

PART 6 - OVERVIEW AND SCRUTINY

6.1 Arrangements for Delivery of the Overview and Scrutiny Function

6.1.1 The Council agreed to establish overview and scrutiny committees with effect from the Annual Council meeting on 19 May 2009. Those overview and scrutiny committees have power between them

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive,
- (b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the Executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive,
- (d) to review or scrutinise decisions made or actions taken by the Public Services Board
- (e) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the Executive,
- (f) to make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area,
- (g) to review and scrutinise, in accordance with regulations under section 7 of the Health and Social Care Act 2001, matters relating to the health service (within the meaning of that section) in the authority's area, and to make reports and recommendations on such matters in accordance with the regulations,
- (h) to review and scrutinise, in accordance with the regulations under sections 19 to 21 of the Police and Justice Act 2006, matters relating to crime and disorder functions.

6.1.2 Executive Members cannot be members of any of the Overview and Scrutiny Committees.

6.1.3 Executive Members and officers can be required to attend Overview and Scrutiny Committees to answer questions and the Overview and Scrutiny Committees may invite others to attend their meetings.

6.2 Service based Overview and Scrutiny Committees

6.2.1 There are four Overview and Scrutiny Committees of nine Members each.

- Adults and Communities
- Economy and Environment
- Education

– Children and Families

6.2.2 In addition, as required by the Local Government Act 2000 the Education Overview and Scrutiny Committee, **whose functions relate to education**, includes the following as voting members of the Committee:

- Two Church representatives, one appointed by the Church in Wales and one by the Roman Catholic Church.
- Three representatives of parent governors elected in accordance with regulations made by the Welsh Assembly Government.

6.2.3 The Chair, and Members of each Committee (other than the Church and parent governor representatives referred to in paragraph 6.2.2) will be elected at the Annual meeting of the Council.

6.2.4 Overview and Scrutiny Committees may (through the Chair) invite individuals who are not councillors to participate in their meetings if they have particular expertise on a matter under discussion. Decisions to have standing invitations shall be approved by Council.

6.3 Public Services Board Overview and Scrutiny Committee

6.3.1 The Chairs of the service based Overview and Scrutiny Committees will meet as the designated Public Services Board Overview and Scrutiny Committee to scrutinise the Torfaen Public Services Board.

6.3.2. The Regional Public Services Board Scrutiny Committee will scrutinise the work of the Gwent Public Services Board. Two elected members will sit on the Scrutiny committee. An Executive Member cannot be a member of that Committee.

6.4 Council Overview and Scrutiny Committee

6.4.1 There is also a Council Overview and Scrutiny Committee which is convened, where necessary, during the Council meeting to consider challenges to Cabinet decisions. (See paragraph 5.10). The terms of reference of the Council Overview and Scrutiny Committee are to exercise the powers of scrutiny and review in relation to matters which are subject to such challenge and referred to the Council under paragraph 5.10 of the Constitution.

6.4.2 All Councillors who are not members of the Cabinet are automatically members of the Council Overview and Scrutiny Committee

6.5 Consideration of Issues that affect All Scrutiny Portfolios

6.5.1 The Cross-Cutting Resources and Business Overview and Scrutiny Committee is held to consider cross-cutting issues when required. All non-Executive members (including co-optees) are members of this committee.

6.6 Cardiff Capital Region City Deal Joint Overview and Scrutiny Committee

- 6.6.1 The purpose of the joint Committee which consists of members from the 10 participating authorities is to oversee and coordinate the discharge of the council's obligations in relation to the City Deal and to carry out such functions as set out in its terms of reference. There shall be one non-executive member from this Council.

6.7 Joint Overview and Scrutiny Committee (JOSC) for Torfaen County Borough Council and Blaenau Gwent County Borough Council

- 6.7.1 The purpose of the Joint Overview and Scrutiny Committee (JOSC), established jointly by Torfaen County Borough Council and Blaenau Gwent County Borough Council is to provide effective, transparent, and outcome-focused scrutiny of 'federated' or cross-boundary matters that affect both councils.
- 6.7.2 Whilst the JOSC provides the mechanism for bringing scrutiny committees together across the 2 federated Councils, it is important to remember that the sovereignty of each council remains paramount and undertaking scrutiny 'at place' remains the primary default position.
- 6.7.3 The JOSC protocol adopted by the Council sets out the arrangements for convening a JOSC, its members, the administration procedures and how the JOSC shall operate. The JOSC protocol is available from Democratic Services.

6.8 The Role of Overview and Scrutiny Committees

- 6.8.1 Overview and Scrutiny Committees form a focus for the non-executive role of Councillors.
- 6.8.2 Each Overview and Scrutiny Committee will formulate its own work programme which will guide its primary activity during the year.
- 6.8.3 The work programme will be designed to enable members to:
- exercise their scrutiny role by scrutinising and reviewing decisions of the Cabinet, Executive Member and officers within their terms of reference and challenging decisions which have not been implemented.
 - carry out scrutiny reviews;

- establish and operate a system for performance review of areas within their remit, including developing performance indicators for the specific areas and monitoring performance against these indicators;
- consider policy proposals for submission to the Cabinet and assist in other matters of policy development following reference from the Cabinet or Executive Member;
- act as a sounding board before significant executive decisions are made which will be listed in the Executive Forward Plan produced by the relevant Executive Member and Strategic Director.

6.9 Terms of Reference of Overview and Scrutiny Committees

6.9.1 The terms of reference of overview and scrutiny Committees shall reflect the individual Executive portfolios and the functions of the other Committees and Service based structure of the Council as set out on the following pages:

Public Service Board Overview & Scrutiny Committee	
Public Service Board Torfaen Well-Being Assessment & Well Being Plan (Policy Framework Document - Local Well-Being Plan)	Leader

Reporting Strategic Directors: Chief Executive Reporting Heads of Service: Strategic Director Communities & Digital Head of PSSU
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CROSS CUTTING RESOURCES & BUSINESS OVERVIEW & SCRUTINY COMMITTEE

County Plan Cross Cutting Strategy and Policy Corporate & Strategic Activities Cardiff Capital Region City Deal Communication & Engagement Civil Contingencies Armed Forces Covenant Future Generations and Wellbeing Inequalities Agenda Strategic Finance Financial Services	Leader
Administration & Business Support Democratic & Members Support Complaints & Freedom of Information Performance Improvement (Performance Management Framework) Electoral Registration Registrars Business Continuity Local Council Partnership Committee Statutory Support for Welsh Language (Policy Framework Document - Welsh Language Scheme) Survey Design and Analysis Local Land & Property Gazetteer General Data Protection Regulations / Information Governance Council's Strategic Equality Plan (Policy Framework Document - Equality Improvement Framework for Wales) Programme Delivery & Performance - Project Management Office SRS Client Relationship Internal Audit Procurement Human Resources Legal Revenue & Benefits Archives	Executive Member, Corporate Governance & Resources

Climate Change Climate Energy Decarbonisation of the Torfaen Estate & Fleet Net Zero Food Resilience Programme	Executive Member for Waste & Sustainability
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Reporting Strategic Directors: Chief Executive Deputy Chief Executive	Strategic Director Adults & Community Strategic Director Children & Family Services Strategic Director Economy & Environment
Reporting Heads of Service: Director Financial Services Director Corporate Services (Head of Democratic Services) Head of Human Resources Head of Programme Delivery	Head of Legal Services Head of Revenues and Benefits Head of Audit & Procurement Monitoring Officer Head of Pensions & Investment Deputy Director Highways, Transport & Climate Change

CHILDREN & FAMILIES OVERVIEW & SCRUTINY COMMITTEE

Children's Services

Children Looked After Strategy
 Safeguarding of Children & Young People
 Prevention & Early Intervention Services (Service focussed)
 Foster Care
 Children's Residential Provision
 Families First
 MyST
 MASH
 Disabled Children's Services
 TYPPS/ 16+
 Family Resource
 Support Services (Including Young Carers, Looked After
 Children & Care Leavers)
 Specialist Occupational Therapy Assessments

Executive Member, Children,
Families & Education

Youth Offending Service

Executive Member,
Corporate Governance
& Resources

Reporting Strategic Directors:

Strategic Director for Children & Family Services

Reporting Heads of Service:

Head of Children & Family Services

EDUCATION OVERVIEW & SCRUTINY COMMITTEE

Director of Education

WESP 2022-2032

Children's Rights / Citizenship for Children and Young People

Commission of EAS

County Youth Forum & Children and Young People's National Participation Standards

Resources & Planning:

Play Service

Youth Service

Catering & Cleaning

Youth Engagement & Progression inc. NEETS

Safeguarding & Equalities in Schools

Access & Engagement:

Energy Management in Schools

Capital Builds

Forward Planning

School Admissions

Schools Data

Additional Learning Needs (ALN) Inclusion & Wellbeing:

SENCOM

Exclusions

Additional Learning Needs (ALN)

Education Psychology

Healthy Schools

Anti-bullying Guidance & Policy

Education Otherwise Than At School (EOTAS)

Learning & Achievement:

Pupil Referral Unit

Education Welfare Service (inc. school attendance)

Early Years

School Improvement

Executive Member, Children,
Families & Education

Reporting Strategic Directors:

Strategic Director for Children & Family Services

Reporting Heads of Service: Director
of Education

Head of Resources & Planning

Head of Additional Learning Needs (ALN) Inclusion and Wellbeing Head
of Learning and Achievement

ADULTS & COMMUNITIES OVERVIEW & SCRUTINY COMMITTEE

Adult Social Care: Health & Social Care Partnership Strategies (RPB and ISPB) Hospital Discharges Integrated Reablement Commissioning Of Social Care Services Domiciliary, Residential and Nursing Care Adaptations Assistive Technology Direct Payments Deprivation of Liberty Safeguards Mental Health Services (Mental Capacity Act 2005) Protection of Vulnerable Adults Carers Policy	Executive Member, Adult Services & Housing
Housing: Local Housing Strategy Homeseeker Policy Common Housing Register Housing Support Grant Homelessness Prevention	
Communities: Community Resilience Community Wellbeing Strategy Greenmeadow Farm Welsh Church Fund in Torfaen Major Third Sector Grants Programme Community Halls Community Connecting Anti-Poverty / Welfare Rights & Welfare Reform Early Intervention & Prevention (Community focussed) Volunteering Torfaen Local Authority Partnership Agreement (LAPA)	Executive Member, Communities

Sports Leisure & Cohesion (PSSU): Sports & Leisure Strategy Commission of the Leisure Trust Community Cohesion Resettlement of Refugees	
Community Safety (PSSU): Community Safety Serious Violence Prevention Duty	Executive Member, Corporate Governance & Resources
Customer & Digital: ICT & Digital Customer Services Libraries	
Renewal: Employability Services Marketing Torfaen Adult Community Learning Skills	Executive Member Economy, Skills & Regeneration

Reporting Strategic Directors:
Strategic Director for Adults & Communities

Reporting Heads of Service:
Head of Communities & Renewal
Head of Adult Services & Commissioning
Head of PSSU
Head of Customer, ICT & Digital

ECONOMY & ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

Highways

Highways & Transportation Highways

Network:

Highways Development Control

Integrated Transport Unit

Local Transport Plan

Environment & Sustainability

Environment & Public Protection:

Licensing & Trading Standards

Housing Safety

Environment Protection

Food & Health Protection

Environment

Litter & Flytipping

Greenspace Management & Streetscene Operations

Formal Parks, Local Nature Reserves, Allotments,

Leased Sports Grounds & Formal Play Areas

Countryside & Ecology

Environmental & Recreational Improvement

Schemes

Public Rights of Way & Cycle Routes Cemeteries

& Bereavement Services

Property Maintenance, Management & Construction

Executive Member, Environment

Recycling:

Waste Management & Recycling Raise
the Rate

Executive Member, Waste & Sustainability

Economy, Assets and Property: Economic Development Assets Business Incubation, Business Support & Advice (inc. Springboard Innovation Centre) Arts & Culture Planning & Development: Development Management & Planning Enforcement Building Control Planning Policy & implementation inc. LDP Planning Guidance The British Masterplan Placemaking Plans Blaenavon Partnership / Local Authority World Heritage Forum	Executive Member, Economy, Skills & Regeneration
Blaenavon World Heritage Centre Pontypool Indoor Market Economy & Skills Strategy	

Reporting Strategic Directors:

Strategic Director Economy & Environment

Reporting Heads of Service:

Deputy Director Highways, Transport and Climate Change

Head of Recycling & Environment

Head of Economic Development, Assets & Property

Head of Public Protection

Head of Planning & Development

Governance and Audit Committee

Policy and Operational Area	Responsible Executive Member
□ Risk Management □ Internal /External Audit □ Corporate governance including the Corporate Governance group and the Annual Governance Statement (AGS) □ Performance Improvement	EXECUTIVE MEMBER FOR PERFORMANCE IMPROVEMENT & CORPORATE GOVERNANCE

6.9.2 The Adults & Communities Overview and Scrutiny Committee has the following specific terms of reference when acting as the Crime and Disorder Committee under S19 of the Police & Justice Act 2006

- To review and/or scrutinise decisions made or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions
- To make reports and recommendations to the Council and/or the Executive with respect to the discharge of crime and disorder functions by the responsible authorities
- To consider at a meeting of the committee any local crime and disorder matter referred to the committee by a member of the Council
- To decide whether to make a report or recommendations to Council and/or the Executive in respect of a local crime and disorder matter, having regard to any representations made by that member as to why the committee should do so.
- To notify the member concerned of its decision and the reasons for its **decision** in any case where the committee decides not to make a report or recommendations in respect of a local crime and disorder matter
- To provide a copy of any committee report or recommendations to the member concerned (in respect of a local crime and disorder matter) and to such responsible and co-operating persons or bodies, as it thinks appropriate
- To review responses to committee reports and recommendations, and to monitor action taken by responsible and co-operating persons or bodies in relation to the discharge of crime and disorder functions by the responsible authorities
- To co-opt members in relation to Crime & Disorder matters

6.9.3 The Public Services Board Overview and Scrutiny Committee has the following powers as specified under the Well-being of Future Generations (Wales) Act 2015 ('the Act')

- to review or scrutinise decisions made, or other action taken, by the Public Services Board for Torfaen ('the Board')
- to review or scrutinise the Board's governance arrangements;
- to make reports or recommendations to the Board with respect to the Board's functions or governance arrangements;
- to consider such matters relating to the Board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly;
- to carry out such other functions in relation to the Board as are imposed on it by the Act.

- to require one or more of the persons who may attend a meeting of the board, or anyone designated by such a person, to attend a meeting of the committee and provide it with explanations of such matters as it may specify.

6.10 Work Programmes

6.10.1 Each overview and scrutiny committee will develop a work programme as required. The paragraphs that follow set out the process normally followed to develop such a programme.

6.10.2 Each year each overview and scrutiny committee convenes a 'visioning session'. At this meeting, members consider their key priorities for the forthcoming year in terms of:

- Areas for scrutiny review
- A suite of performance indicators on which performance information is to be received
- Key policy issues they wish to tackle.

6.10.3 At or before the visioning session, the relevant Executive Member will make a report to the Committee outlining her or his priorities for the forthcoming year and the progress made during the past year.

6.10.4 These issues are formulated into a forward work programme approved by the Committee.

6.10.5 Progress towards the achievement of the work programme priorities will be monitored by the committee.

6.11 Participation at Overview and Scrutiny Committees and Recording and Publishing their Business

6.11.1 All members of the committee will receive the agenda for each meeting of every overview and scrutiny committee and members who are not on the committee may attend meetings and speak with the permission of the Chair, but not vote subject to the next paragraph.

6.11.2 Executive Members may only attend overview and scrutiny committees by invitation or when required to do so under the provisions in paragraph 6.13.8.

6.11.3 Minutes of each meeting shall be made and formally approved as a correct record at the next meeting of the committee.

6.11.4 A programme of meetings for the year shall be established. A special meeting may be convened at the request of the chair of the committee and shall be convened within 21 days if requested in writing by at least five members of the committee.

6.12 Access to Information

- 6.12.1 The provisions of paragraph 4.27 of Part 4 of the Constitution apply to overview and scrutiny committees as they apply to Council, with references to the chair replacing references to the Presiding Member.

6.13 Rules of Proceedings

- 6.13.1 The following paragraphs of Part 4 of this Constitution shall apply to overview and scrutiny committees for any part of any meeting where they are considering or making a resolution, with references to the Chair replacing references to the Presiding Member and references to the Acting Chair replacing references to the Deputy Presiding Member:

4.10, 4.11, 4.12, 4.15, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27.

- 6.13.2 The right for members to ask questions on notice shall relate only to questions to the chair on matters within the remit of the Committee.
- 6.13.3 Any member of an overview and scrutiny committee who is participating in any business of the committee where he or she is a member of a political group which has applied a whip to the matter under consideration (whether that whip has been applied at Council, Cabinet or at Overview and Scrutiny Committee) shall declare that he or she is subject to the whip on that matter. For the avoidance of doubt, he or she may continue to participate in the proceedings.
- 6.13.4 The agenda and order of business for meetings of an overview and scrutiny committee shall be determined by the Chair.
- 6.13.5 Any member of an overview and scrutiny committee may request that any matter which is relevant to the functions of the committee is included in the agenda for, and is discussed at, a meeting of the committee. Such request must be made in writing specifying the matter in question and delivered to the Proper Officer. The Proper Officer will arrange for the matter to be placed on the agenda of the next meeting of the committee which is to take place at least ten days after the date on which the Proper Officer receives the request.
- 6.13.6 An overview and scrutiny committee may request production of any documents relevant to a scrutiny review in progress. Such documents shall be provided unless the Monitoring Officer is satisfied that there are exceptional reasons requiring that confidentiality of the documents is maintained.
- 6.13.7 An overview and scrutiny committee may make reports and recommendations on any matters within their terms of reference to an Executive Member, Cabinet, Council, or another public body as appropriate.

6.13.8 Overview and Scrutiny Committees may:

- Adopt an inquisitorial role and question an Executive Member, officer or other person who has appeared before the committee for this purpose;
- Require an Executive Member or officer to attend the committee to answer questions;
- Invite speakers to address the committee.
- Make visits to parts of the area, other areas and to organisations;
- Arrange public or private meetings to gather information or for consultation purposes.

6.13.9 The provisions of Part 4 listed in paragraph 6.13.1 shall not apply when the committee is exercising its rights under paragraph 6.13.8 and the chair shall adopt such procedure as he or she considers appropriate to ensure that the committee's objectives are fulfilled.

6.13.10 An overview and scrutiny committee may appoint a sub-committee and may delegate any of its functions as it so decides to such a sub-committee or to officers from time to time. The provisions of paragraph 6.13 (except this paragraph 6.13.9) apply to any sub-committee appointed by an overview and scrutiny committee and any references to the chair shall be construed and read as references to the chair of the sub-committee and any reference to an overview and scrutiny committee shall be read and construed as a reference to the sub-committee.

6.13.11 The chair of any overview and scrutiny committee may request the attendance of the Executive Member at the next meeting of the committee.

6.14 Challenge, Scrutiny and Review of Executive Decisions

6.14.1 Overview and Scrutiny Committees have the power to challenge, scrutinise and review all decisions of the Cabinet, Executive Members, and officers which fall within their terms of reference. As set out in paragraph 5.10 most decisions of the Cabinet cannot be implemented until the process of challenge, scrutiny and review is complete.

Cabinet decisions

6.14.2 These are challenged and scrutinised by the Council Overview and Scrutiny Committee which meets at the request of any non-executive member of the Council, usually during an adjournment of the Council meeting.

6.14.3 All Cabinet decisions are reported to all non-executive members.

Executive Member and Strategic Director decisions

6.14.4 All forthcoming Executive Member and Strategic Director decisions are reported as set out in paragraph 5.12 of Part 5 of the Constitution.

Powers of the Overview and Scrutiny Committees (including Council Overview and Scrutiny Committee)

6.14.5 When exercising their challenge, scrutiny and review functions overview and scrutiny committees may do any of the following:

- Note the decision.
- Ask for further information including additional information on which the decision was based, background documentation and the reasons for the decision.
- Require the decision maker and any other Executive Member or officer to attend committee to answer questions.
- Require the decision maker to reconsider any decision which has not been implemented.
- Record their comments on the decision.
- Make recommendations to the Cabinet, Executive Members, Deputy Chief Executive, Strategic Directors, Heads of Services or Council in relation to the future handling of similar decisions.

6.14.6 Motions proposing the matters listed in paragraph 6.14.5 shall not require notice.

6.14.7 It is expected that the Deputy Chief Executive and Strategic Directors Strategic Director will attend to answer questions at a committee. The Chair can also request that the Deputy Chief Executive or Strategic Directors Strategic Director make available other Officers from the discipline under review to answer questions at a committee, where appropriate.

6.15 Scrutiny Reviews

6.15.1 Overview and scrutiny committees will undertake detailed scrutiny reviews of particular areas of policy or service. The aim of these reviews varies depending on the subject matter but fundamentally they challenge existing policy, are based on thorough research, scrutiny and consultation and ultimately take the form of proposals to improve the policy or service.

6.15.2 Areas for scrutiny review are determined by the overview and scrutiny committees themselves as part of the development of a work programme.

6.15.3 Proposals arising from a scrutiny review will be presented by the Chair of the overview and scrutiny committee to the Cabinet (unless they relate to a matter which is not

the function of the Executive, in which case such proposals will be presented by the Chair to the Council or appropriate regulatory Committee).

6.16 Participation by Members of the Public

- 6.16.1 A member of the public who lives or works in Torfaen may ask a question or provide evidential information at a Scrutiny meeting on the matter scheduled for discussion
- 6.16.2 Notice of questions: A member of the public may only ask a question or provide evidence under paragraph 6.16 if they have given notice in writing or via the online form to the Scrutiny Team by two clear working days before the scrutiny meeting (e.g. by 10.00am on the preceding Tuesday for a meeting at 10.00am on a Thursday).
- 6.16.3 The Chair, in consultation with the Monitoring Officer and Scrutiny team, will determine whether a question or submission of evidence is appropriate. The decision of the Chair in the above matters shall be final, but when a question or submission from a member of the public has been rejected, the Chair, under that agenda item, will announce to the committee the reason for the rejection and this explanation will be recorded in the minutes. The criteria for suitable questions and reasons for rejection are set out in the Public Speaking at Scrutiny Protocol.
- 6.16.4 The Public Speaking at Scrutiny Protocol is attached as Appendix 27

Statutory Provisions:

Local Government and Elections (Wales) Act 2021

Section 21 and Schedule 1 of the Local Government Act 2000

Part VA, Section 99 and Schedule 12 of the Local Government Act 1972 Part

4 Well-being of Future Generations (Wales) Act 2016

End of Part Six