

## Chapter 4 – Overview and Scrutiny

### Part 1 – Article 6 – Overview and Scrutiny

#### 1. Overview and Scrutiny Committees

- 1.1 The Council shall appoint one or more Overview and Scrutiny Committees. These Committees will discharge, in respect of the matters shown in their terms of reference below, 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, by section 19 of the Police and Justice Act 2006, by Part 5, Chapter 2 of the Local Government and Public Involvement in Health Act 2007, and by any subsequent legislation. The Council shall designate particular Overview and Scrutiny Committees to have responsibility for overview and scrutiny of matters relating, respectively, to Health, Education and Crime and Disorder.

#### 2. Overview and Scrutiny Committees and Scope

- 2.1 The Council has established the following Overview and Scrutiny Committees:

Committee	Scope
Children's Services (including Education)	The services provided by Children Education and Families Directorate including the provision, planning, management, and performance of child protection, health, welfare, education, youth services, and related matters in Thurrock.
Health and Well-Being Overview and Scrutiny Committee	The scrutiny of the work of the NHS bodies serving Thurrock in partnership with the other local authorities in accordance with the Health and Social Care Act 2001 and associated Regulations and Guidance and the provision, planning, management and performance of services relating to adult social care, housing, culture, diversity and related matters in Thurrock.
Planning, Transport, Regeneration Overview and Scrutiny Committee	The physical and economic development of Thurrock, including the particular issues that arise from the Sub Regional Strategy and other local and regional plans, the provision of related infrastructure and the provision, planning, management and performance of services provided by the planning and highways services.
Cleaner, Greener and Safer Overview and Scrutiny Committee	The scrutiny of Crime and Disorder Partnerships under the Police and Justice Act 2006, the provision, planning, management and performance of waste and recycling, community safety, trading standards, licensing, environmental protection and related matters in Thurrock.
Corporate Overview and Scrutiny Committee	Coordination and leadership of overview and scrutiny including any issues that are not addressed by any other Overview and Scrutiny Committee, as well as the provision, planning, management and performance of the Local Area Agreement, Local Strategic Partnership and other partnerships, corporate or central services including corporate and cross cutting issues, the Budget, value for money and related matters and an overview of the performance of the Council.

- 2.2 The terms of reference of each Overview and Scrutiny Committee are set out in more detail in Part 2 of this chapter of this Constitution.

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### **3. Membership**

- 3.1 The Membership of each Overview and Scrutiny Committee shall be determined by Council. All Members other than Cabinet Members may be appointed to be Members of Overview and Scrutiny Committees or Sub-Committees.
- 3.2 The Council may determine that certain Overview and Scrutiny Committee or Committees shall be Chaired by a Minority Party Member.
- 3.3 Council may appoint persons to any Overview and Scrutiny Committee, and an Overview and Scrutiny Committee may appoint persons to any of its Sub-Committees, who are not Members of the authority, but such “co-opted Members” shall be non-voting Members for all purposes, except in so far as Council may provide in a scheme for the purpose of paragraph 12 of Schedule 1 to the Local Government Act 2000.
- 3.4 The Overview and Scrutiny Committee which has responsibility for matters relating to Education, and any Sub-Committee thereof which has responsibility for matters relating to Education, shall include in its Membership the following voting representatives:
- (a) At least one Church of England diocese representative
  - (b) At least one Roman Catholic diocese representative
  - (c) Between two and five parent governor representatives
- 3.5 These representatives will be entitled to vote where the Overview and Scrutiny Committee is considering matters related to the Council’s education functions. If the Overview and Scrutiny Committee is dealing with other matters, these representatives shall not vote on those matters though they may stay in the meeting and speak at the discretion of the Chair. The Overview and Scrutiny Committee will attempt to organise its meetings so that relevant education matters are grouped together. For the avoidance of doubt a function is an education function if it relates to a function in respect of which the authority has responsibility under the Education Acts.
- 3.6 Any Overview and Scrutiny Committee with responsibility for crime and disorder may determine that co-opted Members of the Committee may vote on crime and disorder matters.

### **4. General Role of Overview and Scrutiny Committees**

- 4.1 Within their terms of reference the Overview and Scrutiny Committees, which all have equal status, will:
- (a) Review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions
  - (b) Make reports and recommendations to the Cabinet and/or full Council and/or any Committee in connection with the discharge of any functions
  - (c) Consider any matter affecting the area of Thurrock or its inhabitants and make reports and recommendations
  - (d) In accordance with the procedures for Call-In, exercise the right to Call-In for reconsideration decisions falling within their remit which have been made but not yet implemented by the Cabinet or on behalf of the Cabinet, and undertake reviews aiming to improve the efficient and effective delivery of services to local people.

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## 5. Specific Functions of Overview and Scrutiny Committees

### Policy development and review

5.1 Within their terms of reference the Overview and Scrutiny Committees will:

- (a) Assist the Council and the Cabinet in the development of its Budget and Policy Framework by analysis of policy issues or proposed projects
- (b) Conduct research, community and other consultation in the analysis of policy issues or proposed projects and possible options
- (c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy or project options
- (d) Question Members of the Cabinet, Committees and senior Officers of the Council, and representatives of other public, business or voluntary/community sector bodies, about their views on issues and proposals affecting the area, and
- (e) 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.

### Scrutiny

5.2 Within their terms of reference the Overview and Scrutiny Committees will:

- (a) Review and scrutinise the decisions made by, and the performance of, the Cabinet, Committees, and Council Officers, both in relation to individual decisions and over time
- (b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (c) Question Members of the Cabinet, Committees, Chief Officers/ Directors and senior 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
- (d) Make reports and recommendations to the full Council and/or the Cabinet and/or any Committee arising from the outcome of the scrutiny process
- (e) Review and scrutinise the performance of other public bodies in the area, including performance against Local Area Agreement targets, in pursuance of the powers outlined in the Local Government and Public Involvement in Health Act 2007, having regard to any government regulations and guidance that may be issued
- (f) Question, call for and gather evidence from any person or organisation (with their consent)
- (g) Review and scrutinise the adequacy of the response of the Council, or Cabinet, or Committee to a petition following a request for such a review by the lead petitioner (under the provisions of the Council's Petition Scheme).

### Crime and disorder

5.3 The Environment Overview and Scrutiny Committee shall, and its Sub-Committees may:

- (a) Act as the crime and disorder Committee within the meaning of section 19 of the Police and Justice Act 2006

- (b) Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions
- (c) Make reports or recommendations to the local authority with respect to the discharge of those functions
- (d) Make recommendations to the Cabinet and/or Council with respect to any matter which is a local crime and disorder matter in relation to a Member of the authority
- (e) Consider any crime and disorder matters referred by any Member of the Council.

## **6. Councillor Call for Action**

- 6.1 Within their terms of reference the Overview and Scrutiny Committees will also consider Councillor Calls for Action (section 119, Local Government Act 2000), in accordance with the relevant best practice guidance jointly issued by the Centre for Public Scrutiny and the Improvement & Development Agency.

## **7. Annual Report**

- 7.1 Each Overview and Scrutiny Committee will report annually to Council on the workings of the overall scrutiny function, and may make recommendations for future work programmes and amended working methods if appropriate.

## **8. Overview and Scrutiny Task and Finish Groups and Working Groups**

- 8.1 Any Overview and Scrutiny Committee may establish such Task and Finish Groups or Working Groups as it considers appropriate for the effective discharge of its functions and may delegate any of its functions to a Task and Finish Group.
- 8.2 A Task and Finish Group may be established by an Overview and Scrutiny Committee to consider a specific piece of work and make recommendations to its parent committee or directly to the Cabinet. The number of Members of the Task and Finish Group and its terms of reference must be specified when it is established.
- 8.3 Group Leaders will make nominations to the number of seats available on any Task and Finish Group, in accordance with the political balance of the Council.
- 8.4 An Overview and Scrutiny Committee may establish Working Groups to consider a specific piece of work or look into a particular issue in more detail outside of the formal meeting of the Committee. Any such Working Group will comprise of members of the Committee, working informally with Officers or other Members and reporting their findings back to the Committee.

## **9. Proceedings of the Overview and Scrutiny Committees, Task and Finish Groups and Working Groups**

- 9.1 The Overview and Scrutiny Committees and Task and Finish Groups will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 3 of this Chapter.
- 9.2 Overview and Scrutiny Committees and Task and Finish Groups will be subject to the Access to Information Procedure Rules in Chapter 8 of this Constitution.
- 9.3 A Working Group established by an Overview and Scrutiny Committee is not required to conduct its proceedings in accordance with the Scrutiny Procedure Rules in Part 3 of this Chapter or the Access to Information Procedure Rules in Chapter 8 of this Constitution.