

APPENDIX 1

PART 2

EXTRACTED ARTICLE OF THE CONSTITUTION

Article 6 – Overview and Scrutiny

The Council will appoint a Scrutiny Committee to undertake the role and discharge the functions conferred by section 21 of the Local Government Act 2000.

In addition the Scrutiny Committee will undertake the role and discharge the functions conferred by sections 19 and 20 of the Police and Justice Act 2006, as amended by section 126 of the Local Government and Public Involvement in Health Act 2007, relating to scrutiny of the crime and disorder functions exercised by the Crime Reduction Partnership.

6.1 General Principles

The general principles of Scrutiny shall be that it will:

- (a) provide critical friend challenge to the Cabinet and/or other external partner organisations;
- (b) reflect the voice and concerns of the public and its communities;
- (c) take the lead and own the scrutiny process on behalf of the public;
- (d) make an impact on the delivery of public services.

6.2 General Role of Scrutiny Committee

The Scrutiny Committee will:

- (a) hold the Cabinet and Cabinet Members to account by examining decisions about to be taken; taken but not yet implemented (call-in); and those that have been implemented (post-hoc review);
- (b) review general policies (especially those in the Policy Framework) and make suggestions for improving them;
- (c) contribute to continuous improvement in service delivery (through consideration of service delivery performance, participation in value for money reviews and investigation of budgets);
- (d) review and make recommendations relating to the discharge of non-executive (regulatory) functions;

- (e) consider and make recommendations to the Cabinet and/or Council (and relevant partner organisations) on any matters having a direct bearing on the economic; social or environmental well-being of the district's residents.

6.3 Specific Functions of the Scrutiny Committee

(a) Policy development and review

The Scrutiny Committee may:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research with the community on policy issues and possible options available to the Council;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) 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;
- (v) consult (or question) Cabinet Members, committee members, Chief Officers and/or Heads of Service about their views on issues and proposals affecting the area.

(b) Scrutiny generally

The Scrutiny Committee may:

- (i) review and scrutinise the decisions made by the Cabinet, Cabinet Members, committees, and/or officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question Cabinet Members and/or committees, ward members, Chief Officers and/or Heads of Service 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) review and scrutinise the performance of other public bodies in the area or whose work impinges on the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;

- (v) gather evidence from any person outside the Council (with their consent).

(c) **Key areas for Scrutiny**

The Scrutiny Committee:

- (i) may review and/or scrutinise the work of the Community Safety Partnership and the partners who comprise it insofar as their activities relate to their crime and disorder functions and make reports or recommendations to the Cabinet and/or Council and/or Community Safety partners as appropriate;
- (ii) shall consider Councillor Calls for Action which are referred to it and which relate to local government and/or crime and disorder matters.

6.4 Work Programme

The Scrutiny Committee shall:

- (a) prepare for approval by the Council an annual programme of scrutiny work so as to ensure that the Committee's time is effectively and efficiently utilised.

The annual programme may include in its work programme a list of issues relating to crime and disorder matters providing these are first agreed with the relevant partners on the community safety partnership.

- (b) make in-year adjustments and additions to the annual programme in light of changing circumstances, subject to:
 - (i) there being no substantial addition to any resources to be called upon to undertake the programme;
 - (ii) the relevant Head of Service agreeing to any additional call upon staffing support; and
 - (iii) no additional costs arising which cannot be met from existing budgets unless approved by the virement procedures in the Financial Procedure Rules.

Any change to the programme not within the provisions of (i) to (iii) inclusive above will require the approval of Council.

- (c) In determining the work programme the Committee shall have regard first and foremost to the following:
 - (i) Council priorities;
 - (ii) areas of improvement identified from the Council's corporate governance, performance management and/or data quality arrangements;
 - (iii) issues of public concern; and
 - (iv) issues of concern raised by councillors.

6.5 Proceedings of Scrutiny Committee

- (a) The Scrutiny Committee may establish "task-finish" panels to undertake any of its activities. It will determine their size and membership and approve their terms of reference.

The Scrutiny Committee may suggest the names of individuals that could become co-opted members of any panel and/or organisations that might be invited to nominate representatives as possible co-opted members.

- (b) The Scrutiny Committee and Panels will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.
- (c) When carrying out work relating to crime and disorder matters the Scrutiny Committee shall ensure the involvement of the police authority by
 - (i) inviting it to send a police authority member or the clerk or another officer of the police authority as an "expert adviser"; or
 - (ii) by co-opting a police authority member onto the Scrutiny Committee or Panel as appropriate;
- (d) The Scrutiny Committee may require information relating to local improvement targets from its relevant partner authorities in accordance with regulations made by the Secretary of State.

For this purpose, relevant partner authorities are those set out in the attached Appendix.

- (e) The Scrutiny Committee must consider community safety matters at least annually and may make reports or recommendations to the Cabinet, the Council or any Committee relating to the discharge of crime and disorder functions by:
 - (i) the district council
 - (ii) the county council
 - (iii) the chief officer of police.

Any report or recommendation made by the Scrutiny Committee acting in this capacity must be circulated to the county council and chief officer of police, together with the police authority, probation committee, health authority and such other person or body as may be prescribed by order by the Secretary of State.

- (f) The Scrutiny Committee may make reports and recommendations arising from its work to the Cabinet, the Council, any Committee and/or any relevant partner authority.