

Article 6

Overview and Scrutiny Committee and Scrutiny sub-committees

Introduction

This Article describes the structure and method of operation of the committees that are to undertake the overview and scrutiny function.

6.01 Terms of Reference

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000.

The Overview and Scrutiny Committee will establish two Call-in Sub-Committees to consider Executive decisions taken but not implemented (See Rule [46](#) of the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution for information about the process for calling in decisions), together with a Performance & Finance Scrutiny Sub-Committee. The scope of the Committee and each sub-committee is set out in the right hand column of the table below.

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The guiding principle for the work of the Overview and Scrutiny Committee and Scrutiny Sub-Committees is that it should be consensual and positive. The emphasis of the work should be on making a proactive and positive contribution to the development of policy and the discharge of the Council's functions. This is best achieved by an inclusive process covering Members, partners, service users and employees.

Committee	Scope
Overview and Scrutiny	To oversee a more targeted and proportionate work programme that can help secure service improvement through in depth investigation of poor performance and the development of an effective strategy/policy framework for the council and partners.

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Sub-Committee	Scope
Call-In	To exercise the call-in powers and to refer any decision to Council that does not accord with the policy framework or budget.
Call-In (Education)	To exercise the call-in powers in relation to education matters and to refer any decision to Council that does not accord with the policy framework or budget.
Performance and Finance	To be the key driver of the scrutiny function's work programme and the body responsible for monitoring the performance of the council and partners in relation to their states priorities.

6.02 General Role

Within their terms of reference, the Overview and Scrutiny Committee and Scrutiny Sub-Committee other than the Call-In Sub-Committees will have the following roles:

- (i) the strategic development of policy – by supporting the Council and Executive in developing the policy framework and budget for the Council and working with partner organisations on issues that may be outside the remit of the Council;
- (ii) reviews of specific services – by making reports and/or recommendations to the full Council, Executive, Portfolio Holders and any Joint or Area Committees on any of their functions;
- (iii) the review of policy and decisions developed by others – by reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (iv) the review of issues of concern to local people – by considering any matter affecting the area or its inhabitants and monitoring and scrutinising the activities of others;
- (v) consideration of the Forward Plan and scrutiny prior to key decisions being made, as appropriate;

- (vi) scrutiny of decision making processes – by helping to draw up Protocols on how the Executive and Portfolio Holders should make decisions and then checking to see that these have been observed;
- (vii) where relevant and appropriate, to receive selected monitoring reports carried out internally and externally on services.

The Call-In Sub-Committees may call in Executive decisions made but not yet implemented.

6.03 Specific Functions

(a) Policy development and review

The Overview and Scrutiny Committee and Scrutiny Sub-Committee(s) may:

- (i) assist the Council, the Executive and Portfolio Holders 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 mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question Members of the Executive, Advisory Panels and/or 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 and Scrutiny Sub-Committee(s) may:

- (i) review and scrutinise the decisions made by, and performance of, the Executive, Portfolio Holders and/or Committees and Council officers both in relation to individual decisions and over longer periods of time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

- (iii) require the attendance of and question Members and chief officers about their decisions and performance, 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) where partnership working permits, review and scrutinise the performance of other public services in the area, by inviting reports from partners and requesting that they address the Overview and Scrutiny Committee and Scrutiny Sub-Committees about their activities and performance;
- (vi) question and gather evidence from any person (with their consent); and
- (vii) carry out the scrutiny of matters relating to the Health and Social Care including those matters delegated to the Health and Social Care Scrutiny Sub Committee within their terms of reference.

Deleted: Service as set out in Section 7 of the Health and Social Care Act 2001

(c) Finance

The Overview and Scrutiny Committee will exercise overall responsibility for any unallocated resources made available for scrutiny.

(d) Annual Report

The Overview and Scrutiny Committee will report annually to full Council on its workings and make recommendations for future work programmes and amend working methods, if appropriate.

6.04 Proceedings of the Overview and Scrutiny Committee and Sub-Committees

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

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