

## 6. **Article 6 - Overview and Scrutiny Committees**

### 6.1 **Appointment**

The Council will annually constitute and appoint Overview and Scrutiny committees, each comprising at least 7 councillors, to discharge 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) and regulations made under section 32 of the Local Government Act 2000.

The Overview and Scrutiny committees will comply with the provisions of paragraphs 7, 9, 10 and 11 of schedule 1 to the Local Government Act 2000 or regulations under section 32 (i.e. they will include voting church and parent governor representatives).

### 6.2 **Terms of reference and general role**

The Overview and Scrutiny committees will:

- (1) perform all overview and scrutiny functions on behalf of the Council;
- (2) appoint such sub-committees and task groups as it considers appropriate to fulfil those functions;
- (3) report any change to the next meeting of the Council where the committee seeks to discontinue or appoint sub-committees.
- (4) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions; including those of its LAA partners and Crime and Disorder Reduction Partnerships;
- (5) make reports and/or recommendations to the full Council and/or the Cabinet and/or relevant partner in connection with the discharge of any functions;
- (6) consider any matter affecting the area or its inhabitants and exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet;
- (7) approve an overview and scrutiny forward work programme, including the programme of any sub-committees it appoints so as to ensure that the committee's and sub-committees' time is effectively and efficiently utilised;
- (8) foster and encourage an inclusive, structured and non-adversarial approach to overview and scrutiny which is reliant on evidence rather than anecdote;

(9) develop appropriate overview and scrutiny operational protocols.

In respect of Health Scrutiny, the Health and Adult Social Care Scrutiny Committee may in addition to the above:

- review and scrutinise any matter relating to the planning, provision and operation of health services in Wiltshire, including significant change to service provision and those jointly commissioned / delivered by the Council.
- require the attendance of an officer of a local NHS body to answer questions and provide explanations about the planning, provision and operation of health services in Wiltshire;
- require a local NHS body to provide information about the planning, provision and operation of health services in Wiltshire, subject to the exemptions outlined in the Health and Social Care Act 2001;
- undertake / co-ordinate / participate in cross-boundary overview and scrutiny of Health Services; including the establishment of joint committees with other local authorities; and to delegate functions to another local authority committee (if appropriate);
- be able to report to the Secretary of State for Health:
  - (i) where the Committee is concerned that consultation on substantial variation or development of services has been inadequate;
  - (ii) where the Committee considers that the proposal is not in the interest of the local health service.
- maintain an overview of the Council's responsibilities and role in relation to public health and wellbeing.

### **6.3 Policy development and review**

The Overview and Scrutiny committees may:

- assist the Council and the Cabinet in the development of the Council's budget and policy framework by in-depth analysis of policy issues;
- conduct research, community or other consultation in the analysis of policy issues and possible options;

- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Cabinet and chief officers about their views on issues and proposals affecting the area;
- 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.

#### **6.4 Scrutiny**

The Overview and Scrutiny committees may:

- review and scrutinise the decisions made by, and the performance of, the Cabinet and officers both in relation to individual decisions and over time;
- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- question members of the Cabinet and first and second tier 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;
- make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- 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 committees and local people about their activities and performance;

#### **6.5 Finance**

The Overview and Scrutiny committees will exercise overall responsibility for the finances made available to them.

#### **6.6 Annual report**

The Overview and Scrutiny committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate. The Overview and Scrutiny committees will arrange for the maintenance of a database to monitor and review their investigations.

#### **6.7 Proceedings of Overview and Scrutiny committees**

The Overview and Scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 8 of this Constitution.

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