



# **Terms of Reference and Rules of Procedure**

## **Conwy and Denbighshire Public Services Board Joint Overview and Scrutiny Committee**

## **1. Statutory Provisions**

1.1 The Joint Overview and Scrutiny Committee (JOSC) has been established in accordance with the following legislation:

- Section 58, Local Government (Wales) Measure 2011
- Regulation 3 of The Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013
- Section 35 of the Well-being of Future Generations (Wales) Act 2015

1.2 The conduct of the JOSC and the arrangements for joint scrutiny shall be subject to the legislative provisions in 1.1 above, and any regulations or guidance made in accordance with the legislation; and in the event of any conflict between the Act and/or Regulations and any joint arrangements, the requirements of legislation will prevail.

## **2. Name of the Overview and Scrutiny Committee**

2.1 The appointing authorities are Conwy County Borough Council and Denbighshire County Council

2.2 The title of the JOSC between both authorities shall be the “Conwy and Denbighshire Public Services Board Joint Overview and Scrutiny Committee” (*referred to as the JOSC for the purpose of this document*)

## **3. Purpose of the Joint Overview and Scrutiny Committee (JOSC)**

3.1 To ensure Public Services Boards (PSBs) are democratically accountable the Well-being of Future Generations (Wales) Act 2015 places a requirement on councils to designate an overview and scrutiny committee to scrutinise the work of the PSB. Under the provisions of the Act the scrutiny committee has extensive powers to review the PSB’s governance arrangements as well as any decisions made or actions taken by the PSB. In addition, the scrutiny committee is provided with considerable reporting powers as it is required to share copies of any reports or recommendations made in connection with the PSB’s functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

3.2 The key statutory functions of the JOSC are:

- To review or scrutinise the decisions made or actions taken by the Board;
- To review or scrutinise the Board’s governance arrangements;
- To make reports or recommendations to the Board regarding its functions or governance arrangements;
- To consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and

- To carry out other functions in relation to the Board as are imposed on it by the Well-Being of Future Generations (Wales) Act 2015

3.3 For the purpose of supporting the work of the JOSC the PSB must:

- Consult with the JOSC during its preparation of both the Well-being Assessment and the Well-being Plan and on any proposed amendments to the Plan;
- Send a copy of both the Well-being Assessment and the Well-being Plan to the JOSC; and
- Send a copy of its Annual Report to the JOSC.

3.4 In addition to 3.2 and 3.3 above the JOSC may consider other areas of the PSB's work such as:

- The effectiveness of the Well-being Assessment
- The effectiveness of the Well-being Plan
- The effectiveness of performance measurement arrangements
- The level of commitment from individual partners to the work of the PSB
- The effectiveness of the PSB in communicating its work objectives and outcomes to its stakeholders and residents
- The effectiveness of the PSB in addressing the issue of pooled funding to tackle priorities

3.5 In accordance with the Well-being and Future Generations (Wales) Act 2015 the JOSC may require one or more of the statutory PSB members to attend a scrutiny meeting to provide it with explanations of matters outlined to them as part of the invitation to attend. **Scrutiny of the PSB partner is limited only to its contribution to the activity of the PSB and does not include scrutiny of policies or decisions made by an organisation as an individual entity.**

3.6 Existing legislation excludes any matter which could be considered by a local authority's designated Crime and Disorder Overview and Scrutiny Committee (as per Sections 19 and 20 of the Police and Justice Act 2006) from the work programmes of all other scrutiny committees, sub-committees and JOSCs.

3.7 The Well-being and Future Generations (Wales) Act 2015 puts in place a 'sustainable development principle' which tells organisations how to go about meeting their duty under the Act. There are 5 things that public bodies need to think about to demonstrate that they have applied the principle which the JOSC will want to consider:

- Long Term - The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.
- Prevention - How acting to prevent problems occurring or getting worse may help public bodies meet their objectives.
- Integration - Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.
- Collaboration - Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.
- Involvement - The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.

#### **4. Membership and Political Balance**

- 4.1 There will be an equal number of elected members from each appointing authority and no executive (Cabinet) members may be on the JOSC.
- 4.2 The JOSC will comprise ~~12~~ 16 elected members; that is ~~6~~ 8 non-executive elected members from Conwy County Borough Council and ~~6~~ 8 non-executive elected members from Denbighshire County Council.
- 4.3 Both local authorities will determine and nominate its elected committee members in accordance with its own arrangements. The term of office of the nominated elected members shall be a matter for each nominating local authority subject to a minimum planned term of one municipal year.
- 4.4 In accordance with the Local Authorities (Joint Overview and Scrutiny Committees)(Wales) Regulations 2013 the duty to allocate seats to political groups does not apply to the JOSC. However, each appointing authority must ensure that, as far as practicable, the members of the JOSC reflect the balance of political groups for the time being prevailing among the members of the appointing authority.

#### **5. Appointment of Chair and Vice-Chair**

- 5.1 A JOSC must appoint a chair of the committee from within its elected member membership
- 5.2 A JOSC may appoint a vice-chair and this must be from within its elected member membership.
- 5.3 The appointment of the Chair will normally take place at the first meeting of the JOSC following the Annual Meeting of both Councils in May and last for two municipal years. The post of Chair of the JOSC will alternate every two years between the elected membership of Denbighshire and Conwy

councils. The allocation of the vice-chair (if appointed) will be given to a member of the Authority which is next scheduled to hold the position of Chair.

5.4 Any sub-committee must appoint a chair, and may appoint a vice-chair, from amongst its elected member membership.

## **6. Co-opted Members**

6.1 The JOSC, or a sub-committee of the JOSC, may resolve to co-opt additional members to serve on the JOSC or sub-committee, subject to paragraphs 7.2 to 7.3

6.2 A person may not be appointed as a co-opted member of the JOSC, or of a sub-committee of the JOSC, unless the appointment is approved by a majority of the members of the JOSC or sub-committee.

6.3 A person co-opted to serve on the JOSC, or on a sub-committee of the JOSC, is not entitled to vote at any meeting of the JOSC or sub-committee on any question which falls to be decided at that meeting.

6.4 The JOSC, or a sub-committee of the JOSC, may not co-opt a person who is a member of a local authority, whether that authority is one of the appointing authorities or otherwise.

6.5 The membership of a person co-opted to serve on the JOSC, or on a sub-committee of the JOSC, may be withdrawn by a majority vote at any time by the JOSC or JOSC sub-committee.

## **7. Termination of membership on ceasing to be a member of the authority/suspension from membership**

7.1 If an elected member appointed to the JOSC ceases to be a member of the appointing authority, then that person also immediately ceases to be a member of the JOSC.

7.2 If a person appointed as a member of a JOSC is suspended from being a member or a co-opted member of one of the appointing authorities, that person may not serve as a member of the JOSC for the duration of the suspension.

7.3 If a co-opted member appointed to the JOSC ceases to be an employee or representative of the organisation he/she was appointed from, then that person immediately ceases to be a member of the JOSC.

## **8. Voting Rights**

- 8.1 All elected members who are members of the JOSC may vote on any question that falls to be decided at that meeting
- 8.2 Where there is an equality of votes at a meeting of a JOSC or sub-committee, the chair has a second or casting vote.
- 8.3 A person co-opted to serve on the JOSC or on a sub-committee is not entitled to vote at any meeting of the JOSC or sub-committee on any question which falls to be decided at that meeting (see also co-opted members section, Section 7, above).

## **9. Sub Committees of the JOSC**

- 9.1 The JOSC may establish sub-committees from amongst the JOSC members to undertake its statutory functions.
- 9.2 Any sub-committees appointed by the JOSC will comprise at least 4 elected members, together with any co-opted members as agreed when establishing the sub-committee.
- 9.3 A sub-committee is to comprise an equal number of elected members of each of the appointing authorities.
- 9.4 Any report or recommendation made by a sub-committee of the JOSC is subject to approval by a resolution of the JOSC.
- 9.5 Any sub-committee can only exercise the functions conferred upon it by the JOSC.

## **10. Duration of the JOSC and procedure for withdrawal**

- 10.1 The duration of the JOSC will be until such time as there is a decision taken by the full Council of either of the two participating local authorities to withdraw from the JOSC arrangements.
- 10.2 Written notification will be given to the Chief Executive and the Leader of the other local authority advising of the decision to withdraw from the JOSC arrangements. A copy of the written notification shall also be sent to the Chair of the PSB.

## **11. Remuneration**

- 11.1 The determinations of the Independent Remuneration Panel for Wales will apply to any payments made to JOSC members.
- 11.2 Payments for chairing duties of the JOSC or a sub-committee of the JOSC will only be made if both Denbighshire and Conwy councils agree that payments should be available.

11.3 The reimbursement of travel and subsistence costs incurred by elected or co-opted members of the JOSC when on official JOSC business will be in accordance with the determinations of the Independent Remuneration Panel for Wales.

11.4 Elected members will claim their travel and subsistence costs from their own local authority i.e. Conwy councillors will claim from Conwy County Borough Council and Denbighshire councillors will claim from Denbighshire County Council. Co-opted members will claim from the lead authority providing committee support to the JOSC.

## **12. Access to meetings and documentation etc.**

12.1 The JOSC, or sub-committee, is to be treated as a committee or sub-committee of a principal council for the purposes of Part VA of the Local Government Act 1972(1)(access to meetings and documents of certain authorities, committee and sub-committees).

## **13. Dispute resolution procedure**

13.1 If at any time any dispute or difference shall arise between the participating local authorities in respect of any matters arising out of this agreement or the meaning or effect of this agreement or anything herein contained or the rights or liabilities of any of the local authorities the same shall be referred to the Monitoring Officer of Denbighshire and Conwy councils. Each Monitoring Officer shall undertake and agree to pursue a positive approach towards the dispute resolution which avoids legal proceedings and maintains strong working relationships between the parties. There shall be a commitment to resolving the matter within 10 working days.

13.2 In the event that the dispute is not settled at Monitoring Officer level, and the context so requires, it shall be referred to the respective Chief Executives who shall use their best endeavours to reach a resolution within a further 10 working days.

13.3 In the event that any dispute or difference between the Councils relating to this agreement which it has not been possible to resolve through the decision making process of the Joint Committee or otherwise, the Authorities may either agree to refer the matter to arbitration or utilise the withdrawal procedures at section 10.

## **14. Referral of matters to individual local authorities' scrutiny committees**

14.1 If it becomes evident during a discussion at a JOSC meeting that an issue or a matter has a greater or a more adverse impact on one of the local authorities or within one of the local authority's area, the JOSC can refer the matter to either Denbighshire's or Conwy's locally designated PSB

scrutiny committee for consideration. The JOSC, if it deems appropriate, can ask the individual local authority scrutiny committee to report its conclusion back to the JOSC.

## **15. Schedule of Meetings of the JOSC**

15.1 The JOSC will meet at least twice during each municipal year. Additional meetings of the JOSC may be arranged with the agreement of the Chair of the JOSC in consultation with the Head of Democratic Services of the authority providing the JOSC's committee support.

15.2 The schedule of planned JOSC meetings will be drafted by the host authority providing committee support to the JOSC and will be agreed in consultation with the other local authority.

## **16. Forward Work Programme (see also Section 27)**

16.1 The JOSC should draw-up a forward work programme to identify the main issues it intends to focus upon during the course of the year

16.2 The forward work programme should provide a clear rationale as to the purpose of considering a particular topic, the desired outcomes of its consideration, and the methods by which it will be investigated

16.3 Elected members of both local authorities (whether or not the member is appointed to the JOSC), officers or members of the public who wish the JOSC to consider a specific matter or topic should complete the appropriate 'scrutiny proposal form' to enable the JOSC to consider the topic's suitability for inclusion on its forward work programme. The JOSC will consider the proposals when it reviews its forward work programme at the next available meeting of the JOSC.

16.4 Where there is a co-ordinating committee or panel within Denbighshire or Conwy councils for allocating topics to their Scrutiny committee, those committees or panels can allocate topics to the JOSC. It will be for the JOSC (or the Chair of the JOSC if it is impractical for the JOSC to meet in the time available) to allocate the topics to a particular JOSC meeting. The JOSC may refer topics to the committee or panel responsible for co-ordinating Scrutiny items for one or both of the local authorities.

## **17. Invitations to the Conwy and Denbighshire Public Services Board**

17.1 The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite members of the PSB to attend a meeting of the JOSC. This includes any person that has accepted an invitation to participate in the activity of the PSB.



17.2 The JOSC shall review and scrutinise the performance of the PSB, and in exercising its powers, may invite or require officers and Cabinet members of either local authority to attend its meeting when appropriate.

17.3 The JOSC may request invitees to give account for their activities and their performance on matters within the JOSC's remit, particularly relating to:

- Any particular decision
- The performance of partners in delivering shared objectives
- The level of commitment from individual partners to the work of the PSB
- Governance arrangements
- The effectiveness of the Well-being Assessment and Plan
- The effectiveness of performance measurement arrangements
- The effectiveness of communication with stakeholders on the PSB's objectives and outcomes
- The effectiveness of the PSB in addressing the issue of pooled funding to tackle priorities

17.4 When the JOSC wishes to invite members of the PSB, officers, Cabinet members or another individual to a meeting, it will:

- Where possible give a minimum of 4 weeks' notice;
- Clearly outline the reason and likely areas for questioning;
- Identify what information is being requested and in what format

17.5 Where individuals attend before a JOSC, the Chair shall ensure that they are treated with courtesy and respect. Following the meeting, attendees will be provided with feedback and clarification as to whether further information is required as part of the Scrutiny process

17.6 As a matter of courtesy the JOSC may wish to invite the Chair of the PSB to attend JOSC meetings, unless there is a specific reason why it would not be appropriate for the Chair to be in attendance.

## **18. Rules of procedure**

18.1 Members of the JOSC and the public must have regard for the Chair who will have the authority to adjudicate on any rules of procedure during meetings of the JOSC.

18.2 The Chair and the JOSC will adhere to the rules of procedure attached to these terms of reference as Appendix A.

## **19. Declarations of interests**

19.1 All elected members shall observe the Code of Conduct in force for their respective authorities, whilst co-opted members shall observe the Code of Conduct of the host Authority providing committee support to the JOSC.

19.2 Members and co-opted members of the JOSC must declare any personal or personal and prejudicial interest in any business being considered at a meeting of the JOSC in accordance with the Code of Conduct.

## **20. Confidentiality of Information**

20.1 In accordance with Members' respective Authority's Code of Conduct, members (elected and co-opted members) of the JOSC must not disclose any information considered 'exempt' in accordance with Section 100A (4) of the Local Government Act 1972.

## **21. Administrative arrangements**

21.1 The Secretariat will be provided by the local authorities in rotation for a period of two years from the start of a municipal year (i.e. after the Annual Meetings of both authorities). The local authority providing the chair of the JOSC will also provide the Secretariat unless the local authorities agree to different arrangements for administrative support. The function includes:

- Arranging regular or extraordinary meetings of the JOSC
- Preparing agendas and co-ordinating reports/documents for the meeting
- Timely electronic publication and despatch of the agenda and associated meeting papers
- Inviting participants
- Managing attendance
- Minute taking
- Webcasting arrangements if required
- Preparing evidence for scrutiny
- Providing Welsh written translation and Welsh to English simultaneous interpretation.

## **22 Scrutiny Support**

22.1 Dedicated Scrutiny Support will be available to the JOSC from the Denbighshire and Conwy Scrutiny Officers. The Scrutiny Officers will co-ordinate their support activities with the lead role for Scrutiny Support being undertaken by the local authority providing the chair of the JOSC.

## **23. JOSC meeting procedures** (including sub-committees)

23.1 Main agenda items will be identified at the previous meeting in line with the agreed work programme. At this point potential witnesses and broad themes should be considered

23.2 With a view to securing effective scrutiny all JOSC meeting agendas will be limited to a maximum of 4 reports plus the JOSC's forward work

programme report, unless an urgent or unforeseen item of business necessitates discussion at that particular meeting.

- 23.3 A pre-meeting for all JOSC members will be held for 30 minutes immediately before each JOSC meeting. The purpose is to ensure that members are fully prepared for the JOSC meeting and that the questioning strategy is clear.
- 23.4 Prior to the date of a meeting of the JOSC all JOSC members may be engaged in raising and discussing possible questions or lines of enquiry by e-mail. The Chair of the JOSC or the Scrutiny Officers will facilitate this process.
- 23.5 During the meeting, the Chair of the JOSC will be responsible for ensuring that questioning is effective and that the JOSC achieves its objectives
- 23.6 Those invited to attend for a particular agenda item shall not be expected to remain at the meeting following the conclusion of the discussion on that item.
- 23.7 Any conclusions and recommendations from a JOSC meeting will be reported to the PSB, individual PSB partners and relevant Cabinet member(s) as appropriate. Where the conclusions and recommendations are feedback and views which are intended to be relatively informal, these would be reported in the form of a 'Chair's Letter'<sup>1</sup>. Where the JOSC's recommendations or views relate to more formal observations and activities with respect to the PSB's functions or governance, the JOSC will send a copy of any report or recommendation to the Welsh Ministers, the Future Generations Commissioner and the Auditor General for Wales.<sup>2</sup>

## **24. Responding to the JOSC recommendations**

24.1 Where recommendations have been made to the PSB, a PSB partner or the local authority Cabinet member(s), a written response would be expected within one month or following the next meeting of the PSB (where a response from the PSB as a whole is required) indicating whether the recommendation is to be accepted and what action (if any) will be taken in response.

24.2 Where the JOSC makes a report or recommendations to any of the PSB appointing authorities or their executives the JOSC:

- May publish the report or recommendations

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<sup>1</sup> A 'Chair's Letter' is a letter agreed by and in the name of the Chair of the JOSC. A Chair's Letter will normally be issued by a Scrutiny Officer on behalf of the Chair of the JOSC.

<sup>2</sup> Under Section 35(2) of the Well-being and Future Generations (Wales) Act 2015

- May require the appointing authority or authorities, or the executive or executives –
  - To consider and respond to the report or recommendations indicating what (if any) steps it proposes, or they propose, to take; and
  - If the JOSC has published a report or recommendations, to publish the response
- Where the JOSC has provided a copy of the report or recommendations to a member of an appointing authority who has referred a matter to the JOSC or sub-committee, it must provide the member with a copy of the response.

## **25. Call-in arrangements**

- 25.1 Decisions of the PSB may be called-in for consideration by the JOSC using the procedure attached as Appendix B.
- 25.2 Where the decision maker for a PSB decision is the local authority the call-in will be heard either by the JOSC or by the local authority's designated PSB Scrutiny Committee. The Monitoring Officers of the two authorities will determine which Scrutiny committee will undertake the call-in.
- 25.3 Decisions implemented by PSB partners other than the local authorities are not subject to the formal call-in procedures,

## **26. Evidence gathering**

- 26.1 The JOSC is entitled to gather evidence in connection with any review or inquiry it undertakes as part of their agreed work programme.
- 26.2 The JOSC shall adopt methods of gathering evidence to inform its deliberations. These include, but are not limited to, task and finish groups, holding inquiries, undertaking site visits, conducting public surveys, holding public meetings, commissioning research, hearing from witnesses and appointing advisors and assessors. JOSC evidence gathering will be supported by the Scrutiny Officers.

## **27. Reference of matters to the Joint Overview and Scrutiny Committee (JOSC) (see also section 16)**

- 27.1 Any member of the JOSC, officer of the local authorities or a body represented on the PSB, or a member of the public may refer to the committee any matter which is relevant to its functions. This will be done via the completion of a 'Scrutiny Proposal Form'.

27.2 Any member of a sub-committee of the JOSC can refer to the sub-committee any matter which is relevant to its functions, via the completion of a 'Scrutiny Proposal Form'.

27.3 The merits of including any referrals received as per 27.1 and 27.2 above on a future JOSC, or sub-committee, agenda will be considered as part of the JOSC/sub-committee's discussion on its Forward Work Programme at every meeting

27.4 Where the JOSC, or sub-committee, makes a report or recommendations in relation to the matter referred to it by a member, it must provide the member with a copy of the report or recommendations.

## **28. Setting the agenda**

28.1 Individual agenda items, other than standing items, are to be determined in the first instance by the Forward Work Programme which is to be established and agreed by the JOSC at each meeting. The decision to consider additional items or defer planned items will be a matter for the discretion of the Chair.

## **29. Public engagement**

29.1 Meetings of the JOSC and sub-committees are open to the public and all reports are available to the public unless exempt or confidential matters are being considered, when the press and public would be excluded from the meeting.

29.2 All persons who live or work in the two local authority areas can bring to the attention of the JOSC their views on any matter under consideration by the JOSC, and the JOSC must take into account these views.

29.3 The JOSC will seek to gather evidence from the public as an ongoing aspect of its work

29.4 Agenda packs and any appropriate formal letters from or to the JOSC will be published via the two Authority's agenda publication pages on their websites.

29.5 Members of the public may request the JOSC to examine areas or matters of concern relating to the PSB, which are within the JOSC powers to scrutinise, via the completion of a 'Scrutiny Request' form. Completed 'Scrutiny Request' forms will be considered by the JOSC when it considers its forward work programme at each meeting, and the individual who submitted the request will be notified of the JOSC's decision in relation to the request and the outcomes of the examination of the topic, if the matter is accepted for scrutiny.

### **30. Training and Development**

30.1 Training will be provided to members of the JOSC according to the requirements of the JOSC and its members. The Heads of Democratic Services of the local authorities will liaise to agree the training and development provision.

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## **RULES OF PROCEDURE FOR THE JOSCS**

### **1. Notice of Meetings**

- 1.1 A summons and agenda to attend a meeting of the JOSCS shall be published and circulated at least 3 clear working days before a meeting of the JOSCS by the host authority providing committee support to the JOSCS. Both local authorities shall display the agenda and public meeting documents on their public websites.
- 1.2 The summons and agenda for a JOSCS meeting shall be sent electronically to all members of the JOSCS and to the appropriate officers of each Authority.

### **2. Venue and Time of JOSCS Meetings**

- 2.1 The JOSCS may from time to time, dependent upon the items selected for discussion, webcast a meeting of the JOSCS, or a sub-committee subject to webcasting resources being available.
- 2.2 Unless otherwise agreed by the JOSCS, the JOSCS shall meet in rotation between the offices of Denbighshire and Conwy councils or at a location mutually agreed by the JOSCS and which is easily accessible to the public and compliant with the requirements of the Disability Discrimination Act 2005.
- 2.3 Meetings of the JOSCS will be scheduled by the host authority providing committee support for the JOSCS in consultation with the other local authority. Meetings of a sub-committee of the JOSCS will be agreed by the JOSCS.

### **3. Quorum**

- 3.1 The quorum of a JOSCS meeting will be 50% of the whole number of Members, rounded down. For the avoidance of doubt, the whole number of members does not include vacancies. During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 3.2 The quorum for a JOSCS sub-committee meeting will be 50% of the whole number of members of the sub-committee, rounded down, providing that at all times there shall be a minimum of 3 members present. At least 1 elected member from both of the local authorities shall be present at any sub-committee of the JOSCS.

3.3 A sub-committee of the JOSC is to comprise an equal number of elected members of each of the appointing authorities.

#### **4. Order of Business**

4.1 At every meeting of the JOSC the order of business shall be to select a person to preside if the Chair or Vice Chair are absent and thereafter shall be in accordance with the order specified in the notice of the meeting except that such order may be varied either by the Chair at his or her discretion or on a request agreed to by the Joint Committee.

#### **5. Welsh Language**

5.1 The Welsh Language Standards for the host authority providing committee support shall be applied to the documents and meetings of the JOSC and any sub-committees of the JOSC.

#### **6. Rules of Debate**

6.1 The rules of debate at meetings of the JOSC or a sub-committee of the JOSC shall normally be informal but the Chair may apply the rules of debate from the Constitution of the host authority providing committee support.

#### **7. Rights to Address Meetings**

7.1 There should be no automatic right for observers to speak on any issue. The right of someone who is not a JOSC member to speak is solely at the discretion of the chair of the meeting.



## **JOINT SCRUTINY OVERVIEW AND SCRUTINY COMMITTEE (JOSC)**

### **CALL-IN PROCEDURE – GUIDANCE NOTE**

#### Introduction

The Procedure Rules allow for any 5 non-Executive members (councillors who are not members of the Cabinet) of either Conwy County Borough Council or Denbighshire County Council (~~at least one of who has to be a member of a different authority to the other signatories~~) to initiate a call-in of a decision of the Public Services Board (PSB). To facilitate this process a 'Notice of Call-in of Decision' form has been produced which is signed by the 5 members and submitted to the Monitoring Officer of either Conwy County Borough Council or Denbighshire County Council. Five days are allowed for a decision to be called-in following its publication on the PSB and both councils' websites and emailed to all members of both local authorities. A decision taken will not be implemented by officers until the expiry of this period.

Members who have a prejudicial interest in the decision may not be a signatory to a Notice of Call-In.

Decisions implemented by PSB partners other than the local authorities are not subject to the formal call-in procedures.

#### Publication of Decisions

The 5 working day period will not begin until the decision has been published on the PSB and the Councils' websites and e-mailed to all members of both councils. Decisions must be publicised within 2 working days of the decision being taken in accordance with the PSBs and the Councils' Constitutions. This could be in the form of draft minutes of the meeting, a summary of decisions or a record of a delegated decision taken.

#### Implementation of Decisions

Decisions may be implemented from the sixth working day following their publication unless a valid Call-in has been received by either Monitoring Officer.

#### Urgent Decisions

Urgent decisions may proceed despite a call-in if the decision-maker has the agreement of:

- (i) the Chair of the Public Services Board's (PSB) Joint Overview and Scrutiny Committee (JOSC); or

- (ii) if there is no such person or that person is unable to act, the Chairs of both Conwy County Borough Council and Denbighshire County Council; or
- (iii) If there is no chair of the JOSOC or Chairs of the Councils, the Vice-Chairs of both councils.

In exceptional circumstances there may be urgent decisions that must be implemented immediately upon the decision being taken and a call-in is therefore not possible. These must be identified by the PSB/decision-maker at the time the decision is taken and the reasons behind their urgency explained and reported in the record of decision.

### The Procedure

A duly completed 'Notice of Call-In of Decision' must be submitted to either of the Monitoring Officers. The notice must contain the signatures of the 5 non-Executive members calling in the decision along with the reasons for the call-in.

Where the decision maker for a PSB decision is the local authority the call-in will be heard either by the JOSOC or by the local authority's designated PSB Scrutiny Committee. The Monitoring Officers of the two authorities will determine which Scrutiny committee will undertake the call-in.

The Monitoring Officer will notify the Chair of the PSB, Leaders of both Councils, the delegated decision taker (if relevant), the Chief Executives of both Councils and the other Monitoring Officer of the receipt of the Notice of Call-In and confirm with them that the decision may not be implemented until further notice from the Monitoring Officer.

For a call-in allocated to the JOSOC the Monitoring Officer will liaise with the Chair of the JOSOC seeking a meeting of the JOSOC to be convened to consider the Call-In within 10 working days of the receipt of the Notice of Call-In of Decision unless the JOSOC has a scheduled meeting within that period, or if an extension to the time period is agreed between the decision maker and the Chair of the JOSOC.

All members of the PSB and both local authorities will be notified of the call-in and the details of the meeting being held to consider it.

### Signatories to attend

The signatories to the call-in will normally be expected to attend the meeting of the JOSOC and justify the reasons for the call-in of the decision.

### What happens if the JOSOC does not meet in time?

Should the JOSOC not convene within the 10 working days of the receipt of the Notice of Call-In, and without an extension to the time period being agreed, the Monitoring Officer will inform the Chair of the PSB, the Leaders and Chief

Executives of both Councils, the other Monitoring Officer and (if appropriate) the delegated decision taker, that the call-in has ceased.

No case to answer?

Should the JOSC upon meeting to consider the call-in, decide that the decision should not be referred back to the decision maker (e.g. PSB, local authority or delegated decision taker) for reconsideration, the Monitoring Officer will advise the Chair of the PSB, the Leaders and Chief Executives of both Councils and the other Monitoring Officer (if appropriate) the delegated decision taker, that the decision may be implemented.

Recommendations from Scrutiny

If the JOSC agrees that there is a case for the decision to be reviewed, the JOSC's recommendations will be considered by the PSB or appropriate Cabinet(s) at its next available meeting, or in the case of a delegated decision by the decision-maker within 10 working days.

What if the original decision is re-confirmed?

Should the decision maker confirm the original decision, the decision may be implemented immediately and may not be subject to a further call-in. The decision maker should demonstrate that appropriate consideration has been given to the recommendations from the JOSC.

## Conwy and Denbighshire Public Services Board



### ***NOTICE OF CALL-IN OF DECISION***

**To: The Monitoring Officer**

**Conwy County Borough Council/Denbighshire County Council** (*delete as appropriate*)

We, the undersigned, wish to call in the following decision (***see note 1***)

**Decision taken by** (*see note 2*):

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**Date decision was taken:**

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**Report Title:**

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**Decision** (*see note 3*):

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**Reason for Call-In:**

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We (***see note 4***) request that according to the Joint Overview and Scrutiny Committee for the Public Service Board's approved 'call-in' procedure rules (***see note 5***) a meeting of the Joint Overview and Scrutiny Committee be held within 10 working days (***see note 6***) of the date of your receipt of this notice.

1. Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Council: \_\_\_\_\_

2. Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Council: \_\_\_\_\_

3. Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Council: \_\_\_\_\_

4. Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Council: \_\_\_\_\_

5. Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

Council: \_\_\_\_\_

Dated: \_\_\_\_\_

## Guidance Notes

1. Five working days are allowed for a decision to be called-in following its publication on the Public Services Board (PSB) and both Councils' websites and notification to Members of the PSB and both Councils. Urgent decisions may proceed despite a call-in if the decision-maker had the agreement of:
  - (i) The chair of the Joint Overview and Scrutiny Committee (JOSC), or
  - (ii) If there is no such person or that person is unable to act, the Chairs of both Conwy County Borough Council and Denbighshire County Council; or
  - (iii) If there is no chair of the JOSC or Chairs of both Councils, the Vice-Chairs of both Councils.
2. Please state the name of the decision maker e.g. PSB, or delegated decision maker for.....
3. If the decision contains more than one part, please state which are to be called-in, e.g. parts (a), (b), and (c) of the Resolution.
4. Signatories must be non-Executive members., ~~with at least one signatory being a member of a different local authority to the remaining signatories.~~  
Councillors with a prejudicial interest in the decision may not be a signatory to the Notice of Call-In.
5. The JOSC's Call-In Procedure Rules appear in Appendix A of the JOSC's Terms of Reference.
6. Timescales may be extended in exceptional circumstances with the agreement of the decision-maker and the chair of the JOSC.

**For office use only**

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Date decision was published: \_\_\_\_\_

Notification sent to the Chair of the PSB and Leaders of Conwy and Denbighshire Councils and the Decision Taker:

Date: \_\_\_\_\_

Notification sent to the Chief Executives of Conwy and Denbighshire Councils:

Date: \_\_\_\_\_

Referred to a meeting of the JOSC for:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Venue: \_\_\_\_\_