

Article 6 – Overview and Scrutiny Committees

Explanation

This article sets out the basis and role of Overview and Scrutiny Committees. The overview and scrutiny function is central to the Constitution. Overview and Scrutiny Committees should be powerful bodies which meet in public to discuss and make recommendations on the development of policies and hold the Executive to account for their decisions. They also have a key role in considering matters of local concern. They may also be empowered to undertake Best Value reviews.

6.01 Terms of reference, functions and membership

The Council will appoint the Overview and Scrutiny Committees, set out below to discharge the functions conferred by Section 21 of the Local Government Act, 2000, in relation to the matters set out below with the membership as determined in the Overview and Scrutiny Committee Procedure Rules in Part 4 of this Constitution:

Scrutiny Overview Committee

All aspects and general services related to Council resources and transformation.

The Scrutiny Overview Committee shall:

- Take an overarching view on strategic plans and services, including:
 - Delivery of the Corporate Plan and its priorities
 - The Council transformation programme
 - Corporate finances

- The scrutinising of performance in relation to the following Corporate Plan priorities:
 - Internal focus – all council services are efficient and effective.
 - Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and community cohesion.

- Scrutiny of the responsible authorities in terms of how they are tackling crime and disorder for the benefit of the local communities (no less than once a year) as required by the Crime and Disorder (Overview and Scrutiny) Regulations 2009 which came into force for local authorities in England on 30 April 2009;

The Scrutiny Overview Committee shall:

- Lead on the planning and co-ordination of the programme of activities and in depth studies of the ~~three Councils~~ Overview and Scrutiny Committees ;
- Hold discussions with Portfolio holders over matters such as pre-decision Scrutiny and the programme of policy reviews;
- Act as a vehicle of mutual learning.

Children's Services Overview and Scrutiny Committee

All aspects and general services related to serving children and young people (excluding education and learning). The scrutinising of performance in relation to the following Corporate Plan priority:

- Children have the best start in life and are safe from harm, happy, healthy and learning well.

Education ~~and Children's~~ Overview and Scrutiny Committee

All aspects and general services related to the education and learning serving of children and young people. The scrutinising of education and learning performance in relation to the following Corporate Plan priority:

- Children have the best start in life and are safe from harm, happy, healthy and learning well.
 - ~~Improving Educational Achievements.~~

~~Corporate and Public Services~~ Economy and Environment Overview and Scrutiny Committee

- All aspects and general services related to: the economy and environment, ~~resources;~~
- ~~Scrutiny of the responsible authorities in terms of how they are tackling crime and disorder for the benefit of the local communities (no less than once a year) as required by the Crime and Disorder (Overview and Scrutiny) Regulations 2009 which came into force for local authorities in England on 30 April 2009;~~
- ~~_____~~

Scrutiny of the exercise of flood risk management functions which may affect the local authority's area as required by the Flood and Water Management Act 2010 within the functions set out in Section 21 of the Local Government Act, 2000 (as amended).

- The scrutinising of performance in relation to the following Corporate Plan priorities:
 - Economic growth for all people, communities and businesses
 - ~~Creating jobs and helping people get new skills;~~
 - ~~Helping Local High Streets and Communities;~~
 - ~~Helping create more Affordable Housing;~~

- ~~• Support with cost of living.~~

Social Care and Health Overview and Scrutiny Committee

All aspects and general services related to social care/health service matters including health partnership matters and the public health agenda as conferred under the Health and Social Care Act 2001 within the functions set out in Section 21 of the Local Government Act, 2000 (as amended).

The scrutinising of performance in relation to the following Corporate Plan priority:

- People have increased independence, improved health and can positively contribute to their communities.
 - ~~• Promoting Health and Wellbeing~~

6.02 **Political balance** – The allocation of seats to political groups will be made in accordance with the political balance rules as provided for in the Council Procedure Rules in Part 4 of the Constitution.

6.03 **General role**

Within their terms of reference, 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 Council and/or the Executive and/or any policy, joint committee in connection with the discharge of any functions;
 - (iii) consider any matter affecting the area or its inhabitants;
 - (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive; and
- (v) Will exercise the right to consider Councillor Call for Action.

6.04 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, Committees and all non regulatory Committees and the Chief Executive or Executive Directors or their representatives about their views on issues and proposals affecting the area; and
- (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, Committees and Council officers both in relation to individual decisions and over time, save for individual decisions that are of a regulatory/quasi judicial nature;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Executive, Committees and Chief Executive or Executive Directors or their representatives 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;
- (iv) make recommendations to the Executive, appropriate Committee and/or Council arising from the outcome of the scrutiny process;

- (v) 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
- (vi) question and gather evidence from any person (with their consent).

(c) **Finance**

Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.

(d) **Annual report**

Overview and Scrutiny Committees must report annually to Council on their workings and make recommendations 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 officer employed to support their work.

6.05 **Proceedings of Overview and Scrutiny Committees**

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Committee Procedure Rules set out in Part 4 of this Constitution.

11. SCRUTINY OVERVIEW COMMITTEE

Membership

The Chairs of the ~~three~~ Overview and Scrutiny Panels together with ~~8~~ Members of the Authority as determined by the Council.

Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Cabinet portfolio

Leader of the Council - Overall responsibility for Council strategy, the corporate plan, communications and public relations, emergency planning, government relations and liaison with local MPs and West Midlands leaders. West Midlands Combined Authority, Association of Black Country Authorities and Black Country Joint Committee. Transformation and digital. Finance including payroll and pensions, Strategic and operational financial management and administration, insurance, risk management, policy led budgeting. Financial Regulations, Audit, Legal and Democratic Services, Performance. Member Development.

Deputy Leader and Regeneration - Economic development, physical development, markets, property and asset management, Black Country Consortium, sub regional regeneration issues. Town and district centres, planning policy and local development framework. Strategic housing role. Traffic and transportation, car parks, strategic transport and highways. Business liaison and skills. Money Home Job.

Community, leisure and culture – Locality co-ordination, community development, engagement and consultation, community associations, voluntary and community sectors, leisure and culture services including the New Art Gallery, libraries, sports and museums. Cemeteries and crematoria. Community Safety, community cohesion, Safer Walsall Partnership, public protection.

Personnel and Business Support –. HR, equalities, procurement, facilities management, complaints, information governance, print and design, catering, cleaning, caretaking and Town Hall events.

Any Portfolio as appropriate.

Quorum

The quorum of the panel shall be one third of the membership, subject to a minimum of two.

Meetings

The panel will meet four times, or thereabouts, and will usually be held at the Council House, Walsall at 6.00 p.m.

Access to information

The panel will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Remit

All aspects and general services related to Council resources and transformation.

The Scrutiny Overview Committee shall:

- Take an overarching view on strategic plans and services, including:
 - Delivery of the Corporate Plan and its priorities
 - The Council transformation programme
 - Corporate finances
- The scrutinising of performance in relation to the following Corporate Plan priorities:
 - Internal focus – all council services are efficient and effective.
 - Communities are prospering and resilient with all housing needs met in safe and healthy places that build a strong sense of belonging and community cohesion.
- Scrutiny of the responsible authorities in terms of how they are tackling crime and disorder for the benefit of the local communities (no less than once a year) as required by the Crime and Disorder (Overview and Scrutiny) Regulations 2009 which came into force for local authorities in England on 30 April 2009;

The Scrutiny Overview Committee shall:

- Lead on the planning and co-ordination of the programme of activities and in depth studies of the ~~three-Councils~~ Overview and Scrutiny Committees-;
- Hold discussions with Portfolio holders over matters such as pre-decision Scrutiny and the programme of policy reviews;
- Act as a vehicle of mutual learning.

12. CHILDRENS SERVICES OVERVIEW AND SCRUTINY COMMITTEE

Membership

11 Members of the authority as determined by the Council, together with co-opted members as approved by the Council.

Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Cabinet portfolio(s)

Children's and Health and Wellbeing - Services for children in need of help and protection, children looked after and care leavers, early help, schools meals commissioning, transition arrangements between Children's and Adult Social Care, Public health, involvement of children and young people. Member of Health and Wellbeing Board, Walsall Children's Safeguarding Board and Chair of Corporate Parenting Board.

Quorum

The quorum of the panel shall be one third of the membership, subject to a minimum of two.

Meetings

The panel will meet six weekly, or thereabouts and will usually be held at the Council House, Walsall at 6.00 p.m.

Access to information

The panel will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Remit

All aspects and general services related to serving children and young people (excluding education and learning). The scrutinising of performance in relation to the following Corporate Plan priority:

- Children have the best start in life and are safe from harm, happy, healthy and learning well.

123. EDUCATION ~~AND CHILDREN'S SERVICES~~ OVERVIEW AND SCRUTINY COMMITTEE

Membership

11 Members of the authority as determined by the Council, together with co-opted members as approved by the Council. As the panel dealing with education matters the membership shall include:

- (a) at least one Church of England diocese representative (voting);
- (b) at least one Roman Catholic diocese representative (voting)
- (c) three parent governor representatives (voting);
- (d) representatives of other faiths or denominations as appropriate;
- (e) one representative from Primary School Teachers (non-voting);
- (f) one representative from Secondary School Teachers (non-voting).

Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Cabinet portfolio(s)

Education and Skills – schools and education services, interagency cooperation, involvement of children and young people, special educational needs, disabilities and inclusion. Adult learning.

~~Children's services and education – services for children in need of help and protection, children looked after and care leavers, education services, interagency cooperation, involvement of children and young people, youth parliament, children's trust arrangements, youth offending services, youth service, schools meals commissioning, transition arrangements with Adult Social Care. Adult learning~~

Quorum

The quorum of the panel shall be one third of the membership, subject to a minimum of two.

Meetings

The panel will meet six weekly, or thereabouts and will usually be held at the Council House, Walsall at 6.00 p.m.

Access to information

The panel will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Remit

All aspects and general services related to the education and learning of serving children and young people.

The scrutinising of education and learning performance in relation to the relevant following priorityies in the Corporate Plan:

- Children have the best start in life and are safe from harm, happy, healthy and learning well.

~~134. CORPORATE AND PUBLIC SERVICES~~ ECONOMY AND ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Membership

11 Members of the authority as determined by the Council, together with co-opted members as approved by the Council.

Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Cabinet portfolios

Deputy Leader and Regeneration - Economic development, physical development, markets, property and asset management, Black Country Consortium, sub regional regeneration issues. Town and district centres, planning policy and local development framework. Strategic housing role. Traffic and transportation, car parks, strategic transport and highways. Business liaison and skills. Money Home Job.

Community, leisure and culture - ~~Area~~Locality co-ordination, community engagement and consultation, community associations, voluntary and community sectors, leisure and culture services including the New Art Gallery, libraries, catering service, sports and museums. Cemeteries and crematoria. Community Safety, community cohesion, Safer Walsall Partnership, public protection.

Clean and green - gateways and corridors, pollution control, waste strategy, refuse collection, recycling, street cleaning, parks and the Council's vehicle fleet.

Education and Skills – schools and education services, interagency cooperation, involvement of children and young people, special educational needs, disabilities and inclusion. Adult learning.

~~**Personnel and business support** – issues relating to governance and decision making processes including the corporate plan. HR function, shared services, including ICT, procurement, facilities management.~~

~~**Agenda for Change** – in collaboration with partner agencies, issues relating to proposals for new area arrangements. Cross portfolio issues that contribute to enlargement of opportunities for public engagement. Cross portfolio liaison on change programmes within the Council.~~

Quorum

The quorum of the panel shall be one third of the membership, subject to a minimum of two.

Meetings

The panel will meet six weekly, or thereabouts and will usually be held at the Council House, Walsall at 6.00 p.m.

Access to information

The panel will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Remit

- All aspects and general services related to:
 - The Economy and Environment;
 - ~~Resources;~~
- ~~Scrutiny of the responsible authorities in terms of how they are tackling crime and disorder for the benefit of the local communities (no less than once a year) as required by the Crime and Disorder (Overview and Scrutiny) Regulations 2009 which came into force for local authorities in England on 30 April 2009;~~

- Scrutiny of the exercise of flood risk management functions which may affect the local authority's area as required by the Flood and Water Management Act 2010 within the functions set out in Section 21 of the Local Government Act, 2000 (as amended).
- The scrutinising of performance in relation to the relevant priorities in the Corporate Plan:
 - Economic growth for all people, communities and businesses.

154. SOCIAL CARE AND HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Membership

11 Members of the authority as determined by the Council, together with co-opted members as approved by the Council.

Substitutes

Substitute members may be nominated to the Committee in accordance with paragraph 4 of the Council procedure rules (Part 4).

Chairman and Vice-Chairman

The Chairman and Vice-Chairman will be appointed at the Annual Council meeting for the municipal year.

Cabinet portfolios

~~Health – Public health, Chair of Health and Wellbeing Board.~~

Adult Social care - care services for older people and people with learning disabilities, people with physical disabilities and people with mental health needs, health partnership, commissioning and CCG/health interface lead –~~community meals~~, supporting people, protection for vulnerable adults and transition arrangements with Children Services. ~~Money, Home, Job.~~

Children's and Health and Wellbeing - Services for children in need of help and protection, children looked after and care leavers, early help, schools meals commissioning, transition arrangements between Children's and Adult Social Care, Public health, involvement of children and young people. Member of Health and Wellbeing Board, Walsall Children's Safeguarding Board and Chair of Corporate Parenting Board

Quorum

The quorum of the panel shall be one third of the membership, subject to a minimum of two.

Meetings

The panel will meet six weekly, or thereabouts and will be held at the Council House, Walsall at 6.00 p.m.

Access to information

The panel will comply with the Access to Information Rules set out in Part 4 of the Constitution.

Remit

All aspects and general services related to social care/health service matters including health partnership matters and the public health agenda as conferred under the Health and Social Care Act 2001 within the functions set out in Section 21 of the Local Government Act, 2000 (as amended).

The scrutinising of performance in relation to the following Corporate Plan priority:

- People have increased independence, improved health and can positively contribute to their communities.

~~The scrutinising of performance in relation to the relevant priorities in the Corporate Plan.~~