

# SLDC CONSTITUTION (MAY 2019) EXCERPT – TERMS OF REFERENCE

## PART 2 - ARTICLE 6 – OVERVIEW AND SCRUTINY

### 6.01 Introduction

The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. The Overview and Scrutiny Committee should be a powerful committee that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

Overview and Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. The Overview and Scrutiny Committee should not shy away from the need to challenge and question decisions and make constructive criticism.

### 6.02 Overview and Scrutiny Committee

In order to achieve this, the Council has appointed an Overview and Scrutiny Committee.

The Overview and Scrutiny Committee has the power to:

- review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council or any of its Committees;
- make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;
- consider any matters which affects the Council's area or its communities; and
- exercise the right to call in for re-consideration of decisions made but not yet implemented by the Cabinet and Officers;
- determine requests for Councillor Calls for Action; and

The Council or the Cabinet or the Overview and Scrutiny Committee may from time to time establish such other committees as it sees fit.

### 6.03 Role, Scope and Membership

The role, scope and membership of the Overview and Scrutiny Committee is described in the table below:-

Committee and Membership	Role and Scope
Overview and Scrutiny Committee of 12 Elected Members	<ul style="list-style-type: none"><li>• to act as the Council's Overview and Scrutiny Committee for all purposes within the District Council's remit (including crime and disorder, call-in, councillor call for action);</li><li>• to determine and prioritise an annual Work Programme for scrutiny, with built-in flexibility to deal with urgent issues;</li><li>• to determine how scrutiny reviews, through time-limited task and finish groups;</li><li>• to provide positive challenge of the Executive, including portfolio performance;</li><li>• to scrutinise quarterly performance management reports;</li><li>• to scrutinise the management of risks contained within performance reports; and</li><li>• to receive questions from the public (with notice, in accordance with procedure) on services and issues within the remit of Overview and Scrutiny.</li></ul>

The Overview and Scrutiny Committee will comprise 12 elected members. Members of the Cabinet may not be members of the Overview and Scrutiny Committee and its Sub-Committees.

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### **6.04 Specific Functions**

#### **Policy Development and Review**

The Overview and Scrutiny Committee, if appropriate, may:

- (a) assist the Council 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, committees and appropriate officers about their views on issues and proposals affecting the area; and
- (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local communities are enhanced by collaborative working.

#### **Scrutiny**

The Overview and Scrutiny Committee, if appropriate, may:-

- (a) review and scrutinise the decisions made by and performance of the Cabinet and/or 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 issues and possible options;
- (c) question members of the Cabinet, and/or committees and officers (Assistant Directors and above) 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;
- (d) make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (e) 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 communities about their activities and performance; and
- (f) question and gather evidence from any person (with their consent).

#### **Councillor Call for Action**

The Overview and Scrutiny Committee may:-

- (a) consider any Councillor Call for Action case referred to it;
- (b) conduct research in considering the issue;
- (c) question and gather evidence from any person (with their consent); and
- (d) make recommendations or report to Cabinet.

#### **Task and Finish Groups**

It is anticipated that the bulk of the work of Overview and Scrutiny will be carried out using appropriate Task and Finish Groups, set up with agreed Terms of Reference. Membership of these groups will be open to all elected Members (with the exception of Executive Members) and may call upon evidence from witnesses to help inform the issue under review. These witnesses could include, for example, expert witnesses, parish representatives and other community or stakeholder representatives.

Each Task and Finish Group will report its recommendations to the Overview and Scrutiny Committee.

#### **Finance**

The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it.

#### **Annual Report**

The Overview and Scrutiny Committee must report annually to the full Council on its work with recommendations for its future work programme and amended working methods if appropriate.

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### **Officers**

The Overview and Scrutiny Committee may exercise overall responsibility for the work programme. Officer(s) will promote the role of the Council's Overview and Scrutiny Committee and Sub-Committees, 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 Committee and Sub-Committees.

### **Proceedings of the Overview and Scrutiny Committee and Sub-Committees**

The Overview and Scrutiny Committee and its Sub-Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedural Rules.

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### PART 3 - 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

#### 2.6 OVERVIEW AND SCRUTINY COMMITTEE (12 MEMBERS OF THE COUNCIL)

Functions	Delegation of Functions
To act as the Council's Overview and Scrutiny Committee for all purposes within the District Council's remit (including crime and disorder, call-in, councillor call for action);	<i>No onward delegation.</i>
To determine and prioritise an annual Work Programme for scrutiny, with built-in flexibility to deal with urgent issues;	<i>No onward delegation.</i>
To determine how scrutiny reviews should be undertaken – e.g. as 'one day' reviews, through time-limited task and finish groups;	<i>No onward delegation.</i>
To provide positive challenge of the Executive, including portfolio performance;	<i>No onward delegation.</i>
To receive questions from the public (with notice, in accordance with procedure) on services and issues within the remit of Overview and Scrutiny;	A Councillor Call for Action Sub-Committee of the Overview and Scrutiny Committee of 3 members will carry out the following function - To consider each CCfA request within ten working days of its receipt and decide whether the request is valid ie. onwards referral to the Overview and Scrutiny Committee for consideration, or whether the issue may be better resolved through other means.
To appoint any such Sub-Committees as it considers appropriate	<i>No onward delegation.</i>