



# **GUIDE TO OVERVIEW AND SCRUTINY FOR MEMBERS AND OFFICERS**

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## **Introduction and Background**

Overview and Scrutiny Committees were introduced as a result of the Local Government Act 2000, when changes made to political structures within Councils allowed for the establishment of a Leader and Cabinet (or Executive) model, as well as at least one Overview and Scrutiny Committee.

Within this structure, the role of Overview and Scrutiny Committees is for non-Executive Members to hold the Executive to account, by reviewing, investigating and challenging decisions, contributing to Policy development and monitoring performance. The aim of scrutiny is to:

- Improve the Council's performance
- Ensure that services delivered by the Council provide value for money
- Ensure that Council services are receptive to local needs
- Engage with the public and communities about decisions which affect them

Overview and Scrutiny Committees cannot make decisions; they can only make recommendations to the Executive or the Council.

Pembrokeshire has five Overview and Scrutiny Committees:

- Corporate
- Services
- Policy and Pre-decision
- Social Care
- Schools and Learning

Each Committee has 13 members and is politically balanced to reflect the composition of the Council. The Schools and Learning Overview and Scrutiny Committee, has four additional statutory co-optees as follows:

- One Church of Wales diocese representative
- One Roman Catholic diocese representative
- Two Parent Governor representatives

Further information on political balances can be found in the Council's [Constitution](#).

## **Terms of Reference and areas of responsibility of Overview and Scrutiny Committees**

The terms of reference and areas of responsibility of each of the Overview and Scrutiny Committees are as follows:

## **Corporate Overview and Scrutiny Committee**

The role of the Corporate Overview and Scrutiny Committee is to review and scrutinise corporate functions and support services.

The Committee will have oversight of the overall strategic direction, policies, plans and priorities of the Cabinet and Council (post-decision) and monitor their implementation. The Committee will also scrutinise corporate services by using relevant management information such as Service Improvement Plans and Business Risk Registers. Any areas of specific concern may be referred to the Services Overview and Scrutiny Committee as appropriate. In addition, the Committee will have oversight of the work of the Public Services Board (PSB) and Community Safety Partnership (CSP) through a standing Partnerships Panel.

The remit and scope of the Committee in relation to Corporate functions and services is as follows:

### Corporate functions

- Office of the Leader
- Cabinet Member annual reports
- Chief Executive
- Budget Monitoring (half yearly)
- Corporate Performance Monitoring (quarterly)
- Corporate planning Improvement Plan and review
- Compliance with the Well-being of Future Generations Act
- Wales Audit Office corporate reports
- Welsh Language
- Risk Management
- Corporate Safeguarding
- Whistleblowing
- Transformation programme management
- City Deal programme management

### Corporate services

- Financial Services
- Information Technology
- Audit, Risk and Information Services
- Customer Services
- Human Resources
- Legal and Committee Services
- Procurement
- Corporate Policy
- Corporate communications, Press, PR & Marketing
- Electoral Services

## **Services Overview and Scrutiny Committee**

The role of the Services Overview and Scrutiny Committee is to review and scrutinise public facing services delivered by the Council, with the exception of those relating to Schools and Learning or Social Care which are covered by specific Committees.

The Committee will scrutinise the quality and performance of services delivered by the Council to the public by using relevant management information such as Service Improvement Plans, Business Risk Registers and performance measures.

The remit and scope of the Committee relates to scrutiny of the following Council services:

- Infrastructure
- Environment and Civil Contingencies
- Housing
- Building Maintenance
- Planning
- Property
- Public Protection
- Economic Development and Regeneration
- Cultural Services
- Leisure Services
- Revenues and Benefits

## **Policy and Pre-decision Overview and Scrutiny Committee**

The role of the Policy and Pre-decision Overview and Scrutiny Committee is to review and scrutinise policies, plans and strategies prior to decision by Cabinet.

The Committee will undertake pre-decision scrutiny in order to contribute to the quality and robustness of Cabinet decision-making. A further function of the Committee is to ensure that Cabinet decision making is compliant with the Well-being of Future Generations (Wales) Act 2015 and takes account of the 'sustainable development' principle and five ways of working (long term, preventative, involving, collaborative and integrated) as well as other statutory requirements as appropriate (e.g. Equality Act 2010).

The remit and scope of the Committee is as follows:

- Cabinet forward work programme
- Proposals for service changes, transformation and/or efficiencies
- Integrated Impact Assessments
- Strategies and plans (as appropriate)
- Development of and planning for annual budget and Council tax proposals through the Finance Panel

## **Social Care Overview and Scrutiny Committee**

The role of the Social Care Overview and Scrutiny Committee is to review and scrutinise services relating to the care, support and well-being needs of children and adults.

The Committee will scrutinise the quality and performance of all Social Care related services delivered by the Council, by using relevant management information such as Service Improvement Plans, Business Risk Registers and performance measures, and will look at the following areas:

- Adult Care
- Children's Services
- Strategic Joint Commissioning
- Carers
- Integrated services and well-being
- Domiciliary care
- Work with third sector
- Compliance with the Social Services and Well-being Act
- West Wales Care Partnership
- Regional Safeguarding
- Regional Fostering
- Regional Adoption

## **Schools and Learning Overview and Scrutiny Committee**

The role of the Schools and Learning Overview and Scrutiny Committee is to review and scrutinise services delivered to improve outcomes for children and young people, youth support and other community based services, including Adult Learning. It will support the raising of educational standards and outcomes for learners.

The remit and scope of the Committee is as follows:

- Educational outcomes, particularly at Key Stage 4
- School performance, including support provided to schools
- School categorisation
- School support through Regional Working (ERW)
- Individual schools (via a School Scrutiny Panel)
- Inclusion services
- Youth Support and other community based services (including adult learning)
- Post-16 learning, skills and training
- Memorandum Of Understanding with Pembrokeshire College
- Music Service
- Sports Development
- Children's voice and participation
- Financial information relating to schools and learning
- Safeguarding in Education

## **Scrutiny of Strategic Partnerships**

The Council supports a number of strategic partnerships both financially and with officer time. Scrutiny of Strategic Partnerships came under the remit of the Partnerships Overview and Scrutiny Committee until it was disbanded in 2019. Responsibility for oversight of these partnerships now falls under the remit of individual Committees, as follows:

### **Corporate**

- Swansea Bay City Deal
- Pembrokeshire Public Services Board (through the Partnerships Panel)
- Safer Pembrokeshire Community Safety Partnership (through the Partnerships Panel)
- Regional Learning and Skills Partnership

### **Services**

- Pembrokeshire Nature Partnership
- Pembrokeshire Housing Register Partnership
- Regional Substance Misuse Area Planning Board

### **Schools and Learning**

- ERW
- Pembrokeshire College

### **Social Care**

- West Wales Care Partnership
- Health, Social Services and Wellbeing Commissioning Partnership Board
- Mid and West Wales Regional Safeguarding Board: Adults
- Mid and West Wales Regional Safeguarding Board: Children
- Three-Counties Carers Officers Group
- Mid and West Wales Adoption Service

## **The Role of Chairs, Vice-Chairs and members of Overview and Scrutiny Committees**

### *Chairs and Vice-Chairs*

Chairs and Vice-Chairs of Overview and Scrutiny Committees should work together to support the work of their Committee, through:

- prioritising the work of the Committee
- ensuring Committee members are engaged and have the opportunity to contribute and have their views heard
- working closely with officers to agree the business for each meeting and set the agendas

## *Committee Members*

The following list outlines what a Scrutiny Member should and should not do to ensure that the scrutiny function is discharged successfully and ensure the aims of scrutiny are met:

- ensure that they understand their role fully, so that they are able to contribute at meetings and be part of the 'critical friend' process
- not use meetings to pursue personal agendas or air individual grievances
- prepare for meetings by reading papers, making notes and formulating challenging questions
- not raise subjects that are not on the agenda
- ask positive and challenging questions
- not make statements rather than ask questions, or try to score political points
- contribute to setting forward work programmes and be prepared to assist in any Task and Finish groups
- try to ensure that they attend every meeting.

## **Committee Meetings**

Each Committee holds at least five ordinary meetings per year. The quorum for an Overview and Scrutiny Committee is half of its voting members. Joint meetings of two or more Committees can be held when appropriate. Meetings are open to the public, apart from when information of a confidential or exempt nature forms part of an agenda, when the public will be excluded from the meeting whilst the item concerned is being discussed.

Agendas and papers are available three working days in advance of a meeting and minutes of meetings will be placed on the Council's website within 15 working days following the date of an Overview and Scrutiny Committee meeting.

## **Other meetings**

In some cases, meetings outside of the normal calendar may be held. These are not normal Committee meetings and are usually held for planning or preparation purposes only.

Pre-meetings – If a particularly complex or sensitive subject is to be considered by a Committee, the Chair and Vice-Chair (and other Members of the Committee as appropriate) may meet with Officers to discuss the approach that will be taken at the meeting, for example, who particular questions should be directed to should they arise or to identify appropriate lines of enquiry to ensure best use is made of the Committee's time.

Planning meetings – These may involve Chair, Vice-Chair, Director or Head of Service and Officers. The purpose of these meetings is to plan agendas for upcoming Committee meetings based on the Committee's forward work programme, whilst ensuring that the Chair and Vice-Chair take into consideration relevant information regarding the timing of individual items during the year, for example, to coincide with a consultation exercise.

Briefing meetings – These may involve the Chair of the Committee and Democratic and Scrutiny Support Officer and the purpose of these meetings is to run through the agenda and reports for the next meeting once they are published, to make the Chair aware of who will be attending for each item and to provide general support to the Chair in his/her role.

### **Attendance at meetings**

Officers regularly attend Overview and Scrutiny Committee meetings to present information or provide oral updates on items within the Committee's work programme. Officers and Members may also be requested to attend meetings to give account on any item under discussion within a Committee's remit.

Non-Overview and Scrutiny Committee Members may, with the prior consent of the Committee Chairman, be allowed to present evidence at Committee meetings where this is relevant to his/her Electoral Division as Local Member and also relevant to the presented agenda, for example, when Notices of Motion (NoM) are being discussed the Councillor that submitted the NoM will usually be allowed to present it to the Committee. Non-Overview and Scrutiny Committee Members may also, again with the prior consent of the Committee Chairman, ask questions when presentations are made to Committees.

Overview and Scrutiny Committees have support from officers who provides advice and guidance to the Chair, Vice-Chair and Committee members and to any working groups established to undertake detailed investigations into particular areas of the work programme. The officers are involved with organising training for Committee members and also coordinate the preparation and gathering of reports for consideration at Committee meetings.

Members of the public are able to attend all meetings unless confidential or exempt information is being discussed.

### **Filming and Audio Recording at Meetings**

The Council permits filming and audio recording at meetings which are held in public. The Chair shall, at the commencement of the meeting, confirm to those present that the meeting, or parts of the meeting, may be filmed or audio recorded. Notices to this effect will also be placed inside and outside the meeting room.

The press and public will be excluded when information of a confidential or exempt nature is due to be discussed and the right to film or audio record meetings will be removed. Where a member of the public or representative of an external body is due to speak at a meeting, the Chair must ask each individual to provide their express permission to be filmed and/or recorded speaking. Filming or audio recording will not take place if the individual concerned objects.

### **Work Programme setting**

Each Overview and Scrutiny Committee has a forward work programme which provides details of what the Committee will scrutinise over a 12-month period. Work programmes consist of, for example:

- items that will be, or have been, considered by Cabinet (pre and post decision scrutiny)
- departmental performance monitoring
- financial information/budget proposals
- items of interest or concern to Committee members

Members of the public and other interested stakeholders may also put forward suggestions for items to be discussed by Overview and Scrutiny Committees. For these reasons, forward work programmes are designed to be flexible and are reviewed at each meeting and updated when necessary. They may also change to accommodate issues that may arise within the year and which are within the remit of Overview and Scrutiny Committees.

### **Call-in Procedure**

Members have the power to challenge decisions made by Cabinet or a Cabinet Member. Such a decision can be called-in by an Overview and Scrutiny Committee Chairman, by at least four members of the same Overview and Scrutiny Committee or by any six elected Members of Council. A flow chart showing the Call-In procedure process can be found in Appendix A.

### **Committee Working Groups**

Overview and Scrutiny Committees may establish Working or Task and Finish Groups if they consider that a review of a particular issue or subject is required. Group members will be identified by the Committee (or Committees if the issue/subject is considered to be within the remit of more than one Committee). The number of times a Group will meet will depend upon the nature of the issue/subject to be reviewed. Support will be provided at Task and Finish Group meetings by the Democratic Services and Scrutiny Support Team and the relevant Cabinet Member where appropriate.

### **Overview and Scrutiny Annual Report**

Overview and Scrutiny Committees produce an annual report which provides an integrated review of the work of Committees over the previous year. The reports focuses on the work the Committees have carried out, the difference the work of each Committee has made, key outcomes, training and development undertaken by Committee members, and challenges for the Committees in the year ahead. The Overview and Scrutiny Annual Report is reported to Council and can be viewed on the Council's Overview and Scrutiny web pages.

### **Public Engagement**

Scrutiny provides opportunities for members of the public to get involved with the work of the Council.

If there is a topic that a member of the public feels strongly about or one in which they have a particular area of expertise, a request can be made to the Chair to speak at an Overview and Scrutiny Committee meeting. A protocol is available on our Scrutiny web pages which explains how this process works.

Section 62 of the Local Government (Wales) Measure 2011 places a requirement on local authorities to make arrangements that enable all persons who live or work in the area to bring to the attention of the relevant overview and scrutiny committees their views on any matter under consideration by the committee. Overview and Scrutiny Committees are required to consider any relevant views submitted. A form is available on the Council's Overview and Scrutiny web pages to enable people to submit their views.

Members of the public who live or work in the area may also suggest topics for consideration by Overview and Scrutiny and provide either oral or written evidence if the suggested topic is accepted for consideration, and if required by the Committee.

## **Protocols**

Protocols are put in place to ensure there is consistency and clarity in managing the work of Overview and Scrutiny Committees and how they operate.

### *Cabinet/SLTT Protocol*

This protocol relates to items referred to Overview and Scrutiny either by Cabinet or by the Senior Leadership Team (SLT). Its purpose is to ensure that the Committee, and specifically the Committee Chair, retains overall management of their work programme and to provide a rationale for any items that are not accepted as appropriate for consideration. A copy of the protocol can be found at Appendix B.

### *Correspondence Protocol*

This protocol relates to Council, Cabinet and Overview and Scrutiny Committees. Its purpose is to ensure that the correct officer drafts correspondence when a resolution requires that correspondence be issued, and that a record of the response to the correspondence is kept, circulated to the correct individual/s and that action is taken as appropriate. A copy of the protocol can be found at Appendix C.

### *Protocol for public speaking at Overview and Scrutiny Committees*

This protocol sets out how requests from members of the public to speak at Overview and Scrutiny Committee meetings will be dealt with and how the meeting itself will be managed. A copy of the protocol can be found at Appendix D.

### *Protocol for the relationship between Overview and Scrutiny Committees and Cabinet*

This protocol sets out the respective roles and expected behaviours of Overview and Scrutiny Committee Members and Cabinet Members and provides guidance on what both parties should expect from each other from their respective involvement in the Overview and Scrutiny process.

It also recognises the distinct and separate responsibilities of Cabinet and Overview and Scrutiny Committees and the importance of mutually respectful relationships, which can

make a positive contribution to the overall effectiveness of the Council's governance and decision-making framework. A copy of the protocol can be found at Appendix E.

## **Democratic and Scrutiny Services Officer Contact Details**

Contact details for the team are as follows:

Susan Sanders  
Democratic and Scrutiny Services Manager  
[Susan.sanders@pembrokeshire.gov.uk](mailto:Susan.sanders@pembrokeshire.gov.uk)  
01437 775719

Jenny Captao  
Democratic and Scrutiny Services Officer  
[Jenny.captiao@pembrokeshire.gov.uk](mailto:Jenny.captiao@pembrokeshire.gov.uk)  
01437 775355

Lydia Evans  
Democratic and Scrutiny Services Officer  
[Lydia.evans@pembrokeshire.gov.uk](mailto:Lydia.evans@pembrokeshire.gov.uk)  
01437 775356

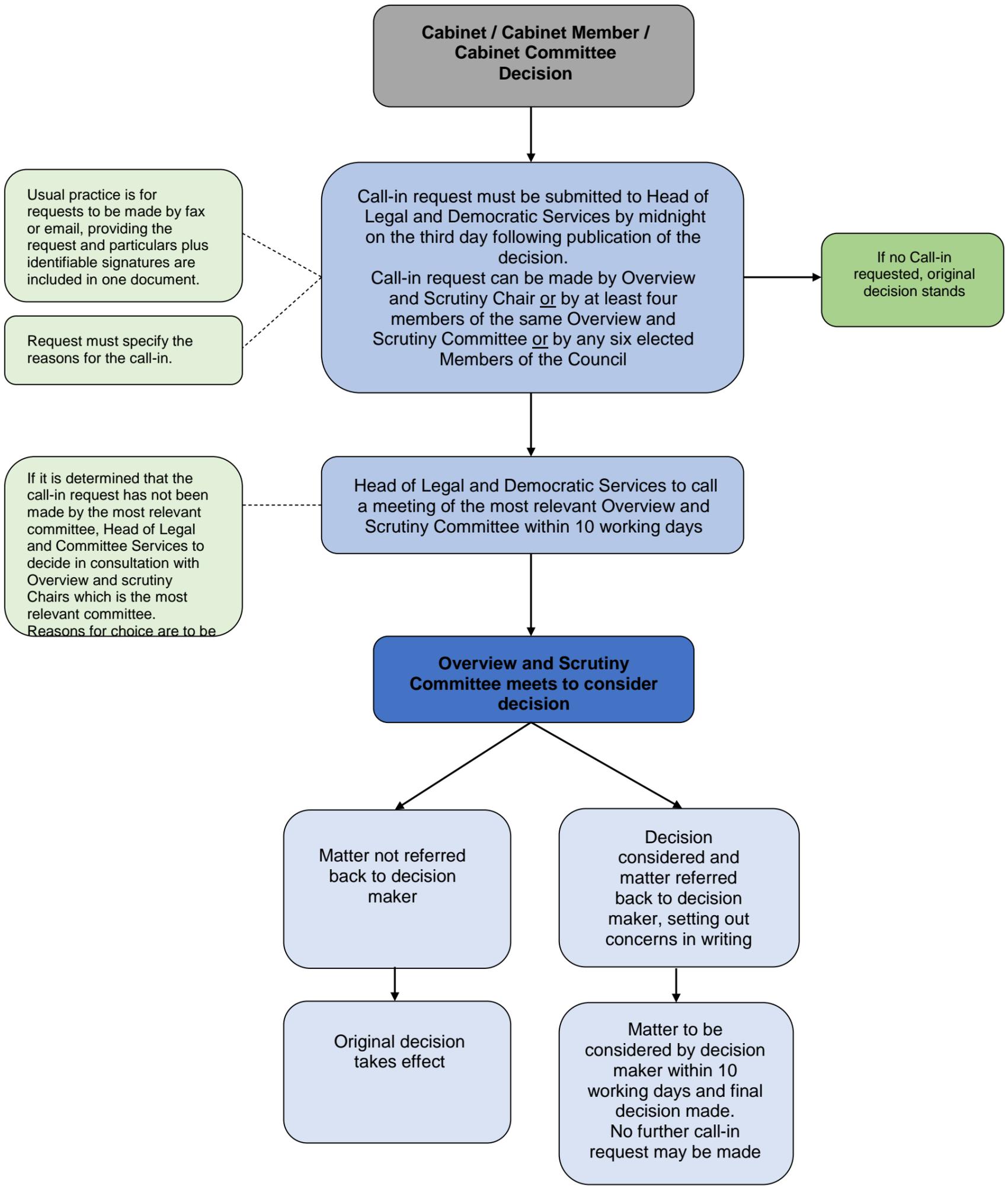
Jackie Thomas  
Democratic and Scrutiny Services Officer  
[Jackie.thomas@pembrokeshire.gov.uk](mailto:Jackie.thomas@pembrokeshire.gov.uk)  
01437 776292

Elieze Hinchcliffe  
Democratic Services Assistant  
[Elieze.hinchcliffe@pembrokeshire.gov.uk](mailto:Elieze.hinchcliffe@pembrokeshire.gov.uk)  
01437 775718

[committeeservices@pembrokeshire.gov.uk](mailto:committeeservices@pembrokeshire.gov.uk)

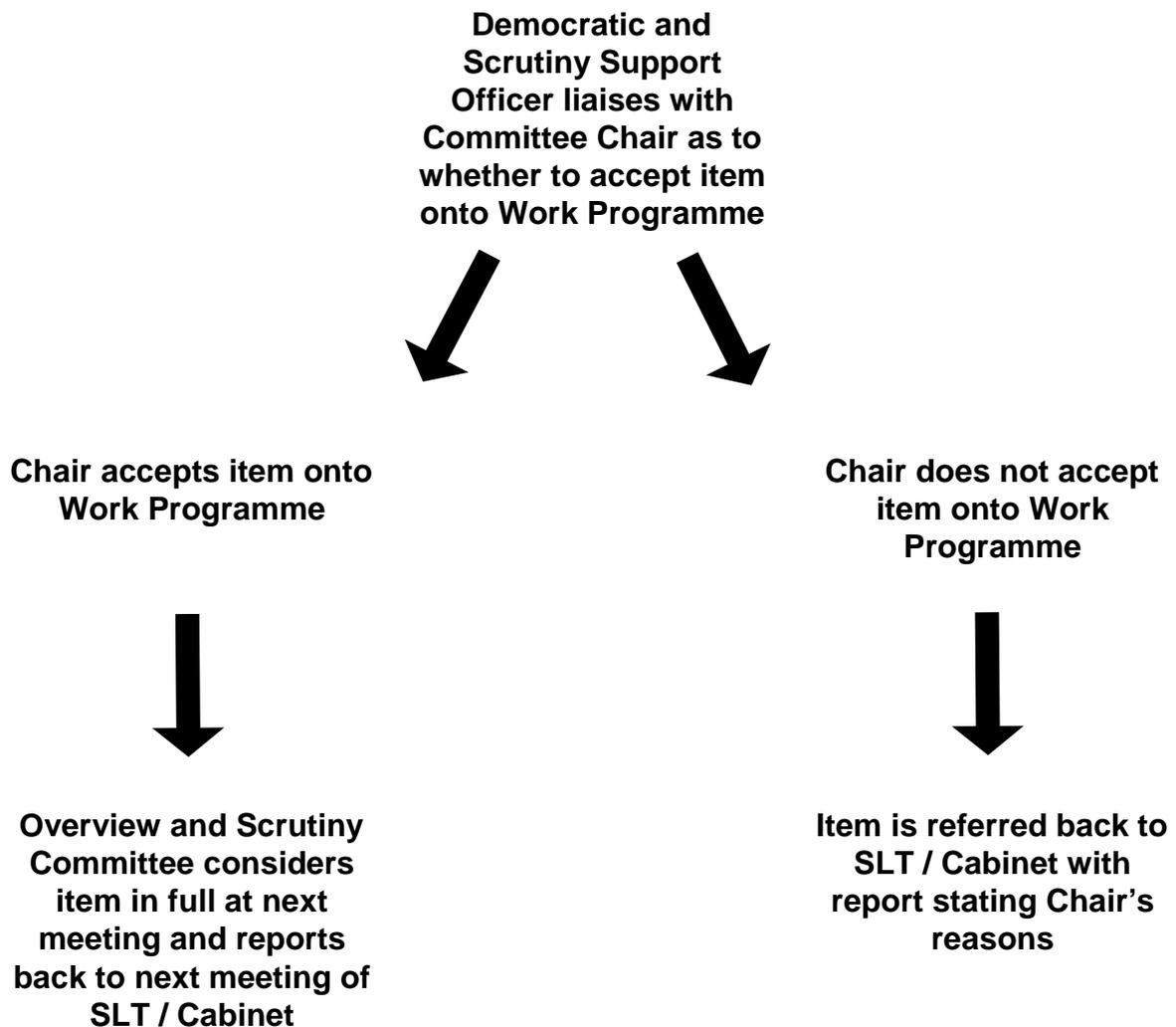
## CALL-IN PROCEDURE

*The call-in procedure set out below shall not apply where the decision made has been recorded as urgent*



**(See Section 7, pt.18 of Pembrokeshire County Council Constitution.)**

## PROCESS FOR REFERRAL OF ITEMS FROM CMT OR CABINET TO OVERVIEW AND SCRUTINY COMMITTEES



## **PROTOCOL FOR CORRESPONDENCE FROM COUNCIL/CABINET/COMMITTEE**

**In the event that Council, Cabinet or a Committee resolution requires correspondence to be issued, the following protocol will be followed;**

- **The Council/Cabinet/Committee resolution will detail**
  - **A clear purpose for the correspondence - A named signatory (Head of Service or above and Chair of appropriate Committee)**
  - **A named recipient (individual and / or organisation)**
  - **An issue date**
  
- **The Head of Legal and Democratic Services will coordinate and oversee the drafting of the letter including all necessary consultation with Members/Officers. This will include assigning the most appropriate author**
  
- **On receipt of the response, the named signatory will forward the correspondence to the Chairman of the Council/Cabinet/Committee where the resolution was made for onward circulation at the Chair's discretion and appropriate action in conjunction with the Head of Legal and Democratic Services**
  
- **A record of all such correspondence will be kept by the Committee Services Manager**

## **Protocol for Public Speaking at Overview and Scrutiny Committee Meetings (including Joint Overview and Scrutiny Committee meetings and Call-ins)**

### **Introduction**

The Council's Overview and Scrutiny (O & S) Committees play a vital role in improving public services, promoting the well-being of local communities, championing the concerns of citizens and increasing the accountability of decision-making in an open and transparent way. Members of the public make an important contribution to the process and provide a valuable source of information and evidence for an O & S Committee in undertaking its functions.

Pembrokeshire County Council encourages the active participation of its citizens whenever possible and there are a number of ways the public can engage in the work of our O & S Committees. For example, you may request to attend and speak at an O & S meeting if the Committee is looking at a topic you feel particularly strongly about. Similarly, a Committee may invite you to attend a meeting to provide evidence on an issue it is considering (for example, when a Council decision might have a significant impact on its citizens).

The following protocol provides guidance to members of the public who submit a question and are invited to speak at O & S meetings, or who are invited by a Committee to give evidence.

### **How to submit a request to speak at an O & S Committee meeting**

There is an opportunity for members of the public to speak at O & S meetings in respect of an item on a Committee's work programme or on a specific agenda item. Scheduled meeting dates are published on the Council's website at the beginning of a municipal year giving notice as to when a Committee will meet.

The main sources of information for people of how to get involved in the scrutiny process are Committee forward work programmes. These set out the purpose and focus of scrutiny topics and the meeting date at which the topic will be considered. Forward work programmes are available on the Council website and give advance notice to the public of opportunities to get involved in the scrutiny process.

In addition, the agenda and reports for specific meetings are available for the public to view on the Pembrokeshire County Council website at least 3 clear working days before the meeting.

1. Members of the public who wish to speak or provide a written submission for consideration on a specific agenda item should submit written representations (requesting the right to speak, identifying which Committee, and outlining what you wish to speak about) to the Democratic and Scrutiny Support Team at least two clear working days before the Committee meeting. The deadline will be strictly adhered to. Such requests should be

sent to committeeservices@pembrokeshire.gov.uk or by letter to: Democratic Services, Pembrokeshire County Council, County Hall, Haverfordwest, SA611TP. Forms can also be found on the Council's website at:

[http://www.pembrokeshire.gov.uk/content.asp?nav=101,2159&parent\\_directory\\_id=646](http://www.pembrokeshire.gov.uk/content.asp?nav=101,2159&parent_directory_id=646).

2. Requests to speak at a meeting on a specific topic will be acknowledged on receipt. There is no automatic presumption that guarantees any party that they will be allowed to speak and the Chairman of the relevant Committee will decide whether to grant the request having consideration of the relevancy of the request to the Committee's work programme or to a particular agenda topic.
3. If there are a number of people who make requests to speak on the same topic they might be asked to nominate a single spokesperson to speak on everyone's behalf.

### **Providing evidence at an O & S Committee meeting**

4. An O & S Committee may invite members of the public to provide evidence and to discuss issues of concern as part of its scrutiny of an issue, particularly if the subject matter is of local significance. It may, for example, wish to hear from residents, Members, businesses or any relevant stakeholder in regards to how Council decisions might impact on citizens and stakeholders. If an invitee does not wish to attend then there is no requirement to do so.
5. When the Committee invites a person to attend a Committee meeting, the person will be contacted by telephone in the first instance to ensure they are able to attend the meeting. This will be followed by an invitation in writing by letter or e-mail, giving the maximum possible notice prior to the relevant Committee. The letter will inform the person of the subject being scrutinised, the nature of the item on which the person is invited to give evidence, and where appropriate, a list of questions to be answered. Where relevant, it will also state whether any documents or written reports are required to be produced for the Committee. Following the meeting, the person will be advised on the outcome of the Committee's deliberations, together with any recommendations emerging from its considerations.

### **Public speaking at an O & S Committee meeting when a decision has been called-in**

6. O & S Committees can also monitor the decisions of the Executive (Cabinet) through a procedure known as 'call-in'. This enables a Committee to consider whether a decision made by the Executive (but not yet implemented) is appropriate. Following a call-in, a Committee may recommend that the Executive reconsider the decision.
7. Members of the public may speak at an O & S Committee meeting when a decision has been called-in. The same process as above will apply with regard to submitting a request to speak at such a meeting. Following the Head of Legal & Democratic Service's decision to call-in the date of the Committee meeting will be posted on the Council's website at:

Please be aware that there is often a tight timescale between the Cabinet decision and the meeting of the relevant O & S Committee that considers the call-in.

### **What to expect at a Committee meeting**

8. The Chair of the Committee will introduce those invited to speak at the Committee meeting. The Chair will also provide an overview of the item under investigation, including the aims, objectives and timescale of the work, and will remind the person invited to give evidence why the Committee has invited them to attend the meeting. The Chair will advise the person of the Council's filming and audio protocol. O & S meetings are webcast, and unless you expressly request not to be filmed / audio recorded you will be so recorded.
9. Your oral presentation / evidence must only address issues relevant to the matter under scrutiny. Any member of the public making submissions or providing evidence to the Committee is only allowed to speak for five minutes. The person will be allowed to ask the Committee through the Chair one supplementary question. Following this, the Committee will be given an opportunity to ask questions of a person providing information.

The Committee will discuss and review the evidence that has been presented before it and if necessary provide feedback on any further actions they feel might be appropriate.

10. Where a member of the public has requested to address a Committee on a particular topic, the Chair will invite the person to speak at the appropriate point of the agenda and inform them where they may sit. The person will be asked to give their name and provide details that may be relevant to the item being discussed, for example the name of a group they might be representing.
11. If invited to speak at a Committee meeting where a decision has been called-in, the person concerned will be allowed to provide information presented during the course of the Committee's discussions.
12. If a person has supporting documents such as photographs or surveys they would like the Committee to consider as part of their submission then these must be provided to the Democratic and Scrutiny Support team at least 24 hours prior to the meeting. No supporting documents will be allowed to be distributed during the meeting.

### **Conduct at a Scrutiny Committee**

13. Members of the public speaking at a Committee should bear in mind that meetings are webcast live on the Council's website and are also open to the public and press.

It is important that anyone wishing to speak at a Committee meeting should do so in a responsible and respectful manner. Presentations / evidence must not include personal comments concerning any party, and you will be expected to respond politely to any questions from the Chair and the Committee.

The Chair will (if necessary following legal advice) make the final determination on public involvement. The Committee will be advised to disregard comments that are determined to be offensive.

### **Welsh Language**

14. Facilities will be made available for those who wish to speak through the medium of Welsh. You are requested to indicate your language of preference when you make your request to speak, or when invited to attend.

## **Protocol for the relationship between Cabinet and Overview and Scrutiny Committees**

### **Introduction**

The roles and remits of Cabinet and the Overview and Scrutiny Committees are set out in the Council's Constitution () and the respective Member Role Descriptions of Cabinet Members and Overview and Scrutiny Members recommended by the [WLGA](#) are clearly set out in the PCC 'Elected Member Welcome Booklet'.

The Constitution states that; "Overview and Scrutiny 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 Cabinet to account for its decisions" ... "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".

### **1. Purpose**

- a) The purpose of this protocol is to provide guidance to Cabinet Members and Overview and Scrutiny Committee Members on what both parties should expect from each other in their respective involvement in the Overview and Scrutiny process.
- b) It recognises the distinct and separate responsibilities of Cabinet and Overview and Scrutiny Committees and the importance of mutually respectful relationships which can make a positive contribution to the overall effectiveness of the Council's governance and decision-making framework.

### **2. Objectives**

- a) To establish a positive framework within which Cabinet and Overview and Scrutiny Committees can work together effectively for the benefit of the Authority as a whole.
- b) To be clear as to the different roles and responsibilities of each participant in relation to the Scrutiny function.
- c) To promote mutual respect, courtesy and trust in the relationships between Executive and non-Executive Members.
- d) To create a culture where mature and constructive challenge and debate is welcomed and encouraged.

### **3. Attendance at Overview and Scrutiny Committee meetings**

- a) In accordance with part 2, section 7, paragraph 16 of the Council's Constitution, Chairs of Overview and Scrutiny Committees have the right to request that Cabinet Members attend a Committee meeting to be held to account for matters within their portfolio which are being considered as part of the agenda (subject to the procedure set out in paragraph 16.2).
- b) Generally, there is an expectation that when requested to attend a Cabinet Member will prioritise Committee meetings and make every effort to attend. However, it is accepted that there will be occasions where this may not be possible. If a Cabinet Member is unable to attend, they should inform the Chair of the Committee at the earliest opportunity so alternative arrangements can be put in place or the item can be rescheduled.
- c) Paragraph 13 of the Code of Conduct for Members states that Cabinet Members have a personal and prejudicial interest in any business before an Overview and Scrutiny Committee which relates a decision or action taken by Cabinet. Paragraph 14(3) then states however that Cabinet Members are not prevented from attending and participating in an Overview and Scrutiny Committee if they have been required to attend that meeting.

### **4. During Overview and Scrutiny Committee meetings**

- a) Cabinet Members are expected to present their reports, and / or to answer questions as to why specific actions or decisions have been taken (or they are planning to take), and to generally contribute to the debate.
- b) Committee Members should accept that Cabinet Members will not always be in a position to answer questions regarding operational matters and that at these times it is appropriate that a Cabinet Member refers the matter to the relevant officer to respond.
- c) It is right that Committee Members should be challenging and inquisitive in pursuing their lines of enquiry. Whilst the Chair of a Committee will encourage respectful conduct in Committee meetings, Members must abide by the Code of Conduct at all times, and poor behaviour may result in referral of a complaint to the Public Services Ombudsman for Wales.
- d) Cabinet Members should not attempt to steer the Committee's line of questioning and will have no influence or input into any recommendations the Committee might choose to make.
- e) It is the responsibility of the Chair of a Committee to ensure that the meeting is conducted appropriately and that all participants are treated fairly and with respect.

## **5. Overview and Scrutiny Task & Finish Groups**

- a) Cabinet Members may be invited to participate in the work of Task & Finish Groups in an advisory, observational or support capacity, where matters which fall within their areas of responsibility are being investigated. As with their role at Committee meetings, a Cabinet Member will have no input into any recommendations the Task and Finish Group might choose to make to its parent Committee, and no right to vote.

## **6. Recommendations from Overview and Scrutiny Committees to Cabinet**

- a) Where the matter falls within the responsibility of Cabinet, the minutes of each Overview and Scrutiny Committee will include any such recommendation to Cabinet made by the Committee. A recommendation will be referred to Cabinet at the earliest opportunity, (subject to procedural rules paragraph 13.2 & 14.1 of Part Two, Section 7 of the Council's Constitution).
- b) A recommendation by an Overview and Scrutiny Committee to Cabinet will be incorporated into any relevant officer report or by way of a separate report as appropriate. A Cabinet Member should make reference to any recommendations made by an Overview and Scrutiny Committee when presenting the report to Cabinet. If time constraints mean that a recommendation from a Committee cannot be included in the written report, the recommendation will be provided by the Cabinet Member by way of oral up-date. The relevant Overview and Scrutiny Chair may ask to attend Cabinet to make representations or may be invited to attend by the Leader to advise Cabinet of the Committee's recommendations at a Cabinet meeting.
- c) It is incumbent on the Chair of a Committee to ensure that any comments or observations are set out clearly in the report to Cabinet. Cabinet's decision is final unless the matter is called-in for further scrutiny.
- d) All meetings of Cabinet are webcast, and the decisions formally recorded. However to ensure there is feedback to the relevant Overview and Scrutiny Committee the Chair should ensure that at the next meeting of that Committee there is a summary (either in writing or orally provided) capturing the essence of the Cabinet debate and decision.

## **7. General**

- a) Cabinet should ensure that business items are included on the Cabinet Forward Work Programme (FWP) at the earliest opportunity to enable Overview and Scrutiny Committees to be sighted on potential topics for pre-decision scrutiny and to ensure Committee work programmes are aligned effectively with Cabinet priorities.
- b) The Leader will nominate from his/her Cabinet a "scrutiny link" whose role is to act as the conduit between Cabinet and Overview and Scrutiny Committees, to provide an informal link with Chairs to highlight matters on the FWP, and to strengthen communication channels.