

## **PART 3B COMMITTEE TERMS OF REFERENCE (1)**

### **OVERVIEW AND SCRUTINY ARRANGEMENTS AND TERMS OF REFERENCE**

#### **1. Terms of Reference of Overview and Scrutiny Committees**

- 1.1 The Council will appoint the overview and scrutiny committees shown in the table below. These committees will discharge, in respect of the matters shown in their terms of reference below, the functions conferred by Section 21 of the Local Government Act 2000 as amended by Section 7 of the Health and Social Care Act 2001; by Section 19 of the Police and Justice Act 2006; by Part 5, Chapter 2 of the Local Government and Public Involvement in Health Act 2007; and by any subsequent legislation.

<b>Name of Committee</b>	<b>Terms of Reference</b>
Corporate Resources Overview and Scrutiny Committee	Policy development and review and scrutiny of issues relating to business transformation; communications; customer service, corporate complaints and community engagement; policy, partnerships and performance including the Local Strategic Partnership, Local Area Agreement, Community Strategy and corporate planning; corporate services including financial services; procurement; human resources and organisational development; health and safety; information and communication technology; legal and democratic services; property and asset management; and any other matters that fall within the remit of the Directorate.
Children's Services Overview and Scrutiny Committee	Policy development and review and scrutiny of children's services including children's specialist services; learning and school support; development and commissioning; integrated services (Children's Trust, youth support and extended schools); and any other matters that fall within the remit of the Directorate.
Social Care, Health and Housing Overview and Scrutiny Committee	<p>Policy development and review and scrutiny of adult social care, health and housing services including strategies for health, housing, care and inclusion; independent living and care management; business systems and market strategy; landlord services; prevention and options services including homelessness, private sector housing and home improvement agency matters; and any other matters that fall within the remit of the Directorate.</p> <p>Policy development and review and scrutiny of health services and in particular NHS provision in Central Bedfordshire, in pursuance of powers in Section 7 of the Health and Social Care Act 2001.</p>

Sustainable Communities Overview and Scrutiny Committee	<p>Policy development and review and scrutiny of sustainable communities issues including strategic planning, neighbourhood planning, housing strategy, transportation and infrastructure; economic growth, regeneration and tourism; development control and building control; highways and parking; waste and recycling; community safety including public protection, trading standards, emergency planning and licensing; leisure, culture and libraries; and adult and community learning; and any other matters that fall within the remit of the relevant directorates.</p> <p>To exercise the functions of the crime and disorder committee in pursuance of Section 19 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007.</p>
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## 2. General Role

- 2.1 Within their terms of reference the overview and scrutiny committees, which all have equal status, will:-
- 2.1.1 Review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
  - 2.1.2 Make reports and recommendations to the Executive and/or full Council and/or any committee in connection with the discharge of any functions;
  - 2.1.3 Consider any matter affecting the area of Central Bedfordshire or its inhabitants and make reports and recommendations;
  - 2.1.4 In accordance with the procedures for call-in, exercise the right to call-in for reconsideration decisions falling within their remit which have been made but not yet implemented by the Executive or on behalf of the Executive; and
  - 2.1.5 Undertake reviews aiming to improve the efficient and effective delivery of services to local people.

## 3. Specific Functions

### Policy development and review

- 3.1 Within their terms of reference the overview and scrutiny committees will:-
- 3.1.1 Assist the Council and the Executive in the development of the budget and policy framework by in-depth analysis of policy issues or proposed projects;

- 3.1.2 Conduct research, community and other consultation in the analysis of policy issues or proposed projects and possible options;
- 3.1.3 Consider and implement mechanisms to encourage and enhance community participation in the development of policy or project options;
- 3.1.4 Question members of the Executive, committees and senior officers of the Council, and representatives of other public, business or voluntary/community sector bodies, about their views on issues and proposals affecting the area; and
- 3.1.5 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.

### **Scrutiny**

- 3.2 Within their terms of reference the overview and scrutiny committees will:-
  - 3.2.1 Review and scrutinise the decisions made by, and the performance of, the Executive, committees, and council officers, both in relation to individual decisions and over time;
  - 3.2.2 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - 3.2.3 Question members of the Executive, committees, chief officers and senior 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;
  - 3.2.4 Make reports and recommendations to the full Council and/or the Executive and/or any committee arising from the outcome of the scrutiny process;
  - 3.2.5 Review and scrutinise the performance of other public bodies in the area, including performance against Local Area Agreement targets, in pursuance of the powers outlined in the Local Government and Public Involvement in Health Act 2007, having regard to any government regulations and guidance that may be issued;
  - 3.2.6 Question, call for and gather evidence from any person or organisation (with their consent); and

3.2.7 Review and scrutinise the adequacy of the response of the Council, or Executive, or committee to a petition following a request for such a review by the lead petitioner (under the provisions of the Council's Petition Scheme at **Annex 2 to Part A4** of the Constitution).

### **Councillor Call for Action**

3.3 Within their terms of reference the overview and scrutiny committees will also consider Councillor Calls for Action, in accordance with the relevant best practice guidance jointly issued by the Centre for Public Scrutiny and the Improvement & Development Agency.

## **4. Membership, Substitutes and Quorum**

4.1 The membership and quorum of the overview and scrutiny committees shall be:

4.1.1 **Corporate Resources:** 9 councillors with 5 substitutes (quorum is 3);

4.1.2 **Children's Services:** 10 councillors with 5 substitutes, plus 5 co-opted members composed of 3 parent governors and 2 diocesan representatives (1 from the Church of England and 1 from the Roman Catholic church).

4.1.3 The quorum shall be 4 councillors and 2 co-opted members (either parent governors or diocesan representatives) whenever considering education matters, and 3 councillors at all other times.

4.1.4 The co-opted members shall have a vote on education matters but not on other matters, although they may stay in the meeting and speak on any matter.

4.1.5 A parent governor co-opted member shall:

- serve a 4-year term of office starting from June 2011 and thereafter from May 2015 (unless he/she ceases to be a parent governor co-opted member in which case a replacement parent governor shall be elected to serve out the remainder of the term of office)
- be able to serve on the Committee for more than one consecutive 4-year period subject to re-election
- cease to be qualified to hold office as a parent governor co-opted member if he/she fails to attend meetings of the Committee for a continuous period of 6 months, starting with the date of a meeting.

- 4.1.6 **Social Care, Health and Housing:** 9 councillors with 5 substitutes (quorum is 3);
- 4.1.7 Representatives of the Local Involvement Network (LINK) will be invited to attend meetings of the Committee as observers.
- 4.1.8 **Sustainable Communities:** 9 councillors with 5 substitutes (quorum is 3).
- 4.2 Subject to paragraph 4.3 below, all councillors except members of the Executive may be members of an overview and scrutiny committee. However no Member may be involved in scrutinising a decision in which he/she has been directly involved (see also the Council's Code of Conduct for Members in **Part F1** of the constitution).
- 4.3 Any Member who is appointed to assist an Executive Member in the management of their portfolio (known as "Deputy Executive Member") may not be a member of an overview and scrutiny committee if its terms of reference cover any portfolio(s) which the Deputy Executive Member supports.
- 4.4 An overview and scrutiny committee may at any time recommend to Council the appointment of non-voting co-optees. The decision to appoint will rest with Council.
- 4.5 The chairmen and vice-chairmen of the overview and scrutiny committees shall be appointed at the annual Council meeting.

## **5. Joint Health Overview and Scrutiny Committees**

- 5.1 Members of the Social Care, Health and Housing Overview and Scrutiny Committee may be appointed from time to time to serve on any joint overview and scrutiny committee that may be established with neighbouring authorities to scrutinise health matters under the provisions of Sections 7 and 8 of the Health and Social Care Act 2001 and subsequent regulations.
- 5.2 Such appointments will normally be made by the Monitoring Officer, in consultation with the Social Care, Health and Housing Overview and Scrutiny Committee Chairman and Vice-Chairman, subject to the proportionality rules.
- 5.3 The Member(s) so appointed shall report on the joint committee's proceedings at suitable intervals to the Social Care, Health and Housing Overview and Scrutiny Committee.

## **6. Overview and Scrutiny Co-ordination Panel**

6.1 The Overview and Scrutiny Co-ordination Panel will comprise the chairman and vice-chairman of each of the overview and scrutiny committees. It is not a formal committee and will not exercise any of the functions described in paragraphs 2 and 3 above, but will:

6.1.1 Coordinate the work of the overview and scrutiny committees, particularly where topics for scrutiny or review cut across the terms of reference of two or more committees, including health matters that affect adults and children;

6.1.2 Report annually to full Council on the workings of the overview and scrutiny function and make recommendations for future work programmes and amended working methods if appropriate;

6.1.3 Exercise overall responsibility for the work programme of the officers who are employed to support the work of the overview and scrutiny function.

## **7. Task Forces and Other Informal Working**

7.1 An overview and scrutiny committee may at any time appoint a task force (either a standing task force or a time-limited task and finish group) to conduct an in-depth investigation into any matter within its terms of reference. It may also appoint members at any time to a joint task force with other committees of the council, other local authorities or other public bodies.

7.2 Task forces need not be proportionate and their membership shall be appointed from any non-executive councillors who express a general interest in the matter to be reviewed.

7.3 As task forces operate on an informal basis and are not formal committees, they will have no powers other than to investigate and report on their findings to the parent committee.

7.4 An overview and scrutiny committee may appoint any of its members to work informally with other bodies or authorities, particularly in relation to external or cross-authority scrutiny matters, where this will contribute to the committee's functions.

## **8. Proceedings of Overview and Scrutiny Committees**

8.1 Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in **Part D2** of the Constitution.