

Article 6 – Overview and Scrutiny Committee

6.01 Terms of Reference

The Council will from time to time appoint the Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000.

6.02 General role

Within their terms of reference, the Overview and Scrutiny Committee will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to the full Council and/or the executive and/or any policy, joint or area committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants including in particular the provision of services or exercise of functions by other public sector bodies or agencies in the Borough; and
- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or any policy committees.

6.03 Specific functions

(a) Policy development and review

Overview and Scrutiny Committee may:

- i) assist the Council and the executive in the development of the budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

- iv) question members of the executive and committees and chief officers about their views on issues and proposals affecting the area; and
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny

The Overview and Scrutiny Committee may:

- i) review and scrutinise the decisions made by, and performance of, the executive and committees both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas;
- iii) question members of the executive and committees about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
- vi) question and gather evidence from any person (with their consent).

(c) Finance

The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

(d) Annual report

The Overview and Scrutiny Committee must report annually to Full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 Proceedings of the Overview and Scrutiny Committee

The Overview and Scrutiny Committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

1. **What will be the number and arrangements for the Overview and Scrutiny Committee?**

1.01 The Council will appoint an Overview and Scrutiny Committee as set out in Article 6. Such committee may appoint working groups to carry out a detailed assessment of particular topics for report back to them. It is anticipated that such groups would be appointed for a specific task, on the expiry of which they shall cease to exist.

1.02 The Overview and Scrutiny Committee will be responsible for setting its own work programme and in doing so they shall take into account resources available and the wishes of members on that committee who are not members of the largest political group on the Council.

2. **Who may sit on overview and scrutiny committees?**

The council can appoint any councillor except a member of the Executive to be a member of a scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. **Meetings of the overview and scrutiny committees**

The Council may determine a cycle of meetings for the Overview and Scrutiny Committee. The Chairman or in their absence Vice-Chairman may change the date or cancel meetings or call additional meetings as they consider necessary to deal with the Committee's work programme.

4. **Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out for committees in the procedural Standing Orders in Part 4 of this Constitution.

5. Agenda items

Any member of the Overview Scrutiny Committee or sub-committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Chief Executive will advise the Chairman of the committee or sub-committee and ensure that it is included on the next available agenda.

The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and if it considers it appropriate the executive to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of the Overview and Scrutiny Committee at the earliest practicable opportunity.

6. Policy review and development

- (a) In relation to the development of the Council's policy on any matter, the Overview and Scrutiny Committee or sub-committees may make proposals to the executive for developments in so far as they relate to matters within their terms of reference.
- (b) The Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

7. Reports from the Overview and Scrutiny Committee

- (a) Once it has formed recommendations on proposals for policy development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Chief Executive for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If the Overview and Scrutiny Committee cannot agree on

one single final report to the Council or executive as appropriate, then up to one minority report may be prepared by members of the Committee and submitted for consideration by the Council or executive with the majority report.

- (c) The Council or executive shall consider the report of the Overview and Scrutiny Committee at the earliest practicable opportunity.

8. Rights of the Overview and Scrutiny Committee members to documents

- (a) Within its terms of reference in addition to their rights as councillors, members of the Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the executive and the Overview Scrutiny Committee as appropriate depending on the particular matter under consideration.

9. Members and officers giving account

- (a) Within its terms of reference the Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role it may require any member of the executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions and/or;
 - (ii) the extent to which the actions taken implement Council policy.

and it is the duty of those persons to attend if so required.

- (b) Where any member or officer is required to attend the Overview and Scrutiny committee under this provision, the chairman of that committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee.

Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

10. Attendance by others

The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 9 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

11. The party whip

When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to instructions from his party or group to how he should speak or vote ("the party whip") the member must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

12. Procedure at Overview and Scrutiny Committee meetings

- (a) Overview and Scrutiny Committee and sub-committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - (iv) responses of the executive to reports of the scrutiny committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development),

the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

