

## SECTION 7

### OVERVIEW AND SCRUTINY COMMITTEES

#### 1. General Role of Overview and Scrutiny Committees

- 1.1 Overview and Scrutiny Committees are appointed by the County Council under section 21 of the Local Government Act 2000 to review, and scrutinise the Council and its partners in delivering the Council's Vision and priorities and to monitor performance against relevant plans and strategies.
- 1.2 To undertake this role each Scrutiny Committee will:
- Assist and advise on the development of new policy or reviewing current policy;
  - Review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's or relevant partners functions;
  - Make reports and/or recommendations to the full Council, the Cabinet and/or relevant partners in connection with the discharge of any functions;
  - Consider any matter affecting the area or its inhabitants including any matters raised by a Councillor Call for Action;
  - Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet; and
  - Respond to direct requests from Council or the Cabinet when appropriate.
- 1.3 By law, neither a Scrutiny Committee nor any Sub-Committee of a Scrutiny Committee has any power to take any decisions on behalf of the Council and therefore there are no delegations to them.

#### 2. Specific functions

- 2.1 A Scrutiny Committee may within the scope of its allocated terms of reference:-
- Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
  - Conduct research, community and other consultation in the analysis of policy issues and possible options;
  - Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - Question members of the Cabinet and/or Committees and Chief Officers about their views on issues and proposals affecting the County Council's area; or 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;
  - 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;
  - Review and scrutinise the decisions made by, and performance of, the Cabinet and/or Committees and Chief Officers both in relation to individual decisions and over time;
  - Review and scrutinise the decisions made by, and performance of, relevant partner organisations (as defined in legislation) in the area;
  - Review the performance of relevant external organisations which impact on the County Council's functions or services and to submit reports thereon to the Council subject to such reports being first submitted to the Cabinet and the

appropriate Portfolio Holder and the external organisation in question for comment;

- 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;
- Question and gather evidence from any person (with their consent);
- Make recommendations to the Cabinet, appropriate Committees, Council or Relevant Partner Organisation as appropriate arising from the outcome of the scrutiny process;
- Scrutinise policies strategies procedures and performance in respect of any function which is the responsibility of the County Council;

### **3. Terms of Reference of Scrutiny Committees**

3.1 The County Council currently has eight Overview and Scrutiny Committees and they have the following strategic roles and responsibilities:-

3.2 The **Corporate Review Committee** is the Council's Principal Scrutiny Committee. It is responsible for co-ordinating and approving the scrutiny work programmes, co-ordinating and overseeing the work of the other Scrutiny Committees to avoid duplication of work and to ensure coherence of approach to cross cutting policy themes. The Committee may determine that one named Committee shall take lead responsibility for a cross cutting policy theme or may determine that the work be shared between one or more named Scrutiny Committees.

3.2.1 In addition to its role as the principal Scrutiny Committee the Scope of the Committee is:-

- Coordinating/ approving work programmes
- Cross cutting issues
- Customer Care
- The overall performance of the Authority
- Strategic Policy and Corporate Strategy
- Civil contingencies
- Consideration of call-in items

3.3 The **Health Scrutiny Committee** is responsible for the overview and scrutiny of matters relating to the planning, provision and operation of health services in the Authority's area, including public health, in accordance with regulations made under the Health and Social Care Act 2001 and subsequent guidance.

3.3.1 The Health Scrutiny Committee has the power to make reports and recommendations to NHS bodies conferred by the Health and Social Care Act 2001.

3.3.2 The Health Scrutiny Committee may, within the scope of its allocated roles and responsibilities, respond independently to health related consultations from Government and external agencies.

3.4 The scope of the **Children, Young People and Families Scrutiny Committee** is:-

- Health of children and young people
- Vulnerable children
- Community and Learning Partnerships
- Road safety in relation to Children and Young People

- Consultation and Participation of Children and Young People

3.5 The scope of the **Regeneration and Infrastructure Scrutiny Committee** is:-

- Economic Development
- Business Support
- Tourism
- Transport and Highways
- Local and Regional Strategic Plans
- Planning and Development Control
- Environment
- Waste Disposal
- Climate Change
- Employment

3.6 The scope of the **Communities Scrutiny Committee** is:-

- Community Services
- Partnerships (including the Local Area Agreement)
- Community Safety and Crime and Disorder
- Libraries/ Archives/Arts
- Community engagement and democratic renewal and social cohesion
- Road safety in relation to the number of killed or seriously injured
- Integrated Youth Support Service and Outdoor Education
- Leisure, Cultural and Sports facilities

3.7 The scope of the **Social Care Scrutiny Committee** is:-

- Social Services for Adults
- Mental health services and provision for adults
- Services for older people
- Services and provision for adults with physical and sensory disability and learning disability
- Safeguarding vulnerable adults
- Services for people with drug and alcohol problems
- Services for carers

3.8 The scope of the **Assets and Budget Scrutiny Committee** is:-

- To scrutinise the development of the Council's Medium Term Financial Strategy and the Annual Budget and Council Tax setting process.
- ICT
- Finance
- Legal Services
- Human Resources
- Procurement
- Property

3.9 The scope of the **Schools and Colleges Scrutiny Committee** is:-

- Education and the authority's role as LEA including Educational Attainment
- Post 16 and Continuing Education, including the Learning and Skills Council.

#### **4. Membership of Scrutiny Committee**

- 4.1 All Councillors, except members of the Cabinet, may be members of a Scrutiny Committee.
- 4.2 The County Council Members of the Scrutiny Committees will be appointed, in accordance with the relevant political balance provisions, at the Annual meeting of the County Council as follows:-
- Corporate Review Committee (13 Members)
  - Health Scrutiny Committee (8 Members)
  - Children, Young People and Families Scrutiny Committee (8 Members)
  - Regeneration and Infrastructure Scrutiny Committee (9 Members)
  - Communities Scrutiny Committee (13 Members)
  - Assets and Budgets Scrutiny Committee (9 Members)
  - Schools and Colleges Scrutiny Committee (9 Members)

#### **5. Co-optees**

- 5.1 The Schools and Colleges Scrutiny Committee shall include in its membership the following co-optees who shall have voting rights when the Committee considers education matters:
- At least one Church of England diocese representative;
  - One Roman Catholic diocese representative; and
  - Three parent governor representatives.
- 5.2 If the Schools and Colleges Committee deals with non-education matters, the co-optees shall not vote on those other matters, though they may stay in the meeting and speak.
- 5.3 The Health Scrutiny Committee shall have 8 co-opted members (1 per District Council, each having voting powers).
- 5.4 The Communities Scrutiny Committee shall have eight co-opted members (1 per District/Borough Council) each having voting powers, and shall be able to co-opt members, as required, from other organisations such as the Police or Fire Service or the Voluntary Sector to enable the Committee to fulfil its responsibilities.
- 5.5 In its capacity as the Council's designated crime and disorder Committee, the Communities Scrutiny Committee may co-opt additional members who, unless the Committee decides otherwise, shall not be entitled to vote. Such a co-opted member can only be a person who is an employee, officer or non-Executive member of a responsible authority or a co-operating body or a co-operating person.
- 5.6 The other Scrutiny Committees do not have any statutory arrangements for co-optees, but may appoint non-voting co-optees at any time to assist them in the completion of their work programme.

## **6. Meetings of the Scrutiny Committees**

- 6.1 Each Scrutiny Committee shall meet at such intervals as the Council may decide and at other times as may be appropriate.
- 6.2 A special meeting of a Scrutiny Committee may also be called by the Chairman of the Committee (See Standing Order 24.2 of Section 11).
- 6.3 Meetings of the Scrutiny Committees shall be conducted in accordance with the Procedural Standing Orders in Section 11, although where appropriate a more informal style may be adopted for a particular meeting, to suit the subject matter of the meeting. In such cases, the Chairman's word shall be final in matters of running the meeting.
- 6.4 The order of business for meetings of Scrutiny Committee will be determined by the Chairman, and will include the following business:-
- Minutes of the last meeting;
  - Any declarations of interest by Members including the declaration of any party whip);
  - Community engagement, as appropriate
  - The work programme and items for future meetings of the Committee;
  - The business otherwise set out on the agenda for the meeting.

## **7. Agenda items**

- 7.1 County Councillors, officers, partners and members of the public shall be entitled to propose issues for Scrutiny Committees to consider. In order to put forward an issue for consideration the person or body must submit their request to the Director of Law and Democracy in writing or by email using the prescribed form.
- 7.2 On receipt of such a request the Director of Law and Democracy will ensure that the proposal is included on the next available agenda of the appropriate Committee. The person or body making the request for scrutiny may be invited to attend the Committee meeting to explain the reasons for the request. The Scrutiny Committee Chair will decide how much time will be given to the person or body for addressing the Committee.
- 7.3 All proposals for scrutiny will be considered by the appropriate Committee taking into account agreed criteria. Where a Scrutiny Committee decides not to undertake a piece of work the reasons for the decision shall be minuted. Where the person or body who made the request is not in attendance at the meeting the Director of Law and Democracy will inform them of the Committee's decision.
- 7.4 In addition, all elected Members of the Council have a statutory right to ask for a local government matter affecting their constituents to be considered by overview and scrutiny as a Councillor Call for Action.
- 7.5 The Leader of the largest Minority Group may on up to 2 occasions per year require the Director of Law and Democracy to include an item on the agenda of a Scrutiny Committee. They will inform the Director of Law and Democracy of the

request, who will make arrangements for the matter to be included on the agenda at the next available meeting of that Scrutiny Committee.

- 7.6 Where a Scrutiny Committee is proposing to scrutinise a matter which also falls (whether in whole or in part) within the remit of another Committee, then it shall seek clearance from the Chairman of the Corporate Review Committee to carrying out that work, and will, if requested by the Chairman of the Corporate Review Committee, invite members of the other committee to attend and speak but not vote at meetings when it is undertaking that work.

## **8. Work Programme and Budget**

- 8.1 Each Scrutiny Committee will be responsible for preparing its own work programme and in doing so it shall take into account the wishes of the Committee as a whole. These work programmes will then be submitted to the Corporate Review committee for approval to ensure that the overall programme of Scrutiny activity is consistent, coherent and free of duplication and can be properly resourced and supported by the Council.
- 8.2 The Corporate Review Committee may also identify issues which it wishes a Scrutiny Committee to review. Scrutiny Committees must undertake any work which is identified by Corporate Review and will be expected to amend their work programmes to accommodate such items.
- 8.3 The lead Director and/ or senior officer(s) supporting a relevant Committee will be consulted on a regular basis about the contents and upcoming issues on the work programme. The directorate will be notified of forthcoming issues to enable officers' time to prepare reports and presentations on the subject under consideration.
- 8.4 The Council will allocate and make available to each Scrutiny Committee a budget for reasonable expenses to be incurred by the Scrutiny Committee in the discharge of its work programme. Such budget shall not be exceeded.

## **9. Members or officers giving account**

- 9.1 A Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions and will normally do so through the consideration of written reports. In addition the Scrutiny Committee may ask for the detail of any Equality Impact Assessment, public consultation or financial implications pertaining to the decision or action under scrutiny.
- 9.2 A Scrutiny Committee may not scrutinise a decision of a Chief Officer acting under delegated powers. The only exception is where the Committee can evidence that the decision has wider implications on County Council policy and service delivery or has a specific impact upon particular communities or relates to a function of the Council and falls outside the day to day administration of the service for which the Chief Officer is responsible.

- 9.3 As well as reviewing documentation, Committees may also require the Leader of the Council, Cabinet Members, the Chief Executive and/or any senior officer<sup>1</sup> to attend before it to explain in relation to matters within their remit:-
- A particular decision or series of decisions;
  - The extent to which the actions taken implement Council policy; and/or
  - Their performance.
- 9.4 Senior officers will also be required to attend Committee meetings to give account of themselves following the receipt of a petition with the prescribed number of signatures under the Council's petition scheme.
- 9.5 Officers or other invited guests that are asked to give evidence will be given a minimum of 15 working days notice. In practice additional notice will normally be given. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Scrutiny Committee shall arrange an alternative date to attend and give evidence. This would normally be the next scheduled meeting of the Committee unless urgency requires a special meeting to be organised.

## **10. Cabinet Member Accountability Sessions**

- 10.1 The Leader and each Cabinet Member shall be required to attend, a minimum of twice a year, a meeting of the relevant Scrutiny Committee to report on their activities, the performance of services they are responsible for and to answer any questions on their work and responsibilities.
- 10.2 When the Leader or Cabinet Member attends the Scrutiny Committee for an accountability session, they shall be given 10 minutes to present the report before answering questions for a period of 1 hour, which may be extended by the Chairman.
- 10.3 Members may, but shall not be required to, submit questions for the Cabinet Member in writing prior to the meeting and the Chairman will deal with any written questions immediately after the Cabinet Member has presented their report.
- 10.4 The Chairman will have absolute discretion to determine the order of questions, any supplementary questions and their ruling on such matters will be final.

## **11. Attendance by others**

- 11.1 A Scrutiny Committee may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and other agencies and bodies and shall invite such people to attend.
- 11.2 Attendance by such invitees will normally be obtained by mutual agreement. Overview and Scrutiny does however have the right to require information from partner organisations in respect of delivery against local improvement targets. The organisations listed in legislation include:-

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1. The term 'senior officer' means any officer who is employed upon the Conditions of Service of the JNC for Chief Officers.

- Any district council which is not a responsible local authority;
- The fire and rescue authority;
- The National Park authority;
- The Broads Authority;
- A joint waste authority established under section 207(1);
- The waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);
- The metropolitan county passenger transport authority established by section 28 of the Local Government Act 1985 (joint arrangements);
- Transport for London;
- Primary Care Trusts;
- Development agency established by section 1 of the Regional Development Agencies Act [1998 \(c. 45\)](#);
- The local probation board established by section 4 of the Criminal Justice and Court Services Act [2000 \(c. 43\)](#);
- The youth offending team established under section 39 of the Crime and Disorder Act [1998 \(c. 37\)](#);
- The National Health Service trust;
- An NHS foundation trust;
- The Arts Council of England;
- The English Sports Council;
- The Environment Agency;
- The Health and Safety Executive;
- The Historic Buildings and Monuments Commission;
- The Learning and Skills Council for England;
- The Museums, Libraries and Archives Council and Natural England.

In addition to their requirement to provide evidence for the purposes of an Overview and Scrutiny investigations, the above named bodies are also required to give consideration to any recommendations arising from such investigation.

- 11.3 When a witness attends a meeting regard will be had to the following principles:-
- 11.3.1 That the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak.
- 11.3.2 That those assisting the Committee by giving evidence be treated with respect and courtesy; and
- 11.3.3 That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

## **12. Policy Advisory Groups**

- 12.1 The Corporate Review Committee may establish Policy Advisory Groups as and when required to advise the Cabinet on the development of Policy for the Council.
- 12.2 The membership of these groups will not be fixed and will be determined by the Corporate Review Committee from the non-Executive Members of the Council, depending on the skills and experience required for the particular policy work in question.



- 12.3 Each Policy Advisory Group will have clearly defined aims and terms of reference and agreed start and end dates. Policy Advisory Groups will report their findings and recommendations to the Cabinet, Cabinet Member(s) or relevant partners. The person or body to whom the report is submitted shall consider it within two months. The work of Policy Advisory Groups will be monitored by Corporate Review and the implementation of recommendations will be monitored by the relevant Scrutiny Committees.

### **13. Policy review, development and investigations**

- 13.1 The role of the Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 13.2 In relation to the development of the Council's approach to other matters of policy not forming part of its budget and policy framework a Scrutiny Committee may make proposals to the Cabinet for the development of policy so far as they relate to matters within its scope.
- 13.3 A Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may invite advisers and assessors to assist it in this process. The Committee may undertake site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend to address it on any matter under consideration and may, subject to paragraph 8.2 above, pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

### **14. Reports from Scrutiny Committee**

- 14.1 Once it has formed recommendations on proposals for policy development above the Scrutiny Committee will prepare a formal report and submit it to the Director of Law and Democracy for consideration by the Cabinet or the Council as appropriate.
- 14.2 If a Scrutiny Committee cannot agree on one single final report to the Council or the Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration.
- 14.3 The Council or Cabinet shall consider the report of the Scrutiny Committee within two months of it being submitted to the Director of Law and Democracy.

### **15. Making sure that Scrutiny reports are considered by the Cabinet**

- 15.1 Once a Scrutiny Committee or Policy Advisory Group reports on any County Council matter it will forward a copy of its report to the Proper Officer (Director of Law and Democracy) who will allocate it to the Council, Cabinet or Cabinet Member as appropriate for consideration.
- 15.2 The process for the involvement of the Scrutiny Committees in the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 5 of the Constitution. Where

the Council considers a scrutiny report, it shall have regard to the response of the Executive to the recommendations.

- 15.3 For reports allocated to the Executive, the report shall be included on a Cabinet agenda to enable the Executive to respond within two months. The Executive will respond in writing to the appropriate Committee. The response will be reported to the next meeting of the Committee.
- 15.4 For reports allocated to a portfolio holder, the portfolio holder will consider the report and respond in writing to the Committee within two months of receiving the report. The response will be reported to the next meeting of the Committee.
- 15.5 If for any reason the Cabinet or portfolio holder does not respond to the Scrutiny Committee report within two months, then the matter will be referred to the Council for review.
- 15.6 Scrutiny Committees will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. They will use the Forward Plan to identify potential items for scrutiny when work programme planning. However, even where an item is not the subject of detailed scrutiny/proposals from a Scrutiny Committee the Committee will nonetheless be able to respond in the course of the Cabinet's consultation process in relation to any key decision.
- 15.7 Where scrutiny recommendations are agreed by the Cabinet or Cabinet Member then an action plan for their implementation will be included with the response. The appropriate Scrutiny Committee shall monitor their implementation accordingly. Any issues with the implementation of scrutiny recommendations shall be brought to the attention of Cabinet for resolution.
- 15.8 Once a Scrutiny Committee report on any matter relating to the functions of another body, it will forward a copy of the report to that body requesting a response. Where appropriate, notice will be given of any applicable requirement for the body to respond and/or have regard to the report
- 15.9 The Council shall publish scrutiny reports and responses in accordance with the Access to Information Rules.

## **16. Rights of Scrutiny Committee members to documents**

- 16.1 In addition to their rights as councillors, members of Scrutiny have the additional right to documents, and to notice of meetings as set out in the Access to Information Rules in Section 13 of this Constitution.
- 16.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and a Scrutiny Committee as appropriate depending on the particular matter under consideration.

## **17. Call-in of Cabinet Decisions**

- 17.1 Decisions made by the Cabinet or by Cabinet Members under delegated powers may be 'called in' for reconsideration by the Corporate Review Committee. The Committee can either agree that the decision be implemented or refer the decision back, with recommendations, to the Cabinet.

- 17.2 Decisions made by the Cabinet or by Cabinet Member under delegated powers will be published electronically by the Director of Law and Democracy to all members of the County Council and shall be available for inspection at the County Buildings, Stafford as soon as practicable, normally within three working days of being made.
- 17.3 The published record of the decision will state the date of publication and whether the decision is urgent and cannot be called in. If the decision is not urgent, it will be implemented on the fourth working day after the publication of the decision, unless it is called in.
- 17.4 During the period between the publication and implementation of a decision not less than four voting members of the relevant Scrutiny Committee, eight members of the Council who are not members of the Cabinet or a Group Leader with a group of eight or more members (excluding members of the Cabinet) and who is not a Cabinet Member may call the decision in either in writing or by e-mail. The call in will then be considered at the next meeting of the Corporate Review Committee and the decision shall not be implemented until the Corporate Review Committee have dealt with it.
- 17.5 The call-in notice shall specify a 'Lead Member' who will speak at the Corporate Review Committee meeting to explain the reasons for calling the decision in and answer any questions from Committee Members. The Cabinet Member responsible for the decision will also be invited to explain the reasons behind the decision and answer questions. The remaining members who have called the decision in who are neither members of the Corporate Review Committee nor "local members" shall be entitled to attend and may answer questions from Committee Members but not speak or vote.
- 17.6 If the Corporate Review Committee decides to refer the decision back for reconsideration then the decision shall not be implemented until the Cabinet have reconsidered the matter, having regard to the Committee's views. The Committee may nominate up to two representatives, who may be from the relevant Scrutiny Committee, for the purpose of attending and speaking (but not voting) on the matter at the Cabinet meeting. The decision of the Cabinet on such reconsideration shall be final.
- 17.7 If the Corporate Review Committee decides that a proposed decision relates to a matter which by law cannot be determined by the Council's Cabinet or must be determined by the full Council (and the Monitoring Officer confirms this) then unless the proposal is withdrawn the Committee shall refer the matter to the full Council for a decision.
- 17.8 If the Corporate Review Committee consider that the decision is one which raises issues of such exceptional significance and public interest as to justify consideration by the full Council before the decision is implemented the Committee may refer the decision to the full Council for consideration and the decision shall not be implemented until after the meeting of the Council to which it has been referred and the Cabinet have reconsidered the matter having regard to the Council's views on the decision.
- 17.9 If the Corporate Review Committee (or the Council) decides not to refer the decision back then it may be implemented on or after the first working day following the meeting of the Committee or Council.

17.10 Whichever course of action the Committee decides to take the reasons for taking that action and the concerns of the Committee about the decision shall be recorded in the minutes and reported to Cabinet.

17.11 If the Corporate Review Committee do not consider the call-in at their next meeting after expiry of the appropriate period the decision may be taken or implemented on or after the first working day after the meeting of the Committee at which the matter should have been considered.

## **18. Call-in and urgency**

18.1 The call-in procedure set out above shall not apply where the decision being taken by or on behalf of the Cabinet is urgent and any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests or the interests of any person(s) to whom the decision relates.

18.2 The record of the decision, and notice by which it is made public shall state, with reasons, whether in the opinion of the Cabinet the decision is an urgent one and therefore should not be subject to call-in.

18.3 The Chairman of the Corporate Review Committee must agree that the decision is urgent and cannot reasonably be deferred. If they are unwilling or unable to act, the Chairman of the County Council or in their absence the Vice-Chairman of the County Council may agree that the decision is urgent but the reasons for the Chairman of Corporate Review failing to agree must be recorded.

18.4 The operation of the provisions relating to call-in and urgency shall be monitored, and a report submitted to Council on the use of the procedure on a quarterly basis.