

THE CONSTITUTION - 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 an essential component of local democracy. Overview and Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Executive Board to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

7.1.2 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Overview and Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

7.2 Overview and Scrutiny Committees

In order to achieve this, the Council have appointed five Scrutiny Committees which between them will:

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 Executive Board or another part of the Council;

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

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

7.2.4 exercise the right to call-in for reconsideration decisions made by the Executive Board or a Lead Member but not yet implemented.

7.3 Role, Scope and Membership

The role, scope and Membership of the Scrutiny Committees are described below

- (i) Employment, Business & Investment Scrutiny Committee (Economy) 13 Councillors

Role and Scope - To ensure that Wrexham is a place where people want to live, work, learn, visit and invest; that businesses are supported to locate and grow here and that people are able to prosper as individuals in their communities.

- (ii) Lifelong Learning Scrutiny Committee (People) 13 Councillors and 5 Co-opted Members with voting rights plus 1 Co-opted Member without voting rights

Role and Scope - To ensure that people have positive aspirations, education and potential.

- (iii) Safeguarding, Communities & Well-Being Scrutiny Committee (People and Place) 13 Councillors

Role and Scope - To ensure that the people of Wrexham feel safe and secure with sustainable attractive settlements, neighbourhoods, buildings and spaces. To ensure that vulnerable children and adults are safeguarded and have good health and well-being. To fulfil the function of the Crime and Disorder Scrutiny Committee in accordance with Section 19(1) of the Police and Justice Act 2006.

- (iv) Homes and Environment Scrutiny Committee (Place) 13 Councillors

Role and Scope - To ensure that we support the delivery of homes that meet people's needs and aspirations in well connected communities. To ensure that we are an environmentally responsible County Borough.

- (v) Customers, Performance, Resources & Governance Scrutiny Committee (Organisation) 13 Councillors

Role and Scope – To ensure that we are customer focussed and innovative, soundly organised, resourced and governed, in order to deliver the best possible outcomes for the people of Wrexham.

To scrutinise the activity of the Public Service Board (PSB) as required under the Well-being of Future Generations (Wales) Act 2015.

7.4 Specific Functions

7.4.1 Policy Development and Review

The Scrutiny Committees may:

- (a) assist the Council and the Executive Board in the development of its Budget and Policy Framework by in depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) question Members of the Executive Board and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the County Borough;
- (d) liaise with other external organisations operating in the County Borough, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (e) 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 Executive Board and/or Committees and Chief 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 Executive Board and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- (d) make recommendations to the Executive Board 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 County Borough of Wrexham 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 finance made available to them.

7.4.4 Annual Report

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

7.4.5 Task and Finish Groups

The Scrutiny Committees may appoint smaller informal task and finish groups to carry out detailed examination of particular topics for report back to them. Such groups shall be appointed for a fixed period or to complete a fixed task on the expiry of or completion of which they shall cease to exist.

7.5 Head of Democratic Services

One of the roles of the Head of Democratic Services under section 8 of The Measure is to promote the role of the Council's 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 Executive Board 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 shall be entitled to recommend to Council the appointment of a maximum of four people as non-voting co-optees. In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them.

7.8 Education Representatives

The Lifelong Learning Scrutiny Committee shall include in its Membership voting representatives of religious faiths and of parent governors, as required by law and guidance from the Welsh Government, as follows:-

7.8.1 One Church in Wales representative;

7.8.2 One Roman Catholic Church representative; and

7.8.3 Three parent governor representatives one of whom shall represent the Special Educational Needs sector who may speak and vote on education issues only.

7.9 Crime and Disorder Scrutiny Committee

In discharging its functions as the Crime and Disorder Scrutiny Committee, the Safeguarding, Communities and Well-Being Scrutiny Committee may co-opt officers, employees or members of the responsible authorities or co-operating bodies as set out in Section 5 of the Crime and Disorder Act 1998, who shall not have voting rights unless the Committee determines otherwise. Co-opted Members may be appointed for a particular matter or type of matter and membership may be withdrawn at any time by the Committee.

7.10 Who Chairs?

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

7.11 Role of the Chair and the Scrutiny Coordinating Group

The Chairs and Vice Chairs of the Scrutiny Committees will meet regularly as the Scrutiny Coordinating Group and will:-

7.11.1 appoint one of its members to act as Chair of the Scrutiny Coordinating Group and a Scrutiny Member to be designated as "Scrutiny Champion";

7.11.2 act as a steering group for the Council's scrutiny function, sharing best practice, considering methodology and developing protocols for scrutiny work in order to develop the scrutiny function;

7.11.3 be accountable for delivering improvement in the scrutiny function;

7.11.4 meet regularly to monitor work programmes, identify cross-cutting themes arising from the Scrutiny Work Programme and allocate responsibility for issues that do not fall clearly into the remit of a single Scrutiny Committee;

7.11.5 co-ordinate the scheduling of meetings which individual Scrutiny Committees decide should be all Member meetings;

7.11.6 liaise with Executive Board and Lead Members on issues affecting the Scrutiny Work Programme having regard to any agreed protocols.

7.12 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. It may also consider urgent and unforeseen matters not included in the Work Programme.

7.13 Meetings

7.13.1 Ordinary meetings of the Scrutiny Committees shall be convened in accordance with the annual calendar of meetings approved by Council at its annual meeting.

7.13.2 Extraordinary meetings may be called from time to time as follows:-

(a) in order to deal with call-ins (Section 7.23);

(b) by the Chair of a Scrutiny Committee;

(c) upon the requisition in writing signed by a quarter of the whole membership of the Scrutiny Committee, subject to a minimum of 3, setting out details of the business to be considered, delivered to the Chief Officer Governance & Customer.

The summons to an extraordinary meeting shall set out the business to be considered and no other business shall be considered at that meeting.

7.14 Joint Overview and Scrutiny Committees

Under section 58 of The Measure, regulations may be made to permit two or more local authorities to appoint a joint Overview and Scrutiny Committee. This is set out in the Local Authority (Joint Overview and Scrutiny) (Wales) Regulations 2012.

7.15 Quorum

7.15.1 The quorum for a Scrutiny Committee shall be 5 Members or one quarter of the membership of the Committee whichever is the greater.

7.15.2 The quorum of a sub-committee of a Scrutiny Committee shall be one quarter of the membership of the sub-committee subject to a minimum quorum of 3 Members.

7.16 Agenda Items

- 7.16.1 Any Member of a particular Scrutiny Committee or non-executive Member shall be entitled to give notice to the Chief Officer Governance & Customer that he wishes an item relevant to the functions of that Committee to be included on the agenda for the next available meeting. Seven working days' notice of the item should be given to the Chief Officer Governance & Customer together with sufficient information to enable the Officer to advise about the nature and purpose of the item.
- 7.16.2 On receipt of such a request, so long as it is an appropriate matter to be considered, the Chief Officer Governance & Customer will ensure that it is included on the next available agenda.
- 7.16.3 A Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and/or the Executive Board 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 Executive Board and/or Council. The Council and/or the Executive Board shall consider the report of the Scrutiny Committee within two months of receiving it.

7.17 Policy Review and Development

- 7.17.1 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 15.
- 7.17.2 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 Executive Board for developments in so far as they relate to matters within their terms of reference.
- 7.17.3 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.

7.18 Reports from the Scrutiny Committees

- 7.18.1 All formal reports from the Scrutiny Committees will be submitted to the Chief Officer Governance & Customer for consideration by the Executive Board (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

- 7.18.2 If a Scrutiny Committee cannot agree on one single final report to the Council or Executive Board as appropriate, one minority report may be prepared and submitted for consideration by the Council or Executive Board with the majority report.
- 7.18.3 The Council or Executive Board shall consider the report of a Scrutiny Committee within two months of it being submitted to the Chief Officer Governance & Customer.
- 7.18.4 All reports to Executive Board shall incorporate relevant scrutiny recommendations or comments, making it clear as to whether scrutiny recommendations have been accepted and if not, the reasons why not. In presenting the report to the Executive Board the Lead Member shall make reference to the scrutiny comments / recommendations. If timescales mean that a scrutiny recommendation cannot be included in the written report, the Lead Member shall raise them verbally.

7.19 Making sure that Overview and Scrutiny Reports are considered by the Executive Board

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

7.20 Rights of Members of the Scrutiny Committees to Documents

- 7.20.1 In addition to their rights as Councillors, Members of the 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 14 of this Constitution.
- 7.20.2 Nothing in this paragraph prevents more detailed liaison between the Executive Board and the Scrutiny Committees as appropriate depending on the particular matter under consideration.

7.21 Members and Officers Giving Account

7.21.1 The Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any Member of the Executive Board, the Chief Executive and/or any senior Officer to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance

and it is the duty of those persons to attend if so required.

7.21.2 For this purpose, senior Officer includes any Chief Officer, deputy Chief Officer and other appropriate senior Officer. Where there are concerns about the appropriateness of the Officer who should attend, the relevant Chief Officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.

7.21.3 Where any Member or Officer is required to attend a Scrutiny Committee under this provision, the Chair of that Committee will inform the Chief Officer Governance and Customer. The Chief Officer Governance & Customer shall inform the Member or Officer, if necessary in writing, giving at least 5 working days' notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

7.21.4 Where the account to be given to a Scrutiny Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

7.21.5 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.

7.22 Attendance by Others

A Scrutiny Committee may invite people other than those people referred to in paragraph 7.21 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. In all cases the Scrutiny Committee shall be clear about the purpose of seeking contributions of invitees, who may only participate in accordance with a prior written invitation.

7.23 Call-In

7.23.1 Rules

- (a) Where a decision is made by the Executive Board, an individual Member of the Executive Board or a Committee of the Executive Board or under joint arrangements, the decision shall be published by the Chief Officer Governance & Customer, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 clear working days of it being made. All Members will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless a Scrutiny Committee objects to it and calls it in for review.
- (c) During that period the Monitoring Officer shall call-in a decision for scrutiny by a Scrutiny Committee if so requested in the specified format by any five non-Executive Members and, shall then notify the decision taker of the call-in.
- (d) The notice of call-in shall:-
 - (i) set out the relevant decision(s);
 - (ii) the reasons for call-in together with all supporting evidence on which it is intended to rely;
 - (iii) be signed the five non-Executive members.
- (e) The Monitoring Officer shall refer the notice of call-in to the most appropriate Scrutiny Committee.
- (f) In the case of a call-in of an Executive Board decision, the Scrutiny Committee shall meet within a timescale which will enable any referral of the decision back to the Executive Board to be included in the statutory notice for the next scheduled meeting of the Executive Board.
- (g) In the case of a call-in of a Lead Member decision, the Scrutiny Committee shall meet within a timescale which will enable any referral of the decision back to the Lead Member to be considered within a maximum of 18 working days from publication of the original decision.
- (h) Pending consideration by the Scrutiny Committee of a notice of call-in the decision may not be implemented.
- (i) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, this shall be by way of a report submitted by the Scrutiny Committee Chair to the Executive Board or Lead Member setting out the reasons for not supporting the decision. If referred to the decision

maker they shall then reconsider within the timescales set out in paragraphs (f) and (g) above, amending the decision or not, before adopting a final decision. A decision made by either the Executive Board or a Lead Member following reconsideration in accordance with this procedure may not be subject to a further call-in.

- (j) If following the call-in of a 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 in the case of the call-in of an Executive Board decision on the date of the next scheduled meeting provided it is during the following calendar month, or the expiry of 18 working days from the date of publication of the original decision, whichever is the earlier.
- (k) The Monitoring Officer may veto any request for call-in if it falls outside the remit of this scheme.
- (l) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

7.23.2 Call-In and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.
- (b) 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.

7.24 The Party or Group Whip

If a Member of a Scrutiny Committee is subject to a party or group 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.

7.25 Procedure and Rules of Debate at Scrutiny Committee Meetings

7.25.1 A Scrutiny Committee shall consider the following business at ordinary scheduled meetings:

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) consideration of any matter referred to that Scrutiny Committee for a decision in relation to call in of a decision;

- (d) responses of the Executive Board to reports of that Scrutiny Committee;
- (e) the business otherwise set out on the agenda for the meeting.

The Rules of Debate at a Scrutiny Committee will be as set out in paragraph 4.23 of the Council Procedure Rules except that the Chair of the meeting should normally allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether as Members of a Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

7.25.2 A Scrutiny Committee may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:

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

7.25.3 Following any investigation or review, a Scrutiny Committee shall prepare a report, for submission to the Executive Board and/or Council as appropriate and shall make its report and findings public.

7.26 Voting at meetings

7.26.1 Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

7.26.2 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

7.26.3 Voting shall be by show of hands.

7.27 Councillor Call for Action

7.27.1 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".

7.27.2 Any Member may request that an item is placed on the agenda of a Scrutiny Committee for consideration. In making any such request a Member shall have first exhausted other options to resolve the issue and shall adhere to the relevant statutory guidance.