

ARTICLE 6 - OVERVIEW & SCRUTINY COMMITTEES

**Access to Information Regs 2000 – Reg 18 – Sections 21 and Schedule 1
para 7
Local Government Act 2000 – Constitutions Direction – Para 3(k)**

6.01 Terms of Reference

The Council will have the two Committees called, the Overview & Scrutiny Committee and the Finance & Audit Scrutiny Committee, to undertake the overview and scrutiny functions. The scope of activity for each of these is set out below.

The prime purpose of the Overview and Scrutiny Committee is to review items to be considered by the Executive, to review past decisions, policy development, specific issues, and problems within any service area

It will also be able to address any other matter not otherwise delegated to the Finance and Audit Scrutiny Committee.

The prime purpose of the Finance and Audit Scrutiny Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, issues of an audit nature and to oversee the financial reporting process.

The Finance and Audit Scrutiny Committee will:

- Review the robustness of business cases
- Promote value for money and good procurement practice
- Make recommendation on good financial management practices
- Keep the treasury management performance under review
- Make recommendation to the Council regarding the approval of the Statement of Accounts in accordance with regulation 10 of the Accounts and Audit Regulations 2003.
- Review specific Executive items and past decisions

6.02 General role

Within their terms of reference, the Committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to Council and/or the Executive and/or any policy, joint or area committee 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 but not yet implemented by the Executive and/or any policy or area committees; and
- v) agree the terms of reference of best value reviews

6.03 **Specific functions**

(a) **Policy development and review.**

The Committees may:

- i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Executive and/or committees and officers about their views on issues and proposals affecting the area; and
- v) 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.

(b) **Scrutiny**

The Committees may:

- i) review and scrutinise the decisions made by and performance of the Executive and/or committees 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 Executive and/or committees and chief officers about their decisions and performance of their services, 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 Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee(s) and local people about their activities and performance; and
- vii) question and gather evidence from any person (with their consent).

(c) **Finance**

The Committees may exercise overall responsibility for the finances made available to them (if any).

(d) **Annual report**

The Committees must report annually to Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 **Proceedings of the Committees**

The committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules and the Council procedure rules (in part) as set out in Part 4 of this Constitution.

6.05 **Task and Finish Groups**

The Committees may each at any time instruct an officer, using the agreed methodology, in consultation with a group of named members, to establish a Task and Finish Group to undertake a particular review and make recommendations thereon, either at the volition of the Committee or in response to a request from the Executive for such a review.

6.06 Such Task and Finish Groups are not Committees or Sub-Committees and are not subject to a requirement for political proportionality, it being customary for any member with an interest or expertise in the particular topic to be included in such a consultative group.

6.07 **Political balance**

The allocation of seats to political groups will be made in accordance with the political balance rules and where there are an uneven number of seats then the odd seat shall

be in the discretion of the Leader in consultation with other Group Leaders

6.08 Excluded matters

The Committees will not be permitted to consider some matters under legislation and others because of best practice these are set out below:

- (a) Any matter relating to a decision on a specific planning application;
- (b) Any matter relating to a decision on a specific licensing application;
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; including but not limited to;
- (d) Standards decisions and items which may be brought for decision;
- (e) Appeals decisions and items which may be brought for decision;
- (f) Breaches of the Constitution and its protocols e.g. Code of Conduct;
- (g) Matters relating to the terms and conditions of employment or conduct of individual or groups of staff or Members;
- (h) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee;
- (i) Audit process and items which are likely to be considered by the Audit process;
- (j) Matters within the proper remit of the Section 151 and Monitoring Officers;
- (k) Matters relating to a particular identifiable service recipient or potential service recipient;
- (l) Complaints or matters before the courts or local government Ombudsman; and
- (m) Contractual matters, other than performance monitoring and review, except with the agreement of the Executive.