

APPENDIX 1

SCRUTINY FUNCTIONS AND TERMS OF REFERENCE

(Relevant extracts from the council constitution)

Part 2 - Articles

Article 5 – Overview and scrutiny committee and commissions

5.1 The council will appoint an overview and scrutiny committee to discharge the functions conferred by section 9A of the Local Government Act 2000. The overview and scrutiny committee will appoint commissions and determine their terms of reference.

The overview and scrutiny committee will also discharge those functions of the council relating to the scrutiny of the health service contained in the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, except where a function is reserved to the council.

Where an NHS body or health service provider consults the council and another authority or authorities about a proposal for a substantial development of or variation to the health service affecting each council's area, the overview and scrutiny committee will appoint a joint overview and scrutiny committee with the other authority or authorities for the purposes of that consultation.

5.2 Within their terms of reference, the overview and scrutiny committee and its commissions will:

- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions
- b) make reports and/or recommendations to council assembly and/or the cabinet in connection with the discharge of any functions
- c) consider any matter affecting the area or its inhabitants.

5.3 For the purpose of this constitution, scrutiny commissions are considered as sub-committees

5.4 Specific functions

1. Policy development and review

Overview and scrutiny committee and its commissions may:

- a) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- b) conduct research, community and other consultation in the analysis of policy issues and possible options
- c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options

- d) question members of the cabinet and chief officers about their views on issues and proposals affecting the area
- 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.

2. **Health and wellbeing**

Overview and scrutiny committee and its commissions must acknowledge, and respond to, a referral of a matter for review and scrutiny received from a local Healthwatch organisation.

Overview and scrutiny committee and its commissions may:

- a) review and scrutinise the work of the Health and Wellbeing Board
- b) review and scrutinise any matter relating to the planning, provision and operation of the health service in its area (but in doing so it must invite comments from interested parties and consider information provided by a Local Healthwatch organisation or contractor)
- c) make reports and recommendations to a NHS body or health service provider and the council on any matter it has scrutinised
- d) consider consultations from a NHS body or health service provider and to make comments
- e) question members or employees of a NHS body or health service provider.

3. **Scrutiny**

Overview and scrutiny committee and its commissions may:

- a) review and scrutinise the decisions made by and performance of the cabinet and council officers both in relation to individual decisions and over time
- b) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas
- c) consider referrals from members on any of the functions of the committee
- d) question members of the cabinet and chief officers and relevant partner authorities about their decisions and performance, whether generally in comparison with local area agreements, service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- e) make recommendations to the cabinet and/or council assembly arising from the outcome of the scrutiny process or refer entire reports

produced as the result of the scrutiny process to be debated and noted at council assembly

- f) give notice of its recommendations to the cabinet and/or council assembly and publish recommendations
- g) give notice of its recommendations to the relevant partner authority
- h) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee/sub-committee and local people about their activities and performance
- i) question and gather evidence from any person (with their consent).

4. Crime and disorder

Overview and scrutiny committee and its commissions may:

- a) act as the crime and disorder committee within the meaning of section 19 of the Police and Justice Act 2006
- b) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions
- c) make reports or recommendations to the local authority with respect to the discharge of those functions
- d) make recommendations to the cabinet and/or council assembly with respect to any matter which is a local crime and disorder matter in relation to a member of the authority
- e) consider any crime and disorder matters referred by any member of the council.

5. Annual report

The overview and scrutiny committee will report annually to council assembly on the workings of the overall scrutiny function, and may make recommendations for future work programmes and amended working methods if appropriate.

Overview and Scrutiny Committee Procedure Rules

5. General terms of reference of all scrutiny committees/commissions

5.1 Within their terms of reference, all scrutiny committees/commissions will:

- a) review and scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions

- b) review and scrutinise the decisions made by and performance of the cabinet and council officers both in relation to individual decisions and over time in areas covered by its terms of reference
- c) review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas
- d) question members of the cabinet and 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 and about their views on issues and proposals affecting the area
- e) assist council assembly and the cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- f) make reports and recommendations to the cabinet and or council assembly arising from the outcome of the scrutiny process
- g) consider any matter affecting the area or its inhabitants
- h) 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
- i) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance
- j) conduct research and consultation on the analysis of policy issues and possible options
- k) question and gather evidence from any other person (with their consent)
- l) consider and implement mechanisms to encourage and enhance community participation in the scrutiny process and in the development of policy options
- m) conclude inquiries promptly and normally within six months.

5.2 The overview and scrutiny committee, or one of its commissions shall be responsible for scrutinising the crime and disorder function.

6. Terms of reference of the overview and scrutiny committee

6.1 The terms of reference of the overview and scrutiny committee will be:

- a) to appoint commissions , agreeing the size, composition and terms of reference and to appoint chairs and vice chairs
- b) to agree the annual work programme for OSC and the commissions
- c) to consider requests from the cabinet and/or council assembly for scrutiny reviews

- d) to exercise the right to call-in for reconsideration of executive decisions made but not yet implemented
- e) to arrange for relevant functions in respect of health scrutiny to be exercised by an overview and scrutiny committee of another local authority where the council considers that another local authority would be better placed to undertake those relevant functions, and that local authority agrees to exercise those functions
- f) if appropriate, to appoint a joint overview and scrutiny committee with two or more local authorities and arrange for the relevant functions of those authorities to be exercised by the joint committee
- g) to periodically review overview and scrutiny procedures to ensure that the function is operating effectively
- h) to report annually to all councillors on the previous year's scrutiny activity
- i) to scrutinise matters in respect of:
 - the council's policy and budget framework
 - regeneration
 - human resources and the council's role as an employer and corporate practice generally
 - customer access issues, including digital strategy, information technology and communications
 - the council's equalities and diversity programmes.

Terms of reference of a joint overview and scrutiny committee appointed to consider proposals relating to the health service

- 7.1 Where the council is required to form a joint overview and scrutiny committee with another authority or authorities to consider a consultation on a proposal for substantial development of or variation to the health service affecting each council's area, it will be for each appointing authority to adopt terms of reference and procedure rules as they consider appropriate.
- 7.2 The joint overview and scrutiny committee may:
- only consider the relevant matter
 - make comments on the proposal
 - require relevant information or require an employee or member of a NHS body or health service provider to attend and answer questions.
- 7.3 When establishing a joint overview and scrutiny committee, the appointing local authorities will determine whether the power of referral to the Secretary of State in relation to a relevant proposal should be made by the Joint Committee or by the local authorities themselves. If the power is retained by the local authorities it may then be delegated to the overview and scrutiny committee or one of its commissions.
- 7.4 The joint overview and scrutiny committee will meet for such a period as is necessary to consider the consultation and make reports and recommendations.