

Article 6 - Overview and Scrutiny Committees

(Amended Council 12 April 2005)

References:

Section 21 and schedule 1 (Paragraphs 7, 8, 10 and 11), Local Government Act 2000
Chapters 3 and 9, DETR Guidance

6.01 Terms of reference

The Council will appoint the overview and scrutiny committees set out in the left-hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right-hand column of the same table.

Scrutiny Committee	Scope of Scrutiny
Cabinet	Reviewing Executive decisions made but not implemented.
Resources Performance and Partnership Overview and Scrutiny Committee	The overall performance, effectiveness and value for money of Council; services; the effectiveness of the council's partnerships; the robustness and implementation of Best Value reviews and improvement plans; the Council's Information and Communications Technology systems; and scrutinising the budget process, service resourcing, risk management.
First Class Education and Children	The Council's Educational Services and any other matters relevant to education, for all those below the age of 19; the provision of opportunities for ongoing education; services for children and young people; local NHS services and health-related issues which impact upon the health of children and young people up to the age of 18; cultural and recreational services and the development of tourism.
Cleaner, Greener, Transport and Development	The Council's functions in relation to planning policy and development control, highways, transport planning, consumer protection, environmental health services, refuse collection, recycling, street cleansing, removal of fly tipping, street lighting. Council's role in relation to regeneration and development.

Scrutiny Committee	Scope of Scrutiny
Supporting the Vulnerable in our Community	The provision of seamless community care for all client groups aged 18 and over, including needs assessment, cares planning, service provision and commissioning. The operation of National Health Services in the Borough for those aged 18 and over. Community care services for older people and vulnerable adults including those who have physical disabilities, sensory impairment, learning disabilities, mental health needs or other special needs, and such preventative advice and advocacy (including welfare rights), transport, respite and other services as may be needed to help people remain independent in their homes. Also local NHS services and health-related issues, which impact upon the health of Barnet residents 18 and over.
Tackling Crime and Housing Overview and Scrutiny Committee	The prevention of homelessness, assessment supply and development of social housing in the borough, with associated environmental, neighbourhood and social facilities, in partnership with other housing providers; all aspects of the arms length management of the housing stock by Barnet Homes and the operation of the housing benefits service. Additionally, the development, promotion and management of all aspects of community safety and all aspects of the Council's functions as housing authority or tackling crime and anti-social behaviours in the borough.

6.02 General role

- (a) Only the Cabinet Overview and Scrutiny Committee will exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or area committees.
- (b) With the exception of the Cabinet Overview and Scrutiny Committee which has one specific function only, the Overview and Scrutiny committees are also required to perform the overview and scrutiny role, as far as matters with their remit is concerned, in relation to the following:
 - (i) The Council's leadership role in relation to diversity and inclusiveness and;
 - (ii) The fulfilment of the Council's duties as an employer, including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.
- (c) Resources, Performance and Partnerships Overview and Scrutiny Committee will consider best value reviews and inspection reports and comment to the Executive. This Committee will also assist the Executive by overseeing Best Value reviews and evaluating and analysing the findings.
- (d) Within their terms of reference, the other named overview and scrutiny committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - (ii) make reports and/or recommendations to the full Council and/or the executive and/or any or area committee in connection with the discharge of any functions;
 - (iii) consider any matter affecting the area or its inhabitants.
- (e)
- (i) Any Overview and Scrutiny Committee may appoint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.
 - (ii) Two or more Overview and Scrutiny Committees may appoint Joint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees so that the Scrutiny Role may be performed in a cross-cutting way.
 - (iii) Any such Sub-Committees or Joint Sub-Committees appointed under paragraphs (d) (i) or (ii) above are subject to the rules on public meetings and political balance within the terms of the relevant legislation.
 - (iv) The Terms of Reference of any Sub-Committees or Joint Sub-Committees appointed under paragraphs (d) (i) or (ii) above must be clearly stipulated by the appointing "parent" Overview and Scrutiny Committee(s) together with a defined period for their operation and existence and must be within the powers of the appointing Overview and Scrutiny Committee(s).
 - (v) Overview and Scrutiny Committees individually or jointly with other Overview and Scrutiny Committees may consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or other groups to assist the Committees in their functions. Such groups are not Sub-Committees, are not subject to the rules on public meetings and political balance, and accordingly have no powers other than to investigate and make recommendations to the parent Committee. The Terms of Reference of such groups must be within the Committee appointing them and must be clearly stipulated, with a defined period for their operation and existence.

6.03 Specific functions

- (a) **Policy development and review.** Overview and scrutiny committees may:
- (i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area;

- (v) 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;
- (b) **Scrutiny.** Overview and scrutiny committees may:
 - (i) review and scrutinise the decisions made by and performance of the executive and/or committees and Council officers both in relation to individual decisions and over time;
 - (ii) scrutinise decisions, which the executive is planning to take and comment on them to the executive;
 - (iii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iv) question members of the executive and/or committee and chief 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;
 - (v) make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
 - (vi) 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 committee and local people about their activities and performance; and
 - (vii) question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and scrutiny committees may exercise overall responsibility for any finances made available to them.
- (d) **Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and make recommendations to full Council for future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and scrutiny committees may exercise overall responsibility for the work programme of any officers employed to support their work.

6.04 **Proceedings of overview and scrutiny committees**

Overview and Scrutiny Committees (including any Sub-Committees or Joint Sub-Committees appointed under paragraph 6.02 (d)(i) and (ii) above) will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.