

## Article 6 – Scrutiny Committees

6.1 There will be five Scrutiny Committees with the membership as indicated.

TITLE	MEMBERS	RESPONSIBILITIES
Corporate Performance & Resources	<u>13 Members</u>	<p>The Scrutiny Committee is responsible for the scrutiny of Cabinet and the following Cabinet Portfolios and their respective service areas:-:</p> <ul style="list-style-type: none"> <li>• Leader</li> <li>• <b>Deputy Leader (not including Homes)</b></li> <li>• Resources</li> <li>• Organisation and Workforce</li> </ul>
Place, Sustainability & Climate Change	<u>13 Members</u> (The Committee may also co-opt non-voting employees, officers or members of Responsible Authorities or Co-operating persons or bodies in respect of its crime and disorder functions, subject to the provisions of the Crime and Disorder (Overview and Scrutiny) Regulations 2009)	<p>The Scrutiny Committee is responsible for the scrutiny of Cabinet and the following Cabinet Portfolios and their respective service areas:-:</p> <ul style="list-style-type: none"> <li>• Transport, Waste and Infrastructure Services</li> <li>• Climate Change, Decarbonisation and Sustainability</li> </ul>

TITLE	MEMBERS	RESPONSIBILITIES
Communities, Homes and Regeneration	<u>13 Members</u>	<p>The Scrutiny Committee is responsible for the scrutiny of Cabinet and the following Cabinet Portfolios and their respective service areas:-</p> <p>:</p> <ul style="list-style-type: none"> <li>• Homes (not including Deputy Leader element)</li> <li>• Rural Affairs and Planning Policy</li> <li>• Regeneration, Leisure, Culture and Tourism</li> </ul>
Health and Social Services	<u>14 Members</u>	<p>The Scrutiny Committee is responsible for the scrutiny of Cabinet and the following Cabinet Portfolios and their respective service areas:-</p> <p>:</p> <ul style="list-style-type: none"> <li>• Health and Social Services</li> </ul>
Education, Young People and the Welsh Language	<u>14 Members</u> + 5 Voting Co-opted Members : 3 elected parent governors 1 Church in Wales rep 1 Roman Catholic Church rep	<p>The Scrutiny Committee is responsible for the scrutiny of Cabinet and the following Cabinet Portfolios and their respective service areas:-</p> <p>:</p> <ul style="list-style-type: none"> <li>• Education and the Welsh Language.</li> </ul>

**6.2 Generic Terms of Reference for all Scrutiny Committees** (except in the case of the Corporate Performance & Resources Scrutiny Committee and the Place, Sustainability & Climate Change Scrutiny Committee When Exercising powers in relation to crime and disorder as referred to below in Paras. 6.3 and 6.4 respectively).

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

1. To develop and publish an annual forward work programme, identifying issues and reports to be considered during the course of a municipal year, taking into account the Council's Forward Work Programme.
2. To review and/or scrutinise decisions made or actions taken in connection with the discharge by the Cabinet and/or the Council of any of their functions and to make reports to the Council and/or the Cabinet in connection with the discharge of any functions.
3. To exercise the right to call-in decisions as set out in paragraph 6.7 of this Article.
4. To monitor performance of the Cabinet/Authority in delivering key targets and objectives through the receipt of regular performance monitoring reports.
5. To scrutinise the development and implementation of service business plans including the monitoring of progress against specified actions and targets.
6. To monitor progress in the undertaking of WA reviews including the recommendation of future service options/performance targets to Cabinet/Council and the monitoring of subsequent action plans.
7. To undertake reviews as requested by the Cabinet in response to issues highlighted by the annual risk assessment.
8. To participate in consideration of the authority's budget-setting process.
9. To contribute to the Authority's policy development and review process including the proposing of amendments to the Cabinet and/or Council as appropriate.
10. To receive requests from the Cabinet/Cabinet Members to contribute to the executive's decision making process by undertaking reviews of current policies/service provision and formulating views on proposed new policies or legislation.

11. To undertake independent research through Task & Finish Groups, One Day Inquiries etc. with the aim of supporting improvements in service delivery and contributing to the Council's policy development and reviews.
12. To undertake further independent research with the aim of supporting improvements in service delivery (to also undertake requests received from the Cabinet in this area).
13. To refer issues to Cabinet / other Scrutiny Committees for consideration (supported by evidence based reports and proposals).
14. To consider any matter affecting the area or its inhabitants with respect to their specific remit.
15. To question members of the Cabinet and/or Committees and Chief Officers and partners about their views on issues and proposals affecting the area.
16. To prepare an Annual Report giving an account of the Committee's activities over the previous year.
17. Each Scrutiny Committee is also responsible for monitoring the activities of and liaising with relevant external and partnership organisations operating in Carmarthenshire to ensure that the interests of local people are enhanced by collaborative working.

### **6.3 Specific *Additional* Terms of Reference for the Corporate Performance & Resources Scrutiny Committee**

Where matters fall within the remit of more than one Scrutiny Committee, to determine the issue following consideration of the Committees' reports and presentations by the appropriate Chairs where the Chief Executive deems this appropriate.

To resolve any issues of dispute between scrutiny committees.

To contribute to the authority's policy development and review process in respect of corporate and cross-cutting issues.

To contribute to the development and monitoring of the Corporate and Community Strategies.

To scrutinise the Authority's Improvement Plan including specified performance targets.

To scrutinise and monitor the Council's overall performance against a set of key targets and objectives through receipt of regular performance monitoring reports.

To consider and contribute to the Council's response to reviews including the undertaking of cross-cutting reviews and scrutinising progress and issues emerging from annual risk assessment. (Note scrutiny provides the discussion and debate on which improvement depends, and audit provides assurance upon the fitness and operation of the council's systems and processes)

To monitor delivery of the Council's efficiency programme.

To scrutinise the work of the Carmarthenshire Public Service Board (in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015

#### **6.4 Specific *Additional* Terms of Reference where the Place, Sustainability & Climate Change Scrutiny Committee is considering the exercise of powers relating to crime and disorder**

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

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

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

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

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

To provide a copy of any committee report or recommendations to the member concerned (in respect of a local crime and disorder matter) and to such responsible and co-operating persons or bodies, as it thinks appropriate.

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

## **6.5 Membership**

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

## **6.6 Proceedings of Scrutiny Committees**

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

These arrangements require that:

Any member of a Scrutiny Committee may between meetings ensure that any matter relevant to the remit of their Committee is placed on the agenda of that Committee for discussion and decision as to whether the Committee wishes to consider the matter further.

On receipt of such a request the Chief Executive will ensure that it is included on the next appropriate agenda.

Each Scrutiny Committee will be subject to the political balance rules as set out in the Local Government and Housing Act 1989.

Scrutiny Committees will meet in public except in circumstances where the committee decides that confidential or exempt information are to be discussed.

Scrutiny Committees can request members of the executive board to attend their meeting and assist them. (This power does not relate solely to scrutiny of decisions taken and can also be used to ask a Cabinet Member, for example, about forthcoming issues, provided due notice is given.)

## **6.7 Call-in Procedures**

Any three Council members can “call in” an executive decision. A decision can be “called in” provided:

- i. that it is not an urgent matter (i.e. where there is a threat to life or where the Council's financial or other interests, or the rights or interests of others, would be threatened if there were any delay);
- ii. that it is not in respect of matters which have previously been called in; or
- iii. that it will not result in unlawful delay in the making of the budget.

Except in cases of urgency, a decision taken by the Cabinet or by an individual Cabinet Member will not take effect until five clear working days after the decision is published on the Authority's website and circulated via e-mail to all members.

This gives three members the opportunity to exercise the right to 'call in' the decision by requesting the Chief Executive to call a meeting of the relevant Scrutiny committee to consider the decision.

This is achieved by sending to the Chief Executive or her designated officer (Head of Democratic Services) within the five clear working days stipulated period a requisition / e-mail signed by no less than three members asking that the matter be "called in" and providing their reasons therefore.

Arrangements will then be made for a meeting of the relevant Scrutiny Committee to be convened within 10 working days of receipt of the request to call the matter(s) in. Members who have exercised the 'call in' may be asked to appear before the Committee to expand on the reasons for the 'call in' and to provide evidence to support their request.

Following consideration of the matter(s) called in the Scrutiny Committee can decide:

- i. Not to object to the decision, in which case it takes effect immediately;
- ii. To refer the decision back to the Cabinet, relevant Cabinet Member or Officer (whichever is the original decision maker) for further consideration, who may then amend the decision or after re-consideration, implement it without amendment. The decision then takes effect immediately and is not subject to further call-in;
- iii. Dependent upon the extent to which the scrutiny committee's concerns relate to the specified circumstances identified above, to refer the decision to the County Council if, for example, the decision appears to represent a departure from a policy agreed by the Council.

The 'call in' process will be reviewed on an annual basis by the Cross Party Constitutional Review Working Group with any suggested amendments considered at the Annual Meeting of the Council.

## **6.8 Roles and functions of the Chairs, Vice Chairs and members of Scrutiny Committees**

The Job Profile and Person Specifications for the Chair, Vice Chair and members of the Scrutiny Committees can be found in the Councillors and Co-opted Members' Allowances Scheme (Part 6.1 of this Constitution).

Updated at Council 28/09/2022

\* Please also refer to Part 5.7

