

APPENDIX E

PART 4.5 - SCRUTINY PROCEDURE RULES

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

The Council will have the scrutiny committees with the membership, powers and terms of reference as identified in Article 6.

2. Who may sit on scrutiny committees?

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

3. Co-optees

Each scrutiny committee shall be entitled to recommend to Council the appointment of a number of people as non-voting members if considered appropriate.

In discharging its crime and disorder functions, the Social Justice, Crime and Disorder Scrutiny Committee may co-opt officers, employees or members of Responsible Authorities or Co-operating Persons or Bodies (as defined by Section 5 of the Crime and Disorder Act 1998). Co-optees cannot be members of the Council's Executive Board and no co-optee is entitled to vote. Co-optees may be appointed for a particular matter or type of matter and membership may be withdrawn at any time by the Committee.

4. Education representatives

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

- (a) one Church in Wales representative;
- (b) one Roman Catholic Church representative;
- (c) three parent governor representatives;

A relevant scrutiny committee in this paragraph is a scrutiny committee of a local education authority, 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 scrutiny 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.

5. Meetings of scrutiny committees

There shall be at least six 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, by a majority of the members of the committee or by the Chief Executive if he/she considers it necessary or appropriate.

The Social Justice, Crime and Disorder Scrutiny Committee shall meet at least once a year to review or scrutinise decisions made and actions taken by the Responsible authorities in respect of their crime and disorder functions.

6. Quorum

The quorum for a scrutiny committee shall one third of the Members rounded up to the nearest whole number

7. Who chairs scrutiny committee meetings?

Chairs and Vice Chairs of scrutiny committees will be drawn from among the Councillors sitting on the committee and will be appointed by the council at its annual meeting in accordance with the procedure set out in the Council Procedure rules in Part 4 of this Constitution.

8. Work programme

Subject to overall co-ordination of the exercise by the Corporate Scrutiny Committee in order to avoid duplication of resources, scrutiny committees will be responsible for setting their own work programme.

9. Agenda items

Any member of a scrutiny committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the committee to be included on the agenda for, and be discussed at, a meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the next appropriate agenda.

Any member of the Council may refer a local crime and disorder matter (as defined by Section 19 of the Police and Justice Act 2006) to the Social Justice, Crime and Disorder Scrutiny Committee for inclusion on the agenda and discussion at a meeting of the Committee

10. Policy Review

- (a) The role of the overview and scrutiny committees in relation to the review of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules

- (b) In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, scrutiny committee may make proposals to the Executive Board for developments in so far as they relate to matters within their terms of reference

11. Reports from scrutiny committees

Once it has formed recommendations on proposals for review, the scrutiny committee will prepare a formal report and submit it to the chief Executive for consideration by the Executive Board if the proposals are consistent with the existing budget and policy framework, or to the Council as appropriate e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework.

12. Making sure that scrutiny reports are considered by the Executive Board

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 Executive 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 Leader with notice that the matter is to be referred to Council. The Executive Board will have four 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 Executive Board to the scrutiny committee's proposals. Only one report per year may be submitted by a scrutiny committee to the Executive Board.

13. Social Justice, Crime and Disorder Scrutiny Committee exercising powers in relation to Crime and Disorder Functions

Paragraphs 10, 11 and 12 above do not apply in this situation.

This Committee may review and scrutinise decisions made or other actions taken in connection with the discharge of crime and disorder functions by responsible authorities under Sections 5 and 6 of the Crime and Disorder Act 1998. The Committee may make reports or recommendations to full Council or the Executive Board with respect to the discharge of crime and disorder functions, in which case it must provide a copy to each of the responsible authorities and those co-operating persons and bodies referred to in the Act.

In addition, the Committee must consider any local crime and disorder matter (as defined by Section 19 of the Police and Justice Act 2006) included on the agenda for the meeting where the matter has been referred to the Committee by a member of the Council. It must consider whether to make a report or recommendations to full Council and/or the Executive Board with respect to that local crime and disorder matter, having regard to any representations made by the member concerned. If the Committee decides not to make a report or recommendations it must notify the member concerned of its decision and the reasons for it. If the Committee does make a report or recommendations to full Council and/or the Executive Board then it must provide a copy of the report or recommendations to the member concerned and to such of the responsible authorities and co-operating persons or bodies, as it thinks appropriate.

Whenever the Committee provides a copy of a report or recommendations to a responsible authority or a co-operating person or body, it must remind that authority/body of its statutory duty to have regard to the report or recommendations in exercising its functions, to consider the report or recommendations and to respond to the Committee indicating what (if any) actions that person or body proposes to take.

14. Rights of scrutiny committee members to documents

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 Information Procedure Rules in Part 4 of this Constitution.

When dealing with crime and disorder matters, the Social Justice, Crime and Disorder Scrutiny Committee have a right to information from Responsible Authorities and Co-operating persons and bodies (as defined by Section 5 of the Crime and Disorder Act 1998) on written request. Information provided will be normally be de-personalised and will exclude information likely to prejudice legal proceedings or current or future operations.

15. Members and officers giving account

(a) Any scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council and /or Executive Board functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require, any member of the Executive Board, the head of paid service and/or any director and /or head of service 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

(b) Where any member or officer is required to attend a scrutiny committee under this provision, the Chair of that committee will inform the Chief Executive who will 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 an additional fifteen working days 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 a convenient alternative date for attendance.

When dealing with crime and disorder matters, the Social Justice, Crime and Disorder Committee may require attendance of an officer or employee of a Responsible Authority or co-operating person or body to answer questions, on reasonable notice being given.

16. Officer Attendance at meetings of Scrutiny Committees

Normally Directors and Heads of Service should attend Scrutiny Committees to respond to questions, to explain departmental policies and procedures and generally to represent the services for which they are responsible and accountable. Other departmental officers may also attend and may be called on from time to time to provide information and respond to questions put to them by members.

17. Attendance by others

A scrutiny committee may invite representatives of other bodies to address it and to discuss issues of local concern and/or answer questions.

18. Call-in

The procedures for call in are set out in Article 6 of this Constitution - Scrutiny Committees.

19. The party whip

When considering any matter in respect of which a member of a scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting

20. Procedure at scrutiny committee meetings

- (a) Scrutiny committees shall consider the following business but the Chief Executive will arrange the items on the agenda so as to give priority to matters requiring decisions.:
 - i) minutes of the last meeting
 - ii) declarations of interest (including whipping declarations);
 - iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision
 - iv) responses of the Executive 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 reviews or considers other matters, the committee may also ask outside representatives such as representatives of key partner organisations or other outside bodies to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
 - i) that the review 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 review be conducted so as to maximise the efficiency of the process.
- (c) Following any review, the committee shall prepare a report, for submission to the Executive Board and/or Council as appropriate and shall make its report and findings public.

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

Where a matter for consideration by a scrutiny committee also falls within the remit of one or more other scrutiny committees, the decision as to which scrutiny committee will consider it will be resolved by the Policy and Resources Scrutiny Committee.