

PROTOCOL

Criteria – issues already on forward work programme

The following criteria will assist the Chair when determining if a request from a member of the public or stakeholder to give evidence at scrutiny committee can be accommodated:-

- The request refers to an issue already on a scrutiny committee forward work programme.
- The request is not deemed vexatious or discriminatory.
- The request is not being made to highlight a specific complaint (complaints should be dealt with in accordance with Council's complaints procedure).
- The member of the public or stakeholder has given evidence on the same issue within the last 12 months.

Criteria – issues not on forward work programme

The scrutiny committee will consider the request based on the following criteria:-

- The issue is within the terms of reference of the scrutiny committee.
- The scrutiny committee has the responsibility to prioritise issues according to the time available to it.
- The request is not deemed vexatious or discriminatory.
- The scrutiny committee has not already considered the issue within the last 12 months.

Third Parties

If the request involves the attendance by a 3rd party organisation it should be noted that the Council could request but not compel that organisation to attend.

Outcome

Following representations from and discussions with members of the public or stakeholders, the scrutiny committee may decide on the following:-

- To alter, amend or make recommendations to a report.
- To undertake further scrutiny of the issue and commission a further report or undertake other activities.
- To call upon a 'Designated Person' to attend a future scrutiny committee.
- To set up a task and finish group to undertake a detailed review of an issue.

Explanatory Notes**Designated Person**

The Local Government (Wales) Measure 2011 places a duty on local authority scrutiny committees to scrutinise other public service providers in its area. Section 61 of the Measure gave Welsh Ministers powers to “designate” individuals and organisations to be subject to scrutiny by local authority scrutiny committees. Welsh Government is in the process of consulting on which public service providers will be included in the first Ministerial Order.

Vexatious/Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Discriminatory

Discrimination” can be described as when person (A) discriminates against person (B) on the grounds of real or perceived differences, background or individual circumstances, where A treats B less favourably than he treats others.

The Equality Act 2010 has extended the groups of people who have the right not be discriminated against. People who belong to these groups have what are called protected characteristics. The 2010 Act now also protects you if people in your life, such as family members, friends or co-workers have a protected characteristic and you are treated less favourably because of that.

Other groups are covered by various UN Conventions, EU, UK and Welsh Government legislation and regulations (e.g. on Human Rights and Welsh Language). The Council’s Strategic Equality Plan 2012 has greater detail on this.

If you are treated worse because someone thinks you belong to a group of people with protected characteristics, this is discrimination.

The characteristics that are protected by the Equality Act 2010 are:-

- age
- disability
- gender identity and gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

If you have one or more of these protected characteristics, it is also now against the law to treat you the same as everyone else if this treatment will put you at a disadvantage.