

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

Scrutiny is a statutory role fulfilled by Councillors who are not members of the Cabinet. The role of the overview and scrutiny committees is to help develop policy, to carry out reviews of Council and other local services, and to hold decision makers to account for their actions and decisions.

Scrutiny plays an essential role in promoting accountability in local authorities' decision-making process. One of the key roles for non-Cabinet Councillors is to undertake an overview and scrutiny role for the Council. The overview and scrutiny role involves reviewing policies of the Council, helping to develop policies for the Council, scrutinising organisations external to the Council and holding the Leader / Cabinet Members to account.

### **1. MEMBERSHIP**

The meeting will be Chaired by a Member of the Overview and Scrutiny Committee duly appointed by the Council. If at any meeting the Chair appointed by the Council is absent, and if no Deputy has been appointed by the Council, the meeting shall appoint a Chair for that meeting only. The Monitoring Officer or his/her representative shall at the start of the meeting invite nominations for Chair and will take a vote on a show of hands for those members nominated for Chair.

Members of Cabinet cannot be a member of the Overview and Scrutiny Committee. No member may be involved in scrutinising a decision in which they have been directly involved, or for a decision in the Cabinet portfolio they provide support to as a Deputy Cabinet Member

An overview and scrutiny committee may co-opt a maximum of two non-voting people as and when required, for example for a particular meeting or to join a task and finish group. Any such co-optees will be agreed by the committee having reference to the agreed work plan and/or task and finish group membership.

### **2. FUNCTION**

To initiate public inquiries into matters of local concern. These can lead to reports and recommendations which advise the Leader / Cabinet Members and the Council as a whole on its policies, budget and service delivery.

Monitor the decisions of the Leader/Cabinet members. A decision that has been made by the Leader / Cabinet Member and not yet implemented can be 'called in'. This enables the Committee to consider whether the decision is appropriate. The Scrutiny Committee may recommend that the Leader / Cabinet Member reconsider the decision considering findings and comments made.

Be consulted by the Leader / Cabinet Member or the Council on forthcoming decisions and the development of policy.

### **3. KEY RESPONSIBILITIES OF THE COMMITTEE**

- To review and scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's functions.
- To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and all particular service areas.
- To set up, appoint and monitor Overview Project Groups (set up to carry out reviews of policies, services or the impact of decisions).
- To make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process.
- 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.
- Oversight of the provision, planning and management of the assets and audit arrangements.
- Oversight of the Council's corporate plans and strategies and the monitoring of the corporate plan and departmental plans.
- To scrutinise outside bodies and partners relevant to the Council.
- To receive all reports from external inspectors.

### **4. MEETINGS**

The Overview and Scrutiny Committee is a Committee of the Local Authority. The Committee will meet six times per year. The date and timings of the meetings will be fixed as part of the agreed schedule of meetings. Additional meetings may be convened at the request of the Chair, and with the agreement of the Council Leader.

A **quorum** of three will apply for meetings of the Overview and Scrutiny Committee.

Members will adhere to the agreed principles of the Council's Code of Conduct.

Decisions are to be taken by **consensus**. Where it is not possible to reach consensus, a decision will be reached by a simple majority of those present at the meeting. Where there are equal votes the Chair of the meeting will have the casting vote, there will be no restriction on how the Chair chooses to exercise his/her casting vote.

The Head of Democratic Services; Department of Legal and Democratic Services will act as the **lead officer**. Lead officer responsibilities will include ensuring that agendas are appropriate to the work programme of the Overview and Scrutiny Committee.

A Work Programme to be determined annually by the Committee.

The agenda and supporting **papers** shall be in a standard format and circulated at least five clear working days in advance of meetings. The minutes of decisions taken at the meeting will be kept and circulated to members as soon as possible. Minutes will be published on the Council web site.

It is important to ensure that all councillors are kept aware of the work of the Committee and a copy of the minutes will be circulated to all Bury Councillors. The Committee is regarded as a Council Committee for Access to Information Act purposes. Freedom of Information Act provisions shall apply to all business.

All meetings will be held in **public** with specific time allocated for public and member question time.

Any personal, prejudicial or pecuniary interests held by members should be declared in accordance with the Councils Code of Conduct on any item of business at a meeting, either before it is discussed or as soon as it becomes apparent. Interests which appear in the Council Register of Interests should still be declared at meetings, where appropriate.

The Committee will retain the ability to **exclude representatives** of the press and other members of the public from a defined section of the meeting having regard to the confidential nature of the business to be transacted, publicly on which would be prejudicial to the public interest (Part 5A and Schedule 12A, Local Government Act, as amended).

Meetings will be **clerked** by a representative of Democratic Services.

The Board will oversee and receive reports from a set of subgroups which will focus on the delivery of key targeted areas of work.

## **6. POST-DECISION SCRUTINY AND CALL-IN**

Post-decision scrutiny takes place in response to decisions that have already been made. For decisions that have been made but not implemented, scrutiny has the power to call-in the executive to revisit a decision and delay its implementation. This applies only to 'key decisions', which are predominantly decisions made by the executive, either as individuals or as a whole.

**These terms of reference should be read in conjunction with Section 2 - Committee Procedure Rules of the Council Constitution.**