

## Article 6 – Scrutiny Committees

6.1 There will be seven Scrutiny Committees with the membership as indicated

TITLE	MEMBERS	RESPONSIBILITIES
Policy and Resources Scrutiny Committee	<p><u>14 Members</u>            6 Independent            2 Labour            6 Plaid Cymru</p>	<p>Corporate policy/strategy; corporate performance monitoring; cross cutting issues.</p> <p>Financial planning and resources finance; physical assets; information technology.</p> <p>Non-housing maintenance; organisational development; human resources.</p> <p>Sustainable development.</p>
Social Justice, Crime and Disorder Scrutiny Committee	<p><u>12 Members</u>            5 Independent            1 Labour            5 Plaid Cymru            1 Unaffiliated</p> <p>The Committee may also co-opt non voting employees, officers or members of Responsible Authorities or Co-operating persons or bodies in respect of its crime and disorder functions, subject to the provisions of the Crime and Disorder (Overview and Scrutiny) Regulations 2009</p>	<p>Social Inclusion; the community safety issues identified in the Corporate Community Safety and Crime and Disorder Reduction Strategies, working with the relevant partners in the community including the Police, Fire Brigade and the Local Health Board, crime and disorder functions (to include a power to make a report or recommendations to the County Council and/or the Council's Executive Board).</p>
Housing Scrutiny Committee	<p><u>12 Members</u>            5 Independent            2 Labour            5 Plaid Cymru</p>	<p>Public and private sector housing; Housing services including council housing repairs and maintenance.</p>
Health and Social Care Scrutiny Committee	<p><u>12 Members</u>            5 Independent            2 Labour            5 Plaid Cymru</p>	<p>Social care &amp; health; Adult services and mental health; "Wanless" issues.</p>
Environment Scrutiny Committee	<p><u>13 Members</u>            5 Independent,            2 Labour,            5 Plaid Cymru            1 Unaffiliated</p>	<p>Visible front line services such as highways, street cleaning and waste services including waste strategy, town-centre management, grounds maintenance, public conveniences, bus shelters and maintenance of car parks.</p> <p>Regional waste plan, transport,</p>

		vehicle maintenance, road safety, on-off street and residents' car parking, conservation, consultancy and design services, shoreline management, coastal protection, contaminated land and air pollution.
Regeneration and Leisure Scrutiny Committee	<u>14 Members</u> 6 Independent 2 Labour 6 Plaid Cymru	Regeneration Planning Economic Development and Community Regeneration Recreation and Leisure
Education and Children's Services Scrutiny Committee	<u>18 Members</u> 6 Independent 2 Labour 5 Plaid Cymru 5 Co-opted Members including 3 elected parent governors and 1 representative each of the Church in Wales and the Roman Catholic Church	Lifelong learning; children's services, schools, community education, Welsh language (in the community); catering, building cleaning

**6.2 Generic Terms of Reference for all Scrutiny Committees** (except in the case of the Social Justice, Crime and Disorder Scrutiny Committee when exercising powers in relation to crime and disorder)

In respect of matters which are relevant to their thematic and other responsibilities:-

- i. To develop and publish an annual forward work programme identifying issues and reports to be considered during the course of a municipal year, taking into account the Council's Forward Work Programme
- ii. To review and/or scrutinise decisions made or actions taken in connection with the discharge by the Executive Board and or the Council of any of their functions and to make reports to the Council and/or the Executive Board in connection with the discharge of any functions.
- iii. To exercise the right to call-in for reconsideration, decisions made but not yet implemented by the Executive Board.
- iv. To monitor performance of the Executive Board/Authority in delivering key targets and objectives through the receipt of regular performance monitoring reports.
- v. To scrutinise the development and implementation of service business plans including the monitoring of progress against specified actions and targets.
- vi. To monitor progress in the undertaking of BV/WPI reviews including the recommendation of future service options/performance targets to Executive Board/Council and monitoring of subsequent action plans.

- vii To undertake WPI or other reviews as requested by the Executive Board in response to issues highlighted by the annual risk assessment.
- viii To participate in consideration of the authority's budget-setting process.
- ix To participate in the Authority's policy development and review process including the proposing of amendments to the Executive Board and/or Council as appropriate and to provide advice to the Executive Board on major issues before final decisions are made.
- x To undertake further independent research with the aim of supporting improvements in service delivery (to also receive requests from Executive Board in this area)
- xi To refer issues to Executive Board for further consideration (supported by evidence based reports and proposals)
- xii To consider any matter affecting the area or its inhabitants with respect to their specific remit; and to question members of the Executive Board and/or committees and chief officers and partners about their views on issues and proposals affecting the area.
- xiii To submit an Annual Report to Council giving an account of the committee's activities over the previous year.

**Specific Terms of Reference where the Social Justice, Crime and Disorder Scrutiny Committee is considering the exercise of powers relating to crime and disorder**

To review and/or scrutinise decisions made or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions

To make reports and recommendations to the Council and/or the Executive Board with respect to the discharge of crime and disorder functions by the responsible authorities

To consider at a meeting of the committee any local crime and disorder matter referred to the committee by a member of the Council

To decide whether to make a report or recommendations to Council and/or the Executive Board in respect of a local crime and disorder matter, having regard to any representations made by that member as to why the committee should do so.

To notify the member concerned of its decision and the reasons for its decision in any case where the committee decides not to make a report or recommendations in respect of a local crime and disorder matter

To provide a copy of any committee report or recommendations to the member concerned (in respect of a local crime and disorder

matter) and to such responsible and co-operating persons or bodies, as it thinks appropriate

To review responses to committee reports and recommendations, and to monitor action taken by responsible and co-operating persons or bodies in relation to the discharge of crime and disorder functions by the responsible authorities

### **6.3 Specific Terms of Reference for Policy and Resources Scrutiny Committee**

- Where matters fall within the remit of more than one scrutiny committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute between scrutiny committees.
- To receive requests from the Executive Board and/or the Council for reports.
- To put in place and maintain a system to ensure that referrals from scrutiny committees to the Executive Board, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution.
- At the request of the Executive Board, to make decisions about the priority of referrals made in the event of reports to the Executive Board exceeding limits in this constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardizes the efficient running of Council business.
- To participate in the authority's policy development and review process in respect of corporate and cross-cutting issues including the proposing of amendments to the Executive Board and/or Council as appropriate and to provide advice to the Executive Board on a major issues before final decisions are made.
- To monitor progress in respect of the Corporate and Community Strategies.
- To scrutinise and approve the Authority's Improvement Plan including specified performance targets.
- To scrutinise and monitor the Council's overall performance against a set of key targets and objectives through receipt of regular performance monitoring reports (including the progress against Performance Incentive Grants P.I.G.S.)
- To consider and input into the Council's response to the Wales Programme for Improvement including the undertaking of cross-cutting reviews and scrutinising progress and issues emerging from the Whole Authority Analysis and annual risk assessments.
- Monitor delivery of the Council's efficiency programme.
- To exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive Board or an individual member of the Executive Board or by an officer acting under delegated powers.
- To refer issues to Executive Board / other themed scrutiny committees

#### **6.4 Membership**

The membership of each Scrutiny Committee will be drawn from amongst those Councillors who are not members of the Executive Board. The number of members for each committee is identified in Paragraph 6.1 of this Article. The Scrutiny Committee responsible for Education matters will include voting co-opted members who are elected parent governor representatives and church representatives as required by the Local Government Act 2000. The Social Justice, Crime and Scrutiny Committee may also co-opt members in relation to crime and disorder matters. The Council may appoint, on the recommendation of Scrutiny Committees, other non-voting members to serve on those committees.

#### **6.5 Proceedings of Scrutiny Committees**

Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules in Part 4 this Constitution, including where necessary consulting other committees, stakeholders or community groups.

These arrangements require that:-

- Any member of a Scrutiny Committee may ensure that any matter relevant to the remit of their Committee is placed on the agenda and discussed at a meeting of that Committee; (NB This is a statutory requirement.)
- Each Scrutiny Committee will be subject to the political balance rules in the Local government and Housing Act 1989;
- Scrutiny Committees will meet in public except in circumstances where confidential or exempt information matters are to be discussed;
- Scrutiny Committees have the right to require members of the executive board to appear before them and answer questions. This power does not relate solely to scrutiny of decisions taken and can also be used to ask an executive Board Member, for example, about forthcoming issues, provided due notice is given.

#### **6.6 Call-in Procedures**

Scrutiny committees will have power to review and scrutinise decisions made, or other action taken, in connection with the discharge of functions by the Executive Board. The power to review or scrutinise a decision made but not implemented includes power to recommend that the decision be reconsidered by the person or body who made it (whether an individual member of the Executive Board, an officer of the Council or the whole Executive Board; or to ask full Council to review the decision.)

Certain restrictions will apply to the use of call-in powers. Referral of a decision by a Scrutiny Committee should be considered where there are genuine and serious grounds for doing so which shall include the following on advice from the Monitoring Officer:-

- i. A belief that the decision or action was contrary to the policy framework or Budget, or fell outside the functions of the Executive;
- ii. A belief that the Executive Board or an Individual Executive Board Member or an officer had not followed agreed procedures on consultation (as set out in protocols adopted by the Council) before

reaching a decision;

- iii. A belief that the Executive Board an individual Executive Board Member or an Officer had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance of the Council's actions, or other guidance adopted by the council.

### **6.7 Operation of Call –in Procedure**

Except in case of urgency no decision will take effect until 3 days have expired since the notice of the decision was published At any time before the decision is implemented a majority of members of the relevant Scrutiny Committee may call-in the decision by requiring the Chief Executive to call a meeting of their committee to consider the decision.

This may be done by a majority of the membership of a Scrutiny Committee forwarding E mail requests to the Democratic Services Unit requesting that the matter be called in, the unit will then consult the Monitoring Officer who has to advise whether the conditions for call in are satisfied.

The Scrutiny Committee will normally meet within ten working days of the decision being called in. They may refer the decision back to the decision making body (including an individual Executive Board Member) or on to the Council, dependent upon the extent to which their concerns relate to the specified circumstances identified above.

If the Scrutiny Committee does not object to the decision it takes effect immediately. Otherwise it is referred to the original decision maker. Subject to the requirement as to notice, the original decision maker may then amend the decision or after re-consideration, implement it without amendment. The decision takes effect immediately and is not subject to further call-in. Similar procedures will apply to decisions taken by individual members of the Executive Board and officers exercising delegated powers.

The call-in procedure shall not operate:

in respect of urgent matters. (an "urgent matter" is one constituting an emergency threatening the lives or well being of some or all of the inhabitants of the county or any legal, commercial, or other matter in which delay may adversely affect the council's interests or the rights or interests of others and the monitoring officer shall be the final arbiter on whether a matter is an "urgent matter");

in respect of matters which have previously been the subject of call-in;

if it would result in an unlawful delay in the making of the budget;

## **6.8 CHAIR OF A SCRUTINY COMMITTEE JOB PROFILE**

### **1 Accountability**

Full Council  
To the electorate

## **2 Role purpose & activity**

### **2.1 Provide leadership and direction**

Provide confident and effective management of the committee  
Promote the role of scrutiny within and outside the council, liaising effectively both internally within the council and externally with the council's partners  
Develop in consultation with the Executive Board and Officers a balanced forward work programme for the committee, which should include policy development and review, investigative scrutiny, and performance monitoring  
Ensure that the forward work programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues  
Demonstrate an objective and evidence based approach to scrutiny  
Evaluate the impact and added value of scrutiny activity and identify areas for improvement

### **2.2 Manage the work programme**

Ensure that the work programme is delivered  
Report on progress against the work programme to Council, and others as appropriate  
Liaise with officers, other members and community representatives to resource and deliver the work programme

### **2.3 Holding the Executive to account**

Evaluate the validity of executive decisions and challenge inappropriate decisions through the Council's call in arrangements

### **2.4 Effective meeting management**

Set agenda containing clear objectives and outcomes for the meeting  
Manage the progress of business at meetings, ensuring that meeting objectives are met and that the code of conduct, standing orders and other constitutional requirements are adhered to  
Ensure that the necessary preparation is done beforehand  
Ensure that all participants have an opportunity to make an appropriate contribution

### **2.5 Community leadership**

Act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function  
Build understanding and ownership of the scrutiny function within the community  
Identify relevant community based issues for scrutiny  
Fully involve external stakeholders, service users, expert witnesses and partners in scrutiny activity

## **2.6 Involvement and development of committee members**

Encourage high performance from all committee members in both committee and task and finish groups

Assess individual and collective performance within the committee and facilitate appropriate development

## **3 Values**

To be committed to the values of the Council and the following values in public office:

Openness and transparency

Honesty and integrity

Tolerance and respect

Equality and fairness

Appreciation of cultural difference

Sustainability

## **6.9 PERSON SPECIFICATION FOR THE CHAIR OF A SCRUTINY COMMITTEE**

**To fulfil his or her role laid out in the role description an effective Scrutiny Chair requires:**

### **1 Provide leadership and direction**

Understanding of the council's role and functions

Understanding of the role of scrutiny, terms of reference for the committee, role of chair, and other aspects of the democratic arrangements

Understanding of scrutiny support functions

Understanding of council priorities and risks

Ability to develop work programmes

Understanding of community issues

Objectivity

Negotiation and consensus building

Ability to build constructive and 'critical friend' relationships with the Executive

### **2 Manage the work programme**

Ability to manage projects and resources

Ability to manage people

Ability to prioritise

Ability to report progress to different groups in different styles

### **3 Holding the Executive to account**

Understanding the Council's arrangements for call in

### **4 Effective meeting management**

Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements

Ability to chair meetings effectively, managing the agenda and progressing business  
Ability to facilitate effective discussions  
Ability to listen and question effectively

## **5 Community leadership**

An understanding of the community leadership role  
Knowledge of local issues and expectations  
Ability to work effectively with all members of the community and build understanding and ownership of scrutiny  
Knowledge of the individuals and organisations in the community especially those traditionally excluded

## **6 Involvement and development of committee members**

Understanding of the role and skills of the scrutiny committee and its individuals  
Ability to support members and the committee in assessing their performance  
Ability to identify any training and development needs and in consultation with officers procuring appropriate learning and development

### **6.10 SCRUTINY COMMITTEE MEMBER JOB PROFILE**

#### **1 Accountability**

Chair of the appropriate scrutiny committee  
Full Council  
To the electorate

#### **2 Role purpose & activity**

To participate fully in the activities of the Scrutiny Committee, assist in the delivery of its work programme and the work of any associated task and finish groups

##### **2.1 Reviewing and developing policy**

Assist in the creation, development, improvement and refinement of council policy  
Challenge policies on a sound basis of evidence for example against legislation or local political priority  
Assess impact of existing policy

##### **2.2 Monitoring performance and service delivery**

Monitor the performance of internal and external providers against standards and targets  
Contribute to the identification and mitigation of risk  
Investigate and address the causes of poor performance

##### **2.3 Promoting the work of scrutiny**

Promote the role of scrutiny within and outside the council, developing effective internal and external relationships  
Demonstrate an objective and evidence based approach to scrutiny  
Add value to the decision making and service provision of the authority through effective scrutiny

## **2.4 Community leadership**

Use scrutiny as a means to address community issues and engage the public  
Encourage stakeholders to participate in the work of the authority  
Develop locally viable and acceptable policy solutions  
Build a dialogue around priorities, objectives and performance, among communities and stakeholders

## **2.5 Meeting participation**

Make adequate and appropriate preparation for meetings through research and briefings  
Participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements  
Request that any matter relevant to the remit of their committee is placed on the agenda and discussed.

## **2.3 Holding the Executive to account**

Evaluate the validity of executive decisions and challenge inappropriate decisions through the Council's call in arrangements

## **3 Values**

To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty and integrity  
Tolerance and respect  
Equality and fairness  
Appreciation of cultural difference  
Sustainability

## **6.11 PERSON SPECIFICATION FOR A MEMBER OF A SCRUTINY COMMITTEE**

**To fulfil his or her role as laid out in the role description, an effective scrutiny member requires:**

### **1 Participate fully in the activities of the scrutiny function**

Full understanding of the scrutiny remit and role, and terms of reference for their own committee and others  
Understanding of scrutiny support functions  
To work within the guidance of the chair

## **2 Reviewing and developing policy**

Knowledge of and ability to evaluate existing policy  
Understanding of best practice  
Understanding of national and local legislative and policy context

## **3 Monitoring performance and service delivery**

Understanding of the Wales Programme for Improvement (WPI) and associated risk assessment arrangements  
Understanding of the principles and practice of performance management  
Understanding of council's performance management arrangements  
Ability to analyse data and challenge performance

## **4 Promoting the work of scrutiny**

Ability to negotiate and build consensus  
Ability to act objectively and on the basis of evidence

## **5 Community leadership**

An understanding of the community leadership role  
Knowledge of local issues and expectations  
Ability to work effectively with all members of the community and build understanding and ownership of scrutiny  
Knowledge of the individuals and organisations in the community especially those traditionally excluded

## **6 Meeting participation**

Ability to interpret information and data from a range of sources  
Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements  
Ability to participate in meetings including effective listening, questioning and speaking

## **7 Holding the Executive to account**

Understanding of the Council's arrangements for call in