

## **Scrutiny Procedure Rules**

### **1. The number and arrangements for Scrutiny Committees**

- 1.1 The Council will have the Scrutiny Committees set out in this Constitution with the roles and terms of reference as set out therein and will appoint to them as it considers appropriate from time to time. Such Committees may appoint sub-committees.
- 1.2 One Committee shall be the “principal” Committee, and shall include the Chairs of the other four Committees. That “principal” Committee shall be known as the “Cabinet Scrutiny Committee” and have a number of overview functions, as well as being responsible for any matters not otherwise falling under the purview of the other Committees.
- 1.3 References in these procedure rules to a Scrutiny Committee include sub-committees of such Committees.
- 1.4 These rules apply to Scrutiny Committees of Neath Port Talbot County Borough Council. Where a Joint Scrutiny Committee is established pursuant to the Local Government Wales Measure 2011, the Scrutiny Procedure shall be those agreed by the Joint Scrutiny Committee.

### **2. Members of Scrutiny Committees**

- 2.1 Full Council shall appoint all Members of Scrutiny Committees in accordance with the wishes of political groups under Part I of the Local Government and Housing Act 1989.
- 2.2 No members of the executive may be members of a Scrutiny Committee.
- 2.3 If there are any Deputy Cabinet Advisers or assistants to the Cabinet Members they will not be members of the Scrutiny Committee which is responsible for their areas of activity.

### **3. Co-optees**

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

## **4. Education Representatives**

4.1 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

4.2 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.

4.3 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.

## **5. Meetings of the Scrutiny Committees**

5.1 Unless otherwise agreed by the Chair and Vice Chair there shall be at least 8 ordinary meetings of each Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time by the Chief Executive in consultation with the Chair.

5.2 An extraordinary meeting of the Scrutiny Committee meeting may be called by the Chair of the Committee, by any 5 members of the Committee giving written notice of a requisition to the Chief Executive or by the Chief Executive if he considers it necessary or appropriate.

## **6. Quorum**

The quorum for a Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules.

## **7. Appointment of Chairs of Scrutiny Committees**

- 7.1 The Chair of a Scrutiny Committee shall be appointed to that Committee subject to the rules set out in Annex A.
- 7.2 Where the Chair is appointed by the Chairman and Scrutiny Committee itself the appointment shall be made by simple resolution of the Committee.
- 7.3 Where there has been a failure to make appointment of Committee Chairs under Section 70 of the Local Government (Wales) Measure 2011 the appointment falls to be made by the Scrutiny Committee under Section 71(5) and (6) of the Measure.

## **8. Functions of Scrutiny Committees**

- 8.1 The functions of Scrutiny Committees are:-
- (a) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;
  - (b) To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;
  - (c) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;
  - (d) To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;
  - (e) To make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area (insofar as the committee is not, or committees are not, under a duty to do those things by virtue of Section 22A of the Local Government Act 2000;
  - (f) In the case of the Scrutiny Committees or Committees of an authority to which Section 224 of the National Health Service Act 2006 or Section 184 of the National Health Service (Wales) Act 2006 applies, to review and scrutinise, in

accordance with regulations under whether of those sections, matters relating to the health service (within the meaning given by the Act concerned, and as extended by the section concerned) in the authority's area, and to make reports and recommendations on such matters in accordance with the regulations.

- (g) To make reports or recommendations on matters which relate to Designated Persons and affect the Council's area or the inhabitants of that area.<sup>1</sup>

8.2 A Designated Person is a person:-

- (a) Who is designated by the Welsh Ministers in accordance with Section 21G of the Local Government Act 2000; or
- (b) Who falls within a category of person so designated.

8.3 The functions of the Scrutiny Committee designated with the powers contained in Section 35 of the Well-being of Future Generations (Wales) Act 2015 (the Act) are:

- (a) to review or scrutinise decisions made, or other action taken, by the Public Services Board (hereinafter "the Board") for the local authority area in the exercise of its functions.<sup>2</sup>
- (b) to review or scrutinise the Board's governance arrangements.
- (c) to make reports or recommendations to the Board with respect to the Board's functions or governance arrangements.
- (d) to consider such matters relating to the Board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly.
- (e) to carry out such other functions in relation to the Board as are imposed on it by the Act.
- (f) send a copy of any report or recommendation made under 8.3 (d) above to the Welsh Ministers; the Future Generations Commissioner and the Auditor General for Wales.

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<sup>1</sup> Section 21 (2ZA) LGA 2000

<sup>2</sup> Section 35(1)(a) Well-being of Future Generations (Wales) Act 2015 ("WFGWA 2015")

8.4 In addition the Committee will:-

- (a) Formally receive the Wellbeing Assessment and Wellbeing Plan from the Board;
- (b) Act as statutory consultee for the draft Wellbeing Assessment and draft Wellbeing Plan;
- (c) Formally receive the Board's annual report
- (d) Review the Wellbeing Plan if directed to by the Welsh Minister.

8.5 In exercising its functions a Scrutiny Committee must take into account any views brought to its attention.

8.6 A Scrutiny Committee must take account of guidance issued by the Welsh Ministers.

## **9. Forward Plan and Other Information**

9.1 The Scrutiny Committee/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.

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

## **10. Agenda Items**

10.1 Any member of a 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.

10.2 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).

- 10.3 Any member of the Council who is not a member of a 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 functions of the committee to be included on the agenda of the relevant Scrutiny Committee. 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.
- 10.4 In exercising his or her power to give notice requiring an item to be placed on an agenda under paragraph 10.3 the member must have regard to any guidance issued by the Welsh Ministers.
- 10.5 A “local government” matter means a matter:-
- (a) Which relates to the discharge of any function of the Council;  
or
  - (b) Affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.
  - (c) and in either case is not an “excluded matter”.
- 10.6 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.
- 10.7 When a 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.
- 10.8 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.

10.9 The agenda of a 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.

10.10 The 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 Scrutiny Committee shall report their findings and any recommendations back to the Council and/or executive.

## **11. Policy Review and Development**

11.1 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 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.

11.2 In relation to the development of other matters not forming part of its policy and budget framework, 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.

11.3 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.

11.4 Once it has formed proposals for development, the 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.

- 11.5 If a 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.
- 11.6 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 a 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.
- 11.7 Both the Executive and Scrutiny Committees shall draw up co-ordinated work programmes where:-
- (a) A Scrutiny Committee will consider appropriate draft policies or plans being drawn up by the Executive under the policy framework.
  - (b) A Scrutiny Committee will have a direct involvement in a review of existing policies/procedures and make recommendations to the executive.
  - (c) A 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.
- 11.8 Those in 11.7 (a) and 11.7 (b) above would be expected to fall within the Scrutiny Committee Forum itself, whereas that in 11.7 (c) may require an ad-hoc "Policy Development Group", led by a Cabinet Member but involving other Cabinet and Scrutiny Committee members as well.

## 12. **Rights of Scrutiny Committee Members to Gain Access to Documents**

12.1 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.

12.2 Nothing in this paragraph prevents more detailed liaison between the Executive and Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **13. Members and Officers Giving Account**

13.1 Any 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:

- (a) Any particular decisions or proposed decisions or series of decisions; and/or
- (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. It is expected that Officers asked to attend for the above purposes will be at Chief Officer, Head of Service or Accountable Manager level.

13.2 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 shall inform the member or officer in writing giving at least 8 clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

13.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date then the Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

13.4 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.

### **Attendance by members of the Neath Port Talbot Public Services Board (the Board)**

13.5 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.

13.6 The statutory members of the Board are:

- (a) Neath Port Talbot County Borough Council (Leader and Chief Executive);
- (b) Swansea Bay Health Board (either the Chairman, Chief Executive or both);
- (c) Mid and West Wales Fire and Rescue Service (either the Chairman, Chief Officer or both);
- (d) Natural Resources Wales (Chief Executive).

## **14. Attendance by Cabinet Members**

14.1 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 Scrutiny Committee, and to ensure the “executive” and “scrutiny” works constructively and inclusively together in the best interests of the

Council and its communities.

- 14.2 In particular Cabinet Members may attend any meeting of a Scrutiny Committee which is undertaking pre-scrutiny of any proposed executive decision.

## **15. Attendance by Others**

- 15.1 A Scrutiny Committee may invite people other than those people referred to in paragraph 13 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.
- 15.2 A 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.
- 15.3 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.
- 15.4 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.
- 15.5 In making any report or recommendations the Committee shall comply with Section 21F of the Local Government Act 2000.

## **16. Scrutiny of Designated Persons**

- 16.1 A Scrutiny Committee may (in connection with the making of a report or recommendations of a kind referred to in paragraph 8.1(g):-
- (a) require a Designated Person to provide the committee with

information except information that relates to an excluded matter.

- (b) require an officer, employee or other representative of a Designated Person to attend meetings of the Committee except in relation to an excluded matter.
- (c) For the definition of Designated Person see paragraph 8.2.
- (d) An excluded matter is (for the purposes of Paragraphs 16.1(a) and 16.1(b)) any matter with respect to which a Crime and Disorder Committee (being the Policy and Resources Cabinet 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.
- (e) Paragraphs 16.1(a) and 16.1(b) 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.

## **17. Call-in**

- 17.1 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 Scrutiny Committee (with copies to all other members of Council).
- 17.2 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 calendar days after the publication of the decision, unless a Scrutiny Committee, or the requisite number of members thereof (referred to in paragraph 17.3 below) objects to it and calls it in.
- 17.3 Except as provided in Paragraph 17.11 if the Chief Executive shall receive during the call in period a request:-
  - (a) by virtue of a decision of a relevant Scrutiny Committee, or
  - (b) by three or more members of a relevant 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 Scrutiny Committee

The Chief Executive shall convene a meeting of the relevant Scrutiny Committee on such date as it 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

- 17.4 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.
- 17.5 For the purposes of Paragraph 17.3 a member for the above purposes shall be a voting member of the Committee and a Scrutiny Committee will be the relevant Committee where the proposed decision comes within its terms of reference. For the avoidance of doubt where a joint Scrutiny Committee is called the relevant Scrutiny Committee shall be that joint Scrutiny Committee
- 17.6 Having considered the decision, the 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 6.1 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 the decision maker with the Chair – or in absence Vice Chair – of the Scrutiny Committee) amending the decision or not, before adopting a final decision.
- 17.7 If following the call-in, the 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 Scrutiny Meeting.
- 17.8 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.

17.9 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.

17.10 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.

#### 17.11 **Exceptions to call-in**

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

- (a) 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 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 the Access to Information Rules shall apply to the decision record. However, the decision may only be taken if the chair of the relevant 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 Scrutiny Committee.
- (b) 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 shall state the opinion of the officer that the decision is an urgent one, and therefore not subject to call-in. The other provisions 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 Scrutiny Committee (or in the 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 and in respect of the decision with the Leader and relevant Cabinet member (or in the absence of either or both, any 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 Scrutiny Committee. The urgency action shall include the standard compliance statement.

- (c) In respect of other (non-urgency) Officer executive or non-executive decisions under delegated powers.
- (d) Where Cabinet or Cabinet Committees take an executive decision, implementation of which is deferred pending consultation with the relevant 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 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.
- (e) 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 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 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.

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

17.13 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.

## **18. The Party Whip**

18.1 Section 78(1) of the Local Government (Wales) Measure 2011 provides that a Member of a 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 prohibited party whip).

18.2 The statutory definition of a party whip is reproduced at paragraph 18.6.

18.3 Any vote is given in breach of the rule declared in paragraph 18.1 must be disregarded.

18.4 It is for the person chairing the meeting of a Scrutiny Committee to determine whether a member of the Committee has been given a prohibited party whip in relation to the meeting.

18.5 At each meeting of a 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.

18.6 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 a 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.”

## **19. Procedure at Scrutiny Committee Meetings**

19.1 Scrutiny Committees and sub-committees shall consider the following business:-

- (a) Minutes of the last meeting;
- (b) Consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
- (c) Responses of the executive to proposals of the 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

(d) the business otherwise set out on the agenda for the meeting.

19.2 Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

(a) 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;

(b) That those assisting the committee by giving evidence be treated with respect and courtesy; and

(c) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19.3 Following an 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.

19.4 No member may be involved in scrutinising a decision in which he/she has been directly involved and the Members Code of Conduct rules will be applicable here.

19.5 The procedural rules for the meeting shall be considered in line with the Council Procedure Rules, save that these Scrutiny Procedure Rules shall take precedence where there is a conflict.

## **20. Matters Within the Remit of More Than One Scrutiny Committee**

Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, 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 appropriate Committees may be arranged.

## **21. Publication of Reports Recommendations and Responses Confidential and Exempt Information**

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

## **ANNEX A**

### **Appointment of Chairs of Scrutiny Committees**

1. Nothing in these procedure rules shall prevent a person from being appointed as a Chair of a Scrutiny Committee because that person is or is not a member:-
  - (a) of any political group, or
  - (b) of a particular group

### **Appointment by Committee**

2. In any cases set out in paragraphs (a) to (c) below the chairs of the Scrutiny Committees shall be appointed by these Committees themselves:-
  - (a) Where there are no political groups on the Council
  - (b) Where there is only one political group on the Council
  - (c) Where there are two (but not more) political groups on the Council in the following circumstances:-
    - (i) The Council has only one Scrutiny Committee, and
    - (ii) The Council's executive either includes members of both political groups or does not include any member of either political groups.

### **Appointment by the Non-Executive Group**

3. In the case set out in Paragraph 3.1 the chair of the Scrutiny Committee shall be appointed by the political group which is not included in the Executive.

- 3.1 The case referred to in paragraph 3 is where:-

There are two (but not more) political groups on the Council in the following circumstances:-

- (i) The Council has only one Scrutiny Committee, and
- (ii) The Council's Executive includes one or more members of one political group but does not include any members of the other political group.

3.2 The appointment shall be evidenced by written notice from the Leader of that group to the Chief Executive and announced to Full Council.

### **Appointment by Political Groups**

4. In cases other than those covered by Paragraphs 2 and 3 above the following provisions shall apply:-

4.1 On each occasion when all of the Authority's Scrutiny Chairs fall to be appointed (including the Annual Meeting of the Authority) or when a political group either begins or ceases to be an executive group the full Council shall:-

- (a) Determine which political groups on the authority are entitled to make which appointments of, and
- (b) Allow the groups to make the appointments accordingly.
- (c) For the purposes of Paragraph 4.1 a political group is taken to cease to be an executive group only if, it ceases to be such, two months pass without it becoming an executive group again. The period of two months will be taken to commence on the day when it ceases to be an executive group.

### **Allocation to and Appointment by Executive Group(s)**

4.2 In making its determination of the number of chairs of Scrutiny Committees which the executive group or groups shall appoint full Council shall, so far as is reasonably practical give effect to the following principles:-

- (a) Where there is only one executive group the proportion of committee chairs which the executive group is entitled to appoint corresponds to the proportion of Members of the Authority who are in that group.

- (b) Where there are two or more executive groups the proportion of chairs which the executive groups are entitled to appoint (when taken together) corresponds to the proportion of Members of the Authority who are members of these groups (when taken together).
  - (c) The proportion of executive allocation of Committee Chairs which each executive group is entitled to appoint shall correspond to the proportion of members of the executive groups who are members of the relevant group (no provision covering this in the legislation).
- 4.3 Where there is only one executive group that group shall appoint the number of Committee Chairs which it is entitled to appoint under Paragraph 4.2(a). That group shall choose the Committee Chairs which it wishes to appoint.
- 4.4 If a determination is made when a political group either begins or ceases to be an executive group that determination shall specify where there is a difference between the number of Committee chairs that a political group would be entitled to appoint under that determination and the number of Committee Chairs it has appointed and if there is a difference all existing appointments shall terminate and new appointments shall be made by the political groups in accordance with the new determination.
- 4.5 Where there is more than one executive group those groups shall appoint the number of Committee chairs which they are entitled to appoint under Paragraph 4.2(b). The executive groups shall choose the Committee Chair which they wish to appoint in the order of the size of the membership of the groups from the largest to the smallest.
- 4.6 If executive groups have membership of the same size the order of appointment shall be determined by agreement between those groups or in the absence of agreement by the drawing of lots.
- 4.7 Any appointment shall be evidenced by written notice from the leader of a group to the Chief Executive and announced to the Full Council.

### **Allocation to and Appointment by Opposition Group(s)**

4.8 In making its determination of the number of Committee Chairs which the opposition group or groups shall appoint full Council shall, so far as is reasonably practical, give effect to the following principles:-

- (a) Where there is only one opposition group the group is entitled to appoint all Committee Chairs remaining after deducting the executive allocation of Committee Chairs.
- (b) Where there are two or more opposition groups (they are when taken together) entitled to appoint all Committee Chairs remaining after deducting the executive allocation of Committee Chairs.
- (c) The proportion of the Committee Chairs which each opposition group is entitled to appoint corresponds to the proportion of members of opposition groups who are members of that group.
- (d) Where there is one opposition group that group shall appoint the number of Committee Chairs which they are entitled to appoint under paragraph 4.8(a).
- (e) Where there is more than one opposition group those groups shall appoint the number of Committee Chairs which they are entitled to appoint under Paragraph 4.8(b). The opposition groups shall choose the Committee Chairs which they wish to appoint in the order of the size of the membership of the groups from the largest to the smallest.
- (f) If opposition groups have membership of the same size the order of appointment shall be determined by agreement between those groups or in the absence of agreement by the drawing of lots.
- (g) Any appointment shall be evidenced by written notice from the leader of a group to the Chief Executive and announced to Full Council.

### **Rules of Calculation**

4.9 In calculating the number of Committee Chairs to be appointed by a political group the following rules will apply:-

- (a) The political groups' entitlement to appoint Committee Chairs shall be an entitlement to appoint a whole number of Committee Chairs.
- (b) Other than in the case of Paragraph 4.9(c) below the entitlement shall be rounded off to the nearest whole number.
- (c) In calculating the proportion of Committee Chairs to be appointed by the executive group (if there is only one such group or by the executive groups (when taken together) if there is more than one the entitlement shall be rounded down to the nearest whole number.
- (d) In paragraphs 4.9 (b) and 4.9(c) zero is to be taken to a whole number.
- (e) If the calculation carried out by the application of the rules set out in Paragraphs 4.9 (a) – 4.9(d) leaves one or more Committee Chairs unallocated to any political group the remaining Committee Chairs shall be allocated in respect of the executive allocation amongst the executive groups and amongst the opposition groups in the order in which they are underrepresented i.e. a group entitled to appoint .45 of a Committee Chair will be allocated an additional unallocated Chair in preference to a group entitled to appoint .40 of a Chair regardless of other Committee Chairs allocated to those groups.

### **Occasional Vacancies**

- 5. If circumstances arise where some but not all of the Council's Scrutiny Committee chairs fall to be appointed (other than by a political group beginning or ceasing to be an Executive Group) the full Council shall determine whether there is a difference between the number of Committee Chairs that a political group would be entitled to appoint and the number of Committee Chairs held and the relevant political group or groups may make appointments to the vacant posts to eliminate the difference.

### **Appointment by the Council with Support of all Political Groups**

- 6. As an alternative to determination under Section 70 of the Local

Government (Wales) Measure 2011 (paragraph 4 of these Procedure Rules) the Council may allocate Committee Chairs in accordance with the following requirements:-

- (a) Opposition groups appoint a greater number of Committee Chairs than they are entitled to appoint under paragraph 4.
- (b) Each opposition group is entitled to appoint at least the number of Committee chairs as they would be entitled to appoint under paragraph 4.
- (c) A resolution of full Council is passed putting such allocations in place supported by a majority of each political group.

## 7. **Definitions**

In these Procedure Rules the following terms have the meaning ascribed to them:-

“Committee Chair” has the meaning given in Section 66 of the Local Government (Wales) Measure 2011;

“Executive Group” means a political group some or all of whose members comprise, or are included in, the executive of the authority;

“Opposition Group” means a political group none of whose members are included in the executive of the authority;

“Political Groups” in relation to a local authority, means a group of members of the authority that is a political group for the purpose of Part 1 of the Local Government and Housing Act 1989.