

# OVERVIEW AND SCRUTINY COMMITTEE

## Terms of Reference and Conduct of Business Protocol

### Role and Function

1. The Overview and Scrutiny Committee is responsible for:
  - a) the scrutiny of the work of Executive Committee and Planning Committee.
  - b) the scrutiny and review of any of the Council's functions
  - c) holding the Executive Committee and senior management to account, especially where performance is a cause for concern
  - d) considering any matter affecting the area or its inhabitants, including reviewing the activities and performance of other public bodies in the area
  - e) making recommendations to Council, (where appropriate via the Executive Committee and/or Planning Committee) following the scrutiny and review of the Council's budget and policy framework
  - f) monitoring the outcome of overview and scrutiny work
  - g) designated as the Council's 'Crime & Disorder Committee' for the purposes of s.19 Police and Justice Act 2006 as amended
  - h) considering petitions referred to the Committee in accordance with the Council's Petitions Scheme
2. The Overview and Scrutiny Committee will oversee and co-ordinate the scrutiny and review process through:
  - Development of a work programme for overview and scrutiny in accordance with the overall framework set by Council
  - Scoping each review, agreeing the outline<sup>1</sup> terms of reference of each review and monitoring the progress of reviews against the programme
  - Considering requests for reviews or investigations from Executive Committee, Planning Committee or Council
  - Reviewing past performance and future challenges of each portfolio of services
  - Consideration of matters called-in under the provisions of Part 4 of the Constitution, where they have not been dealt with by Council

### Constitution

3. The Committee will comprise 10 Members.

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<sup>1</sup> The Committee will define the issues to be reviewed, the aims of the review and the timescale

4. Political Balance will apply.
5. No Member of the Executive Committee will be eligible for membership of the Overview & Scrutiny Committee
6. The Committee shall either:
  - a) appoint a Chairman and a Vice-Chairman; or
  - b) appoint two of its members to be Co-Chairmen to work jointly and in equal partnership, to preside at alternate meetings, or to act as Chairman for the meeting in the absence of the other
7. Substitution arrangements will apply as determined in Paragraph 27 of Council and Committee Procedure Rules. (Executive Committee Members may not substitute for Overview & Scrutiny Committee Members.)
8. The Committee may co-opt non-councillors in a non-voting capacity to be involved in specific reviews.
9. The Committee may establish non-politically balanced, time-limited Task & Finish Groups to investigate issues within the terms of reference set by the Committee

### **Reporting Line**

#### 10. The Committee –

- Will consider reports from Task and Finish Groups and may make comments and observations before such reports are submitted to Executive Committee, Planning Committee or Council, as appropriate
- May require a Task and Finish Group to re-consider its recommendations, or provide further clarification on recommendations
- Will present to Executive Committee, Planning Committee, or where appropriate, directly to Council, the findings and proposals arising out of overview and scrutiny work
- Will report annually to Council on its work and make recommendations for future work programmes and amended working methods if appropriate

### **Operating Procedures and Report Styles**

#### 11. The Committee will usually meet 10 times per annum

#### 12. The Committee's meetings will adapt according to the business in hand, so they could be held in one of several modes, eg. :

- Workshops with officers and/or representatives from other agencies
- Select Committee – i.e. Inquiries
- Presentations
- Fact-finding visits
- Focus groups

13. Where a decision has been called-in under the provisions of Part 5 of the Constitution, the matter will usually be considered at a separate Select Committee-style meeting of the Committee and those Members who exercised the call-in will be entitled to appear as witnesses at the meeting.
14. Reports and papers to the Committee do not have to come solely from Council officers. In consultation with the Chairman, Members may themselves produce papers, or officers from other agencies may be commissioned to produce papers or reports.
15. The information provided for or presented to the Committee is likely to be in discussion paper format, research papers or collections of other relevant data and background information from other sources, rather than in formal report format.
16. Reports from Panels will be more formal in nature, setting out an overview of the review, its aims, together with recommendations, reasons for those recommendations and supporting data.

### **Access to and Attendance at Meetings**

17. Formal Committee meetings will be open to the press and public, except during consideration of Exempt business, and the Public Participation Scheme will apply (Appendix 1 to the Constitution refers).
18. The Committee may require the attendance of Portfolio Holders and senior officers to assist with any reviews, investigations or the development of any policy proposals.
19. When scrutinising decisions Portfolio Holders may be questioned by the Committee, but shall not otherwise be involved in the scrutiny process.
20. In order to promote closer working and involvement, relevant Portfolio Holder(s) may attend meetings of the Committee and with the consent of the Chairman, participate in discussions, provided that the independence of the Committee is respected.
21. Other Members of Council may attend and speak at Committee meetings at the invitation of the Chairman.
22. The Council's representative on the County Council's Health Overview & Scrutiny Committee will provide regular updates to the Committee on Health Scrutiny work
23. Members of the Council will have the right to include an item of business on the Agenda for the Committee relating to any matter affecting the area or its inhabitants and the Committee will determine how that matter should be addressed. Where this is the case, the Member will have the right to attend the meeting and speak to the item.

### **Papers for Meetings**

24. Agenda papers and reports will be made available to all Members of the Council, appropriate officers.
25. Agenda papers and reports will be made available to the press and the public, except where this would include the disclosure of Exempt information.

## Chairman's Role

26. Responsibility for the progress of the work of the Committee rests with the Chairman. Where Co-Chairmen have been appointed:

- a) only one of the Co-Chairmen shall preside at each meeting. If only one is present at a meeting he will preside at that meeting; if both are present the one who did not preside at the last meeting shall preside; and
- b) they will exercise all other responsibilities jointly and any action to be taken shall be first agreed by both of them

27. The Chairman or as the case may be, both Co-Chairmen acting jointly will:

- a) strive to maintain the independence of the Committee, in accordance with Government guidelines which stress that political whips should not be applied to the Overview and Scrutiny function
- b) take a lead role in the work of the Overview and Scrutiny Committee and have responsibility for the progress of overview and scrutiny work
- c) contribute effectively to the Council's scrutiny process by ensuring the questioning of relevant Portfolio Holders, Member Champions and officers on policy decisions and the performance of their relevant service areas whether at the Overview & Scrutiny committee, full council or by other means
- d) contribute to the external scrutiny process by ensuring the effective questioning of the relevant service providers and stakeholders.
- e) develop a positive working relationship with the Leader of Council, Portfolio Holders and Member Champions and encourage them to involve overview and scrutiny on major issues before final decisions are made
- f) agree the business for each meeting, in consultation with the Vice-Chairman (where appointed), Democratic Services Section and other appropriate officers
- g) Lead overview and scrutiny committee meetings and report the findings of the Committee to Council, via other Committees as appropriate
- h) Represent the Overview and Scrutiny Committee through regular contact with the Executive Committee, community representatives, local stakeholders and the public to inform effective scrutiny.
- i) Monitor and review the progress of the overview and scrutiny work programme and the performance of the overview and scrutiny function, including monitoring the work of other overview and scrutiny bodies through close working with their Chairmen, and following up implementation of recommendations from reviews
- j) issue any press releases or press comment regarding the work of the Committee, provided that:
  - Press releases will be co-ordinated through the Chief Executive's Office and, in particular, shall not commit the Council to any action or expenditure

- Prior to making any comments to the Press, the Chairman/Co-Chairmen shall take advice from Group Leaders as appropriate.

### **Vice-Chairman's Role (if appointed)**

28. The Overview & Scrutiny Vice-Chairman will:

- deputise for the Chairman in his/her absence
- support the work of the Chairman and undertake specific tasks and responsibilities as requested by the Chairman
- work actively with the Chairman to co-ordinate the work of the Committee
- assist the Chairman in the preparation of reports to Council, via other Committees as appropriate.
- in consultation with the Chairman issue press releases under the terms set out in 27(j)

### **Officer Support**

29. The Overview and Scrutiny process will be Member-led but support will be available to the Committee from the Democratic Services Section.

30. The Democratic Services Section will:

- work closely with the Chairman, Vice-Chairman or Co-Chairmen and lead officers in setting up meetings and determining the business for meetings in conjunction with the project plan or work programme
- produce information/ discussion papers and reports for the Committee, in conjunction with the lead officer for any particular subject/project under consideration
- undertake research and policy support to the Committee and will co-ordinate the flow of information between Task and Finish Groups, Committees and officers, identifying linkages and preventing unnecessary duplications.
- produce an appropriate record of the outputs and actions required following each meeting
- maintain a review of agreed actions, monitor progress and report regularly to the Chairman/Co-Chairmen and Committee / Task & Finish Group
- ensure that Members evaluate each piece of work on completion and support the Chairman/Co-Chairmen in following up previous recommendations
- work closely with the Chairman and Vice-Chairman or Co-Chairmen to draft the final report following a review
- work with the Chairman and Vice-Chairman or Co-Chairmen to produce the Annual Overview & Scrutiny report.

September 2011