

ARTICLE 7 - OVERVIEW AND SCRUTINY COMMITTEES

Amended draft 5/3/15

*Drafting note: words in [italics in brackets] are each Council's variations and the appropriate one will be inserted in each constitution. **Highlighted** items are those where there is a choice to be made and views are sought.*

*Parts in **red** are amendments made at the meeting of the Joint Constitution Working Group on 4 March 2015.*

7.1 Introduction

7.1.1 Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision-making process. The council has appointed an Overview and Scrutiny Committee and a Performance and Audit Scrutiny Committee to discharge the functions conferred by section 9F of the Local Government Act 2000 and any regulations. **Forest Heath and St Edmundsbury Councils ~~will~~ may also appoint joint overview and scrutiny committees to exercise those functions with regard to matters that affect both councils.*** The committees will discuss issues in public and take a cross-cutting approach to their work. In accordance with section 9FA of the above Act they may appoint one or more sub-committees to carry out any of their functions. They will seek to improve the delivery of policies and services by:-

- (a) holding the Cabinet to account for its actions;
- (b) advising on the development and implementation of new policy and corporate projects;
- (c) testing whether existing policies and practices are effective and efficient and suggesting how they might be improved; and
- (d) ensuring the rigour and objectivity of performance management and service reviews.

7.1.2 The Performance and Audit Scrutiny Committee will have the specific role of monitoring the budget, and it oversees the performance of services by considering a range of information such as performance indicators, inspection reports and action plan monitoring. It approves the Council's Statement of Accounts and is also the Council's audit committee. This Committee also carries out the Treasury Management functions set out in detail in the Overview and Scrutiny Procedure Rules in Part 4 of this constitution.

****[One of the member recommendations for the new constitution is that there be provision for joint scrutiny meetings. Section 9F LGA 2000 permits two or more councils to appoint joint overview and scrutiny committees. The wording included here is intended as a statement of that intention, but it will be a matter for each council to decide on any joint***

committee's composition and terms of reference, and to make a recommendation to each Council to appoint to that joint committee. This does not prevent the current practice of both O&S committees holding meetings together at which decisions are taken separately, a process which should be made easier by there being common Rules of Procedure].

7.2 The Overview and Scrutiny Committee

7.2.1 The Council will appoint an Overview and Scrutiny Committee of up to [10/16] members, or as many as Council determines from time to time, and [will not/will] be politically balanced. No member of the Cabinet may be a member of the Overview and Scrutiny Committee.

7.2.2 The primary purpose of the Committee is to improve the delivery of policies and services. To do this it will exercise the following **General Role**:

- (a) review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions (subject to 7.9.1(h) below);
- (b) make reports and recommendations to the Council and the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants;
- (d) question Members of the Cabinet and officers about their views on issues and proposals affecting the area;
- (e) liaise with external organisations operating in the area, whether national, regional or local, to ensure the interests of local people are enhanced by collaborative working;
- (f) exercise the right to "call in", for reconsideration, decisions made but not yet implemented by the Cabinet, in accordance with the rules set out in Part 4 of this Constitution; and
- (g) consider any Councillor Calls for Action referred to it in accordance with the Protocol set out in Part 5 of this Constitution;
- (h) consider any matter which has been placed on the agenda of the committee by any member of the committee in accordance with the rules of procedure in Part 4 of this Constitution;
- (i) act as the crime and disorder committee for the purposes of section 19 of the Police and Justice Act 2006.

7.2.3 Scrutiny Role

Within its terms of reference, the Overview and Scrutiny Committee may:-

- (a) review and scrutinise the decisions made by, and the performance of, the Cabinet, Committees 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, and carry out performance management reviews;

- (c) review the adequacy of policies and practices to ensure compliance with statutory and other guidance;
- (d) question Members of the Cabinet, Committees 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;
- (e) make recommendations to the Cabinet and/or the appropriate Committee arising from the scrutiny process;
- (f) 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 and local people about their activities and performance and issues of wider concern;
- (g) question and gather evidence from any person (with their consent);
- (h) assist the Council and the Cabinet in the development of the policy framework by detailed analysis of policy issues and options, including research, and community and other consultation;
- (i) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
- (j) consider how collaborative working with external organisations can enhance the interests of local people.

7.2.4 For specific issues, the above work can be carried out by task and finish groups, which will be appointed and managed by the Committee. These groups will draw upon the knowledge and expertise of all Members of the Council.

7.2.5 Holding the Cabinet to Account

The Overview and Scrutiny Committee will hold the Cabinet to account for the discharge of its functions. The principal elements by which it will do this are as follows:

- (a) scrutinising decisions which the Cabinet is planning to take, as set out in the Decisions Plan or of which proper notice is given (including decisions referred to it in accordance with paragraph 6.7.2 of Article 6);
- (b) scrutinising decisions of the Cabinet and individual portfolio holders before they are implemented and if necessary using the “call-in” mechanism to require the decision taker to reconsider the earlier decision;
- (c) scrutinising decisions of the Cabinet or Portfolio Holders after they have been implemented as part of a wider review.

7.3 Performance and Audit Scrutiny Committee

7.3.1 The Council will also appoint a Performance and Audit Scrutiny Committee of up to ten members, which [*will not/will*] be politically balanced. Within its terms of reference the Committee will monitor and scrutinise the performance of the Council’s services by having regard to a variety of information, including performance indicators, financial information, reports from external inspections, audit reports, and

monitoring of action plans. No member of the Council's Cabinet may be a member of the Performance and Audit Scrutiny Committee.

7.3.2 The Committee will also assist the Council and the Cabinet in the development of the budget framework, and act as the Council's Audit Committee, and the nature of this role is specified in the Procedure Rules in Part 4 of this Constitution.

7.4 Finance

7.4.1 The Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee may exercise overall responsibility for any finances made available to them.

7.5 Annual Report

7.5.1 The Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee must report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

7.6 Officers

7.6.1 The Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee may exercise overall responsibility for the work programme of any officers employed to support their work.

7.7 Proceedings of the Committees

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

7.8 Work Programme

7.8.1 The Rules of Procedure in Part 4 of this Constitution will also provide mechanisms to allow all Members of the Council the opportunity to place an item on the agenda of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.

7.8.2 When practicable, the Overview and Scrutiny Committee will publish a forward work programme or list of items likely to be considered over the next four months.

7.9 Working Methods

7.9.1 The following principles should be adhered to by the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee when carrying out their work:-

- (a) a variety of different approaches and formats for meetings may be used;
- (b) 'task and finish' groups reporting periodically and at the end of reviews to the Overview and Scrutiny Committee should be encouraged as the preferred method of scrutiny reviews;
- (c) membership of the Committees and their sub groups (if applicable) should be tailored to ensure appropriate skills and expertise, and external input, are brought to bear;
- (d) when appropriate, full consultation with all other stakeholder groups and organisations should take place;
- (e) the declaration of interest rules shall apply;
- (f) the imposition of the Party Whip is regarded as incompatible with the work of the Council's Scrutiny Committees;
- (g) the ~~chairmen and Vice-Chairmen of the Scrutiny Committees~~ **chairman and vice-chairman of each Scrutiny Committee** will meet at least quarterly with the Leader and Deputy Leader of the Council to ensure that the work of these Committees is properly co-ordinated; and
- (h) where any Scrutiny Committee is reviewing the work of a Regulatory or other Committee of the Council (as opposed to the Cabinet) it will not scrutinise individual decisions made by such Committees, particularly decisions in respect of development control, licensing, registration, consents and other permissions. In particular, scrutiny will not be an alternative to normal appeals procedures. However, the Overview and Scrutiny Committee has the power to make reports and recommendations on functions which are not the responsibility of the Cabinet, an option normally to be used as part of wider policy reviews.

7.10 Support

7.10.1 In order that the Overview and Scrutiny Committee can perform its roles properly, it shall be given the following support:-

- (a) effective and properly resourced support from officers;
- (b) appropriate financial resources;
- (c) access to the advice of the Council's Monitoring Officer;
- (d) the ability to require Members of the Cabinet and officers to attend to answer questions;
- (e) specific training and development for all persons who undertake overview and scrutiny duties; and
- (f) the Decisions Plan, containing details of all the matters likely to be the subject of key decisions, or to be considered in private by the Cabinet, or its Committees or by officers, shall be made available to all Members of the Overview and Scrutiny Committee.

7.10.2 In order that the Performance and Audit Scrutiny Committee can perform its role properly it shall also be given the following support:-

- (a) effective and properly resourced support from officers;
- (b) appropriate financial resources;
- (c) access to external auditors who report direct to the Committee and to the Internal Audit Service Manager; and
- (d) specific training and development as required.