

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.

The Overview and Scrutiny Procedure Rules for the discharge of the Committee's functions under Section 9F of the Local Government Act 2000 are set out in Part 4 of the Constitution.

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-Chairs, drawn from those councillors serving on the Committee, to lead on specific projects and to chair task and finish groups. The Chair 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 Work Programme and co-ordination with other bodies

The Overview and Scrutiny Committee's work programme shall be developed by the Committee and in co-ordination with the work programmes of the Policy and Project Advisory Board (PPAB), and the Audit and Governance Committee (AGC).

The co-ordination reflects that some roles of overview and scrutiny are shared with other committees. The 'policy development' role of overview and scrutiny is undertaken by the Policy and Project Advisory Board, and responsibility for scrutinising the Council's framework of internal controls and assurance for managing risk and overall activity rests with the Audit and Governance Committee.

To co-ordinate work programmes, a cross-party Programme Management Group with representatives from the three committees (PPAB, OSC and AGC) will have collective oversight of work plans to help avoid duplication and make best use of resources.

The Committee's 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 work programme shall take into account the wishes of councillors who are not members of the largest political group on the Council.

Regular meetings between the Chair and lead officer will be held to discuss the Committee's work programme.

The Committee's work programme shall be included on the agenda of each ordinary meeting of the Overview and Scrutiny Committee.

7.4 General Terms of Reference

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

- to develop a work programme, and which is co-ordinated with the work programmes of the Policy and Project Advisory Board, and the Audit and Governance Committee which ensures that the Committee's time is effectively and efficiently utilised;
- to appoint such formal sub-committees and informal task and finish groups as appropriate to deliver its planned work programme and fulfil its overview and scrutiny functions;
- 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 as part of a co-ordinated work programme; 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 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.

7.5 Functions and Responsibilities

The Overview and Scrutiny Committee will have the following scrutiny functions and responsibilities.

Performance Management

- (1) to review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (2) to undertake performance reviews of the Council’s functions as appropriate and prepare reports for the Cabinet and the Council;
- (3) to monitor and review the outcomes of performance and process reviews and make further recommendations where necessary
- (4) to 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

Review of Existing Policy

- (5) 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
- (6) to undertake the following types of activity to support a review:
 - conduct research and consultation

- question Cabinet Members, Committee Chairs 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.

Decisions

- (7) To review or scrutinise the following:
 - Decisions proposed to be made (pre-decision scrutiny) in connection with the discharge of any of the Council's functions;
 - Decisions made, or other actions taken, in connection with the discharge of any of the Council's functions;
 - Decisions made by the Cabinet and officers both in relation to individual decisions and decisions on on-going issues:
- (8) to exercise the right to 'call-in', for reconsideration, decisions made by the Executive or key decisions taken by an officer but not yet implemented.
- (9) Require Cabinet Members and senior officers to attend and answer questions 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.
- (10) Question and gather evidence and information from any person (with their consent) or external or partner organisations.
- (11) to make reports and/or recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- (12) to make reports and/or recommendations to the Cabinet/and or Council on matters which affect the Rushmoor area or its inhabitants.

Other

- (13) Further to discussion at the Programme Management Group to consider items raised by Members and via the Councillor Call for Action procedure.

7.6 **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 by the Cabinet
- Monitor the Cabinet's work programme and call for reports on items that are coming up
- Require Senior Officers, 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

7.7 **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 Chair, by one-third of the voting members of the Committee or by the Chief Executive.

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.

7.8 **Quorum**

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

7.9 **Absence of Chair**

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

7.10 **Vacancies**

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

7.11 **Annual Report**

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

7.12 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 Corporate Manager – Democracy will advise the Chair and ensure that it is included for discussion at the next meeting of the Programme Management 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 4 of the Constitution.

7.13 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-Chair(s) 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.

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

7.14 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.

7.15 Programme Management Group

The Chairs and representatives of the Overview and Scrutiny Committee, Policy and Project Advisory Board, and Audit and Governance Committee, including cross-party representatives will meet regularly between meetings to co-ordinate the Committee's work programme across the three bodies to avoid duplication and make best use of resources