SECTION 7

7. 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. 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. 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. Scrutiny Committee should not shy away from the need to challenge and question decisions and make constructive criticism.

7.2 Scrutiny Committees

In order to achieve this, the Council have appointed 3 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 Cabinet or another part of the Council;

7.2.2 make reports or recommendations to the Council or the Cabinet 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 but not yet implemented by the Cabinet and Officers.

7.3 Role, Scope and Membership

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

Committee and Membership	**Role and Scope**
Education and Economy Scrutiny Committee - 18 members	To scrutinise matters relating to the functions of the: • Education Department • Economy and Community Department • GwE • North Wales Economic Ambition Board

Communities Scrutiny Committee - 18 members	To scrutinise matters relating to the functions of the: • Environmental Department • Highways and Municipal Department • Gwynedd Consultancy • Local Development Plan • Crime and Disorder • Public Services Board
Care Scrutiny Committee - 18 members	To scrutinise matters relating to the functions of the: • Adults Department • Health and Welfare • Children and Supporting Families Department • Housing and Property Department

7.4 Specific Functions

7.4.1 Policy Development and Review

The Scrutiny Committees may:

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

(b) assist the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues;

(c) conduct research, community and other consultation in the analysis of policy issues and possible 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; and

(e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people is enhanced by collaborative working.

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 project;

(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 and designated persons 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 finance made available to them.

7.4.4 Annual Report

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

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 Cabinet and Assistants to the Cabinet may be Members of the Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which he has been directly involved.

7.7 Co-Optees

Each Scrutiny Committee shall be entitled to recommend to Council the appointment of a maximum of 2 people as non-voting co-optees to serve on the committee for a term of one year at a time. 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 Education and Economy Scrutiny Committee shall include in its Membership voting representatives of religious faiths and of parent governors, as required by law and guidance from the National Assembly of Wales.

7.9 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.

7.10 Role of the Chair and the Scrutiny Committees

7.10.1 The Chairs and Vice Chairs will individually and collectively through the Scrutiny Forum liaise with the Cabinet. The Scrutiny Forum will supervise take an overview of the Work

Programme, advise on the prioritisation of items and identify cross cutting themes arising from the various Scrutiny Committees

7.10.2 In summary, therefore, the Chair will:

(a) be accountable for delivering the work;

(b) will meet regularly to monitor Work Programmes;

(c) will liaise with the Cabinet on issues affecting the Scrutiny Work Programme; and

7.10.3 "Scrutiny Forum" means a meeting of the Chairs and Vice Chairs of the Scrutiny Committees to undertake roles ascribed to it in this Section 7.

7.11 Work Programme

7.11.1 The individual Scrutiny Committees will put forward items for their Work Programmes 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. However, the overall scrutiny Work Programme shall be agreed by the Scrutiny Forum who will report back to the Committees.

7.11.2 There will be a "Winnowing" procedure where any matter which has been registered for consideration will initially be discussed with the relevant Service Department to consider whether it is capable of resolution without formal scrutiny and thereafter with the relevant Cabinet Member. If the matter cannot be resolved it will then be the subject of a discussion between the Cabinet Member and the Chair of the relevant Scrutiny Committee to consider the value of scrutinising the matter before being considered by Scrutiny Forum to consider whether or not to include it in the Work Programme.

7.12 Meetings

7.12.1 The Scrutiny Committees will have 5 meetings a year.

7.12.2 Extraordinary meetings may be called from time to time in order to deal with call-ins (Section 7.25) where the Chair of a Scrutiny Committee is of the opinion that it is necessary for that Scrutiny Committee to consider the called in decision before the Scrutiny Committee's next programmed meeting.

7.13 Joint Overview and Scrutiny Committees

7.13.1 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.

7.13.2 The Council will have a Joint Scrutiny Panel with Anglesey County Council established through the Communities Scrutiny Committee to scrutinise the work of the Local Services Board. The Panel will report to both councils and refer any further work in specific areas to the Communities Scrutiny Committee.

7.14 Rules of Procedure and Debate

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

7.15 Number of Scrutiny Committees and Appointment of Scrutiny Groups

7.15.1 The Council will have 3 the Scrutiny Committees set out in the table in Section 7.3 to be appointed in accordance with the Councils arrangements. The Scrutiny Committees may appoint groups of members on a task and finish basis to carry out detailed investigations or examination of particular topics defined by the Committee. They will report back to the Committee. A maximum of 5 members may be appointed by the Committee to serve on the group. Such groups may be appointed for a fixed period to carry out their terms of reference on the expiry of which they shall cease to exist unless extended by the Committee. The membership must include representation from no less than two separate political groups. The Scrutiny Forum will advise the Committees on the prioritization of resources to support the working groups

7.15.2 The terms of reference of the various Scrutiny Committees will be as set out in the table in Section 7.3.

7.15.3 Each Scrutiny Committees will be Chaired by a Chair appointed from the membership of that Scrutiny Committees:

(a) there will be cross party Membership of all Scrutiny Committees;

(b) the Scrutiny 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 Officers about their views and actions on issues and proposals affecting the county;

(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.

7.16 Meetings of the Scrutiny Committees

The Council may determine a cycle of meetings for the Scrutiny Committees. If the Council do not set the cycle, each such Scrutiny Committees shall determine their own cycle of meetings. The Chair, or in their absence the Vice Chair, may change the date or cancel

meetings, or call additional meetings as they consider necessary to deal with the Scrutiny Committees' work programme. A meeting of a Scrutiny Committees may be called by the Chair (or in his or her absence, the Vice Chair) or by the Head of Democratic Services, if he or she considers it necessary or appropriate.

7.17 Quorum

The quorum for Scrutiny Committees shall be one quarter of the Members of the committee.

Presence will include presence through electronic means which allow the member to hear and speak at the meeting.

The failure of any technological provision whether that leads to a partial or complete loss of contact shall not invalidate any part of the deliberations or any vote taken. The Chairman may postpone the meeting if they deem that appropriate.

7.18 Agenda Items

7.18.1 Any Member of a particular Scrutiny Committee shall be entitled to give notice to the Head of Democratic Services that he wishes an item relevant to the functions of the that Scrutiny Committee to be included on the agenda for the next available meeting. Seven clear days' notice of the item should be given to the Head of Democratic Services together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

7.18.2 On receipt of such a request, so long as it is an appropriate matter to be considered, the Head of Democratic Services will ensure that it is considered by the Chair for inclusion on the next available agenda.

7.18.3 Scrutiny Committees 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. The Council and/or the Cabinet shall consider the report of the Scrutiny Committees within one month of receiving it.

7.19 Policy Review and Development

7.19.1 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.

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

7.19.3 Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

7.20 Reports from the Scrutiny Committees

7.20.1 All formal reports and recommendations from the Scrutiny Committees will be submitted to the Head of Democratic Services for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework). These Committee recommendations can include recommendations from investigations or scrutiny working groups.

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

7.20.3 The Council or Cabinet shall consider the report of any Scrutiny Committees within one month of it being submitted to the Head of Democratic Services.

7.21 Making sure that Overview and Scrutiny Reports are considered by the Cabinet

7.21.1 The agenda for Cabinet meetings shall include an item entitled "Issues Arising from Overview and Scrutiny". The reports or recommendations of the 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) as soon as practicable. Where an item is not considered by the Cabinet within two months, the Cabinet will give an explanation of the reasons to the Chair of the relevant Scrutiny Committees as soon as practicable.

7.21.2 Where the Cabinet has delegated decision making power to another individual Member of the Cabinet Scrutiny Committees will submit a copy of their report recommendations to him or her for consideration. At the time of doing so the Scrutiny Committees shall serve a copy on the Head of Democratic Services. The Member with delegated decision making power must consider the report and respond in writing to the Scrutiny Committees within four weeks of receiving it. A copy of his written response to it shall be sent to the Head of Democratic Services and the Leader. The Member will also attend a future meeting of that Scrutiny Committees to present their response.

7.22 Rights of Members of the Scrutiny Committees to Documents

7.22.1 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.

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

7.23 Members and Officers Giving Account

7.23.1 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

Cabinet, 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.

7.23.2 For this purpose, senior Officer includes any 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 Overview and Scrutiny Chair or Vice Chair with a view to achieving consensus.

7.23.3 Where any Member or Officer is required to attend a Scrutiny Committee under this provision, the Chair of that Committee will inform the Head of Democratic Services. The Head of Democratic Services shall inform the Member or Officer, if necessary in writing, giving at least 15 clear 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.

7.23.4 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.

7.23.5 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Scrutiny Committees shall in consultation with the Member or Officer arrange an alternative date for attendance.

7.24 Attendance by Others

Scrutiny Committees may invite people other than those people referred to in paragraph 7.23 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 an individual Member of the Cabinet or a Committee of the Cabinet or under joint arrangements, the decision shall be published by the Head of Democratic Services, including where possible by electronic means, and shall be available at the main offices of the Council normally within 5 working days of it being made. All Members of the Scrutiny Committees 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] 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 the Chair (or in his/her absence the Vice-chair) and any two Members of that Scrutiny

Committee and, shall then notify the decision taker of the call-in. He/she shall call a meeting of that Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the Chair or Vice Chair of that Scrutiny Committee, and in any case within 15 clear days of the decision to call-in (only in exceptional circumstances will the Chair of the Scrutiny Committee consider extending this time limit).

(d) 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, 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 within a further 15 clear days, 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 5 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, the matter will be reconsidered at the next meeting of the Cabinet or Committee. 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.

(h) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

  (i) a Scrutiny Committee may only call-in a total of three decisions per three month period;

  (ii) three Members of a Scrutiny Committee from at least two political groups), including the Chair (or in his/her absence the Vice-chair) are needed for a decision to be called in;

  (iii) once a Member has signed a request for call-in under this paragraph, he/she may not do so again until the period of three months has expired.

  (iv) no Co-opted Members may report a decision be called in.

(i) The Monitoring Officer may veto any request for call-in if it falls outside the remit of this scheme.

(j) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

7.25.2 Call-In and Urgency

(a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet 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. The Chair of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair the Vice -Chair's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent should be required. Decisions taken as a matter of urgency must be reported at the next available meeting of the Council, together with the reasons for urgency.

(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.

7.26 The Party Whip

7.26.1 A member of a scrutiny committee must not vote on a question at a meeting of the committee if, before the meeting, the member has been given a party whip relating to the question (a "prohibited party whip").

7.26.2 A vote that is given in breach of 7.26.1 must be disregarded.

7.26.3 Each member of the committee must declare any prohibited party whip which the member has been given in relation to the meeting.

7.26.4 All such declarations made under 7.26.3 must be recorded in the minutes of the meeting.

7.26.5 It is for the person presiding over the meeting of the Scrutiny Committee to determine whether a member of the committee has been given a prohibited party whip in relation to the meeting.

7.27 Procedure at Scrutiny Committee Meetings

7.27.1 Scrutiny Committees shall consider the following business:

(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 Cabinet to reports of that Scrutiny Committee;

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

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

7.27.2 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:

(a) that the business be conducted fairly and all Members of the Scrutiny Committees be given the opportunity to ask questions of attendees, and to contribute and speak;

(b) that those assisting by giving evidence be treated with respect and courtesy;

(c) that the business be conducted as efficiently as possible.

7.27.3 Following any investigation or review, a Scrutiny 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 matter for consideration by a Scrutiny Committee also falls within the remit of one or more other Scrutiny Committees, the decision as to which Scrutiny Committee will consider it will be resolved by the Scrutiny Forum or, if they fail to agree, the decision will be made by the Chairman of the Council.

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 attached to these Rules at Appendix 1.

Appendix to Section 7

Councillor Call for Action - Guidance for Councillors

1. Introduction

1.1 The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for "Councillor Calls for Action" (CCfA) which enables Councillors to refer issues of local importance to Scrutiny Committees.

1.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which elected Members have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Member to the designated Crime and Disorder Scrutiny Committees for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation.

1.3 As part of their community leadership role, councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.

1.4 CcfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CcfAs are intended to enable any Member for the Council to refer to a Scrutiny Committees, "a local government matter" which falls within the Scrutiny Committees remit.

2. How should i normally attempt to resolve a local issue in my area?

2.1 Local issues can be resolved in a number of ways by councillors on behalf of their residents as listed in the Welsh Government's Statutory Guidance from the Local Government Measure 2011:

2.1.1 informal discussions with Officers or other councillors;

2.1.2 informal discussions with partner representatives;

2.1.3 referral to other "scrutiny" bodies such as Community Health Councils or internal audit committee;

2.1.4 formal discussions with Officers and councillors;

2.1.5 formal letters to the Cabinet Members;

2.1.6 asking questions at Full Council;

2.1.7 submitting a motion to Full Council;

2.1.8 organising public meetings;

2.1.9 use of petitions;

2.1.10 making a complaint;

2.1.11 information requests;

2.1.12 communication with local AMs or MPs;

2.1.13 use of social media or email based campaigns.

2.2 This is not an exhaustive list and councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible alternative routes, then a local councillor can refer it to the appropriate Scrutiny Committees.

3. What is a Councillor call for action

3.1 In order for the Scrutiny Committees to accept a CCfA as an agenda item for discussion at one of their meetings, the issue must affect either all or part of a councillor's electoral area or it must affect someone who lives or works in that area.

3.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that an a CCfA is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

4. How and when should i make a CCfA

4.1 A flowchart showing the process is provided at Annex A. A councillor may initiate the process by completing the form at Annex B. Further copies are available from the Head of Democratic Services. It is important that the local councillor specifies what outcome is expected from the referral. After completion the form should be returned to the Head of Democratic Services who will log and acknowledge the referral within five working days.

4.2 The Head of Democratic Services will confirm whether or not the referral satisfies the requirements outlined in paragraph 3.1 above to enable it to be placed on the agenda for discussion at a meeting of the Scrutiny Committees. The Head of Democratic Services reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or otherwise potentially unlawful; and the Councillor will be informed of this outcome as soon as practicable.

5. Criteria to be followed by a scrutiny committee

5.1 It is up to the Members of a Scrutiny Committee to decide whether, and in what form, to take the matter further. The Scrutiny Committee will use the following criteria to decide whether or not the referral is appropriate to be considered by that Scrutiny Committee:

5.1.1 Is that Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local councillor? Do the responses received by the referring councillor demonstrate that the matter is not being progressed?

5.1.2 Has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?

5.1.3 Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

5.1.4 Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the councillor received?

5.1.5 Is this a case that is being or should be pursued via the Council's corporate complaints procedure?

5.1.6 Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?

5.1.7 Is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?

5.1.8 Is this an issue currently being looked at by another form of local scrutiny?

5.1.9 And, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Member's electoral division?

NB: Crime and Disorder referrals should be directed to the designated Crime and Disorder Scrutiny Committees.

5.2 If a Scrutiny Committee decides not to accept the CCfA it must inform the councillor of the decision and the reasons for it.

5.3 If a Scrutiny Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol, eg the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee meeting. The Councillor will be requested to attend to the Scrutiny Committee and informed that he/she will have ten minutes in which to address the Scrutiny Committee. The Scrutiny Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:

5.3.1 asking the relevant responsible authorities to respond to the CCfA;

5.3.2 setting up a research or task and finish group to undertake a more in-depth review;

5.3.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request "designated persons" such as representatives from other public bodies/agencies to attend, where relevant, and to request information. (The Welsh Government have yet to publish a list of "designated persons".)

6. Potential outcomes from a CCfA

6.1 A Scrutiny Committee could:

6.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;

6.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;

6.1.3 decide that further action is not appropriate giving its reasons.

6.2 Once a Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

7. Timescales for dealing with a CCfA

7.1 In exceptional circumstances, for example where there are unavoidable time constraints, a special Scrutiny Committees meeting may be convened.

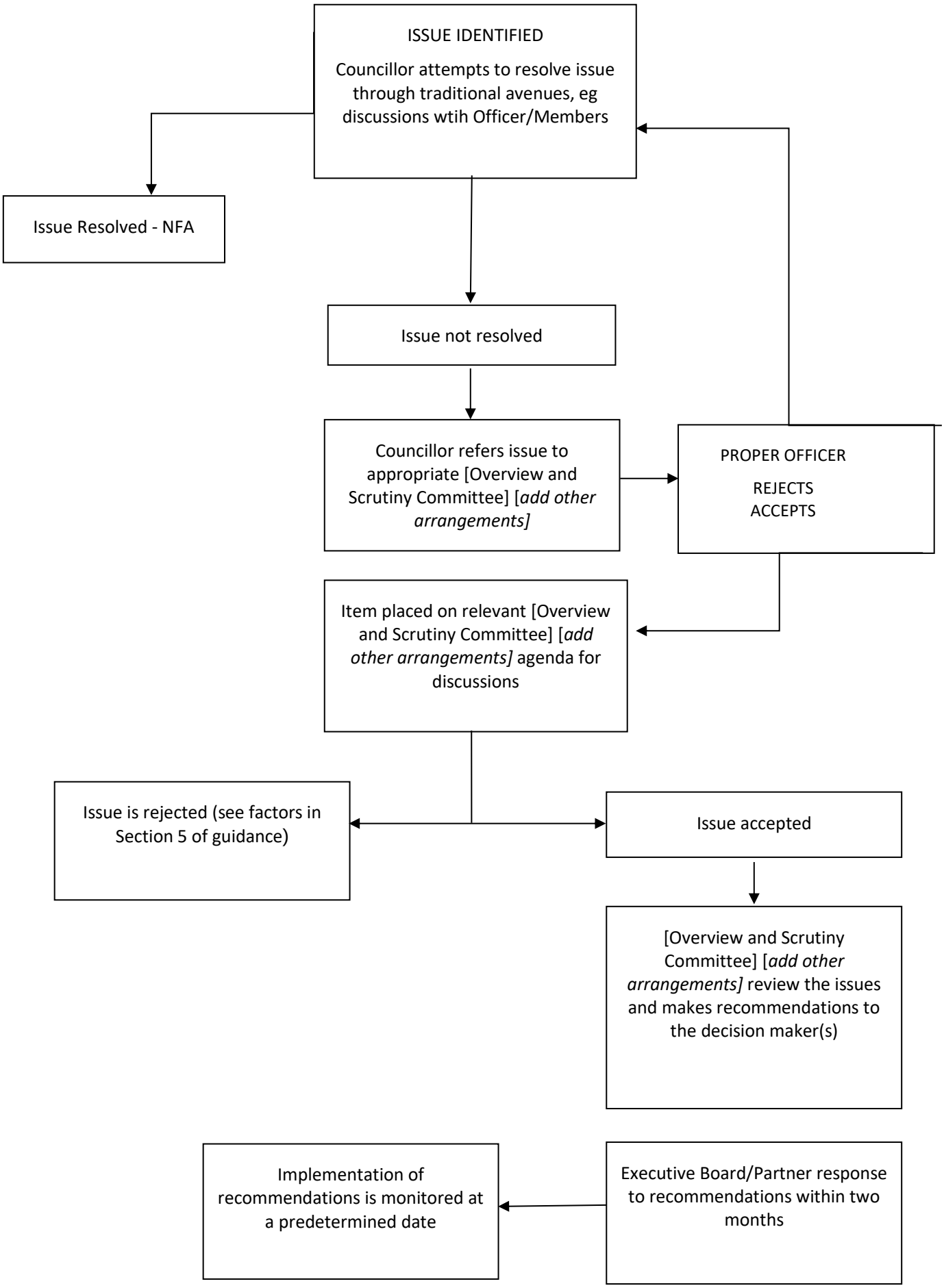
7.2 Should a CCfA result in recommendations to the Cabinet responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.

7.3 A Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.

8. Review of this guidance

This guidance is based on a model prepared and approved by the Association of Council Secretaries and Solicitors (ACSeS) in October 2009. ACSeS will review their model guidance in light of experience of the use of these procedures by local authorities in Wales, and this guidance may therefore be modified accordingly.

Appendix 2 to Section 7



Appendix 3 to Section 7

Councillor Call for Action Referral

For the attention of **(name and title of Proper Officer)**	
From	Councillor
Electoral Division	
Contact details	
Telephone	
E-mail	
SUBJECT	
Details Please briefly explain what the issue is and how it affects your electoral division.	
Action taken to date Please explain what steps have been taken, with whom, to try to resolve the issue (please tick the actions you have taken to date) or add additional.	• Informal discussions with Officers or other councillors • Informal discussions with partner representatives • Referral to other "scrutiny" bodies such as Community Health Councils or internal audit committee • Formal discussions with Officers and councillors • Formal letters to the Cabinet Members • Asking questions at Full Council • Submitting a motion to Full Council • Organising public meetings • Use of petitions • Making a complaint • Information requests • Communication with local AMs or MPs • Use of social media or email based campaigns

Expected Outcome Please describe the outcome you hope to gain via this referral.	
Papers attached Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.	

1. The following criteria will be taken into consideration when Scrutiny Committees decide whether to progress with your CCfA:

1.1 Have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?

1.2 Has the committee considered a similar issue recently – if yes have the circumstances or evidence changed?

1.3 Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate LCDR hearing. Relevant time pressures on resolving the CCfA should be taken into account.

1.4 Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?

1.5 Is this a case that is being or should be pursued via the Council's corporate complaints procedure?

1.6 Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?

1.7 Is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?

1.8 Is this an issue currently being looked at by another form of local scrutiny?

1.9 And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations, which could realistically be implemented and lead to improvements for anyone living or working in your electoral division.

2. Please consider whether your referral might be considered premature by the Scrutiny Committees. Consider whether other potential remedies have been exhausted, before a referral is made. Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Proper Officer believes that the referral is premature, he/she will advise you accordingly.