scrutiny Committee and in any case within ten clear working days of the decision to call-in (only in exceptional circumstances will the Chair (or Vice Chair in their Absence) of the Overview and Scrutiny Committee consider extending this time limit).
- (b) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it 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. If referred to the decision maker they shall then reconsider within a further 10 clear working days, amending the decision or not, before adopting a final decision.
- (c) If following an objection to the decision, an Overview and Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making



person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee

- (d) 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 decisions 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 Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within 5 working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council's request.
- (e) If the Council does not meet, or if it does but 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 or expiry of the period in which the Council meeting should have been held, whichever is earlier.

#### 1.25.2 Call-In and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair (or Vice Chair) of the relevant Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- (b) Decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Overview and Scrutiny Committee.
- (c) 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.

#### 1.26 The Party Whip

If a Member of an Overview and 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.

#### 1.27 Procedure at Overview and Scrutiny Committee

- 1.27.1 By law the Council will give a minimum of three clear working days' notice of any meeting and for consideration of any reports. However, to assist

consideration by an Overview and Scrutiny Committee, the Council aim to publish any report with five clear working days' notice. Where five clear working days is not possible, the Chair (or Vice Chair) will be notified of the reasoning why and this will be relayed to the Overview and Scrutiny Committee.

1.27.2 An Overview and Scrutiny Committee shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) consideration of any matter referred to that Overview and Scrutiny Committee for a decision in relation to call in of a decision;
- (d) responses of the Cabinet to reports of that Overview and Scrutiny Committee
- (e) notification of any consultations which are currently ongoing in respect of that Overview and Scrutiny Committee
- (f) the business otherwise set out on the agenda for the meeting.

The Rules of Procedure at an Overview and Scrutiny Committee will be the same as the Council Procedure Rules 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 as Members of an Overview and Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

1.27.3 An Overview and Scrutiny Committee 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:

- (a) that the business be conducted fairly and all Members of the Overview and Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting by giving evidence be treated with respect and courtesy;
- (c) that the business be conducted as efficiently as possible.

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

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

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committees, the decision as to which Overview and Scrutiny Committee will consider it will be resolved by the respective Chairs or, if they fail to agree the Chair of Council.

1.29 **Councillor Call for Action**

- 1.29.1 The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of “last resort”.
- 1.29.2 Any Member may request that an item is placed on the agenda of an Overview and Scrutiny Committee for consideration.
- 1.29.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors attached to these Rules at Appendix 1.

## APPENDIX 1

### Councillor Call for Action - Guidance for Councillors

#### 1. INTRODUCTION

- 1.1 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 Overview and Scrutiny Committees
- 1.2 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 elected Members 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 Member to the designated Crime and Disorder [Overview and Scrutiny Committee] [*add other arrangements*] for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation.
- 1.3 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.
- 1.4 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 Member for the Council to refer to [an Overview and Scrutiny Committee] [*add other arrangements*], “a local government matter” which falls within the [Committee’s] [*add other arrangements*] remit.

#### 2. HOW SHOULD I NORMALLY ATTEMPT TO RESOLVE A LOCAL ISSUE IN MY AREA?

- 2.1 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:
  - 2.1.1 informal discussions with Officers or other councillors;
  - 2.1.2 informal discussions with partner representatives;
  - 2.1.3 referral to other “scrutiny” bodies such as Community Health Councils or internal governance and audit committee;
  - 2.1.4 formal discussions with Officers and councillors;
  - 2.1.5 formal letters to the Cabinet Members;
  - 2.1.6 asking questions at Full Council;
  - 2.1.7 submitting a motion to Full Council;

- 2.1.8 organising public meetings;
- 2.1.9 use of petitions;
- 2.1.10 making a complaint;
- 2.1.11 questions at Full Council
- 2.1.12 freedom of information requests;
- 2.1.13 communication with local AMs or MPs;
- 2.1.14 use of social media or email based campaigns.

2.2 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 Overview and Scrutiny Committee

### **3. WHAT IS A COUNCILLOR CALL FOR ACTION**

3.1 In order for the 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.

3.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that an 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.

### **4. HOW AND WHEN SHOULD I MAKE A CCFA**

4.1 A flowchart showing the process is provided at Annex A. A councillor may initiate the process by completing the form at Annex B. It is important that the local councillor specifies what outcome is expected from the referral. After completion the form should be returned to the Democratic Services 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 Head of Legal and Democratic Services ("the Proper Officer")

4.2 The Proper Officer will confirm whether or not the referral satisfies the requirements of this appendix to enable it to be placed on the agenda for discussion at a meeting of the Overview and Scrutiny Committee. The Proper 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.

### **5. CRITERIA TO BE FOLLOWED BY AN OVERVIEW AND SCRUTINY COMMITTEE**

5.1 It is up to the Members of an Overview and Scrutiny to decide whether, and in what form, to take the matter further. The Overview and Scrutiny Committee use the following criteria to decide whether or not the referral is appropriate to be considered by that Overview and Scrutiny Committee;

- 5.1.1 Is that Overview and 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?
- 5.1.2 Has that Overview and Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?
- 5.1.3 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.
- 5.1.4 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?
- 5.1.5 Is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- 5.1.6 Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
- 5.1.7 Is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?
- 5.1.8 Is this an issue currently being looked at by another form of local scrutiny?
- 5.1.9 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 Member's electoral division?

NB: Crime and Disorder referrals should be directed to the designated Crime and Disorder Overview and Scrutiny Committee

- 5.2 If an Overview and Scrutiny Committee decides not to accept the CCfA it must inform the councillor of the decision and the reasons for it.
- 5.3 If an Overview and Scrutiny Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol, eg the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Overview and Scrutiny Committee meeting. The Councillor will be requested to attend to the Overview and Scrutiny Committee and informed that he/she will have five minutes in which to address the Overview and Scrutiny Committee. The Overview and Scrutiny Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:
  - 5.3.1 asking the relevant responsible authorities to respond to the CCfA;
  - 5.3.2 setting up a research or task and finish group to undertake a more in-depth review;
  - 5.3.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Overview and Scrutiny Committee has the power to request

“designated persons” such as representatives from other public bodies/agencies to attend, where relevant, and to request information. (The Welsh Government have yet to publish a list of “designated persons”.)

## 6. **POTENTIAL OUTCOMES FROM A CCFA**

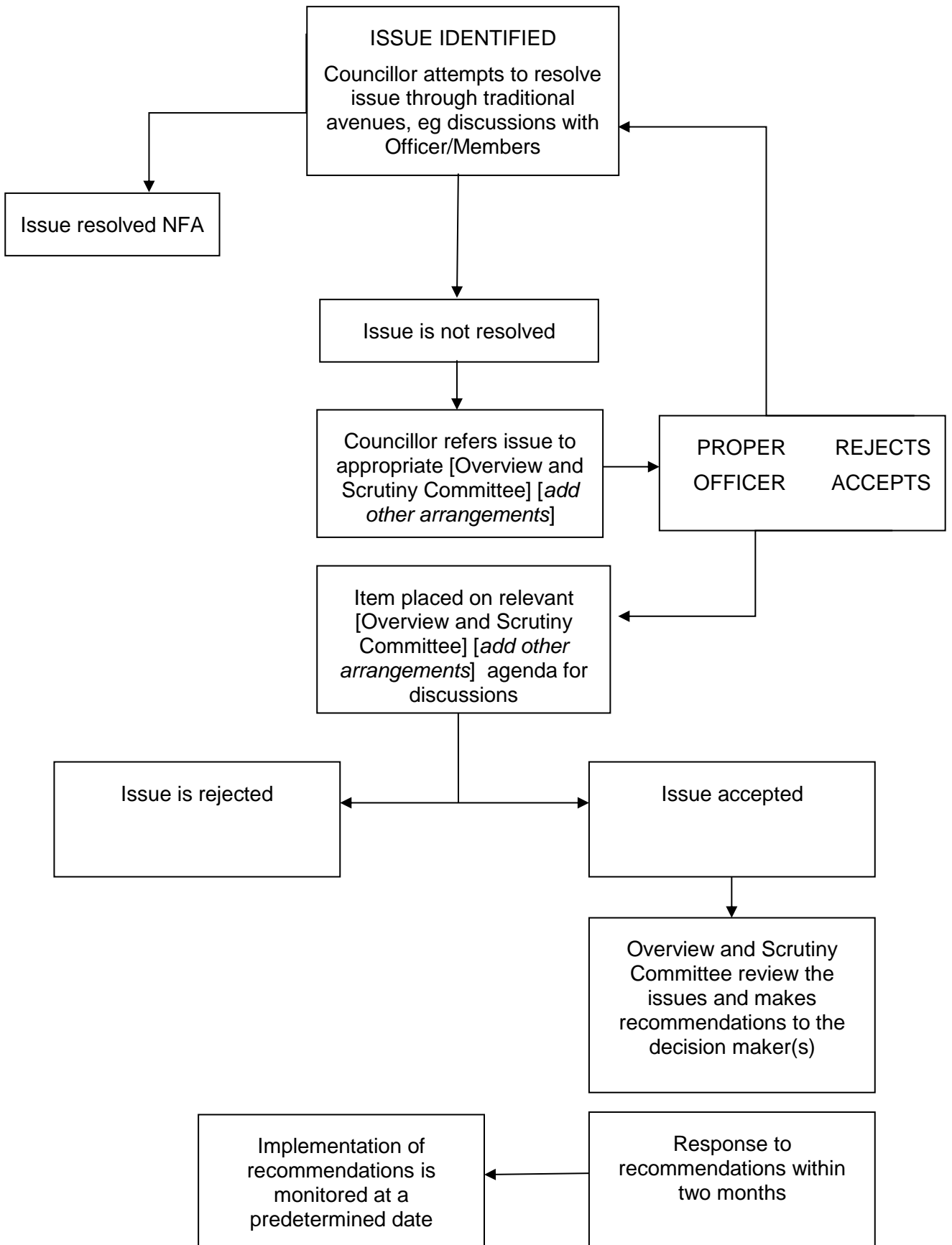
- 6.1 An Overview and Scrutiny Committee could:
  - 6.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
  - 6.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;
  - 6.1.3 decide that further action is not appropriate giving its reasons.
- 6.2 Once an Overview and Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

## 7. **TIMESCALES FOR DEALING WITH A CCFA**

- 7.1 In exceptional circumstances, for example where there are unavoidable time constraints, a special Overview and Scrutiny Committee meeting may be convened.
- 7.2 Should a CCfA result in recommendations to the Cabinet responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.
- 7.3 An Overview and Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.

**APPENDIX 2**

**Flow Chart for Councillor Call for Action**





### APPENDIX 3

#### Councillor Call for Action Referral

<b>For the attention of</b> (name and title of Proper Officer)	
<b>From</b>	Councillor
<b>Electoral Division</b>	
<b>Contact details</b>	
<b>Telephone</b>	
<b>E-mail</b>	
<b>SUBJECT</b>	
<b>Details</b> Please briefly explain what the issue is and how it affects your electoral division.	
<b>Action taken to date</b> Please explain what steps have been taken, with whom, to try to resolve the issue (please tick the actions you have taken to date) or add additional.	<ul style="list-style-type: none"><li>• Informal discussions with Officers or other councillors</li><li>• Informal discussions with partner representatives</li><li>• Referral to other “scrutiny” bodies such as Community Health Councils or internal governance and audit committee</li><li>• Formal discussions with Officers and councillors</li><li>• Formal letters to the Cabinet Members</li><li>• Asking questions at Full Council</li><li>• Submitting a motion to Full Council</li><li>• Organising public meetings</li><li>• Use of petitions</li><li>• Making a complaint</li><li>• Questions at Full Council</li><li>• Freedom of Information requests</li><li>• Communication with local MSs or MPs</li><li>• Use of social media or email based campaigns</li></ul>
<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.	
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1. The following criteria will be taken into consideration when an Overview and Scrutiny Committee decide whether to progress with your CCfA:
  - 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?
  - 1.2 Has the committee considered a similar issue recently – if yes have the circumstances or evidence changed?
  - 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 hearing.
  - 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?
  - 1.5 Is this a case that is being or should be pursued via the Council’s corporate complaints procedure?
  - 1.6 Is it relating to a “quasi-judicial” matter or decision such as planning or licensing?
  - 1.7 Is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
  - 1.8 Is this an issue currently being looked at by another form of local scrutiny?
  - 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.
2. Please consider whether your referral might be considered premature by the Overview and Scrutiny Committee. Consider whether other potential remedies have been exhausted, before a referral is made. 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 Proper Officer believes that the referral is premature, he/she will advise you accordingly.