
WELSH STATUTORY INSTRUMENTS

2001 No. 2284

The Local Authorities (Alternative Arrangements) (Wales) Regulations 2001

Principal scrutiny committees and scrutiny committees

- 6.—(1) A principal scrutiny committee established under regulation 4(1)(b) :
- (a) shall not include any members of the Board; and
 - (b) shall not have a chairperson who is a member of the same political group as the chairperson of the Board (except where there is only one political group); and
 - (c) shall have a chairperson who is a member of the authority.
- (2) A scrutiny committee established under regulation 4(1)(c)—
- (a) must include among its membership a majority of members of the authority who are not Board members and may include among its membership up to three members of the Board but no Board member shall be entitled to be the chairperson of a scrutiny committee; and
 - (b) shall have a chairperson who is a member of the authority.
- (3) A Scrutiny Committee established under regulation 4(1)(c) shall have delegated power to—
- (a) review or scrutinise decisions made, or other action taken, in connection with the discharge of any function of the authority;
 - (b) make reports or recommendations to the authority in connection with the discharge of any function of the authority;
 - (c) make reports or recommendations to the authority or the inhabitants of that area;
 - (d) recommend, in the case of a decision which has been made but not implemented, that the decision be reconsidered by the committee, sub-committee or person who made it; and
 - (e) arrange for its function under sub-paragraph (a) to be exercised by the authority.
- (4) A principal scrutiny committee established under regulation 4(1)(c) shall have the delegated power to undertake the functions of a scrutiny committee in accordance with paragraph (3) but those powers shall only be exercisable in so far as they relate to the functions of a Board.
- (5) Subject to paragraph (6) a scrutiny committee may not otherwise discharge any function other than in accordance with these regulations.
- (6) If, or to the extent that, a local authority's function of conducting best value reviews under section 5 of the Local Government Act 1999 (1) is not the responsibility of the Board of the authority, the authority may arrange for the principal scrutiny committee or any scrutiny committee to conduct such a review.
- (7) A principal scrutiny committee and a scrutiny committee may—
- (a) appoint one or more sub-committees; and
 - (b) arrange for the discharge of any of its functions by any such sub-committee.

(8) A sub-committee of a principal scrutiny committee or a scrutiny committee may not discharge any functions other than those conferred on it under paragraph (6).

(9) Alternative arrangements by a local authority must include provision which enables—

- (a) any member of a principal scrutiny committee or scrutiny committee to ensure 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;
- (b) any member of a sub-committee of such a committee to ensure that any matter which is relevant to the functions of the sub-committee is included in the agenda for, and is discussed at, a meeting of the sub-committee; and
- (c) a principal scrutiny committee or scrutiny committee to refer any matter in connection with a decision or a proposed decision of the Board to the local authority provided that the decision or proposed decision relates to the functions of that committee.

(10) A principal scrutiny committee and a scrutiny committee, or any sub-committee of such a committee, may include persons who are not members of the authority, but any such persons shall not be entitled to vote at any meeting of such a committee or sub-committee on any question which falls to be decided at that meeting.

(11) Subsections (2) and (5) of section 102 of the 1972 Act are to apply to a principal scrutiny committee and a scrutiny committee, or a sub-committee of such a committee, as they apply to a committee appointed under that section.

(12) A principal scrutiny committee and a scrutiny committee, or a sub-committee of such a committee,—

- (a) may require members of the Board and officers of the authority, to attend before it to answer questions, and
- (b) may invite other persons to attend meetings of the committee or sub-committee.

(13) Any member of the Board or officer of the authority who is authorised to attend to answer questions in accordance with paragraph (12) shall be under a duty to do so but any such member or officer shall not be obliged to answer any question which that person would be entitled to refuse to answer in or for the purposes of proceedings in a court in Wales or England.