

# **Chapter 7 – Scrutiny Committee**

## **7.1 Introduction**

7.1.1 Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision-making process. The Council has appointed the Overview and Scrutiny Committee to discharge the functions conferred by section 9F of the Local Government Act 2000 and any regulations. This scrutiny committee will discuss issues in public and take a cross-cutting approach to its work. In accordance with section 9FA of the above Act it may appoint one or more sub-committees to carry out any of its functions. It will seek to improve the delivery of policies and services by:

- (i) holding the Executive to account for its actions;
- (ii) advising on the development and implementation of new policy and corporate projects;
- (iii) testing whether existing policies and practices are effective and efficient and suggesting how they might be improved; and
- (iv) ensuring the rigour and objectivity of performance management and service reviews.

## **7.2 The Overview and Scrutiny Committee**

7.2.1 The Council will appoint an Overview and Scrutiny Committee of up to 14 members, or as many as Council determines from time to time, and it will normally be politically balanced. No member of the Executive may be a member of the Overview and Scrutiny Committee.

7.2.2 The primary purpose of the committee is to improve the delivery of policies and services. Its terms of reference are the performance of all overview and scrutiny functions on behalf of the Council and as set out in section 9F of the Local Government Act 2000, summarised below, to:

- (i) review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) agree reports and make recommendations to the Council and the Executive in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) question members of the Executive and officers about their views on issues and proposals affecting the area;
- (v) liaise with external organisations operating in the area, whether national, regional or local, to ensure the interests of local people are enhanced by collaborative working;
- (vi) exercise the right to 'call in' for reconsideration of decisions made but not yet implemented by the Executive, in accordance with the rules set out in this Constitution;
- (vii) consider any matter which has been placed on the agenda of the committee by any member of the committee in accordance with the rules of procedure in this Constitution;
- (viii) act as the Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006;
- (ix) undertake consideration of such matters that will be key decisions where the Executive requests the committee to scrutinise the matter in advance of an the decision being taken. This relates to matters that are of particular interest to the committee, for example, decisions to be made on significant place making projects;
- (x) review current service delivery models (the council's own and those of the council's partners) with a view to identifying gaps, exploring innovative solutions to delivery issues;
- (xi) review draft strategies;
- (xii) consider issues or functions in which Members feel they could shape future policy; and
- (xiii) monitor performance of services.

7.2.3 For specific issues, the above work can be carried out by task and finish groups, which will be appointed and

managed by the committee. These groups will draw upon the knowledge and expertise of all Members of the Council.

#### **7.2.4 Holding the Executive to Account**

The Overview and Scrutiny Committee will hold the Executive to account for the discharge of its functions. The principal ways by which it will do this are as follows:

- (i) scrutinising decisions which the Executive is planning to take, as set out in the Forward Plan or of which proper notice is given (including decisions referred to it in accordance with paragraph 6.6.2 of Chapter 6);
- (ii) scrutinising decisions of the Executive and individual Executive Members before they are implemented and if necessary using the 'call-in' mechanism to require the decision taker to reconsider the earlier decision; and
- (iii) scrutinising decisions of the Executive or Executive Members after they have been implemented as part of a wider review.

### **7.3 Finance**

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

### **7.4 Annual Report**

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

### **7.5 Officers**

The Overview and Scrutiny Committee may exercise overall responsibility for the work programme of any officers employed to support its work.

### **7.6 Proceedings of the Committee**

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

## **7.7 Work Programme**

- (a) The Rules of Procedure in Part 4 of this Constitution will also provide mechanisms to allow all Members of the Council the opportunity to place an item on the agenda of the Overview and Scrutiny Committee.
- (b) When practicable, the Overview and Scrutiny Committee will publish a forward work programme or list of items likely to be considered over the next four months.

## **7.8 Working Methods**

The following principles should be adhered to by the Overview and Scrutiny Committee when carrying out its work:

- (a) a variety of different approaches and formats for meetings may be used;
- (b) task and finish groups reporting periodically and at the end of reviews to the Overview and Scrutiny Committee should be encouraged as the preferred method of scrutiny reviews;
- (c) membership of the committee and its sub groups (if applicable) should be tailored to ensure appropriate skills and expertise, and external input, are brought to bear;
- (d) when appropriate, full consultation with all other stakeholder groups and organisations should take place;
- (e) the declaration of interest rules shall apply;
- (f) the imposition of the Party Whip is regarded as incompatible with the work of the Council's Scrutiny Committee;
- (g) the chairman and vice chairman of the Overview and Scrutiny Committee and the Audit and Governance Committee will meet at least quarterly with the Leader and Deputy Leader of the Council to ensure that the work of these committees is properly co-ordinated;

- (h) where the Overview and Scrutiny Committee is reviewing the work of a regulatory or other committee of the Council (as opposed to the Executive) it will not scrutinise individual decisions made by such committees, particularly decisions in respect of development control, licensing, registration, consents and other permissions. In particular, scrutiny will not be an alternative to normal appeals procedures. However, the Overview and Scrutiny Committee has the power to make reports and recommendations on functions which are not the responsibility of the Executive, an option normally to be used as part of wider policy reviews.

## **7.9 Support**

- (a) In order that the Overview and Scrutiny Committee can perform its role properly, it shall be given the following support:
  - (i) effective and properly resourced support from officers;
  - (ii) appropriate financial resources;
  - (iii) access to the advice of the Council's Monitoring Officer;
  - (iv) the ability to require Executive Members and officers to attend to answer questions;
  - (v) specific training and development for all persons who undertake overview and scrutiny duties; and
  - (vi) access to the Forward Plan, containing details of all the matters likely to be the subject of key decisions, or to be considered in private by the Executive, or its committees or by officers.