

ARTICLE 6 – THE OVERVIEW AND SCRUTINY FUNCTION

6.1 Overview and Scrutiny Management Committee

6.1.1 The council will appoint the Overview and Scrutiny Management Committee to discharge the functions conferred by Section 21 of the Local Government Act 2000 and regulations under Section 32 of that Act and any subsequent legislation conferring overview and scrutiny functions, including that relating to scrutiny of health service provision. The Management Committee will also co-ordinate, oversee and manage the performance of those functions carried out by overview and scrutiny panels. The Overview and Scrutiny Management Committee will have responsibility for the statutory requirements in relation to scrutiny of crime and disorder matters and Flood Risk Management Strategy.

The Management Committee will also co-ordinate, oversee and manage the performance of those functions carried out by any overview and scrutiny panels or ad hoc scrutiny panels. There shall be at least 6 ordinary meetings of the Management Committee and each Standing Panel each year.

The council will appoint the Chair of Overview and Scrutiny. The Chair of Overview and Scrutiny shall not be the Lead Member of a standing panel. The Chair of Overview and Scrutiny will be from a different political group from that of the Leader of the council.

Membership

6.1.2 The Management Committee shall be made up of the Chair of Overview and Scrutiny and the Lead Member of each of the Scrutiny standing panels. Any councillor, except a member of Cabinet, may be a member of the Management Committee. The council shall appoint the Lead Members (Chairs) of the standing Overview and Scrutiny Panels listed below.

Panels and Sub-Committees

6.1.3 The Overview and Scrutiny Management Committee will appoint a number of permanent and short term panels to carry out the overview and scrutiny function. All scrutiny panels will constitute formal subcommittees of the Overview and Scrutiny Management Committee. The Management Committee appoint single issue Ad Hoc Scrutiny Panels to carry out in depth scrutiny work and appoint members and co-optees to those panels. It will also appoint members to joint health scrutiny panels with neighbouring authorities, where required, to carry out scrutiny of cross boundary health issues.

6.2 Standing Scrutiny Panels

6.2.1 The Overview and Scrutiny Management Committee will appoint the standing scrutiny panels set out in the left hand column of the following table to discharge an overview and scrutiny function in relation to the matters set out in the right hand column of the same table.

The following standing committees will be established but it is recognised that there will be some need to ensure flexibility across areas of responsibility and they may need to adapt a more mobile and agile approach as required by OSMC, for example panels may need to jointly examine and scrutinise matters where appropriate.

Panel	Scope
Economy and Neighbourhoods Scrutiny Panel	All matters, Cabinet decisions, service provision (in particular those services that the relevant Cabinet Member(s) is responsible for), relating to the Economy, Infrastructure, Regeneration and Culture and activities relating to partnerships and partner bodies within the portfolio.
Health and Adult Social Care Panel	As above in relation to service provision for adults including Public Health and activities relating to health partner bodies . The Panel's role includes the specific responsibilities of the council for scrutiny of health matters (see also 6.2.2 below).
Children's Scrutiny Panel	As above in relation to service provision for children and all matters considered by partnerships and partner bodies within the portfolio.
Corporate Scrutiny Panel	As above in relation to any matters relevant to the issues of corporate services, including Finance and other Support Services and activities in respect of any partner bodies within the portfolio

Health and Adult Social Care Scrutiny Panel
 6.2.2 The Health and Adult Social Care Scrutiny Panel will discharge the specific statutory responsibilities of the council for scrutiny of health matters which are:

- a) To review and scrutinise matters relating to the planning, provision and operation of the health service in the local authority area
- b) To request information to be provided by the relevant NHS body or health service provider, in relations to (i) above
- c) To make reports and recommendations to the relevant NHS body or health service provider
- d) In certain circumstances to refer NHS substantial configuration proposals to the Secretary of State for Health

Membership 6.2.3 The membership of any standing panel (with the exceptions set out below) will consist of the Panel Chair, 5 other elected Members, and co-opted members. Other elected members and members of the public will be encouraged to attend.

Exceptions:

There is a statutory requirement that when an issue is discussed relating to education matters that the Committee shall include in its membership (if nominated by the relevant body) the following representatives with rights to vote on education matters:-

- a) 1 Church of England diocese representative;
- b) 1 Roman Catholic diocese representative; and
- c) 2 parent governor representatives.

Any Ad Hoc Panel or Councillor Call for Action Scrutiny Panel relating to education matters shall also include the above representatives with rights to vote on education matters in their membership (if nominated by the relevant body).

6.2.4 The Chairs of the standing Overview and Scrutiny Panels will be known as Lead Members for the relevant functions.

6.2.5 The Chairs of the standing Overview and Scrutiny Panels shall not be members of the corresponding partnership bodies.

6.3 Ad-hoc Scrutiny Panels and Joint Health Panels

6.3.1 The Overview and Scrutiny Management Committee will appoint task-orientated, ('ad-hoc') scrutiny panels to review in depth, investigate and report on a particular topic related to the functions of the council and issues affecting the community, with such terms of reference and duration as it considers appropriate to that topic.

Membership

6.3.2 The Overview and Scrutiny Management Committee will appoint the membership of each panel (both elected members and co-opted members). Any councillor, except a member of the Cabinet, may be a member. The number of members will be proportionate to the nature and requirements of the task, though no panel shall consist of less than two elected members and the number of co-opted members shall not exceed the number of elected members. Any panel dealing with

education matters must also include the church and parent governor statutory representatives.

Joint Health Committees

6.3.3 The Overview and Scrutiny Management Committee will appoint members to any Joint Health Scrutiny Committees which may be required with neighbouring authorities. Terms of reference and all connected matters may be agreed by the Overview and Scrutiny Management Committee. In arrangements with other West Yorkshire Authorities it is anticipated that this will be done in accordance with the protocol for such matters which has been agreed between all the West Yorkshire District Councils.

Councillor Call for Action Scrutiny Panels

6.3.4 The Overview and Scrutiny Management Committee will appoint members to any Councillor Call for Action Scrutiny Panels, established as a result of a councillor call for action. Terms of reference and all connected matters will be agreed by the Overview and Scrutiny Management Committee.

6.4 Political Balance

6.4.1 The Overview & Scrutiny Management Committee may, subject to compliance with legal procedures, decide that the normal political balance requirements shall not apply to scrutiny panels. In that case the Management Committee may determine an alternative distribution of membership between political groups.

6.5 General Role of the Scrutiny Function

- a) Review and scrutinise decisions made or actions taken in connection with the discharge of the council's functions
- b) On behalf of the council review or scrutinise all Cabinet / Cabinet Committees recommendations to the council, including policy and budgetary proposals.
- c) Except where the reports recommend referral to Council, exercise the right to call-in and review Executive decisions (see Scrutiny Procedure Rules 2.2.3 for definition of Executive decisions) in line with the procedure for the 'call-in' of decisions set out in the Overview & Scrutiny Procedure Rules in Part 4 of this Constitution.
- d) Review and scrutinise the performance of the council in relation to its policy objectives, performance targets and / or particular service areas.
- e) Review and scrutinise decisions made or actions taken by partnership bodies, in relation to shared partnership priorities.
- f) Consider any matter affecting the area or its inhabitants.

- g) Consider how the services and resources of other organisations in the district impact on Kirklees residents and liaise with other external organisations operating in the District, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.
- h) Make reports or recommendations to the full Council, the Cabinet / Cabinet Committees or any joint committee on the outcomes of the scrutiny process and in connection with the discharge of any function.
- i) Assist the council and the Cabinet / Cabinet Committees in the development of the Budget and Policy Framework.
- j) Conduct research, involve the community and undertake other relevant consultation.
- k) Invite attendance by appropriate individuals (with the agreement of the Overview and Scrutiny Management Committee) to advise them (as an expert witness). Such individuals will have expertise in the area being scrutinised, e.g. they may be a service user or a professional or academic in the relevant discipline.
- l) Question Cabinet Members in relation to the overview and scrutiny of Cabinet / Cabinet Committee recommendations and the performance of Council services. (In the case of Cabinet / Cabinet Committee recommendations to Council, scrutiny will take place before the recommendations are considered by full Council). Cabinet Members and appropriate officers are required to be available to attend meetings of the relevant Overview and Scrutiny Management Committee / Panel if so requested.
- m) Question Council Officers in relation to the overview and scrutiny of service performance / delivery and the reports on which executive decisions are based, including those executive decisions taken by individual officers. Such officers are required to attend meetings of the relevant Overview and Scrutiny Committee Management Committee / Panel if so requested.
- n) Request attendance by the council's section 41 representatives (joint authorities) in connection with the scrutiny of those bodies.
- o) Invite attendance by senior representatives of outside organisations and invite reports from them on their activities and performance, where necessary, in accordance with the Management Committee's / Panel's terms of reference.
- p) Question and gather evidence from any person (with their consent)
- q) Make recommendations to Cabinet / Cabinet Committee and / or Council on issues arising from the overview and scrutiny of executive decisions, recommendations and performance, including for example recommendations that an area of Council policy should be reviewed.

- r) Identify issues for attention within the terms of reference of overview and scrutiny.

