

How the Council operates

The Council is composed of 54 councillors elected every four years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee advises them on the Code of Conduct.

All County Borough Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors determine the main strategic policies and set the budget each year.

After extensive public consultation the Council opted for a Leader and Cabinet style of executive. Every year the Council appoints a Leader and appoints the members of the Cabinet. It also approves policies of major significance, which are known collectively as the Policy Framework, together with the annual Budget, and it must authorise any proposal by the Cabinet or anyone on the Cabinet's behalf which would be contrary to the either Policy Framework or the Budget.

The public, as well as Councillors, are given an opportunity to ask questions of the Leader and Cabinet Members at Council meetings and every quarter there is a debate on a topic of the Members choosing.

How Decisions are Made

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. It is made up of the Leader, the Deputy Leader and 4 Cabinet Members each with responsibility for covering a specific subject area or portfolio. The Leader appoints, from those Members appointed to the Cabinet, the Deputy Leader.

When major decisions are to be discussed or made, these are published in the Cabinet's forward work programme in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where exempt or confidential matters are being discussed.

The Cabinet must make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

There are 5 4 Overview and Scrutiny Committees which oversee the decision making of the Cabinet Members and which support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public meetings into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery.

In discharging its crime and disorder functions the ~~Partnerships and Governance~~ **Corporate** Overview and Scrutiny Committee has the additional function of overseeing the decision making of the Community Safety Partnership and its constituent bodies (in respect of their community safety roles).

The Corporate Overview and Scrutiny Committee also has the additional functions of overseeing the work of the Public Service Board (PSB).

Overview and Scrutiny Committees can 'call-in' a decision which has been made by the Cabinet or an Officer but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

~~An Overview and Scrutiny Strategy Group, comprising the Chairpersons of each Overview and Scrutiny Committee and five other Overview and Scrutiny Committee Members, approves an overview and scrutiny forward work programme which will ensure that there is no duplication within the work programmes of each of the Overview and Scrutiny Committees.~~

Other Committees

Although the Cabinet system is intended to replace most of the traditional committee structure some Committees are still needed in addition to the Overview and Scrutiny Committees.

Some of these remaining Committees are required to make impartial assessments of all relevant factors before making their decisions, such as the Development Control Committee which is responsible for determining planning applications and considering other planning matters. Others perform important corporate functions, such as the Standards Committee already referred to and the Audit Committee, which is responsible for ensuring that the Council's financial affairs are conducted properly.

The Council's Staff

The Council has employees (called `officers`) to give advice, implement decisions and manage the day-to-day delivery of its services. The Council itself must confirm the appointment of the Head of Paid Service, who is the most senior Council officer. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Relationships between members of the Council and officers are governed by a Member/Officer Protocol.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' rights.

Article 2 - Members of the Council

2.01 Composition.

The Council will comprise 54 members, otherwise called Councillors. One or more Councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Boundary Commission for Wales and approved by the National Assembly for Wales.

2.02 Election and terms of office of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2004. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all Councillors

(a) **Key roles.** All Councillors will:

- (i) collectively be the ultimate policy-makers;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) where appropriate, refer a local crime and disorder matter (as defined by Section 19 of the Police and Justice Act 2006) to the ~~Partnerships Governance~~ **Corporate Overview and Scrutiny Committee** as an agenda item for discussion at a meeting of the Committee; **where it could then be allocated to a Subject Overview and Scrutiny Committee; or where appropriate, to the Public Service Board Overview and Scrutiny Panel;** where it is exercising its functions in relation to crime and disorder;
- (iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (v) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
- (vi) contribute to the continual improvement of Council services;
- (vii) be involved in decision-making;
- (viii) be available to represent the Council on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

(b) **Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

The Mayor and, in his/her absence, the Deputy Mayor will discharge the responsibilities described in Article 5.01 in accordance with the Mayoral Protocol approved from time to time by the Council.

Article 6 - Overview and Scrutiny Committees

6.01 Terms of reference

The Council will appoint the Overview and Scrutiny Committees set out in the table below to discharge the functions conferred by section 21 of the Local Government Act 2000. ~~The Partnerships and Governance Overview and Scrutiny Committee has additional functions conferred by the Police and Justice Act 2006.~~ For full details of each Overview and Scrutiny Committee's terms of reference, please refer to the Responsibility for Council Functions Section, in Part 3 of this Constitution.

Committee
Partnerships and Governance Corporate Overview and Scrutiny Committee
Corporate Resources and Improvement Subject Overview And Scrutiny Committee 1 (Education themed but not exclusive to)
Adult Social Care Subject Overview And Scrutiny Committee 2 (Social Services themed but not exclusive to)
Children and Young People Subject Overview And Scrutiny Committee 3 (Communities themed but not exclusive to)
Community, Environment and Leisure

6.02 General Role (except in the case of the ~~Partnerships and Governance Overview and Scrutiny Committee when exercising powers in relation to crime and disorder~~)

Within their terms of reference, Overview and Scrutiny Committees will:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint committee in connection with the discharge of any functions;
- (c) consider any matter affecting the County Borough or its inhabitants; and
- (d) exercise the right to call-in, for reconsideration, decisions made by or on behalf of the Cabinet but not yet implemented.

6.03 Specific functions (~~except in the case of the Partnerships and Governance Overview and Scrutiny Committee when exercising powers in relation to crime and disorder~~)

- (a) **Policy review.** Overview and Scrutiny Committees will review the policies of the Authority and make recommendations.
- (b) **Scrutiny.** Overview and Scrutiny Committees may:
- ~~i) review and scrutinise the decisions made by and performance of the Cabinet and/or committees and Council officers both in relation to individual decisions and over time;~~
 - ~~ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;~~
 - i) review and scrutinise the decisions made or actions taken:**
 - by the Cabinet and/or committees and Council officers both in relation to individual decisions;**
 - in connection with the discharge by the responsible authorities of their crime and disorder functions;**
 - ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;**
 - iii) question members of the Cabinet and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
 - iv) make recommendations to the Cabinet and/or appropriate committees and/or the Council arising from the outcome of the scrutiny process
 - v) review and scrutinise the performance of other public bodies in the County Borough which impact upon the duties and functions of the Authority and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; ~~and~~
 - vi) question and gather evidence from any person (with their consent).
 - vii) **consider at its meeting any local government matter (as defined by Section 21A of the Local Government Act 2000) referred to the committee by a member of this authority, to include any local crime and disorder matter referred to the committee;**
 - viii) **where appropriate refer a matter relating to the work of the Public Service Board to the PSB Overview and Scrutiny Panel via the Corporate Overview and Scrutiny Committee;**

- ~~(c) **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.~~
- (d) **Annual report.** Overview and Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 Specific functions of the Corporate Overview and Scrutiny Committee when exercising powers in relation to the Public Service Board

- i) **Consider matters relating to the Public Service Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly;**
- ii) **Review and scrutinise the decisions made or actions taken by the Public Service Board;**
- iii) **Review and scrutinise the Public Service Board's governance arrangements;**
- iv) **Carry out other functions in relation to the Board that are imposed on it by the Act.**
- v) **Make reports or recommendations to the Public Service Board regarding its functions or governance arrangements;**
- vi) **A copy of any report or recommendation made to the Public Service Board must be sent to the Welsh Ministers, the Commissioner and the Auditor General for Wales.**
- i) **To determine the scrutiny arrangements for the Public Services Board whilst maintaining overall responsibility for monitoring the effectiveness of the Board.**
- Viii) **Any recommendations made by any Overview and Scrutiny Committee or Public Service Board Overview and Scrutiny Panel in relation to the Public Service Board are to be presented to the Corporate Overview and Scrutiny Committee for approval prior to submission to the Board.**

6.05 Specific functions of the Partnerships and Governance Corporate Overview and Scrutiny Committee when exercising powers in relation to crime and disorder

- i) to scrutinise the decisions made or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions;

- ii) to make reports or recommendations to Council or Cabinet, as appropriate, with respect to the discharge of crime and disorder functions by the responsible authorities;
- iii) to consider at its meeting any local crime and disorder matter referred to the committee by a member of this authority;
- iv) to decide whether or not to make a report or recommendations to Council or Cabinet, as appropriate, in respect of a local crime and disorder matter, having regard to any representations made by the member as to why the committee should do so;
- v) 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 recommendation in respect of a local crime and disorder matter
- vi) where the committee makes a report or recommendations, to provide a copy of any committee report or recommendations to the member concerned and to such responsible authority and co-operating person or bodies, as it thinks appropriate
- vii) to review responses to committee reports and recommendations, and to monitor action taken by responsible authorities and co-operating persons or bodies.
- viii) ***To decide the appropriate method for scrutiny and consideration of a crime and disorder matter to include the referral to the Public Service Board Overview and Scrutiny Panel or allocation to a Subject Overview and Scrutiny Committee. Where a crime and disorder matter is referred to the Public Service Board Overview and Scrutiny Panel or to a Subject Overview and Scrutiny Committee, any comments or recommendations will be presented to the Corporate Overview and Scrutiny Committee for approval prior to onward progression.***

6.06 Proceedings of Overview and Scrutiny Committees

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Article 7 - The Cabinet (the Executive)

7.01 Role

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		<p>County Borough Council's Whistleblowing Policy;</p> <p>1. To grant dispensations from the prohibitions contained in the Code of Conduct from Town and Community Councillors and County Borough Councillors or co-opted members participating in that Council's business, in accordance with the Regulations from time to time made by the National Assembly for Wales.</p>	None.
Town and Community Council Forum	Nineteen County Borough Councillors and one Town / Community Councillor representing each Town / Community Council.	To consult with representatives of Town and Community Councils within the County Borough on matters of mutual interest.	None.
Partnerships and Governance Overview and Scrutiny Committee Corporate Overview and Scrutiny Committee	Twelve County Borough Councillors. (For consideration of education matters to include 5 Education Representatives)	<p>1. To consider the service provision, planning, management and performance relating to corporate performance and governance Partnerships and Governance;</p> <p>2. To consider policies, protocols and plans relating to corporate performance and governance Partnerships and Governance;</p> <p>3. To co-ordinate and contribute to the annual budget consultation process on behalf of the other Overview & Scrutiny Committees and provide a strategic overview of Cabinet's draft budget proposals; To contribute to the annual consultation process in relation to Partnerships and Governance;</p> <p>4. To take an overview of the financial performance of all Directorates in the</p>	None

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		<p><i>achievement of Corporate priorities;</i></p> <p>5. To consider the performance of Bridgend's Public Local Service Board in accordance with guidance;</p> <p>6. To consider the Council's policies and strategies in relation to collaborative and partnership working arrangements;</p> <p>7. To consider the content of the Local Service Board's Single Integrated Partnership Plan, and refer to other Overview and Scrutiny Committees any items within that plan which fall within their terms of reference, and which the CSG Committee are of the view should be considered in more detail.</p> <p>6. To oversee the decision making of the Community Safety Partnership and its constituent bodies in respect of their community safety roles in accordance with the Crime and Disorder guidance;</p> <p>7. <i>To consider the Council's Business Planning Process and the content of the Corporate Plan and all Directorate Business Plans in line with the Wales Programme for Improvement guidance;</i></p> <p>8. <i>To consider the Council's Improvement Objectives;</i></p> <p>9. To develop and implement a Forward Work Programme for the Committee and for each Subject Scrutiny Committee having regard to the Council's</p>	

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		<p>Corporate Priorities and Risk Management Framework;</p> <p>10. To support collaborative Scrutiny Committees where topics relating to this and other committees are identified and prioritised as part of the Scrutiny FWP.</p>	
<p>Corporate Resources and Improvement Overview and Scrutiny Committee Subject Overview and Scrutiny Committee 1 (Education themed but not exclusive to)</p>	<p>Twelve County Borough Councillors. Sixteen County Borough Councillors;</p> <p>(For consideration of education matters to include 5 Education Representatives)</p>	<p>1. To consider the service provision, planning, management and performance relating to Corporate Performance and Resources;<i>the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</i></p> <p>2. To consider policies, protocols and plans relating to Corporate Performance and Resources; <i>the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</i></p> <p>3. <i>To contribute to the annual budget consultation process in relation to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</i></p> <p>4. <i>To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management framework for the Corporate Overview and Scrutiny Committee to then prioritise and schedule.</i></p> <p>To co-ordinate and contribute to the annual budget consultation process on behalf of the other Overview & Scrutiny Committees and provide a strategic overview of Cabinet's draft</p>	<p>None.</p>

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		<p>budget proposals;</p> <ol style="list-style-type: none"> 1. To take an overview of the financial performance of all Directorates in the achievement of Corporate priorities; 2. To consider the Council's Business Planning Process and the content of the Corporate Plan and all Directorate Business Plans in line with the Wales Programme for Improvement guidance; 3. To consider the Council's Improvement Objectives; 4. To develop and implement a Forward work Programme having regard to the Council's Corporate Priorities and Risk Management framework; 5. To support collaborative Scrutiny Committees where topics relating to this and other committees are identified and prioritised as part of the Scrutiny FWP. 	
<p>Adult Social Care Overview and Scrutiny Committee Subject Scrutiny Committee 2 (Social Services and Wellbeing themed but not exclusive to)</p>	<p>Twelve County Borough Councillors Sixteen County Borough Councillors <i>((For consideration of education matters to include 5 Education Representatives))</i></p>	<ol style="list-style-type: none"> 1. To consider the service provision, planning, management and performance relating to Adult Social Care; the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 2. To consider policies, protocols and plans relating to Adult Social Care; the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 3. To contribute to the annual consultation process in relation to Adult Social Care; the relevant subject area 	<p>None.</p>

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		<p><i>prioritised and allocated by the Corporate Overview and Scrutiny Committee;</i></p> <p>4. To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management framework for the Corporate Overview and Scrutiny Committee to then prioritise and schedule.</p> <p>2. To develop and implement a Forward work Programme having regard for the Council's Corporate Priorities and Risk Management framework;</p> <p>3. To support collaborative Scrutiny Committees where topics relating to this and other committees are identified and prioritised as part of the Scrutiny FWP.</p>	
<p>Children and Young People Overview and Scrutiny Committee Subject Scrutiny Committee 3</p>	<p>Twelve County Borough Councillors; one Church in Wales representative; one Roman Catholic Church representative; and three parent governor representatives Sixteen County Borough Councillors</p> <p><i>(For consideration of education matters to include 5 Education Representatives)</i></p>	<p>1. To consider the service provision, planning, management and performance relating to Education as well as Safeguarding and Family Support; <i>the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</i></p> <p>2. To consider policies, protocols and plans relating to Education as well as Safeguarding and Family Support; <i>the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</i></p> <p>3. To contribute to the annual</p>	<p>None.</p>

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		<p>consultation process in relation to Education as well as Safeguarding and Family Support; <i>the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</i></p> <p><i>4. To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management framework for the Corporate Overview and Scrutiny Committee to then prioritise and schedule.</i></p> <p>5. To develop and implement a Forward work Programme having regard for the Council's Corporate Priorities and Risk Management framework;</p> <p>6. To support collaborative Scrutiny Committees where topics relating to this and other committees are identified and prioritised as part of the Scrutiny FWP.</p>	

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
Community, Environment and Leisure Overview and Scrutiny Committee	Twelve County Borough Councillors.	<ol style="list-style-type: none"> 1. To consider the service provision, planning, management and performance relating to Community, Environment and Leisure; 2. To consider policies, protocols and plans relating to Community, Environment and Leisure; 3. To contribute to the annual consultation process in relation to Community, Environment and Leisure; 4. To develop and implement a Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management framework; 5. To support collaborative Scrutiny Committees where topics relating to this and other committees are identified and prioritised as part of the Scrutiny FWP. 	None.

(b) Delegation to Council Officers

Details of the Council functions which the Council has delegated to Council Officers, and the terms upon which they have been so delegated, are contained within the Schemes of Delegation of Functions.

18C) The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.

11. Exclusion of Access by the Public to Reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. The Forward Work Programme

12.1 Period of forward work programme

The forward work programme will be prepared by the Corporate Director – Operational and Partnership Services to cover a period of four months except when ordinary elections of councillors occur, in which case the forward work programme will cover the period up to the date of the elections. The forward work programme will be updated quarterly.

12.2 Contents of forward work programme

The forward work programme will contain matters which the Cabinet, Overview and Scrutiny Committees and full Council are likely to consider. It will contain information on:

- (a) the timetable for considering the Budget and any plans, policies or strategies forming part of the Policy Framework and requiring Council approval, and which body is to consider them;
- (b) the timetable for considering any plans, policies or strategies which are the responsibility of the Cabinet;
- (c) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- (d) the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

The forward work programme will be published at least 14 days before the start of the period covered. The Chief Executive Officer will publish once a year a notice in at least one newspaper circulating in the area, stating that a forward work programme will be published and giving the publication dates for that year.

13. Consultation on Proposals to be considered by the Cabinet

~~At least 2 weeks should be permitted in the forward work programme timetable for consultation with relevant Overview and Scrutiny Committees and ward members where a matter is to be considered by the Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in Rule 10 above).~~

~~A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last forward work programme was produced and a decision is required within two weeks.~~

~~A decision can only be treated as urgent if the decision taker (if an individual) or the Chairperson of the body making the decision obtains the agreement of the Chairperson of a relevant (themed) Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairperson of a relevant Overview and Scrutiny Committee, or if the Chairperson of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.~~

14. Record of Decisions of the Executive

14.1 The decision record

- (a) A written record will be made of every executive decision made by the Cabinet and its committees (if any) and individual Cabinet members, and by joint committees and joint sub-committees whose members are all members of a local authority executive, and officers.
- (b) This decision record will include a statement, for each decision, of:
 - (i) the decision made;
 - (ii) the date the decision was made;
 - (iii) the reasons for that decision;
 - (iv) any personal interest disclosed;
 - (v) any dispensation granted by the Council's Standards Committee;
 - (vi) the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.
 - (vii) any reasons for urgency which led to the implementation of the decision before the preparation of the decision.

14.2 Preparing the decision record

- (a) The Corporate Director – Operational and Partnership Services or his or her representative shall attend any meeting of the Cabinet, a committee of the Cabinet or a joint committee or joint sub-committee where all its members are members of a local authority executive, and shall as soon as reasonably practicable after the meeting produce a decision record.
- (b) Where an individual member has made any executive decision,
 - (i) that member shall as soon as reasonably practicable instruct the Corporate Director – Operational and Partnership Services to produce a decision record; and
 - (ii) the decision shall not be implemented until that decision record has been produced, subject to (c) below.
- (c) Where the date by which an executive decision made by an individual member must be implemented makes compliance with (b)(ii) above impracticable, the decision may be implemented if the decision maker has the agreement of:

Overview and Scrutiny Procedure Rules

1. The Number and Arrangements for Overview and Scrutiny Committees?

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint Members to them. Such Committees may appoint sub-committees.

2. Who may sit on Overview and Scrutiny Committees?

All Councillors except Cabinet Members may be members of an Overview and Scrutiny Committee, but no member may participate in scrutinising a decision which he/she has been directly involved in making.

3. Co-optees

Each Overview and Scrutiny Committee or sub-committee shall be entitled to recommend to the Council the appointment of a number of people as non-voting co-optees, subject to the following:

- The number of co-opted members on an Overview and Scrutiny Committee should not exceed one third of the total membership of the Committee;
- No limit is placed on the number of co-opted members that may participate in a sub-committee except that co-opted members should not comprise the whole membership of a sub-committee which should include at least three voting members.

Co-optees' membership of any Committee or Sub-Committee may be for:

- The life of the Committee,
- Until such time as it is terminated by Council, upon the recommendation of the Committee, or
- For the purpose of a particular review or performance monitoring exercise.

In discharging its crime and disorder functions, ~~the Partnerships and Governance~~ Overview and Scrutiny Committees may co-opt any person except a member of the Cabinet. Co-optees' membership of the Committee may be limited to the exercise of the Committee's powers in relation to a particular matter or type of matter. Co-optees shall not be entitled to vote on any particular matter, unless the Committee so determines. Co-optees' membership of the Committee may be withdrawn at any time by the Committee.

4. Education Representatives

- (a) An Overview and Scrutiny Committee or sub-committee whose functions relate wholly or in part to education functions which are the responsibility of the Cabinet shall include in its membership the following voting representatives:
- (i) One Church in Wales representative;
 - (ii) One Roman Catholic Church representative;
 - (iii) Three parent governor representatives (one from a Primary School, one from a Secondary School and one from a Special School);
- (b) A member of an Overview and Scrutiny Committee or sub-committee appointed by virtue of sub-paragraph (a) above will be entitled to vote at a meeting of the Committee or sub-committee on any matter:
- (i) which relates to any education functions which are the responsibility of the Cabinet; and
 - (ii) which falls to be decided at the meeting; but will not otherwise be entitled to vote.

5. Overview and Scrutiny Meetings

Meetings of Overview and Scrutiny Committees and sub-committees shall be called by the Proper Officer for Committees and may be required to do so by the Chairperson of the relevant Overview and Scrutiny Committee, by any 5 members of the Committee or 3 members of a sub-committee.

The ~~Partnerships and Governance~~ **Corporate** Overview and Scrutiny Committee shall meet to exercise its crime and disorder functions at least once each year.

6. Quorum

The quorum for an Overview and Scrutiny Committee is a quarter of all Members of the committee or 3 whichever is greater.

7. Who Chairs Overview and Scrutiny Committee Meetings?

The Subject Overview and Scrutiny Committee Chairpersons will be appointed at the Annual Meeting of Council.

The Chairperson of the Corporate Scrutiny Committee is to be appointed by the members of the Corporate Scrutiny Committee from one of the Chairpersons of the Scrutiny Subject Committees but it must be in accordance with the political balance rules.

8. Work Programme

~~Overview and Scrutiny Committees/sub-committees will be responsible for setting their own work programmes.~~

At the beginning of the municipal year each Subject Overview and Scrutiny Committee will be asked to identify issues for consideration during the year, using pre-determined criteria which emphasises the need to consider issues such as impact, risk, performance, budget and community perception when identifying topics for investigation.

These items will be presented to the Corporate Overview and Scrutiny Committee for prioritisation and designation to each Subject Overview and Scrutiny Committee.

There is an understanding that the Forward Work Programme will remain flexible and be revisited at each Corporate Overview and Scrutiny Committee meeting to consider all potential items and reprioritise with input from the Subject Overview and Scrutiny Committees.

~~To ensure that the work programmes of each of the Overview and Scrutiny Committees are co-ordinated with one another and with the Cabinet's forward work programme an overview and scrutiny forward work programme will be agreed from time to time by an Overview and Scrutiny Strategy Group comprising the Chairpersons of and one other person nominated by each Overview and Scrutiny Committee.~~

Forward Work Programme Development Meetings will take place between Cabinet

Members and Scrutiny Chairs every three months in order for both Cabinet and Scrutiny to discuss and coordinate their Forward Work Programmes. Information will be fed back to the Corporate Overview and Scrutiny Committee as part of their Forward Work Programme item for consideration and approval.

9. Agenda Items

- (a) Any Member may refer a local government matter (~~as defined by Section 21A of the Local Government Act 2000~~) to the relevant **Corporate** Overview and Scrutiny Committee ***in accordance with Section 21A of the Local Government Act 2000.*** ~~for inclusion on the agenda and discussion of the Committee;~~
- (b) Overview and Scrutiny Committees shall respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Council and/or the Cabinet as appropriate;
- (c) Any Member may refer a local crime and disorder matter (~~as defined by Section 19 of the Police and Justice Act 2006~~) to the Partnerships and Governance **Corporate** Overview and Scrutiny Committee ***in accordance with Section 19 of the Police and Justice Act 2006.*** ~~and discussion at a meeting of the Committee where the Committee is exercising its crime and disorder functions.~~

10. Policy Review and Development

- (a) The roles of Overview and Scrutiny Committees in relation to the development of the Council's Budget and its Policy Framework are set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution;
- (b) In relation to the development of the Council's approach to other matters not forming part of its Budget or Policy Framework, Overview and Scrutiny Committee or sub-committees may make proposals to the Cabinet for the review and development of policy in so far as they relate to matters within their terms of reference;

- (c) Overview and 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 reasonable expenses for doing so.

11. Reports from Overview and Scrutiny Committees and Sub-Committees

- (a) Once an Overview and Scrutiny Committee or sub-committee has formed recommendations on proposals for development, the Committee/sub-committee will prepare a formal report and submit it to the proper officer for committees for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate;
- (b) If an Overview and Scrutiny Committee/sub-committee cannot agree on one single final report to the Council or the Cabinet as appropriate, then a majority report may be prepared which also records the minority view and submitted for consideration by the Council or the Cabinet.

12. Reports to Cabinet and Council

- (a) The reports of Overview and Scrutiny Committee for Cabinet and Council shall be provided to the proper officer for inclusion in the appropriate agenda within 4 weeks of receipt.
- (b) A maximum of six reports may be submitted by each Overview and Scrutiny Committee/sub-committee to the Cabinet in any 12 month period, this calculation does not include any report requested by the Cabinet;
- (c) Overview and Scrutiny Committees will have access to the Cabinet's forward work programme. ~~Overview and Scrutiny Committee/ sub-committee may provide a report Cabinet on any issue included in the forward work programme of Cabinet.~~

13. ~~Partnerships and Governance~~ Overview and Scrutiny Committees exercising powers in relation to Crime and Disorder Functions

- (a) Paragraphs 10, 11 and 12 above do not apply to the ~~Partnerships and Governance~~ **Corporate or Subject** Overview and Scrutiny Committee in exercising its crime and disorder functions.
- (b) This Committee or Subject Committee may review and scrutinise decisions made or other actions taken in connection with the discharge of crime and disorder functions by responsible authorities (as defined by Sections 5 of the Crime and Disorder Act 1998). The **Corporate Overview and Scrutiny** Committee may make reports or recommendations to Council or Cabinet, as appropriate, with respect to the discharge of crime and disorder functions. Where the Committee makes such reports or recommendations it must provide a copy to each of the responsible authorities and to each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998.

- (c) In addition, the Committee must consider any local crime and disorder matter (as defined by Section 19 of the Police and Justice Act 2006) included on the agenda for the meeting where the matter has been referred to the Committee by a Member of the Authority. It must consider whether to make a report or recommendations to Council or Cabinet with respect to that local crime and disorder matter, having regard to any representations made by the Member concerned. If the Committee decides not to make a report or recommendations it must notify the Member concerned of its decision and the reasons for it. If the Committee does make a report or recommendations to Council or Cabinet then it must provide a copy of the report or recommendations to the Member concerned and to such of the responsible authorities and co-operating persons or bodies, as it thinks appropriate.
- (d) Whenever the Committee provides a copy of a report or recommendations to a responsible authority or a co-operating person or body, it must remind that authority / body of its statutory duty to have regard to the report or recommendations in exercising its functions, to consider the report or recommendations and to respond to the Committee indicating what (if any) actions that person or body proposes to take.

14. Consideration of Member Referrals

Any Overview and Scrutiny Committee receiving a referral from a Member, who is not a Member of the Committee, may choose to conduct some work on the issue, including reviewing and scrutinising decisions and actions and making reports and recommendations. In deciding whether to do any of these things the Committee may have regard to anything that the Member may have already done in relation to the matter and any representations made by the Member concerned. If the Committee decides not to make a report or recommendations it must notify the Member concerned of its decision and the reasons for it. If the Committee does make a report or recommendations to Council or Cabinet then it must provide a copy of the report or recommendations to the Member concerned.

14. Rights of Overview and Scrutiny Committee Members to Documents

- (a) In addition to their rights as councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) When exercising its functions in relation to crime and disorder, ~~the Partnerships and Governance~~ Overview and Scrutiny *Committees* have a right to request and receive information from the responsible authorities and co-operating persons or bodies (as defined by Section 5 of the Crime and Disorder Act 1998) on written request. Information provided will normally be de-personalised and will exclude information likely to prejudice legal proceedings or current or future operations.

15. Members and Officers giving Account

- (a) Any Overview and Scrutiny Committee or sub-committee 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 (subject to the operation of the Member and Officer Codes of Conduct) the Leader and any (other) member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions; and/or
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) the performance of their respective department / directorate portfolio;;and those persons shall attend if so required;
- (b) Where any member or officer is required to attend an Overview and Scrutiny Committee/sub-committee under this provision, the Chairperson of that Committee/sub-committee will inform the ~~Senior~~**relevant** Scrutiny Officer. The officer for scrutiny shall inform the member or officer giving at least 5 clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee/sub-committee. Where the account to be given to the Committee/sub-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;
- (c) Where the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee/sub-committee shall in consultation with the member or officer arrange an alternative date for attendance.
- (d) When exercising its functions in relation to crime and disorder, the ~~Partnerships and Governance~~ Overview and Scrutiny **Committees** may require attendance of an officer or employee of a responsible authority or co-operating person or body to answer questions, on reasonable notice being given.

16. Attendance by Others

An Overview and Scrutiny Committee/sub-committee may invite members of the public and other stakeholders to address it and assist it in its deliberations.

17. Call-in

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, or an Officer the decision shall be published by the Proper Officer for Committees, including where possible by electronic means, and shall be available at the main offices of the Council as soon as reasonably practicable after being made. All Members will be sent copies of the written records of all such decisions by the Proper Officer for Committees within the same time scale.

- (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 3 clear working days after the publication of the decision (“the call-in period”), unless an Overview and Scrutiny Committee objects and calls it in for review.
- (c) During the period of 3 clear working days from the date of publication of a decision (“the call-in period”) **any 3 Members of an Overview and Scrutiny committee and a Scrutiny Chair may call-in a decision** ~~relating to a function within the remit of the scrutiny committee~~ by giving notice in writing (“the call-in notice”) on the form provided by Democratic Services, to the Proper Officer.
- (d) A “call-in notice” shall specify precisely which aspects of the decision is questioned or challenged, and in particular shall contain the grounds why it is considered that the scrutiny committee will be likely to refer the decision requested to be called in back to the decision making person or body.
- (e) The Proper Officer may rule that a call-in is not valid if:
- (i) The call-in request has not been made within the 3 clear working days allowed for call-in;
 - (ii) It is not clear which decision is being called-in;
 - (iii) The decision is exempt from call-in on account of the urgency provisions as indicated at paragraph 18 below;
 - (iv) The call-in request provides too little information to enable scrutiny committee members or the decision maker to adequately prepare for the call-in meeting;
 - (v) The decision being called in, or broadly the same decision, has been called in during the last 6 months.
 - (vi) The call-in request is trivial or without substantial merit
- (f) The role of scrutiny committees in calling in a decision is:
- (i) To test the merits of the decision;
 - (ii) To consider the process by which the decision has been formulated;
 - (iii) To make recommendations (to support the decision, change aspects of the decision, or to invite the decision making person or body to reconsider);
 - (iv) To suggest further steps before a decision is made (but not to try to carry out those steps in place of the decision making person or body);
 - (v) To come to a view in a relatively short time scale, so as not to compromise the speed and efficiency of the decision making process.
- (g) On receipt of a valid call-in notice containing the details specified above, the Proper Officer shall notify the decision taker of the call-in and **hold a meeting of an Overview and Scrutiny Committee on such date as he/she may determine, where possible after consultation with all Overview and Scrutiny Chairpersons** and in any case within 5 clear working days of the decision to call-in. **The**

Chairpersons will collectively determine which Overview and Scrutiny Committee will be allocated the meeting.

- (h) Only in exceptional circumstances will the Proper Officer consider extending this time limit.
- (i) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred to the decision maker that decision maker shall then reconsider the decision within a further 7 clear working days, amending the decision or not, before adopting a final decision.
- (j) If following an objection to the decision, the Overview and Scrutiny Committee does not meet within the 5 working day period set out above (or agreed extended period), or does meet but does not refer the matter back to the decision making person or body, the decision may be determined on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further 5 working day period (or agreed extended period), whichever is the earlier.
- (k) In order to ensure that call-in is neither abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
 - (i) ~~an Overview and Scrutiny Committee~~ may only call-in a total of three **six** decisions per ~~three-month period~~ **year**;
 - (ii) **three Members of an Overview and Scrutiny Committee and a Scrutiny Chair** are needed for a decision to be called in;
 - (iii) the Proper Officer may veto any request for call-in if it falls outside the remit of this scheme.

18. Call-in and Urgency

The call-in procedure set out in paragraph 17 above shall not apply where the decision being taken by the Cabinet, Cabinet committee, Cabinet Member or Officer is urgent AND not subject to call-in. A decision will be urgent AND not subject to call-in if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state why in the opinion of the Cabinet, Cabinet committee, Cabinet Member or Officer the decision is an urgent one not subject to call-in. ~~The~~ **All three Chairpersons of Overview and Scrutiny Committee will be consulted to must agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to call-in. In the absence of the-a Chairperson(s)** of the relevant Overview and Scrutiny Committee, **the matter will proceed on the decision of one Chairperson.** ~~be referred to the Chairperson of the Partnerships and Governance Corporate Overview and Scrutiny Committee, or in their absence to the Chairperson of the Corporate Resources and Improvement Overview and Scrutiny Committee, or~~ **In the absence of all three Chairpersons both, the Mayor or Deputy Mayor's consent shall be required.** ~~in the absence of all three, the Deputy Mayor's consent shall be required.~~ Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

19. The Party Whip

At each meeting of an overview and scrutiny committee, each member of the committee must declare any prohibited party whip which the member has been given in relation to the meeting.

The minutes of each meeting of an overview and scrutiny committee will record all such declarations of prohibited party whips made at the meeting.

It is for the person chairing a meeting of an overview and scrutiny committee to determine whether a member of the committee has been given a prohibited party whip in relation to the meeting.

20. Procedure at Overview and Scrutiny Meetings

- (a) Overview and Scrutiny Committees and sub-committees shall consider the following business:
 - (i) Minutes of the last meeting;
 - (ii) Declarations of interest (including whipping declarations);
 - (iii) Consideration of any matter referred to the Committee/sub-committee for a decision in relation to call in of a decision;
 - (iv) Responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
 - (v) The business otherwise set out on the agenda for the meeting;
- (b) Where the Overview and Scrutiny Committee/sub-committee conducts investigations, the Committee may ask people to attend to give evidence at Committee meetings, and such investigations shall be conducted in accordance with the following principles:
 - (i) the investigation shall be conducted fairly and all members of the Committee/sub-committee given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) those assisting the Committee/sub-committee by giving evidence shall be treated with respect and courtesy; and
 - (iii) the investigation shall be conducted so as to maximise the efficiency of the investigation or analysis;
- (c) Following any investigation or review, the Committee/sub-committee shall prepare a report, for submission to the Cabinet and/or the Council as appropriate and shall make its report and findings public.

~~21. Matters within the Remit of more than one Overview and Scrutiny Committee/Sub-Committee~~

~~Where an Overview and Scrutiny Committee/sub-committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee/sub-committee, then the Committee/sub-committee conducting the review shall invite the Chairperson of the other Committee/sub-committee (or his/her nominee) to attend its meetings when the matter is being reviewed.~~