

## ARTICLE 7 – OVERVIEW COMMITTEES AND SCRUTINY COMMITTEES

### 7.1 Role/Terms of Reference

- (a) The Council will appoint 2 Overview Committee and 2 Scrutiny Committees.
- (b) Each of the Overview Committees and each of the Scrutiny Committees are member led and will be responsible for setting their own agendas and priorities.
- (c) The Overview Committees shall:
- (i) Review and develop policy at their own initiative and at the request of the Cabinet.
  - (ii) Oversee major consultations and make recommendations to Cabinet and full Council.
  - (iii) Provide a clear focus on finding efficiency savings in accordance with requirements in the Council's financial strategy.
  - (iv) Monitor expenditure against available budgets and make recommendations to the Cabinet
  - (v) Make reports and recommendations to the full Council or the Cabinet on matters which affect the authority's area or its inhabitants
- (d) The Scrutiny Committees shall:
- (i) Challenge, review or scrutinise the decisions or actions taken by the Cabinet.
  - (ii) Through the Call to Account process:-
    - Scrutinize and review decisions made or actions taken in connection with the discharge of any of the executive functions of the Council.
    - Consider petitions made in accordance with the Council's Petitions Scheme requiring senior officers to be called to account at a public meeting of the Council.
  - (iii) Through the Call-In process consider executive decisions.
  - (iv) Monitor performance of services in accordance with the targets in the Corporate Plan.
  - (v) Provide clear focus upon the scrutiny of matters in relation to:-
    - The Council's strategic approach to Dorset-wide objectives and the Corporate Plan
    - Budget plans
    - Transformation plans
    - The effectiveness of partnership arrangements
  - (vi) Consider matters referred through the Councillor Call for Action
- (e) The combined role of these Overview Committees and Scrutiny Committees will be to perform all those functions conferred on Overview and Scrutiny Committees by the Local Government Act 2000. To the extent that the law allows or requires, other functions may also be performed by one or more of the Overview Committees and Scrutiny Committees. Further details of functions performed by the Overview and Scrutiny Committees can be found in Functions of the Council – Part 3(1) of the Constitution.

- (f) Each of the Overview Committees and each of the Scrutiny Committees shall have primary responsibility for different theme areas, namely:
- (i) People and Health Overview
  - (ii) Place and Resources Overview
  - (iii) People and Health Scrutiny
  - (iv) Place and Resources Scrutiny
- (g) Save in relation to the consideration of education functions (which for the purposes of this article shall mean as defined in section 579 (1) of the Education Act 1996) exercisable by the Executive, the identification of a primary responsibility for a theme in relation to an Overview Committee shall not prevent either of the Overview Committees from considering any matter that may cut across different theme areas. Similarly primary responsibility for a theme in relation to scrutiny shall not prevent either scrutiny committee from considering any matter cutting across different theme areas.
- (h) No Overview Committee and no Scrutiny Committee may discharge any functions other than those permitted by legislation.
- (i) In exercising or deciding whether to exercise its functions each Overview Committee and each Scrutiny Committee should have regard to any guidance for the time being issued by the relevant Secretary of State.
- (j) In the absence of any alternative joint arrangements having been entered into, the Overview Committee and the Scrutiny Committee with primary responsibilities for:
- (i) "People and Health" shall be the Council's Overview Committee and the Council's Scrutiny Committee for the purposes of fulfilling the Council's statutory duties in relation to crime and disorder;
  - (ii) "People and Health" shall be the Council's Scrutiny Committee for the purposes of fulfilling the Council's statutory powers in relation to health scrutiny; and
  - (iii) "People and Health" shall be the Council's Overview Committee and its Scrutiny Committee for the performance of the Council's statutory functions in relation to education matters.
- (k) In order to undertake work of a cross cutting nature within the terms of reference of both overview committees they may meet together as a Joint Overview Committee:
- (i) The proper officer shall make arrangements for a Joint Overview Committee meeting where both overview committee chairmen are in agreement that better outcomes are likely to be achieved through the two committees working together on a task and finish basis on an item of relevance to both.

- (ii) A Joint Overview Committee shall comprise either the entire membership of the two overview committees (a total membership of 20) or such number drawn from the two overview committees as the chairmen shall agree and appointed by the proper officer on a politically proportionate basis after consultation with group leaders
  - (iii) A Joint Overview Committee shall elect a Chairman and Vice-chairman for the meeting.
- (l) In order to undertake work of a cross cutting nature within the terms of reference of both scrutiny committees they may meet together as a Joint Scrutiny Committee:
- (i) The proper officer shall make arrangements for a Joint Scrutiny Committee meeting where both scrutiny committee chairmen are in agreement that better outcomes are likely to be achieved through the two committees working together on a task and finish basis on an item of relevance to both.
  - (ii) A Joint Scrutiny Committee may call a portfolio holder or chief officer to give account (Overview and Scrutiny Procedure Rule 23) but shall not exercise the power of call-in (Overview and Scrutiny Procedure Rule 25)
  - (iii) A Joint Scrutiny Committee shall comprise either the entire membership of the two scrutiny committees (a total membership of 20) or such number drawn from the two scrutiny committees as the chairmen shall agree and appointed by the proper officer on a politically proportionate basis after consultation with group leaders
  - (iv) A Joint Scrutiny Committee shall elect a Chairman and Vice-chairman for the meeting.

## 7.2 Membership

- (a) Each Overview Committee and each Scrutiny Committee shall consist of 10 Members including its appointed Chairman and Vice Chairman.
- (b) The quorum of each Committee is 3.
- (c) To the extent that the law requires an Overview and Scrutiny Committee to include a person who is not a Member, then the membership shall be made up of 10 Members plus the number of additional persons required, provided that for the avoidance of doubt this provision does not apply to any joint arrangements entered into by the Council.
- (d) In relation to the exercise of overview and scrutiny functions relating to education matters, the membership of "People and Health" Overview Committee and "People and Health" Scrutiny Committee shall in particular include:
  - (i) a person nominated by a Diocesan Board of Education for a Church of England diocese falling wholly or partly with the area of the Council;
  - (ii) a person nominated by the Bishop of any Roman Catholic diocese falling wholly or partly with the area of the Council; and
  - (iii) two parent governors from maintained schools within the area of the Council

- (e) No Overview Committee and no Scrutiny Committee shall include any Member of the Executive whilst so appointed.
- (f) No member of the People and Health Overview Committee and no member of the Place and Resources Overview Committee shall be a member of the corresponding Scrutiny Committee.
- (g) Subject, where appropriate, to relevant provisions set out in a scheme made by the Council for such purposes and to any other relevant legislative limitations an Overview Committee and a Scrutiny Committee may include persons who are not Members. Arrangements shall include such persons as part of an Overview and Scrutiny Committee where the law requires. Unless the law or a relevant scheme otherwise requires each Overview Committee and each Scrutiny Committee may determine the appointment of its non-Members.
- (h) There shall be no power to appoint substitutes to any Overview and Scrutiny Committee.

### 7.3 **Appointment of Chairman and Vice Chairman**

- (a) The Chairman and Vice-Chairman of each Overview Committee and each Scrutiny Committee shall be appointed annually by Full Council unless Full Council determines otherwise.
- (b) The Chairman of each Scrutiny Committee shall be a member of the largest political group that is different to that of the Leader. The Vice Chairmen shall not be members of the same political group as the Leader.

### 7.4 **Sub-Committees**

- (a) An Overview Committee and a Scrutiny Committee may appoint Sub-Committees and may arrange for the discharge of any of its functions/powers by a Sub-Committee appointed by it.
- (b) A Sub-Committee of an Overview Committee or a Scrutiny Committee may not discharge any functions other than those conferred on it by the Committee that appointed it.
- (c) The Chairman and Vice-Chairman of an Overview Committee Sub-Committee and a Scrutiny Committee Sub-Committee shall be appointed by the Sub-Committee unless the appointing Committee expressly determines otherwise.
- (d) Subject to any limitations that may apply an Overview Committee and a Scrutiny Committee shall normally determine the:
  - (i) terms of reference;
  - (ii) arrangements for the holding and frequency of meetings;
  - (iii) size of membership; and
  - (iv) quorum,

of each of its Sub-Committees but in the absence of such determination and unless the law otherwise requires such matters may be determined by the Sub-Committee itself provided that in no circumstance shall a quorum be less than 3 Members.

- (e) The Proper Officer shall maintain a list of all Sub-Committees, including:
  - (i) membership;
  - (ii) terms of reference;
  - (iii) any function; and
  - (iv) any rule governing a Sub-Committee's conduct and proceedings not otherwise provided for elsewhere in this Constitution,

created pursuant to this Article. That list shall form part of the Constitution.

**a. Meetings**

- (a) The number of ordinary meetings of each Overview Committee and each Scrutiny Committee in a year will normally be determined by Full Council.
- (b) The Chairman of each Overview Committee and each Scrutiny Committee shall have the power to call one or more special meeting(s) of the Committee of which s/he is the Chairman.
- (c) The Chairman of an Overview Committee or a Scrutiny Committee may determine that any of its meetings should be cancelled for insufficient business.

**b. Proceedings and Reporting**

Each Overview Committee and each Scrutiny Committee will generally conduct its business as set out in various Procedure Rules – Part 2 of this Constitution.

**c. Call-in**

- (a) Each of the Scrutiny Committees has the authority to review individual decisions and seek their Call In for reconsideration as described in article 7.1 (d) above and as provided for in the Overview and Scrutiny Procedure Rules – Part 2 of this Constitution.
- (b) A Chairman of one of the Scrutiny Committees will normally be consulted before implementation of various urgent executive decisions or in connection with the urgency process relating to Call-in decisions (see Overview and Scrutiny Procedure Rules - Part 2 of this Constitution).

**d. Delegated powers and powers to recommend**

- (a) The Overview Committee and the Scrutiny Committees shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt and in so far as the law allows,
  - (i) each of the Overview Committees and the Scrutiny Committees; and
  - (ii) unless limited by the creating Committee, any Sub-Committee of an Overview Committee or a and Scrutiny Committee,
 may delegate or refer any of its powers to any Officer(s).

**e. Member Interests**

These arrangements have been designed to avoid situations where members involved in developing policy proposals have the opportunity to scrutinise their own proposals. Where circumstances mean that a member might nonetheless be involved in scrutinising their own proposal they should seek advice from the Monitoring Officer with a view to avoiding any perceived conflict. .

**f. Scrutiny Officer**

The Council will designate one of its Officers to be a Scrutiny Officer to discharge the functions as prescribed in the Local Government Act 2000.

**g. Finance and Resources**

Each Overview Committee and each Scrutiny Committee is responsible for the management of funds allocated to it to fulfil its functions.

