

## **PART 3 - OVERVIEW AND SCRUTINY**

### **1. INTRODUCTION**

1.1 The Local Government Act 2000 which introduced Executive Arrangements requires the Council to have at least one Overview and Scrutiny Committee. Members of the Executive cannot be Members of an Overview and Scrutiny Committee. The legislation requires such committees to have the power:-

- to review or scrutinise decisions made, or other actions taken, in connection with Executive functions
- to make reports or recommendations to Full Council or the Executive concerning Executive functions
- to review or scrutinise decisions made, or other action taken, in connection with non-Executive functions
- to make reports or recommendations to Full Council or to the Executive in connection with non-Executive functions
- to make reports or recommendations to the Council or the Executive on matters which affect the Borough or its inhabitants

However, subject to one very limited exception in respect of Best Value Reviews Overview and Scrutiny Committee cannot discharge any functions of the Council.

1.2 Under the 2000 Act the arrangements which the Council puts in place for Overview and Scrutiny Committees must include provisions which enable a Member of the Committee to ensure that any matter which falls within the terms of reference of the committee to be included in the agenda for and discussed at the meeting. Overview and Scrutiny Committees may:-

- require Members of the Executive and/or officers to attend before the committee and to answer questions, and
- invite other parties to attend meetings of the Committee.

### **2. OVERVIEW AND SCRUTINY COMMISSION**

2.1 The Council will appoint an Overview and Scrutiny Commission, to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations made thereunder.

2.2 Terms of Reference

The Overview and Scrutiny Commission shall:

- (i) develop a work programme of overview and scrutiny reviews and policy development projects, in consultation with the Executive and the Corporate Management Team.
- (ii) appoint a number of overview and scrutiny panels, managing and updating their work programme as necessary, including considering any request from

an overview and scrutiny panel, or any Member thereof, to add an item to the work programme.

- (iii) review decisions made, but not yet implemented, by the Executive and any other Committee, where these have been called-in.
- (iv) itself, or through an overview and scrutiny panel:
  - review and/or scrutinise decisions made, or actions taken, in connection with the discharge of any of the Council's functions;
  - consider any matter affecting the Borough or its inhabitants.
- (v) make reports and/or recommendations to Council and/or the Executive and/or any other committee in connection with the discharge of any functions.
- (vi) receive summary performance management information and question Members of the Executive and Officers thereon.
- (vii) ensure the efficient discharge of a robust and effective overview and scrutiny function.
- (viii) prepare and submit an annual report to the Council on overview and scrutiny activities and their outcomes.

### 2.3 Specific Functions

- (a) **Policy Development and Review** - The Overview and Scrutiny Commission, through its Overview and Scrutiny Panels, 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 particular 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, other 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 Overview and Scrutiny Commission may itself, or through an overview and scrutiny panel:
  - (i) review and scrutinise the decisions made by and performance of the Executive, 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, 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;
- (iv) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Commission or Panel and local people about their activities and performance; and
- (v) question and gather evidence from any person (with their consent).

and make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process.

- (c) **Finance** The Overview and Scrutiny Commission may exercise overall responsibility for the finances made available to them.
- (e) **Officers.** The Overview and Scrutiny Commission may exercise overall responsibility for the work programme of any officers employed to support their work.

### 3. OVERVIEW AND SCRUTINY PANELS

- 3.1 (a) The Overview and Scrutiny Commission shall establish such overview and scrutiny panels as it shall determine, including at least the following two panels:
- Environment, Culture and Communities Overview and Scrutiny Panel
  - Social Care and Learning Overview and Scrutiny Panel

with terms of reference as set out below. The Commission may discontinue any overview and scrutiny panel and/or appoint alternative or additional panels, subject to there being a minimum of the two standing panels. The Commission may also amend the terms of reference of the panels as appropriate.

- (b) Where the Overview and Scrutiny Commission seeks to discontinue or appoint overview and scrutiny panels other than as set out in the Constitution, it may do so provided that it has consulted with interested parties, if appropriate. Any change will be reported to the proper officer and then to the next meeting of the Council by the chairman of the Commission, so that the Constitution may be amended accordingly

#### 3.2 Terms of Reference

The two above mentioned overview and scrutiny panels shall

- (i) conduct scrutiny reviews or policy development projects allocated by the Overview and Scrutiny Commission from the corporately agreed work-programme, preparing evidence-based reports and recommendations for consideration by the Commission.
- (ii) at the request of the Overview and Scrutiny Commission:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- consider any matter affecting the Borough or its inhabitants.

In addition, the following panels shall have responsibility for performance monitoring activities as set out in the table below.

Environment, Culture and Communities Overview and Scrutiny Panel	To receive Quarterly Operations Reports on the work of the Environment, Culture and Communities Department and to question the relevant Executive portfolio holders and senior officers thereon, reporting to the Overview and Scrutiny Commission where necessary.
Social Care and Learning Overview and Scrutiny Panel	To receive Quarterly Operations Reports on the work of the Social Care and Learning Department and to question the relevant Executive portfolio holder(s) and senior officers thereon, reporting to the Overview and Scrutiny Commission where necessary.

In addition, the Council has established/participates in the following overview and scrutiny committees:

- (i) The Health Overview and Scrutiny Panel which shall undertake all the statutory functions of a scrutiny committee in accordance with Section 7 (and regulations made under that section) of the Health and Social Care Act 2001, relating to reviewing and scrutinising health service matters.
- (ii) The Joint East Berkshire Health Overview and Scrutiny Committee.
- (iii) The Joint East Berkshire Health Overview and Scrutiny Committee with Buckinghamshire County Council.

#### **4. CONDUCT OF PROCEEDINGS**

The Overview and Scrutiny Commission and the overview and scrutiny panels established by the Council will conduct their proceedings in accordance with the Overview and Scrutiny Procedure rules set out in Part 4 of this Constitution.