SECTION 7

7. OVERVIEW AND SCRUTINY COMMITTEES

7.1 Introduction

7.1.1 The Council is required by law to discharge certain overview and scrutiny functions. These functions are avital component of local democracy, ensuring transparency, accountability and continuous improvement in local governance. Overview and Scrutiny Committees (this Council's are called "Scrutiny Committees") should play a crucial role in shaping Council policies and holding the Cabinet accountable for its decisions. Additionally, a key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new and innovative policies.

7.1.2 Overview and scrutiny should be conducted constructively, aiming to enhance the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Scrutiny Committees should be empowered to challenge and question decisions providing constructive criticism to drive improvements.

7.2 Scrutiny Committees

In order to achieve this, the Council has established four Scrutiny Committees each tasked with the following functions:

7.2.1 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, but with the exception of any matter which is specifically identified in the terms of reference of any other Scrutiny Committee;

7.2.2 make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;

7.2.3 review or scrutinise decisions made, or actions taken, by the Public Services Board;

7.2.4 consider any matter which affects the Council's area or its inhabitants; and

7.2.5 exercise the right to call-in for reconsideration of decisions made, but not yet implemented, by the Cabinet and Officers.

7.2.6 Review Council performance biannually in delivery of its Corporate Plan in an integrated manner.

In undertaking the above, Scrutiny Committees shall, in particular, have regard to

- compliance with Council policy;

- consideration of the need for changes to policy and/or practice;
- Continuous Improvement.

7.3 **Role, Scope and Terms of Reference**

The role, scope and terms of reference of the Scrutiny Committees are described in the table below:

Committee Title	**Scope**	
	Corporate Plan Outcomes and Objectives	**Council Functions**
Corporate Resources	Corporate Plan Outcomes and Objectives	• Corporate Policy and Performance • Communications and Participation • Customer Relations • Finance • Procurement • Property • Digital • Human Resources • Equalities (internal policy) • Welsh language (internal policy)
Place	Creating Great Places to Live, Work and Visit Respecting and Celebrating the Environment	• Economic Development and Regeneration • Tourism • Countryside and Parks • Waste Management and Cleansing • Highways & Engineering and Grounds Maintenance • Planning • Transportation • Climate and Nature • Placemaking
Start Well	Giving Everyone a Good Start in Life	• Schools • School Improvement • Post 16 Education and Training • Skills • Additional Learning Needs (ALN) • Youth Services • Families First and Flying Start • Play • Welsh (external policy)

Live Well	Supporting and Protecting Those who Need us Creating Great Places to Live, Work and Visit	• Adult Services • Children's Services • Libraries, Arts and Culture • Leisure and Sports • Adults Community Learning • Homelessness • Public Protection • Equalities (external policy)

7.4 **Specific Functions**

7.4.1 Policy Development and Review

The 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) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

(d) question Members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;

(e) 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

(f) consider the impact of policies to assess if they have made a difference.

7.4.2 Scrutiny

The 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 projects;

(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 Scrutiny Committees and local people about their activities and performance; and

(f) question and gather evidence from any person (with their consent).

7.4.3 Finance

Scrutiny Committees may exercise overall responsibility for the finances made available to them.

7.4.4 Annual Report

The work of Scrutiny will be reported annually to the Full Council highlighting its work in the Municipal year, with recommendations for their future Work Programmes alongside amendments to working methods if appropriate.

7.4.5 Officers

Scrutiny Committees may exercise overall responsibility for the Work Programme of the Officers employed to support their work; it being noted that Officers supporting the scrutiny function also undertake non-scrutiny related duties.

7.5 Head of Democratic Services

One of the roles of the Head of Democratic Services under Section 8 of the Local Government (Wales) Measure 2011 “the Measure” is to promote the role of the Council’s Scrutiny Committees and to promote support and guidance to Council Members and Officers generally about the functions of the Scrutiny Committees.

7.6 Who May Sit on Scrutiny Committees?

All Councillors except Members of the Cabinet may be Members of the Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which he/she has been directly involved.

7.7 Co-Optees

Each Scrutiny Committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people/organisations as non-voting co-optees (including on a Task and Finish Group). 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.

7.8 **Education Representatives**

The relevant Scrutiny Committee dealing with education matters shall include in its membership voting representatives of religious faiths and of parent governors, as required by law and guidance from the Senedd Cymru as follows:

(a) One Church in Wales representative;

(b) One Roman Catholic Church representative;

(c) Two parent governor representatives (one from each sector - Primary and Secondary); and

(d) One representative from other faiths or denominations.

Note: The Scrutiny Committee/sub-committee in this paragraph is the Scrutiny Committee or sub-committee of the Authority, where the Committee or sub-committee's functions relate wholly or in part to any education functions which are the responsibility of the Authority's Cabinet. If the Scrutiny Committee/ sub-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.

7.9 **Who Chairs?**

Chairs of Scrutiny Committees/sub-committees/task and finish groups will be drawn from among the Councillors sitting on the relevant Committee/sub-committee/task and finish group, and subject to this requirement the Committee/sub-committee/task and finish group may appoint such a person as it considers appropriate.

In the case of Scrutiny Committees, the appointment of the Chair of each Committee will take place at the Annual Meeting of the Council and will reflect the requirements under the Measure regarding the allocation of Scrutiny Committee Chair positions.

7.10 **Role of the Chairs of the Scrutiny Committees**

7.10.1 Chairs of the Scrutiny Committees will liaise with the Cabinet and supervise the Work Programme and identify cross-cutting themes arising from the various Scrutiny Committees.

7.10.2 In summary, therefore, the Chairs will:

(a) be accountable for delivering the way of working for scrutiny;

(b) meet regularly to monitor Work Programmes;

(c) liaise with the Cabinet on issues affecting the Scrutiny Work Programme.

7.11 **Work Programme**

The 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. They may also consider urgent and unforeseen matters not included in the Work Programme.

7.12 **Meetings**

7.12.1 Ordinary meetings of Scrutiny Committees shall be convened in accordance with the Council's timetable of meetings, set at the time of its Annual Meeting unless the Council has previously agreed a programme at an earlier meeting. 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 any four Members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

7.12.2 The quorum of a Scrutiny Committee will be one quarter of its membership (also see **Section 4.16**).

7.13 **Joint Scrutiny Committees**

Under section 58 of the Measure, regulations may be made to require 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 Section 58(1) of the Measure, as amended by Section 66(2) of the Local Government and Elections (Wales) Act 2021.

7.14 **Performance Scrutiny**

On a biannual basis, all Scrutiny Committee will be required to come together to review the Council's performance against its Corporate Plan, through both the quarterly report and Annual Self-Assessment report. This meeting will be chaired on a rotational basis between the existing Scrutiny Chairs.

7.15 **Rules of Procedure and Debate**

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

7.16 **What will be the Number and Arrangements for Scrutiny Committees?**

7.16.1 The Council will have four Scrutiny Committees as set out in the table in **Section 7.3** and will appoint to them as it considers appropriate from time to time. The Committees may appoint sub-committees or task and finish 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.

7.16.2 Each Scrutiny Committee will be chaired by a Chair appointed from the membership of that Scrutiny Committee and in accordance with the requirements of "the Measure".

(a) Membership of all Scrutiny Committees will, as far as practicable, reflect political balance requirements;

(b) the 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 Chief Officers about their views and actions on issues and proposals affecting the Vale of Glamorgan;

(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.

7.17 **Agenda Items**

7.17.1 Any Member of a particular Scrutiny Committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the that Committee or sub-committee to be included on the agenda for the next practical available meeting.

7.17.2 On receipt of such a request, so long as it is an appropriate matter to be considered, the Proper Officer will ensure that it is included on the next available agenda.

7.17.3 Any Member of the Council may give written notice to the Proper Officer that he/she wishes an item to be included on the agenda of

that Scrutiny Committee (subject to the Committee's terms of reference). If the Proper Officer receives such a notification, then he/she will include the item on the first available agenda of the relevant Scrutiny Committee for consideration by the Committee**.**

7.17.4 A 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 Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council.

7.18 Policy Review and Development

7.18.1 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 in **Section 16**.

7.18.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, a Scrutiny Committee may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference.

7.18.3 A 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.

7.19 Reports from the Scrutiny Committees

7.19.1 Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet (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). If the Scrutiny Committee report to the Council a copy of the report shall be sent to the Cabinet.

7.19.2 If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then a minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

7.20 Making Sure That Scrutiny Reports are Considered by the Cabinet

7.20.1 The agenda for Cabinet meetings shall include an item entitled

"References". The reports of 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) within six weeks of the Scrutiny Committee completing its report/recommendations.

7.20.2 Where a Scrutiny Committee or sub-committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader(s) or Council has delegated decision-making power to another individual member of the Cabinet, then the Scrutiny Committee will submit a copy of their report to him/her for consideration. At the time of doing so, the Scrutiny Committee shall serve a copy on the Proper Officer. The Member with delegated decision-making power must consider the report and respond in writing to the Scrutiny Committee within six weeks of receiving it. A copy of his/her written response to it shall be sent to the Proper Officer and the Leader(s). The Member will also attend a future meeting of the Scrutiny Committee to present their response.

7.20.3 Where a Scrutiny Committee or sub-committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader(s) or Council has delegated decision-making power to another individual member of the Cabinet, then the Scrutiny Committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Scrutiny Committee shall serve a copy on the Proper Officer and the Leader(s). If the Member with delegated decision-making power does not accept the recommendations of the Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision-making power and responding to the report in writing to the Scrutiny Committee. The Cabinet Member to whom the decision-making power has been delegated will respond to the Scrutiny Committee within six weeks of receiving it. A copy of his/her written response to it shall be sent to the Proper Officer and he/she will attend a future meeting to respond.

7.20.4 Scrutiny Committees will, in any event, have access to the Cabinet'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 at least be able to respond in the course of the Cabinet's consultation process.

7.21 Rights of Members of the Scrutiny Committees to Documents

7.21.1 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 **Section 15** of this Constitution.

7.21.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committees as appropriate, depending on the particular matter under consideration.

7.22 Members and Officers Giving Account

7.22.1 Any Scrutiny Committee or sub-committee/task and finish group 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, or the respective Chair, may require the Leader(s) and any (other) member of the Cabinet, the Chief Executive and/or any Chief Officer to attend before it to explain in relation to matters within their remit:

(a) any particular decision 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.

7.22.2 Where any Member or Chief Officer is required to attend a Scrutiny Committee/sub-committee/task and finish group under this provision, the Chair of that Committee/sub-committee/task and finish group will inform the Proper Officer. The Proper Officer shall inform the Member or Chief Officer in writing giving at least seven 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 Chief Officer concerned will be given sufficient notice to allow for preparation of that documentation.

7.22.3 Where, in exceptional circumstances, the Member or Chief Officer is unable to attend on the required date, then, in consultation with the Member or Chief Officer, an alternative date for attendance will be arranged.

7.23 Attendance by Other Members of the Council

7.23.1 A Scrutiny Committee meeting is a formal meeting of the Council and, as such, only Members of the Committee and the Scrutiny and Democratic Services Officers supporting Scrutiny should sit at the Committee table for the duration of the meeting. Other Officers/ presenters/witnesses present will only be invited to the Committee table for the duration of the item(s) for which they are required. This avoids role confusion for invited presenters/witnesses etc. who should be offered seating away from the table in the "public area" until their item.

7.23.2 Members who are not members of the Committee will be allowed to participate fully subject to the agreement of the Committee, subject to certain parameters **(see Section 3.3.4)**:

(a) such Members to be positioned in a location that, again, avoids role confusion (i.e. separate from the Committee itself);

(b) a presumption that Members of the Committee will be afforded the opportunity of raising issues/questions before any other Members present are afforded the opportunity to do so (other than where a particular Member has called-in a Cabinet decision or requested an item for consideration).

7.23.3 Individuals other than Committee Members who have not been invited to speak at the meeting should, where known, inform the Chair prior to the meeting of their wish to speak at the meeting. Whilst waiting to be called to speak, they should be seated in an area (separate from the Committee itself) to avoid role confusion.

7.23.4 The Chair will decide the appropriate time to call parties to the table (and specify time limit). Once the speaker has finished what they wish to say and the Scrutiny Committee Members, and, subsequently, any other Members have asked their questions, they will be thanked and requested to leave the table.

7.24 Attendance by Others

A Scrutiny Committee/sub-committee/task and finish group, or the respective Chair, may invite people other than those people referred to in paragraph 7.22 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.

7.25 Call-In

7.25.1 Rules

(a) Where a decision is made by the Cabinet or an individual Member of the Cabinet, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council, normally within two working days of it being made. All Members of Council will be sent copies of the records of all such decisions within the same timescale, 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 five working days after the publication of the decision, unless the Chairs of the Scrutiny Committee or any Member of the Council call-in the item.

(c) During that period the Proper Officer shall call-in a decision for scrutiny by a Scrutiny Committee, if so authorised by the Chair, and shall then notify the decision-taker of the call-in. The Proper Officer shall call a meeting of the Scrutiny Committee after consultation with the Chair of the Scrutiny Committee; the meeting of the relevant Scrutiny Committee (i.e. the Committee identified in the Cabinet report) to take place within twenty working days of receipt of the call-in request (not counting the month of August).

(d) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or 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 at the next scheduled Cabinet meeting, amending the decision or not, before adopting a final decision.

(e) If following an objection to the decision, a 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 Scrutiny Committee meeting, or the expiry of that further seven working day period, whichever is the earlier.

(f) 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 ten working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within ten working days of the Council's request.

(g) 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.

7.25.2 Call-In and Urgency

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. In this case, the procedure to be followed is set out in **Section 15.14**. 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.

7.26 **The Party Whip**

If a Member of a 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.

7.27 **Procedure at Scrutiny Committee Meetings**

(a) Scrutiny Committees and sub-committees shall consider the following business:

(i) minutes of the last meeting (for confirmation in respect of accuracy and for signature);

(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 Cabinet 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 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:

(i) that the investigation 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 investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, the Committee/sub-committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

7.28 **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 one or more other Committee, before submitting its findings to the Cabinet and/or Council for

consideration, the report of the Scrutiny Committee shall be considered by the other Committee for comment. These comments shall be incorporated into the report, which is then sent to the Cabinet or Council for consideration.

7.29 **Councillor Call for Action**

7.29.1 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".

7.29.2 Any Member may request that an item is placed on the agenda of a Scrutiny Committee for consideration.

7.29.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action – Guidance for Councillors, which can be found on the Council's website at:

https://staffnet.valeofglamorgan.gov.uk/Documents/MemberNet/Democratic-Services/2017/Councillor-Call-for-Action-Guidance.pdf

7.30 **Public Speaking at Scrutiny Committees**

The Council recognises that members of the public can make an important contribution and be a valuable source of information. The Council therefore encourages the active participation of the public within the scrutiny process in the Vale. Your "voice" at a Scrutiny Committee can be heard via two ways. If you choose, you can register to speak at a Scrutiny Committee. Alternatively, you can send in your written representations in accordance with the procedure. The Guide to Public Speaking at Scrutiny Committees can be found in **Section 20**.