

## 1. OVERVIEW AND SCRUTINY ARRANGEMENTS

### Purpose

- 1.1 Every council operating an executive model must have an Overview and Scrutiny function (Scrutiny) At the annual meeting of the Council, the number of Overview and Scrutiny Committees, their terms of reference and the number of seats required to perform Scrutiny for the forthcoming year will be approved.
- 1.2 The Council currently has appointed four Overview and Scrutiny Committees: People, Place, Policy and Resources and Health. The areas covered by these Committees is set out [Live Link].
- 1.3 Developing a constructive relationship between the Cabinet and Scrutiny is fundamental to effective scrutiny and will occur by;
- (a) Facilitating the identification, prioritisation and delivery of key strategic issues Scrutiny Annual forward plans;
  - (b) Promoting early involvement in the decision-making process and avoiding the need for (Call-in);
  - (c) Adopt a cards on the table approach with regular communication and sharing of information but balanced with a respect for confidentiality when required; and
  - (d) Acceptance of the need for Scrutiny to have an independent mindset and responsibility for the role.
- 1.4 The success of this model lies in Scrutiny being member-led. This means that the Scrutiny agenda will be set by Scrutiny members but also means that councillors are accountable for its success. This will require the proactive engagement and commitment of both the Cabinet and Scrutiny as well as the officers that support them.
- 1.5 This section gives more details about the Council's Overview and Scrutiny Committees and the rules which govern how they work. These rules are at times written in formal language because of the statutory basis for the Overview and Scrutiny Committees. If you have specific questions our Democratic Services Team will be happy to help you.
- 1.6 The membership, chair and quorum requirements for the Overview and Scrutiny Committees are as set out in the below table.

#### Membership, Chair and Quorum

<b>Number of Members</b>	9
<b>Substitute Members Permitted</b>	Yes
<b>Political Proportionality Rules Apply</b>	Yes

<b>Restrictions on Membership</b>	The Mayor and Cabinet Members may not be members  Deputy Cabinet Members may not be appointed to an Overview and Scrutiny Committee.
<b>Restrictions on Chair and Vice Chair</b>	Must be a member of the Committee (not a substitute)
<b>Quorum for Meetings</b>	1/2 of membership subject to a minimum of five members
<b>Number of ordinary Meetings Per Council Year</b>	Subject to the Overview and Scrutiny Committee's work plan
<b>Sub committees and working groups</b>	Permissible

### Scrutiny Principles

- 1.7 The Overview and Scrutiny Committees are committed to the developing of a respectful relationship between themselves, the Cabinet and external partners. The work of the Overview and Scrutiny Committees is underpinned by the following seven principles:
- (a) To contribute to sound decision making in a timely way by holding councillors and key partners to account as a (critical friend);
  - (b) Contribute to and reflect the vision and priorities of the Council;
  - (c) Enable the voice and concerns of the public to be heard and reflected in the Council's decision-making process;
  - (d) Engage in policy development at an appropriate time to be able to influence the development of policy;
  - (e) To be agile and able to respond to changing and emerging priorities at the right time with flexible working methods;
  - (f) For Scrutiny to be a councillor led and owned function which seeks to continuously improve through self-reflection and development;
  - (g) Drive improvement in public services and strategic decision-making.
- 1.8 In addition to the principles set out at paragraph 1.7 above in conducting its proceedings, a Scrutiny Committee will have regard to the following:
- (a) At all times, while conducting its business in a tenacious matter, to do so with respect, equity, fairness, dignity and with regard to the principles of natural justice;

- (b) To ensure that all Scrutiny Committee members are given the opportunity to contribute to and speak at Scrutiny Committee meetings and to ask questions of those attending;
- (c) To conduct its business in a consensual, open, responsible and transparent manner across political divides and to avoid expressing views based purely on political considerations;
- (d) To conduct its business so as to maximise its efficiency;
- (e) Not to seek to hold officers and non-Cabinet members to account for decisions taken by Cabinet members;
- (f) To recognise that any question of officer discipline which may arise is to be dealt with through the appropriate employment procedures.

## **Overview and Scrutiny Functions**

### **Scrutiny**

- 1.9 Within their agreed remit each Overview and Scrutiny Committee can:
- (a) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the functions which are the responsibility of the Cabinet;
  - (b) Make reports and / or recommendations to the Council or Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
  - (c) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;
  - (d) Make reports and / or recommendations to the Council or Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet;
  - (e) Make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area;
  - (f) Exercise the right to call-in, for reconsideration of executive decisions made but not yet implemented by the Cabinet / Leader / Cabinet member or relevant senior officer;
  - (g) Work to ensure that communities are engaged in the Scrutiny process; and consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - (h) Promote equality and diversity across all of its work and the work of the Council.
- 1.10 The Overview and Scrutiny Committees will also each carry out these specific roles in relation to their work area:
- (a) Review and scrutinise the decisions made by and performance of the Leader / Cabinet / Cabinet member or officers in relation to individual decisions;

- (b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and / or particular service areas;
- (c) Question the Leader and all Cabinet members and senior 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;
- (d) Scrutinise the work of partnerships and partnership bodies in the local area;
- (e) Make recommendations to the Cabinet / Leader / Cabinet member, Council or partners, arising out of the Scrutiny process;
- (f) Question and gather evidence from any person (with their consent where appropriate).

### **Overview, Policy Review and Development**

1.11 An important part of the Scrutiny function is also to:

- (a) Review current policies and strategies and make recommendations to the Leader / Cabinet and Council;
- (b) Undertake in depth analysis of policy issues and options to assist the Council and the Leader / Cabinet in the development of its budget and policy framework;
- (c) Consider matters referred to them by the Leader / Cabinet and report to the Leader / Cabinet with proposals and/or options;
- (d) Question members of the Cabinet and /or Committees and senior officers from the Council about their views on issues and proposals affecting the area; and
- (e) 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; and
- (f) Consider the impact of policies to assess if they have made a difference;
- (g) In performing the overview function above, a Scrutiny Committee will review Council and Cabinet policies and recommend to the Council and Cabinet:
  - (i) Whether new policies are required;
  - (ii) Whether existing policies are no longer required;
  - (iii) Whether existing policies require amending, updating or developing;
  - (iv) Whether existing policies may be made more effective.

### **Review of External Organisation Performance**

1.12 An Overview and Scrutiny Committee will establish arrangements for its review of the performance of relevant external organisations, which affect the Council's functions and services. The Overview and Scrutiny Committees will consider providing the

report to Council or Cabinet before notifying in writing to the relevant partner the report or recommendations.

### **Scrutiny of Education Matters**

- 1.13 The People Committee carries out the functions of the designated Education Scrutiny Committee. When sitting as an Education Scrutiny Committee it shall include in its membership the following representatives:
- (a) 1 (one) representative from the Church of England Diocese;
  - (b) 1 (one) representative from the Roman Catholic Diocese;
  - (c) 3 (three) Parent Governor Representatives.
- 1.14 These co-optees will receive agendas and reports relating to all items being considered by the People Committee but may vote only on matters pertaining to education matters and not on any other matters considered by the People Committee at the same meeting, though they may speak on these items.

### **Scrutiny of Health**

- 1.15 The Health Committee includes in its membership a representative from Healthwatch and any other co-opted members required by law.

### **Cabinet Functions**

- 1.16 The Overview and Scrutiny Committees may review the Cabinet's performance of its executive functions and where necessary recommend to the Cabinet or the Council:
- (a) Whether any action should be taken to improve the economy, efficiency and effectiveness of these functions;
  - (b) Whether any action should be taken to improve the co-ordination of the functions within the Council or the functions of other persons or bodies;
  - (c) Whether any functions should be performed in another way or by another person or body;
  - (d) Whether the performance of the function should cease.

### **Budget Framework**

- 1.17 The Leader / Cabinet and Overview and Scrutiny Committees will agree a process for the scrutiny of the annual budget and Council Tax setting in accordance with the Budget and Policy framework rules in Part 2 5.14.

### **Referrals from the Council or the Cabinet**

- 1.18 The Overview and Scrutiny Committees will consider where possible any matter referred to them by the Council or the Cabinet and recommend any appropriate

action. The Cabinet may request a Scrutiny Committee to look at topics to assist and inform Cabinet decision-making.

- 1.19 The following matters will automatically be referred for inclusion in the workplan if agreed by the Scrutiny Committee of:
- (a) Draft policies, plans and strategies which are to be recommended to the Council or the Cabinet for approval;
  - (b) The draft budget which is recommended to the Council by the Cabinet.
- 1.20 In reviewing draft policies, plans strategies and the draft budget, a Scrutiny Committee will in particular consider:
- (a) Whether any appropriate criteria has been used;
  - (b) Whether consultation (if any) responses and engagement conclusions have been taken into account;
  - (c) Whether the decision is in accordance with the Council's policy framework;
  - (d) Whether the decision is within the powers of the Council;
  - (e) Whether the decision is lawful;
  - (f) Whether the decision contributes to the efficient, effective and economic performance of the function in question.

### **Members' Right of Reference to a Scrutiny Committee**

- 1.21 A member of an Overview and Scrutiny Committee, or a Sub-committee of that Committee or another councillor may refer a matter to the Overview and Scrutiny Committee that is relevant to its functions and not an excluded matter.
- 1.22 The member must give notice in writing of the referral to the Scrutiny Officer stating the reasons for the request and proposed outcome.
- 1.23 The Scrutiny Officer will consider if the referral is relevant to the functions of the Overview and Scrutiny Committee and if so, decide which Overview and Scrutiny Committee should receive the referral and will include the referral on the agenda for the next scheduled meeting of the relevant Overview and Scrutiny Committee for debate. If the Overview and Scrutiny Committee decides not to take any action the Overview and Scrutiny Committee must notify the councillor of its decision and the reasons for it. If however, the Overview and Scrutiny Committee include the matter in their work programme and makes a report or recommendation to the Council or the Cabinet then a copy of that must be provided to the councillor who originally referred the matter.

## **Scrutiny Ways of Working**

### **Scrutiny Committee Business**

- 1.24 An Overview and Scrutiny Committee will consider any business in accordance with its Terms of Reference and included in an agenda for its meeting.
- 1.25 In conducting its business, an Overview and Scrutiny Committee may:
- (a) Undertake in depth analysis of a policy issue;
  - (b) Receive briefings and presentations on issues under consideration;
  - (c) Undertake research, community and other public engagement, particularly in the analysis of policy issues and possible options;
  - (d) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - (e) Hold inquiries, workshops, public meetings and conduct public surveys;
  - (f) Invite advisors and assessors to assist them;
  - (g) Question Cabinet members, Deputy Cabinet members and seek their views on issues and proposals affecting the Council's area;
  - (h) Question senior officers and where appropriate suppliers and seek their professional views on issues and / or their decisions and performance either in relation to service plans or in relation to particular decisions, initiatives or project;
  - (i) Liaise with national, regional or local external organisations operating in the Council's area so as to ensure that the interests of local people are enhanced by collaborative working;
  - (j) As part of any investigation, review and scrutinise the decisions made by and performance of, the Cabinet, Cabinet members and senior officers as regards both individual decisions and over time;
  - (k) Question and collect evidence from any other person (with their consent) and invite witnesses to attend Scrutiny Committee meetings, proceedings or events.
- 1.26 The Health Committee may call for information and explanations, questions and proposed plans from health and / or adult social care providers and invite the senior managers of such service providers to attend meetings and give evidence.

### **Annual Scrutiny Work Plan**

- 1.27 Each Overview and Scrutiny Committee must agree at its first meeting of a municipal year or as soon as possible thereafter an annual work plan that takes into account:
- (a) The Council's corporate plans and priorities for the year;
  - (b) Consultation with the relevant Cabinet member or members;

- (c) Consultation with the Chief Executive and relevant Executive Directors;
  - (d) The desirability of making provision for the consideration of items of business within the remit of the Scrutiny Committee but not in the work plan arising during the year (an unplanned scrutiny item); and
  - (e) Advice from the Scrutiny Officer on any matter.
- 1.28 Each scrutiny work plan will include a delivery plan and timetable. The plan must have regard to the Council's resources to deliver the plan and have flexibility to account for unforeseen events.

### **Overview and Scrutiny Committee Pre-meetings**

- 1.29 Pre-meetings of all Overview and Scrutiny Committee members may be held to ensure formal meetings are an effective use of available time by ensuring there is a shared understanding of the business of the meeting, including time allocations for items. The Chair may be able to give an indication of how they may be minded to address any procedural issues.
- 1.30 It is essential that pre-meetings do not involve any debate of the scrutiny topics at the meeting to ensure compliance with the Access to Information Rules set out under Part 1 of this Constitution.

### **Sub-committees and Working Groups**

- 1.31 The appointing Overview and Scrutiny Committee (Parent Committee) will agree the terms of reference for any sub-committee or working group including but not limited to:
- (a) The terms of reference and intended outcome;
  - (b) Its membership and support arrangements;
  - (c) Arrangements for its meetings; and
  - (d) A time limit for its recommendations to be submitted to the Parent Committee.

### **Monitoring and Tracking**

- 1.32 Findings and recommendations of Overview and Scrutiny Committees, will be circulated to all Scrutiny Committee members and the Leader and Cabinet.

### **The Scrutiny Officer**

- 1.33 The Scrutiny Officer supports members and has the following statutory duties:
- (a) To promote the role of the Council's Overview and Scrutiny Committees;
  - (b) To provide support to the Council's Overview and Scrutiny Committees and their members; and



- (c) To provide support and guidance in relation to overview and scrutiny functions to councillors, the Cabinet and officers.

### **Annual Report**

- 1.34 Each Overview and Scrutiny Committee Chair will submit an Annual Report on progress and outcomes to a meeting of Council.

### **Reports from Overview and Scrutiny Committees to Cabinet**

- 1.35 All Overview and Scrutiny Committee reports will be notified to the Cabinet for consideration. This affords the Cabinet an opportunity to discuss the report and its recommendations with the Overview and Scrutiny Committee (if necessary) before the report and the Cabinet's views are submitted to the Council as necessary for its consideration. Every effort will be made to avoid undue delay. As the reports / recommendation must be responded to within two months.
- 1.36 Where an Overview and Scrutiny Committee cannot agree on a single, final report to the Cabinet then one minority report may be submitted to the Cabinet with one majority report.
- 1.37 All representations from an Overview and Scrutiny Committee to a Cabinet member regarding their responsibility, whether made verbally or in the form of a report, letter, email or other written format, must be formally reported to the Cabinet by the Cabinet member concerned, either verbally or in writing, when the relevant item is being considered. Overview and Scrutiny Committees must clearly identify that such a representation is a formal representation.

### **Ensuring Cabinet Considers Scrutiny Committee Reports**

- 1.38 Where appropriate, before submitting a report to the Cabinet, an Overview and Scrutiny Committee may prepare a draft report to allow the relevant Cabinet member and the Chief Executive to comment on emerging themes and recommendations. The relevant Cabinet member and relevant officers are able to attend the meeting of the Overview and Scrutiny Committee where the draft report is considered.
- 1.39 Once an Overview and Scrutiny Committee report on a matter which is a responsibility of the Cabinet has been finalised it will be included on the agenda of the next available Cabinet meeting unless the subject of the report is due to be considered by the Cabinet within two weeks of the report being finalised. In such a case the report will be considered when the Cabinet considers the subject of the report.
- 1.40 Where for any reason the Cabinet does not consider an Overview and Scrutiny Committee report at its next scheduled meeting or within four weeks of the report being submitted for the Cabinet's consideration, the Monitoring Officer may call a meeting of the Council to review the matter and make a recommendation to the Cabinet.

- 1.41 The Cabinet will respond to the report and recommendations within four weeks and then provide updates to the relevant Overview and Scrutiny Committee on the implementation of the recommendations if required. Upon receipt of the Cabinet updates the relevant Overview and Scrutiny Committee will review the progress towards the implementations of the recommendations.

### **Reference to the Council**

- 1.42 Each Overview and Scrutiny Committee should decide when it would be appropriate to submit reports for wider debate, taking into account the relevance of reports to Council business, as well as the Council's capacity to consider and respond in a timely manner. Such reports would supplement the annual report to the Council on the Overview and Scrutiny Committee's activities and raise awareness of ongoing work.
- 1.43 An Overview and Scrutiny Committee may refer a matter to Council if, in their opinion:
- (a) It is contrary to the Policy Framework; or
  - (b) It is contrary / not wholly consistent with the Budget Framework; or
  - (c) The Overview and Scrutiny Committee disagrees with the Monitoring Officer / Chief Finance Officer's view that the decision is legally and / or financially compliant.

### **Power to Require Attendance of Councillors and Officers to Answer Questions**

- 1.44 An Overview and Scrutiny Committee or a sub-committee may require the Leader and Cabinet and officers to attend before it to answer questions. It is the duty of the Leader and Cabinet or officer to comply with a request to attend the meeting.
- 1.45 All councillors and officers will comply with the Council's Scrutiny Protocol in the discharge of and response to this power and will comply with the following principles:
- (a) The relevant Cabinet member and Executive Director will attend all Overview and Scrutiny Committee meetings relevant to their responsibilities and answer all questions where possible;
  - (b) All requests will be made through the Scrutiny Officer or their nominee and will provide the reasons for the request and the matters on which the Cabinet member or officer will be questioned;
  - (c) The Chief Executive will seek to ensure the most appropriate officers attend meetings to answer questions but may propose alternative attendees to ensure compliance with the order in paragraph (d) below;
  - (d) Requests will be made in the following order:
    - (i) The relevant Cabinet member or members;
    - (ii) The Chief Executive or relevant Chief Officer or officers;
    - (iii) To relevant professional specialist or Head of Service; and

- (e) Requests will be proportionate and respect officers' and members' other work commitments and right to a private life.
- 1.46 A councillor or officer may not be asked or obliged to answer any question which:
- (a) Falls outside the Overview and Scrutiny Committee's remit or falls within the remit of another Committee or body;
  - (b) May be relevant to any disciplinary or other action that may be taken against them by the Council; or
  - (c) They would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

### **Attendance by Others**

- 1.47 An Overview and Scrutiny Committee or sub-committee may invite people other than the councillors and officers referred to above to address them, to discuss issues of local concern and / or answer questions including members of the public and expert witnesses.

### **Matters within the Remit of More than one Overview and Scrutiny Committee**

- 1.48 Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committees, the decision as to which Overview and Scrutiny Committee(s) will consider it will be determined by the Monitoring Officer in consultation with the Chairs of the relevant Overview and Scrutiny Committees.

### **Scrutiny Co-ordinating Group**

- 1.49 The Chairs and Deputy Chairs of the Overview and Scrutiny Committees may meet with the Scrutiny Officer (and other officers as they see fit) to ensure the effective administration of overview and scrutiny and its work programme. The meetings are not formal and have no decision-making powers.