

## Section 5 - Overview and Scrutiny Functions

Councillors who are not in the Cabinet are responsible for a function known as overview and scrutiny and hold the Cabinet to account for the way it carries out its functions and the way the Chief Executive carries out his/her functions.

The Council is responsible for determining its Overview and Scrutiny arrangements and has decided that ~~it shall have an Overview and Scrutiny Committee and up to a maximum of 5 themed Scrutiny Committees~~ the Council will have one Overview and Scrutiny Committee which will have responsibility for all overview and scrutiny functions on behalf of the Council. ~~s. Their~~ Its Membership and terms of reference are described in Part 7.

### 3.5.1 Scrutiny Rules

3.5.1.1 When the Overview and Scrutiny Committee ~~and the Scrutiny Committees are~~ exercising overview and scrutiny functions the Scrutiny Rules in Part 4 section 5 must be followed.

### 3.5.2 The Overview and Scrutiny Committee

3.5.2.1 The Overview and Scrutiny Committee will:-

- (a) Agree the Overview and Scrutiny work programme
- (b) establish time limited and task focused Task and Finish groups as it considers appropriate, and as resources available to it permit, to carry out overview and scrutiny work on its behalf and report their findings to the Committee.
- (c) make reports and recommendations to the Cabinet arising from work undertaken by it
- (d) periodically review the work programme to ensure that overview and scrutiny is effective, that there is an efficient use of scrutiny resources
- (e) examine on behalf of the Council the strategic policy direction and priorities being followed and make recommendations
- (f) assist the Cabinet in the development of the Budget and Policy Framework
- (g) respond as requested to consultation on the Cabinet's budget proposals in accordance with the Budget and Policy Framework Rules
- (h) Develop policy options for Cabinet
- (i) Review existing policy
- (j) ensure that proactive policy or review work at the request of the Council Meeting or Cabinet, or arising from community concerns, is undertaken
- (k) review and scrutinise decisions made by Cabinet and the performance of the Cabinet, individual Cabinet Members and the Chief Executive in relation to the Cabinet functions carried out by each
- (l) Consider decisions proposed to be made by Cabinet or individual Cabinet Members.

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(m) question members of the Cabinet and those carrying out Cabinet functions 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

(n) review the performance of the Council and its partners (where the law so permits) in relation to outcomes for local people and communities, policy objectives, performance targets and/or particular service areas

(o) Scrutinise the activities of external bodies.

(p) act as the Council's statutory Crime and Disorder Committee with power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

(q) discharge the statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services affecting the area and to make reports and recommendations on these matters

~~undertake the overview and scrutiny role in relation to Corporate Strategy, Finance and Resources, Corporate, Customer Services and Human Resources~~

~~examine on behalf of the Council the strategic policy direction and priorities being followed and make recommendations~~

~~oversee, co-ordinate and approve the work programmes of the Scrutiny Committees and approve its own annual work programme~~

~~periodically review its and the Scrutiny Committee work programmes to ensure that overview and scrutiny is effective, that there is an efficient use of scrutiny resources and that potential duplication of effort by scrutiny members is minimised~~

~~commission work from any Scrutiny Committee and ensure that proactive policy or review work at the request of the Council Meeting or Cabinet, or arising from community concerns, is undertaken~~

(r) receive requests from the Cabinet and/or Council for overview and scrutiny reviews, to determine whether any such review should be carried out and to allocate the review work appropriately

~~determine which Scrutiny Committee should deal with any matter that falls within the remit of more than one Scrutiny Committee and to resolve issues of dispute between Scrutiny Committees~~

(s) establish and maintain a system to ensure that referrals to and from Scrutiny the Overview and Scrutiny Committees are managed efficiently and that the appropriate Council body or person responds in a timely and effective way

(t) exercise the powers as set out in Section 21 (2) (a) of the Local Government Act 2000 (call-in powers) in relation to Cabinet decisions made but not implemented within its own remit

(u) Consider petitions as required by the petitions code.

(v) Consider any calls for action in accordance with the Councillor Call for Action Code

~~exercise an oversight and co-ordinating role in relation to the exercise of call-in powers by the Scrutiny Committees~~

(w) report to the Council Meeting annually on the scrutiny function and its work

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~~respond as requested to consultation on the Cabinet's budget proposals in accordance with the Budget and Policy Framework Rules~~

~~(x) develop and spread good practice in overview and scrutiny activities within the Council and its scrutiny functions, and~~

~~establish time limited and task focused informal review working groups from time to time as resources available to it permit to carry out overview and scrutiny work on its behalf and to report their findings to the Committee.~~

~~liaise with external organisations operating in Herefordshire in the fulfilment of their overview and scrutiny role to ensure that the social, environmental and economic wellbeing of the area is enhanced by collaborative working~~

~~invite public participation at its meetings and in their work so as to enhance their performance~~

~~receive information and evidence from experts and other witnesses to support them in their work and to question and gather evidence from any person with their consent~~

~~scrutinise any matter affecting the area or its inhabitants and to review the performance of other public bodies in the area and invite reports from them by asking them to address the Scrutiny Committee about their activities and performance~~

~~collaborate with other bodies carrying out similar functions outside the Council.~~

### **3.5.3 — Scrutiny Committees**

~~3.5.3.1 — The Council will at its annual meeting agree to establish up to a maximum of 5 Scrutiny Committees and will identify the areas of functions or themes for each Committee.~~

~~3.5.3.2 — If during the year, the Overview and Scrutiny Committee identifies that there is an area of functions or theme which is within the statutory remit of overview and scrutiny but not within the area of function or theme for any Scrutiny Committee, it may allocate that area of function or theme to one of the Scrutiny Committees. Having done so, the Overview and Scrutiny Committee will report that allocation to the next Council meeting and seek ratification of its decision.~~

~~3.5.3.3 — The number, title and areas of function and the themes for each Scrutiny Committee will be published annually and any publication amended if any changes are made in accordance with paragraph 3.5.3.2.~~

~~3.5.3.4 — Within its area of activity or theme, each Scrutiny Committee will:-~~

~~review and scrutinise decisions made by Cabinet and the performance of the Cabinet, individual Cabinet Members and the Chief Executive in relation to the Cabinet functions carried out by each~~

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~~review the performance of the Council and its partners (where the law so permits) in relation to outcomes for local people and communities, policy objectives, performance targets and/or particular service areas~~

~~question members of the Cabinet and those carrying out Cabinet functions 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~~

~~make reports and recommendations to the Cabinet arising from work undertaken by it~~

~~exercise Call In of Cabinet decisions made but not implemented within its own remit~~

~~assist the Cabinet in the development of the Budget and Policy Framework~~

~~liaise with external organisations operating in Herefordshire in the fulfilment of their overview and scrutiny role to ensure that the social, environmental and economic wellbeing of the area is enhanced by collaborative working~~

~~report annually through the Overview and Scrutiny Committee on their work and make recommendations on its future work programme~~

~~invite public participation at their meetings and in their work so as to enhance their performance~~

~~receive information and evidence from experts and other witnesses to support them in their work and to question and gather evidence from any person with their consent~~

~~scrutinise any matter affecting the area or its inhabitants and to review the performance of other public bodies in the area and invite reports from them by asking them to address the Scrutiny Committee about their activities and performance~~

~~collaborate with other Scrutiny Committees and other bodies carrying out similar functions outside the Council, and~~

~~— establish time limited and task focused informal review working groups from time to time as resources available to it permit to carry out overview and scrutiny work on its behalf and to report their findings to the Committee.~~

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