



## **A PRACTICAL GUIDE TO SCRUTINY**

### **What is Scrutiny?**

Cabinet and Scrutiny functions were created as a result of the Local Government Act 2000.

The Cabinet makes most of the Council's important decisions whilst most of the day-to-day decisions are taken by Council officers. However, full Council remains the Council's sovereign body and is responsible for determining the Council's key policy framework e.g. setting the budget and determining council tax etc.

Scrutiny Committees consist of Members who are not members of Cabinet and are responsible for holding decision makers (Cabinet and Council Officers) to account and assisting in developing better Council policies and services. They can examine any Council function, or consider any issue, which affects the wider community.

Scrutiny enables Members to influence decisions that are taken by the Cabinet and ensure that the views and needs of local people are taken into account.

### **What are the aims of Scrutiny?**

- To help to improve the Councils' performance.
- To help the Council to deliver services, which are sensitive to local needs by involving local people.
- To ensure that decision-making is clear, transparent and accountable.
- To engage service users and the wider community in decision-making.

### **Why is Scrutiny important?**

- Holds decision makers to account.
- Challenges and improves performance.
- Supports the achievement of value for money.
- Challenges the way things are done.
- Influences decision makers with evidence-based recommendations.
- Brings in the evidence and views of stakeholders, users and citizens.
- Undertakes pre/post decision scrutiny of Cabinet proposals.

Scrutiny Committees, as well as making suggestions for improvements, acknowledge good practice and performance.

### **Scrutiny in Caerphilly County Borough**

There are five Scrutiny Committees in Caerphilly County Borough:-

- Education Committee (includes Schools, Youth Services, Libraries and Life Long Learning).
- Environment and Sustainability Scrutiny Committee (Includes Community & Leisure Services, Highways, Transportation & Engineering)

- Housing and Regeneration Scrutiny Committee (includes Planning)
- Partnerships Scrutiny Committee (scrutinises the Public Services Board and Safer Caerphilly Community Safety Partnership).
- Policy and Resources Scrutiny Committee (includes the Policy and Corporate Services functions of the Council).
- Social Service Scrutiny Committee (includes Adult and Childrens' Social Services)

### **Can I attend a Scrutiny meeting and where and when are they held?**

- All meetings are open to the public unless confidential matters are being discussed.
- Meetings are held at Ty Penallta, Council Offices, Tredomen Park, Ystrad Mynach, CF82 7PG.
- Meetings are generally held every 6 weeks and usually start at 5.30pm. Details are available on the Council's website:-

[www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)

### **How can I obtain Agendas and Minutes of Scrutiny Committees?**

Papers are available on the Council's website, from the home page, select the heading '**The Council**' at the top of the page, below the main banner header. Then select '**Meetings, Agendas, Minutes and Reports**'.

From this page you have two options; '**Meetings Calendar**' allows you to go the date of the meeting where you can select the name of the committee, and this will take you to the documents for that meeting.

The second option is to go to '**Minutes, Agendas and Reports**' this allows you to search on the subject or to use advanced search option to tailor your search to a date range with the name of the committee.

If you wish to browse papers for a particular scrutiny committee you can do this by again selecting '**The Council**' at the top of the website page.

Then select '**Councillors and Committees**' then go to '**Committees**' and then '**Scrutiny Committees**' click on the link for the particular committee you are interested in. You will then find an option to '**browse meetings and agendas for this committee**'.

### **How can I become involved in Scrutiny?**

- Scrutiny provides the opportunity for the public to become involved in the Council's activities.
- Should you wish to make a request to a Scrutiny Committees, please complete the appropriate form which is available on the Councils' website [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk) or contact the Democratic Services Team (see contact details on page 3 of this guide).
- All requests will be considered in accordance with an agreed protocol (see appendix 1).
- If the Committee Chair agrees to consider the matter you will be advised of the process to be undertaken and the date of the meeting.

### **What happens at the scrutiny meeting?**

- It is important to note that Scrutiny Committee meetings are formal meetings of the Council.

- The Scrutiny Committee can call 'expert witnesses', listen to statements and also ask questions of those witnesses.
- However the Council can only request a 3rd party organisation attend a scrutiny committee.
- All witnesses will be treated with courtesy and respect and all questions to witnesses are made in an orderly manner under the direction of the Chairman. It is also important to note that witnesses are under no obligation to respond to questions.

### **Giving evidence to a Scrutiny Committee**

The Scrutiny Committee will consider all requests from members of the public or stakeholders. Once the Scrutiny Committee has considered the request the member of the public or stakeholder will be advised of the outcome. The decision will be based in accordance with the agreed criteria (Appendix 1).

Members of the public or stakeholders can decide to either provide written evidence or speak at the scrutiny committee meeting. All speakers will be limited to 5 minutes unless advised otherwise by the Chair.

If there are a number of representations to speak on an issue the number of speakers will be determined by the Chair, usually up to a maximum of three. This does not include requests from Caerphilly County Borough Councillors, which are determined by the Council's constitution.

### **Room Layout**

Caerphilly County Borough Council operates a conference style room layout. Scrutiny Committee Members and Support Officers will sit horseshoe around three sides of the table. The Cabinet Member, Senior Officers will sit together at the end of the table and will be joined by Officer(s) and witnesses during specific topics under discussion.

There is a separate officer/witness table, a public area and press table. To assist visitors to identify who is who, all those around the meeting table will have a nameplate indicating their name and position.

### **Staffing and Support**

Democratic Services Officers and Legal staff provide support during Scrutiny Committee meetings by providing advice and guidance and recording minutes. Democratic Services will liaise with witnesses and officers and assist in preparing work programmes

**For more information on how scrutiny works at Caerphilly County Borough Council and for putting forward items for discussion please contact:-**

**Democratic Services Team  
Caerphilly County Borough Council  
Ty Penallta  
Tredomen Park  
Ystrad Mynach  
Hengoed  
CF82 7PG**

**Email: [scrutiny@caerphilly.gov.uk](mailto:scrutiny@caerphilly.gov.uk)**

**Telephone: 01443 864279**

## Criteria for Report Requests

### Criteria – issues already on forward work programme

The following criteria will assist the Committee when determining if a request from a member of the public or stakeholder to give evidence at scrutiny committee can be accommodated:-

- The request refers to an issue already on a scrutiny committee forward work programme.
- The request is not deemed vexatious, discriminatory or there have been repeated similar requests.
- The request is not being made to highlight a specific complaint (complaints should be dealt with in accordance with Council's complaints procedure).
- The member of the public or stakeholder has given evidence on the same issue within the last 12 months.

### Criteria – issues not on forward work programme

The scrutiny committee will consider the request based on the following criteria:-

- The issue is within the terms of reference of the scrutiny committee.
- The scrutiny committee has the responsibility to prioritise issues according to the time available to it and will use the attached prioritisation matrix to help it determine its priorities.
- The request is not deemed vexatious, discriminatory, or there have been repeated similar requests.
- The request is not being made to highlight a specific complaint (complaints should be dealt with in accordance with Council's complaints procedure).
- The scrutiny committee has not already considered the issue within the last 12 months.

### Third Parties

If the request involves the attendance by a 3rd party organisation it should be noted that the Council could request but not compel that organisation to attend.

### Outcome

Following representations from and discussions with members of the public or stakeholders, the scrutiny committee may decide on the following:-

- To alter, amend or make recommendations to a report.
- To undertake further scrutiny of the issue and commission a further report or undertake other activities.
- To call upon a 'Designated Person' to attend a future scrutiny committee.
- To set up a task and finish group to undertake a detailed review of an issue.

## **Explanatory Notes**

### **Designated Person**

The Local Government (Wales) Measure 2011 places a duty on local authority scrutiny committees to scrutinise other public service providers in its area. Section 61 of the Measure gave Welsh Ministers powers to “designate” individuals and organisations to be subject to scrutiny by local authority scrutiny committees. This will not come into effect until Welsh Government issue the Ministerial Order.

### **Vexatious/Persistent**

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

### **Equalities and Welsh Language**

Discrimination occurs when person A treats person B less favourably on the grounds of real or perceived differences, backgrounds or individual circumstances, in comparison with how they treat other people. The Equality Act 2010 lists the groups of people who have the right not be discriminated against. People who belong to these groups have what are called protected characteristics. Those are:

- age
- disability
- gender identity and gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Welsh Language (Wales) Measure 2011 gives equal legal status to Welsh and English in Wales and gives legal rights to individuals to be able to live their lives through the medium of Welsh. The Welsh language must not be treated less favourably than English in the conduct of Council business.

Other groups are covered by various UN Conventions, EU, UK and Welsh Government legislation and regulations e.g. on Human Rights.

All Council policies, procedures and decisions must be equality impact assessed in order to ensure that the above issues have been properly developed, consulted upon and approved. The Equalities Implications section in reports should refer to this process.

The Council’s Strategic Equality Plan 2016-2020 has greater detail on these issues and is available, along with a wide range of specific guidance documents (such as on impact assessments, complaints, procurement etc) for elected members and staff members on the Equalities and Welsh Language Intranet Portal.