

**REPORT OF THE DIRECTOR OF GOVERNANCE AND LEGAL
SERVICES AND MONITORING OFFICER**

**SCRUTINY COMMITTEES SIZE AND MEMBERSHIP OF TASK
AND FINISH GROUPS - UPDATE**

Reason for this Report

1. To:
 - (a) report back to Committee following discussions with party group whips in relation to the report deferred from the last Committee meeting on Scrutiny Committees Size and Membership of Task and Finish Groups; and
 - (b) allow the Committee to consider recommended changes to the Scrutiny Procedure Rules to clarify and confirm the size of scrutiny committees and membership of task and finish groups.

Background

2. At its last meeting in March 2018, the Committee received a report on Scrutiny Committees Size and Membership of Task and Finish Groups. One of the recommendations of that report was to consider reducing the size of scrutiny committees from 9 (as currently) to 7 or 8 members. The Committee decided to defer consideration of that report until further discussions took place with party group whips.
3. Discussions have been held with party group whips and this report presents an update and the outcome of those discussions.

Issues

Size of Scrutiny Committees

4. The Constitution provides that 'The Council will have the five Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Scrutiny Committees will have a membership determined by the Council' (Rule 1 of the Scrutiny Procedure Rules). The size of Scrutiny Committees is not specified in the Constitution.

5. Annual Council in May 2018 agreed there should be five Scrutiny Committees with nine Elected Members each (and four Co-Opted Members on the Children and Young People Scrutiny Committee). At the time of the report to the last Committee meeting, there were a number of vacancies on scrutiny committees. However, since then all vacancies were filled (and a more recent vacancy is expected to be filled at this month's Council meeting).
6. Discussions were held with Scrutiny Chairs and party group whips about potentially reducing the size of the scrutiny committees. However, opposition groups were not content to reduce their representation on scrutiny, so whips did not agree the proposals. It was agreed that the size of scrutiny committees should remain unchanged.
7. In the interests of clarity and transparency, it is recommended that the agreed size of the Scrutiny Committees should be set out in the Constitution by amending Rule 1 of the Scrutiny Procedure Rules as shown in **Appendix A** to this report.

Membership of Task and Finish Groups

8. As reported to the Committee's last meeting, the Council has previously agreed that all non-Executive Elected Members should be encouraged to participate in Scrutiny (as Committee members and / or as members of Task and Finish groups), subject to the maximum number of Members on a Task and Finish group being nine.
9. Scrutiny Officers have confirmed that non-Executive Elected Members (who are not Scrutiny Committee members) have participated in a number of Task and Finish Group inquiries; and that, where appropriate, non-Councillors have been invited to participate in Task and Finish inquiries on account of their particular expertise.
10. The Constitution, Scrutiny Procedure Rules currently provide that:
'Scrutiny Committees may appoint "Task and Finish" Sub Committees to be established for a fixed period, on the expiry of which they shall cease to exist. These will not exercise the formal powers associated with scrutiny (which are the preserve of the Committees), but can contribute to, or inform, the scrutiny process.' (Rule 1). There is no provision regarding the size or membership of Task and Finish groups.
11. In the interests of clarity and transparency it is recommended that the agreed arrangements for membership of Task and Finish groups should be set out in the Constitution by amending Rules 1 and 2 of the Scrutiny Procedure Rules as shown in **Appendix A** to this report.

Legal Implications

12. The Local Government Act 2000 requires authorities to set up overview and scrutiny committees. The legislative provisions for overview and scrutiny committees for Wales have been amended and supplemented by the Local Government (Wales) Measure 2011 and Regulations made thereunder. In addition, other legislation imposes requirements regarding scrutiny of particular issues, for example, crime and disorder matters (the Police and Justice Act 2006); and Public Services Board functions (the Wellbeing of Future Generations (Wales) Act 2015). Subject to compliance with the relevant statutory provisions, the size of its scrutiny committees is a matter for each Council to determine.
13. Task and Finish groups may be set up by a Scrutiny Committee to carry out a detailed examination of particular topics and report back to the Committee. They are not authorised to exercise any formal scrutiny powers, which remain the responsibility of the Committee. There are no specific legal constraints on the size or membership of Task and Finish groups. However, a workable limit on the number of members and setting out the agreed membership arrangements in the Constitution (Scrutiny Procedure Rules) supports good governance.
14. The Constitution Committee is authorised to review the Constitution and recommend any changes to full Council for approval. The recommended changes to the Scrutiny Procedure Rules will require the approval of full Council.

Financial Implications

15. There are no financial implications arising from the report

RECOMMENDATIONS

The Committee is recommended to:

1. Note the information set out in the report; and
2. Recommend to Council that Rules 1 and 2 of the Scrutiny Procedure Rules be amended as shown in **Appendix A** to:
 - a) Set out the agreed size of each of the 5 Scrutiny Committees, as agreed at Annual Council;
 - b) Confirm that the membership of Task and Finish groups may include any non-Executive Elected Members, subject to a maximum of nine Members on each Task and Finish group; and
 - c) Confirm that non-Councillors may be invited to participate in Task and Finish inquiries as expert advisors to a Task and Finish group.

DAVINA FIORE
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APPENDICES

Appendix A Scrutiny Procedure Rules – draft showing proposed amendments

Background papers

Constitution Committee report 'Scrutiny Committee Size and Membership', March 2018