

## Overview and Scrutiny Committee Terms of Reference

(12 members with 3 named substitutes for each political group)

The Overview and Scrutiny Committee has overall responsibility for the performance of all overview and scrutiny functions (under Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007) on behalf of the Council and ensuring its effectiveness.

- To consider and call in decisions relating to the discharge of Executive functions before those are put into effect. The Overview and Scrutiny Committee can ask the Executive to reconsider any such decision (or, exceptionally, refer it to Council).
- To consider decisions relating to the discharge of the Executive functions after they are put into effect.
- To consider the Forward Plan and comment as appropriate to the decision maker on key decisions (before they are taken by the Executive).
- To conduct reviews of policy, services and aspects of services where there is an identifiable need, by itself or through setting up a Task and Finish Group.
- To make suggestions on the development of policies and suggest new policies where appropriate.
- To work with or appoint representatives to work with other local authorities and organisations to carry out joint scrutiny.
- To assist the Executive in the development of the Budget and Policy Framework.
- To receive and consider recommendations on issues requiring scrutiny in terms of wellbeing powers of Local Government Act 2000 and Local Government and Public Involvement in Health Act 2007 and, where appropriate, establishing Task and Finish Groups, or referring to the Resources and Performance Scrutiny Board, topics for scrutiny.
- To exercise the power assigned to a crime and disorder scrutiny committee (under the Local Government and Public Involvement in Health Act, 2007 and Police and Justice Act, 2006).
- To create Task and Finish Groups and set their terms of reference, in order to fulfil the overview and scrutiny requirements of the authority and the annual overview and scrutiny work programme.
- To receive reports, presentations and updates in order to scrutinise the Executive's priorities for and its performance in the year.
- To review and scrutinise the performance of the Executive, Executive Portfolio Holders, and appropriate officers both in relation to individual decisions and over time.
- To approve an annual overview and scrutiny work programme, including the power to request and receive the work programme of the Resources and Performance Scrutiny Board and Task and Finish Groups it appoints so as to ensure that their time is effectively and efficiently utilised and that the potential for

### Overview and Scrutiny Work Programme 2011-12

duplication of effort is minimised.

- To produce a unified annual report for the whole scrutiny process, with sections provided by the Resources and Performance Scrutiny Board and each of the Task and Finish Groups.
- To allocate money from approved overview and scrutiny budgets for its own use, and upon request to the Resources and Performance Scrutiny Board and Task and Finish Groups to support them in meeting their objectives and further the overview and scrutiny work programme and development.
- The overview and scrutiny work programme will not include the following “excluded matters”:
  - 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:
    - Standards decisions and items which may be brought for decision;
    - Appeals decisions and items which may be brought for decision;
    - Breaches of the Constitution and its protocols e.g. Code of Conduct;
    - Matters relating to the terms and conditions of employment or conduct of individual or groups of staff or Members.
  - d) 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.
  - e) Audit process and items which are likely to be considered by the Audit process.
  - f) Matters within the proper remit of the Section 151 and Monitoring Officers.
  - g) Matters relating to a particular identifiable service recipient or potential service recipient.
  - h) Complaints or matters before the courts or local government Ombudsman.
  - i) Contractual matters, other than performance monitoring and review, except with the agreement of the Executive.