

2013 No. 1050 (W. 112)

**LOCAL GOVERNMENT,
WALES**

**The Local Authorities (Joint
Overview and Scrutiny
Committees) (Wales) Regulations
2013**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 6 (sections 58 to 80) of the Local Government (Wales) Measure 2011 (“the Measure”) makes provision about overview and scrutiny committees of local authorities (county and county borough councils) in Wales.

These Regulations, which are made under sections 58 and 172(6) of the Measure, permit two or more local authorities to appoint a joint overview and scrutiny committee to make reports or recommendations to any of the authorities or their executives about matters affecting their areas.

Regulation 1 contains title, commencement and application provisions.

Regulation 2 contains interpretation provisions.

Regulation 3 makes provision for the appointment by two or more local authorities (“the appointing authorities”) of a joint overview and scrutiny committee to exercise functions of making reports and recommendations to any of the authorities or their executives on any matter which affects the whole or part of the area of each of the appointing authorities and is also not an excluded matter. An excluded matter is a matter falling within the remit of a local authority’s crime and disorder committee.

Regulation 4 requires the appointing authorities to enter into an agreement and makes provision about the contents of the agreement.

Regulation 5 makes provision about membership of a joint overview and scrutiny committee.

Regulation 6 makes provision about sub-committees of a joint overview and scrutiny committee.

Regulation 7 makes provision about the chair of a joint overview and scrutiny committee and any sub-committees.

Regulation 8 makes provision about access to meetings and documentation.

Regulation 9 makes provision about termination of membership of a joint overview and scrutiny committee on ceasing to be a member of the authority.

Regulation 10 provides that any member or co-opted member of any of the appointing authorities may not be a member of a joint overview and scrutiny committee for the period of suspension.

Regulation 11 makes provision about co-option of members on to a joint overview and scrutiny committee.

Regulation 12 makes provision about references of matters to a joint overview and scrutiny committee or sub-committee.

Regulation 13 makes provision about responses to reports or recommendations of a joint overview and scrutiny committee and about the publication of reports, recommendations and responses.

Regulation 14 makes provision about the notification to designated persons of reports and recommendations of the joint overview and scrutiny committee.

Regulation 15 makes provision about the exclusion of exempt and confidential information from published reports, recommendations and responses to reports and recommendations.

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Made 30 April 2013

Laid before the National Assembly for Wales

2 May 2013

Coming into force

24 May 2013

The Welsh Ministers, in exercise of the powers conferred upon them by sections 58(1) and 172(6) of the Local Government (Wales) Measure 2011⁽¹⁾, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Local Authorities (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.

(2) These Regulations come into force on 24 May 2013.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations,

“the 2000 Act” (“*Deddf 2000*”) means the Local Government Act 2000⁽²⁾;

“the Measure” (“*y Mesur*”) means the Local Government (Wales) Measure 2011;

(1) 2011 nawm 4.
(2) 2000 c.22.

“appointing authorities” (“*awdurdodau penodi*”) has the meaning in regulation 3;

“designated person” (“*person dynodedig*”) has the same meaning as in section 21(18) of the 2000 Act;

“excluded matter” (“*mater wedi ei eithrio*”) has the same meaning as in section 58(2) of the Measure; and

“joint overview and scrutiny committee” (“*cyd-bwyllgor trosolwg a chraffu*”) means a committee appointed under regulation 3(1).

Appointment and functions of joint overview and scrutiny committee

3.—(1) Two or more local authorities (“the appointing authorities”) may appoint a joint overview and scrutiny committee and arrange for the committee to exercise any functions falling within paragraph (2) as may be determined by those authorities, subject to these Regulations.

(2) The functions referred to in paragraph (1) are functions of making reports or recommendations to any of the appointing authorities and to any of their executives, about any matter—

- (i) which is not an excluded matter; and
- (ii) which affects the whole or part of the area of each of the appointing authorities.

Joint Overview and Scrutiny Committee Arrangements

4.—(1) Where two or more appointing authorities appoint a joint overview and scrutiny committee, they must enter into an agreement which—

- (a) identifies the matters about which reports and recommendations may be made by the joint overview and scrutiny committee;
- (b) specifies the number of members who may be appointed to the joint overview and scrutiny committee, and make provision for the term of office of those members;
- (c) includes provision about quorum of meetings of the joint overview and scrutiny committee and of any sub-committee which the committee appoints;
- (d) makes provision about the duration of the joint overview and scrutiny committee;
- (e) makes provision for the procedure for an appointing authority to withdraw from the joint overview and scrutiny committee; and

- (f) makes provision for the administrative arrangements of the joint overview and scrutiny committee, which must include provision by the appointing authorities' Heads of Democratic Services (or one of them) of an appropriate level of officer support and other resources to the joint overview and scrutiny committee.

(2) In paragraph (1)(f), “Head of Democratic Services” (“*Pennaeth Gwasanaethau Democrataidd*”) has the same meaning as in section 8 of the Measure.

Membership of joint overview and scrutiny committee

5.—(1) The persons eligible for appointment as members of a joint overview and scrutiny committee in accordance with regulation 3(1) are—

- (a) members, other than executive members, of the appointing authorities; and
- (b) persons appointed in accordance with paragraph 8 or 9 of Schedule 1 to the 2000 Act to an overview and scrutiny committee of any of the appointing authorities.

(2) The members of a joint overview and scrutiny committee appointed in accordance with regulation 3(1) must comprise an equal number of persons from each of the appointing authorities.

(3) A joint overview and scrutiny committee is not to be regarded as a body to which section 15 of the Local Government and Housing Act 1989(1) (duty to allocate seats to political groups) applies.

(4) Each appointing authority must ensure that, as far as practicable, the members of a joint overview and scrutiny committee who fall within paragraph (1)(a) reflect the balance of political groups for the time being prevailing among the members of the appointing authority.

Sub-committees of joint overview and scrutiny committees

6.—(1) A joint overview and scrutiny committee may—

- (a) appoint one or more sub-committees from among its members; and
- (b) arrange for the exercise of any of its functions by such a sub-committee.

(2) A sub-committee of a joint overview and scrutiny committee may not exercise any functions other than those conferred on it under paragraph (1)(b).

(1) 1989 c.42.

(3) Any report or recommendations made by a sub-committee of a joint overview and scrutiny committee in accordance with arrangements under paragraph (1)(b) is subject to approval by a resolution of the joint overview and scrutiny committee.

(4) A sub-committee of a joint overview and scrutiny committee is to comprise an equal number of members of each of the appointing authorities.

Proceedings, etc

7.—(1) A joint overview and scrutiny committee must appoint a chair of the committee, and may appoint a deputy chair, from among those members appointed under regulation 3(1).

(2) Arrangements under regulation 3(1) may include provision for duration of term of office of the chair and for rotation of the chair between members of the appointing authorities.

(3) A sub-committee of a joint overview and scrutiny committee must appoint a chair, and may appoint a deputy chair, of the sub-committee from among those members appointed under regulation 6(1).

(4) All members of a joint overview and scrutiny committee appointed in accordance with regulation 3(1) or of a sub-committee of such a committee appointed in accordance with regulation 6(1) may vote on any question that falls to be decided at that meeting.

(5) Where there is an equality of votes at a meeting of a joint overview and scrutiny committee or sub-committee, the chair has a second or casting vote.

Access to meetings and documentation, etc

8. A joint overview and scrutiny committee, or a sub-committee of such a 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, committees and sub-committees).

Termination of membership on ceasing to be a member of the authority

9.—(1) This regulation applies to a person who is—

- (a) appointed to be a member of a joint overview and scrutiny committee in accordance with regulation 3(1); and
- (b) a member of one of the appointing authorities at the time of that appointment.

(1) 1972 c.70.

(2) If a person to whom this regulation applies ceases to be a member of that appointing authority, then that person also immediately ceases to be a member of the joint overview and scrutiny committee.

(3) Paragraph (2) does not apply if a person—

- (a) ceases to be a member of the appointing authority by reason of retirement; and
- (b) is re-elected a member of the authority not later than the day of retirement.

Suspension from membership

10. If a person appointed as a member of a joint overview and scrutiny 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 joint overview and scrutiny committee for the duration of the suspension.

Co-option

11.—(1) A joint overview and scrutiny committee, or a sub-committee of such a committee, may resolve to co-opt additional members to serve on the committee or sub-committee, subject to paragraphs (2) to (5).

(2) A person may not be appointed as a co-opted member of a joint overview and scrutiny committee, or of a sub-committee of such a committee, unless the appointment is approved by a majority of the members of the committee or sub-committee.

(3) A person co-opted to serve on a joint overview and scrutiny committee, or on a sub-committee of such a committee, is not entitled to vote at any meeting of the committee or sub-committee on any question which falls to be decided at that meeting.

(4) A joint overview and scrutiny committee, or a sub-committee of such a committee, 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.

(5) The membership of a person co-opted to serve on a joint overview and scrutiny committee, or on a sub-committee of such a committee, may be withdrawn by a majority vote at any time by the relevant committee or sub-committee.

Reference of matters to joint overview and scrutiny committee, etc

12.—(1) Arrangements under regulation 3(1) must include provision which enables—

- (a) any member of a joint overview and scrutiny committee to refer to the committee any matter which is relevant to its functions;

- (b) any member of a sub-committee of such a committee to refer to the sub-committee any matter which is relevant to its functions; and
- (c) any member of any of the appointing authorities to refer to a joint overview and scrutiny committee of those authorities any local government matter which is relevant to the functions of the committee.

(2) For the purposes of paragraph (1) provision enables a person to refer a matter to a joint overview and scrutiny committee or to a sub-committee of such a committee if it enables that person to ensure that the matter is included on the agenda for, and discussed at, a meeting of that committee or sub-committee.

(3) Where the committee makes a report or recommendations in relation to a matter referred to it by that member, it must provide the member with a copy of the report or recommendations.

(4) In this regulation, “local government matter” (*“mater llywodraeth leol”*), in relation to a member of an appointing authority, has the same meaning as in section 21A(12) of the 2000 Act.

Duty to respond to joint overview and scrutiny committee, etc

13.—(1) This regulation applies where a joint overview and scrutiny committee makes a report or recommendations to any of the appointing authorities or their executives in accordance with regulation 3(2).

(2) The joint overview and scrutiny committee may publish the report or recommendations.

(3) The joint overview and scrutiny committee may require the appointing authority or authorities, or the executive or executives—

- (a) to consider and respond to the report or recommendations indicating what (if any) steps it proposes, or they propose, to take; and
- (b) if the joint overview and scrutiny committee has published a report or recommendations under paragraph (2), to publish the response.

(4) Where the joint overview and scrutiny committee has provided a copy of the report or recommendations to a member of an appointing authority under regulation 12(4), it must provide the member with a copy of the response.

Notifying designated person of reports or recommendations

14.—(1) This regulation applies where a report is, or recommendations are, on a matter which relates to a designated person in accordance with section 21(2ZA) of the 2000 Act.

(2) The joint overview and scrutiny committee may—

- (a) send a copy of the report or recommendations to the designated person; and
- (b) request the designated person to have regard to the report or recommendations.

Publication etc of reports, recommendations and responses: confidential and exempt information

15.—(1) This regulation applies to—

- (a) the publication under regulation 12 of any document comprising—
 - (i) a report or recommendations of a joint overview and scrutiny committee; or
 - (ii) a response of any of the appointing authorities or their executives to any such report or recommendations;
- (b) the provision of a copy of a report or recommendations to a designated person under regulation 13.

(2) The joint overview and scrutiny committee, the appointing authority or authorities, or the executive or executives, in publishing the document or providing a copy of the document to a designated person—

- (a) must exclude any confidential information; and
- (b) may exclude any relevant exempt information.

(3) If information is excluded under paragraph (2), in publishing the document or providing a copy of the document, the joint overview and scrutiny committee or the appointing authority or authorities or the executive or executives—

- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information, and
- (b) must do so if, in consequence of excluding the information, the document would be misleading or not reasonably comprehensible.

(4) In this regulation—

“confidential information” (“*gwybodaeth gyfrinachol*”) has the meaning given by section 100A(3) of the Local Government Act 1972 (admission to meetings of principal councils);

“exempt information” (“*gwybodaeth esempt*”) has the meaning given by section 100I of the Local Government Act 1972, and, in relation to any report or recommendations of a committee or joint committee which has functions under section 21(2)(f) of the 2000 Act, also includes information

which is exempt information under section 186 of the National Health Service (Wales) Act 2006⁽¹⁾; “relevant exempt information” (*“gwybodaeth esempt berthnasol”*) means in relation to a—

- (a) report or recommendations of a joint overview and scrutiny committee or sub-committee, exempt information of a description specified in a resolution of the joint overview and scrutiny committee or sub-committee under section 100A(4) of the Local Government Act 1972 which applied to the proceedings, or part of the proceedings, at any meeting of the joint overview and scrutiny committee or sub-committee at which the report was, or recommendations were, considered;
- (b) response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered;
- (c) response of the executive, exempt information of a description specified in such a resolution of the joint overview and scrutiny committee or sub-committee which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered.

(1) 2006 c.42.

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