

## **SECTION 7: TERMS OF REFERENCE OF THE OVERVIEW AND SCRUTINY COMMITTEE**

### **Overview and Scrutiny Committee**

7.1 The Council has one Overview and Scrutiny Committee. This Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006.

### **7.2 Composition**

The arrangements with respect to the composition of the Overview and Scrutiny Committee will be as follows:

- The Committee will have a maximum of eleven non-executive councillors, and in accordance with the provisions of the Local Government Housing Act 1989, will reflect the political balance of the Council.
- The Committee will be able to appoint up to two Vice-Chairmen, drawn from those councillors serving on the Committee, to lead on specific projects and to chair task and finish groups. The Chairman will be appointed at the Annual Meeting of the Council for the ensuing year.
- Cabinet Members will be expected to attend the Committee, and task and finish groups appointed by the Committee, when invited, to contribute on matters that relate to their portfolio.
- The Committee will be able to co-opt external representatives or appoint advisers, as it sees fit in a non-voting capacity.

Membership of both the Overview and Scrutiny Committee and the Policy and Project Advisory Board does not inevitably create a conflict of interest. Councillors and co-optees may not be involved in scrutinising a decision in which they have been involved directly.

### **7.3 Terms of Reference**

The general terms of reference of the Overview and Scrutiny Committee are set out below:

- to perform all overview and scrutiny functions on behalf of the Council;
- to appoint such formal sub-committees and informal task and finish groups as it considers appropriate to fulfil those overview and scrutiny functions;
- to approve the overview and scrutiny work programme so as to ensure that the Committee's time is effectively and efficiently utilised;

- to undertake investigations into such matters relating to the Council's functions and powers as:
  - may be referred by the Council, Committees, the Cabinet, or the Leader; or
  - the Committee may consider appropriate; or
  - have been referred to the Committee pursuant to the "call-in" procedure set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution. (These can be decisions taken by the Cabinet, a Cabinet Member, key decisions taken by an officer or under joint arrangements);
- to monitor and review the performance of the Council and services against relevant performance indicators and adopted plans;
- to review and/or scrutinise decisions proposed to be made (pre-decision scrutiny) or actions taken in connection with the discharge of any of the Council's functions;
- to review existing policy and strategy with a view to securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- to make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- to review and/or scrutinise any matter affecting the area or its inhabitants;
- to discuss initiatives put forward for consideration by individual members of the Committee and any relevant 'call-for-action' in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution; and
- to consider petitions referred to the Overview and Scrutiny Committee in accordance with provisions set out in the Petition Scheme set out in Part 4 of this Constitution.

#### 7.4 **Specific Functions**

##### Scrutiny

The Overview and Scrutiny Committee may:

- review and scrutinise the decisions made by the Cabinet and officers both in relation to individual decisions and decisions on on-going issues;

- question Cabinet Members and chief officers 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; or in relation to the portfolios of the Leader or of lead councillors.
- make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to report on their activities and performance;
- question and gather evidence from any person (with their consent) and require information from partner organisations; and
- use innovative ways to scrutinise matters of concern; the issue being investigated should be matched to the most appropriate process.

### Performance Management and Review

The Overview and Scrutiny Committee will make arrangements to:

- review and scrutinise the performance of the Council in relation to its policy and budgetary objectives, performance targets and/or particular service areas;
- undertake performance reviews of the Council's functions as appropriate and prepare appropriate reports for the Cabinet and the Council;
- monitor and review the outcomes of performance and process reviews and make further recommendations where necessary; and
- consider the policy implications arising from reviews for other functions and services.

### Policy Review

The Overview and Scrutiny Committee may:

- conduct research and community and other consultations as part of carrying out reviews of existing policies and strategies;
- question Cabinet Members, Committee Chairmen and chief officers about their views on issues and proposals affecting the area; and

- 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.

## 7.5 Powers

The Overview and Scrutiny Committee can:

- Submit reports and make recommendations to the Cabinet or Council on anything the Council is responsible for or anything that affects the Borough or its residents
- Consider decisions that have been called in and ask for them to be looked at again
- Monitor the Cabinet's work programme and call for reports on items that are coming up
- Require Senior Officers (see table), and Cabinet Members to attend meetings and answer questions
- Hold public inquiries
- Invite people to meetings and gather evidence from them
- Establish standing and task and finish groups to do work and make recommendations

## 7.6 Meetings

There shall normally be seven scheduled meetings of the Overview and Scrutiny Committee in each year. Additional meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee may be called by the Chairman, by one-third of the voting members of the Committee or by the Head of Democracy and Community.

The Committee shall meet to review or scrutinise matters in connection with the discharge by the responsible authorities of their crime and disorder functions at least once in a twelve-month period.

## 7.7 Quorum

The quorum for the Overview and Scrutiny Committee shall be 50% of the voting members of the Committee (at least six Members).

## 7.8 Absence of Chairman

In the absence from a meeting of the Chairman and Vice-Chairman, a Chairman for that meeting will be appointed.

## 7.9 Vacancies

On a vacancy arising, the Committee will be asked to fill the vacancy at its next meeting.

## 7.10 Annual Report

The Overview and Scrutiny Committee shall report annually to the full Council on the outcomes of its work for the year.

## 7.11 Including Items on the Agenda and the Work Programme

Any Member shall have the right to propose an item which is relevant to the Committee's functions to be included on the Committee's agenda. On receipt of such a request, the Head of Democracy and Community will advise the Chairman and ensure that it is included for discussion at the next meeting of the Progress Group (see paragraph 7.14 below) for consideration as part of the Committee's programme of work.

With the agreement of the Committee, a Member of the Council (who is not a Member of the Overview and Scrutiny Committee) can be invited to take part in discussions at a Committee meeting on an item of business under consideration.

All Members of the Council have rights under 'Call for Action' to ask for items to be considered by the Committee as set out in the Overview and Scrutiny Procedure Rules in Part 5 of the Constitution.

### Work Programme

The Overview and Scrutiny Committee will be responsible for setting its own work programme and shall take into account the wishes of councillors who are not members of the largest political group on the Council.

The Committee's work programme should be guided by the Council's agreed priorities as set out in the Council Business Plan or long-term vision.

The overall work programme should take account of:

- Whether the proposed work furthers corporate priorities
- The likelihood of something significant or valuable coming from the work
- The importance of the issue for users and the public generally
- Whether there is evidence of user dissatisfaction with the service
- Issues raised through audit or inspections
- Whether there is a high level of budgetary commitment to the service
- Public interest covered in the local media

The Committee should adopt a project management approach to any in-depth review of existing Council policy:

- Consider setting up a task and finish group
- Identify a Lead Member for the Review
- Agree terms of reference and objectives for the work

- Agree a project plan to include timescales, who will participate, how evidence will be collected, the key issues/question to be addressed.
- Preparation of a final report with recommendations

A Joint Meeting between the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committee and the Policy and Project Advisory Board will be held at least annually to co-ordinate work programmes between the two bodies and to avoid duplication.

#### **7.12 Task and Finish Groups**

The Overview and Scrutiny Committee will have responsibility for establishing such task and finish groups as it considers necessary to assist it in discharging its functions. The terms of reference and working arrangements for each task and finish Group will be determined by the Committee.

Task and finish groups should be reviewed annually and be time-limited.

The Vice-Chairmen of the Overview and Scrutiny Committee will normally chair task and finish groups and lead specific projects.

All Members, whether or not they are members of the Committee, may be appointed to a task and finish group.

#### **7.13 Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee's proceedings for carrying out scrutiny, making formal reports and Call-in is set out in the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution.

#### **7.14 Progress Meetings**

The Chairman and Vice-Chairmen of the Overview and Scrutiny Committee, together with cross-party representatives will meet regularly between meetings to develop, manage and update the Committee's work programme, plan agendas and co-ordinate task and finish groups.