PART 1 – THE CONSTITUTION

A - SUMMARY AND EXPLANATION

4. OVERVIEW AND SCRUTINY

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- 4.1 The fourthree Overview and Scrutiny Panels support the work of the Cabinet and the Council as a whole. They allow residents to have a greater say in Council matters by holding public inquiries into matters of local concern. They may make reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery.
- 4.2 The Overview and Scrutiny Panels also monitor the decisions of the Cabinet. They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables the Panel to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.
- 4.3 Overview and Scrutiny Panels can receive requests to consider issues through local Councillors (Councillor Calls for Action). The Overview and Scrutiny Panels have the power to set up sub-panels to look into specific issues if required.

PART 1 – THE CONSTITUTION

B-ARTICLES OF THE CONSTITUTION

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Article 10 – Overview and Scrutiny Panels

10.1 Introduction

The Council has established three4 Overview and Scrutiny Panels which meet in public, subject to the Access to Information rules, to discuss and make recommendations on the development of the plans and strategies set out in Article 4 and on reports going to Cabinet and hold the Cabinet to account for its actions. The Overview and Scrutiny Panels also have a key role in considering other matters of local concern not necessarily just within the Council's areas of responsibility but affecting the Royal Borough and its communities.

10.2 Terms of reference

The Overview and Scrutiny Panels will together and singly discharge the functions conferred by Section 21 of the Local Government Act 2000 or regulations under Section 32 of the Local Government Act 2000. The Overview and Scrutiny Panels may appoint such sub-panels as they consider necessary or appropriate to carry out, effectively, its functions. Each sub-panel will be politically balanced, will produce Terms of Reference for agreement by the relevant Overview and Scrutiny Panel, including the period during which the sub-Panel shall meet, its membership and its proposals for investigation and reporting.

10.3 Role, Scope and Membership

- 10.3.1 Within its terms of reference, the Overview and Scrutiny Panels may:
- Review and/or scrutinise decisions to be made by Cabinet and made by it or actions taken in connection with the discharge of any of the Council's functions.
- ii) Make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions.
- iii) Consider any matter affecting the area or its inhabitants.
- iv) Exercise the right to call-in, for reconsideration, decisions made in respect of which no steps have been taken to implement the decision.
- 10.3.2 The role, scope and membership of the individual Overview and Scrutiny Panels are described in Part 4B Terms of Reference for Overview and Scrutiny:
- 10.3.3 The members of any Overview and Scrutiny Panel or any sub-panels shall not include the Mayor or any members of Cabinet.

10.4 Specific functions

a) Policy development and review.

The Overview and Scrutiny Panel may:

- i) Assist the Council and the Cabinet in the development of its budget and analysis of the draft plans to be submitted to Council under Article 4.
- Conduct such necessary research and investigation in the analysis of the policy issues and the possible options for the plans to be submitted to Council as above.
- iii) Question relevant members of Cabinet and the relevant Director(s) about issues and proposals affecting the area.
- iv) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working.

b) Scrutiny.

The Overview and Scrutiny Panels may:

- Review and scrutinise the decisions to be made by Cabinet and which have been made by the Cabinet and Council officers both in relation to individual decisions and over time.
- ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- iii) Question members of the Cabinet and Directors about their decisions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- iv) Make recommendations to the Cabinet and/or Council arising from the outcome of the Scrutiny process.
- v) Review and scrutinise the performance of the relevant bodies in the area and invite reports from them to address an Overview and Scrutiny Panel and local people about their activities and performance.
- vi) Question and gather evidence from any person or organisation (with that person/organisation's consent).
- vii) Consider any petitions to hold an Officer to account and to hear an appeal in relation to a petition.

c) Finance.

In carrying out its activities, the Overview and Scrutiny Panels will operate within such budget and allocation of officer time as the Council shall provide.

(d) Annual report.

The Overview and Scrutiny Panels will report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

10.5 Proceedings of the Panels

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

10.6 Scrutiny Officer

As required by Law, the Council has designated a statutory "Scrutiny Officer" whose functions are to promote the role of the Council's Overview and Scrutiny Panels, to provide support to them and their members and provide support and guidance to Council Members and Officers generally about the functions of the Overview and Scrutiny Panels.

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PART 4 - OVERVIEW AND SCRUTINY

A - Purpose and Procedure Rules for Overview and Scrutiny

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A1 ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

In accordance with the Local Government Act 2000 the Council must have at least one Overview and Scrutiny Committee.

The Council has established <u>four three</u> Overview and Scrutiny Panels. The Terms of Reference for all Panels are specified in Part 4B.

Any Overview and Scrutiny Panel may appoint such sub-Panels as it considers necessary or appropriate to carry out, effectively, its functions. Each sub-Panel will be politically balanced, will produce Terms of Reference for agreement by the relevant Overview and Scrutiny Panel, including the period during which the sub-Panel shall meet, its membership and its proposals for investigation and reporting.

Any reference to an Overview and Scrutiny Panel in this Part shall mean any single Panel or a sub-Panel as appropriate. A reference to a Chairman shall mean any Vice Chairman when the Chairman is unavailable.

The 4three Overview and Scrutiny Panels meet in public, subject to the Access to Information rules, to discuss and make recommendations on the development of the Council's various plans and strategies, and on reports going to Cabinet and holds the Cabinet to account for its actions.

The Overview and Scrutiny Panels also have a key role in considering other matters of local concern not necessarily just within the Council's areas of responsibility but affecting the Royal Borough and its communities. Where included in the terms of reference the Overview and Scrutiny Panels also hold partner organisations to account.

In undertaking their role, the Overview and Scrutiny Panels will have the power to 'call-in' decisions of the Cabinet or any body or individual exercising executive powers.

The Corporate Overview and Scrutiny Panel will have responsibility for monitoring the budget allocated to Overview and Scrutiny each year.

Any Member of the Council may attend meetings of the Overview and Scrutiny Panels. Cabinet Members and Directors will be expected to attend when their Cabinet reports/proposals are being considered and will be entitled to participate (in a non-voting capacity) at the invitation of the Chairman.

At other times Cabinet Members will only be required to answer questions put by the Panel or to respond to call-in of a decision within their area of responsibility.

A2 WHO MAY SIT ON THE OVERVIEW AND SCRUTINY PANELS?

Any Member, except Members of the Cabinet and the Mayor, may be a member of the Overview and Scrutiny Panels. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

A Member:

- a) Cannot sit on more than 2 Overview & Scrutiny Panels (as a full Panel Member or substitute).
- b)a) Can only hold the position of Chairman or Vice-Chairman of one Panel.

A3 CO-OPTEES

a) General

The Overview and Scrutiny Panels shall be entitled to appoint a number of people as non-voting co-optees.

b) Education Representatives

The Adults, Children and HealthPeople Overview and Scrutiny Panel, when dealing with education matters, shall include in its membership the following voting representatives:

- a) one Church of England diocese representative;
- b) one Roman Catholic diocese representative;
- c) two parent governor representatives (One to represent the primary phase and one to represent the secondary phase).
- d) one representative from the Regional Schools Commissioner

This will apply when the Adults, Children and Health People Overview and Scrutiny Panel or a sub-Panel of it, being part of the local education authority, and where the Panel's functions relate wholly or in part to any education functions which are the responsibility of the Cabinet. If the Panel deals with other matters, these representatives shall not speak or vote on those other matters, except so far as the Protocol on public speaking may apply to them.

Each education representative may appoint a substitute equivalent to their qualification criteria, who may attend meetings in that capacity only:

- i) To take the place of the ordinary co-opted representative;
- ii) Where the ordinary education representative will be absent for the whole of the meeting; if the ordinary education representative arrives after the meeting has started, the appointed substitute representative shall continue and the ordinary education representative shall be present as a non-member of that body.
- iii) After notifying the Head of Governance by 12.00 noon on the day of the meeting of the intended substitution.

c) Crime and Disorder

The <u>Communities Place</u> Overview and Scrutiny Panel may, in accordance with The Crime and Disorder (Overview and Scrutiny) regulations 2009 co-opt additional members to serve on the Panel subject to:-

- i) the person co-opted to serve shall not be entitled to vote on any particular matter, unless the Panel so determines.
- ii) the co-opted person's membership may be limited to the exercise of the Panel's powers in relation to Crime & Disorder.

The co-opted person shall not be a member of the Cabinet of the Council.

d) Parish Council representation on <u>Communities Place</u> Overview & Scrutiny

The <u>Communities-Place</u> Overview and Scrutiny Panel shall include two further co-opted members when considering a matters of Crime and Disorder. These shall be one parish councillor representing each of the northern and southern parishes.

Co-optees and substitutes for either the northern or southern Parish Councils shall be appointed as follows:

- i. Vacancies are notified to each Parish Council by the Council
- Parish Councils must submit in writing their nominations within 28 days of notification. Each Parish Council can only nominate one co-optee.
- iii. Each nomination shall include details of the proposed co-optee with a maximum 100 word supporting statement
- iv. Where more than one nomination is received then each Parish Council (in either the northern or southern Parishes) is then entitled to vote on the nominated candidates. The votes must be received within 28 days of notification.
- v. The nominee with the greatest number of votes shall be elected to the Panel as the co-optee. The nominee with the next highest number of votes shall be the substitute. In the event of a tie for either position the Chairman of the Panel shall select the nominee to be appointed as co-optee to the Panel.

vi. If only one nomination is received for either the northern or the southern parishes, the nominee will automatically be appointed as co-optee

The Panel shall be permitted to change the process of appointment as it sees fits and decide the exact methodology.

Each co-optee and substitute shall remain on the Panel for a maximum period of 4 years (providing Council re-appoints at each Annual Council meeting). In the event the co-optee is absent from 2 or more meetings in any one year then the Panel may pass a resolution to remove the co-optee from the Panel.

Where a co-optee resigns then the substitute shall take the place as the co-optee on the Panel for the remainder of the term if the Panel resolves to accept the substitute. Where the substitute elects not to take up the position on the Panel, then the Panel shall seek further nominations from the Parish Councils and steps a. to f. above shall be followed. Where a substitute position is vacant then the Parish Councils shall be requested to nominate further substitutes and the process in points i to vi shall be followed.

The	parish	council	represer	ntatives	to b	эе	required	to	liaise	with	releva	ant
paris	shes or	n a regul	ar basis.									

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PART 4 - OVERVIEW AND SCRUTINY

B - Terms of Reference for Overview and Scrutiny

B. Terms of Reference for Overview and Scrutiny Panels

B1 Terms of Reference

The Council will appoint four three Overview and Scrutiny Panels which will together and singly discharge the functions conferred by Section 21 of the Local Government Act 2000, regulations under Section 32 of the Local Government Act 2000 and subsequent amendments, Section 244 of the NHS Act 2006 the Police and Justices Act 2006, Local Government and Public Involvement in Health Act 2007 and the Local Democracy, Economic Development and Construction Act 2009.

Each Panel and any sub-panels shall be politically balanced in accordance with section 15 of the Local Government Act 2000.

B2 General role

The Overview and Scrutiny Panels may:

- Review and/or scrutinise decisions to be made by Cabinet and made by it or actions taken in connection with the discharge of any of the Council's functions.
- ii) Make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions.
- iii) Consider any matter affecting the area or its inhabitants that falls within the remit of the council.
- iv) Exercise the right to call-in, for reconsideration, executive decisions made in respect of which no steps have been taken to implement the decision.
- v) Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of the draft plans and policy issues to be submitted to Council.
- vi) Conduct such necessary research and investigation in the analysis of the policy issues and the possible options for the plans to be submitted to Council as above.
- vii) Question relevant Members of Cabinet and the relevant Chief Officers about issues and proposals affecting the area.
- viii) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working.
- ix) Review and scrutinise the decisions to be made by Cabinet and which have been made by the Cabinet and Council officers both in relation to individual decisions and over time.
- x) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.
- xi) Question Members of the Cabinet and Directors about their decisions, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- xii) Make recommendations to the Cabinet and/or Council arising from the outcome of the Scrutiny process.

- xiii) Review and scrutinise the performance of the relevant bodies in the area and invite reports from them to address an Overview and Scrutiny Panel and local people about their activities and performance.
- xiv) Question and gather evidence from any person or organisation (with that person/organisation's consent).
- xv) Consider any petitions referred to the Panel in accordance with the Council Petitions Protocol.
- xvi) 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.

B3. Finance.

In carrying out its activities, the Overview and Scrutiny Panels will operate within such budget and allocation of officer time as the Council shall provide.

B4. Annual report.

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

B5 Proceedings of the Panels

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

B6. Membership & Roles of Responsibility

The membership of the Panels is as set out in the following table. The Role and Scope of each Overview and Scrutiny Panel is set out in general terms within Article 10 of this Constitution. The specific role of scope for each relevant panel is as follows:

Committee	Role and Scope
and Membership	
Adults, Children &	The Panel will consider the following service areas:
Health People O&S Panel	Adult Services Children's Services
(511 members) Co-Optees - 2 voting church and parent	 Children's Services Environmental Health Housing Public Health
governor representatives	The Adults, Children and Health Overview & Scrutiny Panel shall have powers to deal with routine matters within the functions relating to Adult Social Care, Adult Services general and Public Health Services. The Panel

Committee and	Role and Scope		
Membership			
for education matters only	shall have the enhanced review and scrutiny powers in line with provisions in Health and Social Care Act 2012, including power of referral to the Secretary of State for Health. In the event of a proposed referral to the Secretary of State for Health, a report shall be submitted to Council for information, prior to submission.		
	All matters relating to Children's Services, Schools and Education generally.		
	In addition to the Panel's broad terms of reference, the Panel will be responsible for ensuring the local authority fulfils its safeguarding responsibilities, including child sexual exploitation. This needs to include children's social care and education provision.		
	The Panel will be responsible for the overview and scrutiny of the following within the remit of the Panel:		
	To consider the Council Corporate Plan and Key Decisions and to monitor performance against these plans		
	To deal with petitions when referred to Overview & Scrutiny in accordance with the Council's Petition Protocol		
	3 To consider the Council's annual budget		
	4 To assist the Cabinet in the development of the Council's annual budget and to review and scrutinise budgetary management		
	5 To prepare the annual report to Council.		
	6 To issue the invite for scrutiny suggestions to the residents, members and the Cabinet.		
	7 To determine the Overview and Scrutiny Work Programme		
	8 The effective reporting and control of Council activities		

Committee	Role and Scope					
and Membership						
Communities Place O&S Panel (115 members)	The Panel will consider the following service areas: Planning Neighbourhoods					
Co-Optees – 2 non voting representatives from the north and south parishes for Crime and Disorder matters only	 Infrastructure, Sustainability and Economic Growth Health Partnerships and Community Development All matters relating to the culture, environment, communities and crime & disorder within the Borough.					
	In addition, when considering matters of crime and disorder the Panel's main objective is to ensure that the Community Safety Partnership is held accountable for the discharge of its executive functions, to enable the voice and concerns of the public and its communities to be heard and drive improvement in public services. In addition to the Panel's broad terms of reference as detailed above, the Panel will be responsible for the overview and scrutiny of the following:					
	 to consider the effectiveness of actions undertaken by the responsible authorities on the Community Safety Partnership ('CSP'); make reports or recommendations to Cabinet/Council with regard to those policies developed by the CSP and the effectiveness of the functions managed through the CSP. to consider a number of issues in consultation with the relevant partners on the CSP which reflect local community need and make recommendations to Cabinet 					
	The Panel will be responsible for the overview and scrutiny of the following within the remit of the Panel:					
	To consider the Council Corporate Plan and Key Decisions and to monitor performance against these plans					
	To deal with petitions when referred to Overview & Scrutiny in accordance with the Council's Petition Protocol					

Committee	Role and Scope
and Membership	
метрегатр	 To consider the Council's annual budget To assist the Cabinet in the development of the Council's annual budget and to review and scrutinise budgetary management To prepare the annual report to Council. To issue the invite for scrutiny suggestions to the residents, members and the Cabinet. To determine the Overview and Scrutiny Work Programme The effective reporting and control of Council activities
Infrastructure O&S Panel (5 members)	All matters relating to the provision of infrastructure, planning, housing, highways and transportation within the Borough. The Panel will be responsible for the overview and scrutiny of the following within the remit of the Panel:
	 To consider the Council Plan and Key Decisions and to monitor performance against these plans To deal with petitions when referred to Overview & Scrutiny in accordance with the Council's Petition Protocol To consider the Council's annual budget To assist the Cabinet in the development of the Council's annual budget and to review and scrutinise budgetary management To prepare the annual report to Council. To issue the invite for scrutiny suggestions to the residents, members and the Cabinet. To determine the Overview and Scrutiny Work Programme

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Committee and	Role and Scope	
Membership		
	8 The effective reporting and control of Council activities	
Corporate O&S Panel	The Panel will consider the following service areas:	
(5 11 members)	 Finance Revenues and Benefits Library and Resident Services Human Resources Information Technology Legal Services Governance Strategy Communications Transformation Commissioning and Procurement 	
	Corporate Overview The Panel will be responsible for the overall corporate overview and scrutiny of the following:	
	 To consider the CouncilCorporate Plan and Key Decisions and to monitor performance against these plans To deal with petitions when referred to Overview & Scrutiny in accordance with the Council's Petition Protocol 	
	 To consider the Council's annual budget To assist the Cabinet in the development of the Council's annual budget and to review and scrutinise budgetary management To prepare the Panel's annual report to Council. To issue the Panel's invite for scrutiny suggestions to the residents, members and the Cabinet. 	

Committee and Membership	Role	and Scope
метірегіір	•	To determine the Panel's Overview and Scrutiny Work Programme
		The effective reporting and control of Council activities
	•	 Key projects and their planning, implementation and delivery (where such projects do not relate to the remit of another Overview and Scrutiny Panel)
	<u>Perfo</u>	rmance Overview
	(a)	To monitor the performance of the Council as a whole and in respect of particular services as the Panel or Cabinet may from time to time identify for service improvement.
	(b)	To monitor the Council's performance in respect of
		 (i) such national and local performance indicators as the Panel considers appropriate (ii) delivery of outcome improvement plans in respect of reviews undertaken and make recommendations on areas requiring service improvement and on setting targets to deliver such improvements (iii) the effectiveness of performance reporting to enable the Directors and Heads of Service, the Cabinet and the Overview and Scrutiny Panels to perform their management, governance and overview and scrutiny roles respectively
		and make recommendations on areas requiring service improvement and on setting targets to deliver such improvements.
	(c)	To consider and make recommendations in respect of external reviews and inspections of Council Services.
	(d)	To monitor the partnership arrangements in which the Council is involved including but not restricted to:
		 Governance arrangements any inspections or reviews undertaken in respect of partnership arrangements

Committee and Membership	Role and Scope
	 To receive and consider reports on the Council's negotiations to agree Local Area Agreements (LAA) and to monitor performance towards achieving the agreed targets.

B7 Responsibilities of Members in Overview and Scrutiny

B7.1 Chairmen of Relevant Scrutiny Panels

Chairmen of Overview and Scrutiny Panels will:

- 1. Chair meetings of the relevant Overview and Scrutiny Panel;
- 2. provide strong, fair leadership and clear guidance to Members and officers in relation to Scrutiny functions;
- 3. have overall responsibility for the direction of scrutiny in the Council in their area of responsibility, and for ensuring that an appropriate annual scrutiny Work Programme is set;
- 4. continuously monitor and evaluate the relevance of the annual Scrutiny Work Programme;
- 5. review, challenge and question the implementation of agreed policy and service delivery, and make recommendations to the Cabinet and Council to improve policy, performance and service delivery;
- develop a clear understanding of the terms of reference of their Panel, the scope and range of the areas for which it is responsible, and the Council policies in respect of those areas;
- 7. ensure the work of their panel contributes to the delivery of continuous improvement in services and implementation of best practice;
- 8. review all agendas for scrutiny panel meetings, to take a lead in developing a forward agenda, and to ensuring it is adhered to;
- meet on a regular basis and consult with relevant Members to advise them
 of progress in the work of their Overview and Scrutiny Panel, discuss issues
 arising from the scrutiny process, and note action being taken by the
 relevant Cabinet Members to address the concerns of their Overview and
 Scrutiny Panel;
- 10. seek to involve all Overview and Scrutiny Panel Members in the work of their Panel;
- 11. lead on the preparation of the Panel's annual report and present the Panel's final report to full Council, and if required the Cabinet.

- 12. ensure that Scrutiny fulfils its review function;
- 13. ensure that Cabinet Members are briefed at the appropriate time on significant issues, that is those that may
 - (a) impact on established policy.
 - (b) have major resource implications
 - (c) be contentious

B7.3 Overview and Scrutiny Panel Members

All Members of the Overview and Scrutiny Panels will:

- 14. regularly attend meetings of the Overview and Scrutiny Panel or its Sub-Panels as appropriate;
- 15. play a major role in policy development and review;
- 16. hold the Cabinet to account as appropriate, to ensure continuous improvement in services by:
 - (i) reviewing and scrutinising the decisions made by and performance of the Cabinet and/or committees and Council Officers;
 - (ii) reviewing and scrutinising the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas; monitoring performance against strategy;
- 17. scrutinise the effectiveness and performance of partnerships;
- 18. scrutinise the performance as appropriate of the third sector (voluntary and community) as a service provider;
- 19. respond to community calls for action where required;
- 20. contribute to regional scrutiny arrangements as appropriate, such as NHS, regional agencies;
- 21. to evaluate whether the policies, strategies and plans the Council has adopted are, over time, actually delivering the outcomes intended for local people;
- 22. to actively engage with the community and local organisations to obtain their views on issues or proposals affecting the area, and if appropriate encourage their attendance at Overview and Scrutiny meetings;
- 23. to ensure that the Scrutiny process contributes to the promotion of community well-being and that public services are responsive to the needs of the people;

- 24. to review and scrutinise the performance of external agencies, by developing a partnership approach through collaborative scrutiny methods;
- 25. to identify areas of policy or under-performance in need of improvement, seek expert support, and provide evidence, advice, recommendations and proposals for consideration by the Council or Cabinet;
- 26. any other related duties, as assigned by the Chairman of the Overview and Scrutiny Panel.