

**MEDWAY COUNCIL'S CONSTITUTION  
CHAPTER 4, PART 5 - OVERVIEW AND SCRUTINY RULES**

**Proposed changes to paragraph 22**

**22. Terms of reference of Overview and Scrutiny Committees**

**22.1 General Terms of reference**

Each Overview and Scrutiny Committee shall have the following general terms of reference in relation to their specific areas of responsibility:

- (i) To consider any matter affecting the area or its inhabitants;
- (ii) To exercise the right to call-in, for consideration, decisions made but not yet implemented by the executive and other statutory functions including, but not limited to, pre-decision scrutiny and holding the executive to account;
- (iii) To exercise overall responsibility for the finances made available to them;
- (iv) To report annually to the Full Council on their workings;
- (v) To exercise overall responsibility for the work programme of the employees employed to support their work;
- (vi) To submit a work programme on an annual basis, including recommendations on amended working methods and taking account of the concerns of the church and parent governor representatives where applicable;
- (vii) To consider any petitions within their remit received by Full Council which do not relate to a matter falling within the remit of an executive Committee, and report as appropriate;
- (viii) To put in place and maintain a system to ensure that referrals from overview and scrutiny to the Cabinet either by way of report or for reconsideration are managed efficiently;
- (ix) In agreement with other relevant overview and scrutiny to appoint time limited overview and scrutiny panels to consider specific matters which cut across the terms of reference of two or more Overview and Scrutiny Committees and to determine their terms of reference;
- (x) At the request of the Cabinet, to make decisions about the priority of referrals made by that Overview and Scrutiny Committee to the Cabinet if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business;

- (xi) To conduct ~~best value~~service reviews;
- (xii) To scrutinise and review partnership working including the performance of partners;
- (xiii) To scrutinise and review the operation of risk management in the Council.

## 22.2 Specific terms of reference

### (a) **Business Support Overview and Scrutiny Committee**

To fulfil all the functions of an Overview and Scrutiny Committee in relation to support services, and in particular (but not limited to):

- (i) matters concerning the employment of staff, terms and conditions of employment and staff development;
- (ii) equalities in the community and the workplace;
- (iii) monitoring and assessing access to Council services including being the scrutiny Committee with responsibility for the Customer First initiative;
- (iv) the management of all matters in connection with the media, public relations and communications and the consultation process;
- (v) the management and provision of legal contract/strategic procurement and property services (including licensing, strategic enforcement and local land charges);
- (vi) the management and provision of building maintenance and the design and surveying services;
- (vii) corporate sponsorship and bidding;
- (viii) the provision of ICT;
- (ix) the planning and co-ordination of service delivery;
- (x) the function and duties of the Council in relation to the conduct of elections;
- (xi) the provision of members' support;
- (xii) to fulfil the overview and scrutiny role in relation to the Council's best value performance plan, community plan, local public service agreement and comprehensive performance assessment;

- (xiii) all matters pertaining to the governance of the Council including the review of the constitution, executive arrangements, Council rules and members' allowances;
- (xiv) to consider the effectiveness of partnership working, including the Local Strategic Partnership;
- (xv) to assist the Cabinet in the development of the Council's annual budget and to review and scrutinise the Council's performance in relation to budgetary management;
- (xvi) to assist the Council in the development of a 3-year budget strategy;
- (xvii) to review the management of resources made available to the Council and to scrutinise its financial management, property and asset acquisition and disposal and capital programme;
- (xviii) to assist the Cabinet in the development of a Council wide property and asset strategy;
- (xix) to promote procedures which ensure proper custodianship of Council finances, making recommendations to the Cabinet for best financial practice across the Council;
- (xx) to review the operation of the Council's financial regulations making proposals to the Cabinet and/or Council for their development;
- (xxi) to receive reports from the Council's internal and external auditors and the Council's internal auditor making suggestions for improvement in practice to the Council and/or Cabinet as required, as a result of those reports;
- (xxii) in particular to fulfil the overview and scrutiny role in relation to the development of the Council's budget, capital strategy, corporate (strategic) plan, corporate asset management plan, e-government strategy and equal opportunities statement;
- (xxiii) to provide guidance and leadership on the development and co-ordination of the scrutiny function for all Overview and Scrutiny Committees, including guidance on priorities for scrutiny activity;
- ~~(xxiv) scrutiny of work areas within the remit of the Chief Executive.~~
- (xxiv) the operational management of the Council's housing stock;
- (xxv) the development of partnerships with external organisations to meet housing need and regenerate unsatisfactory housing;

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(xxvi) the improvement of private sector housing;

(xxvii) grants and loans to owner occupiers, tenants, landlords and/or developers;

(xxviii) homelessness and rehousing;

(xxix) special needs housing;

(xxx) housing strategy;

(xxxi) Registrars and Bereavement Services;

(xxxii) scrutiny of work areas within the remit of the Chief Executive.

(b) **Children's Services and Adults Overview and Scrutiny Committee**

To fulfil all the functions of an Overview and Scrutiny Committee in relation to children's and adults services (with the exception of adult health and social care services), and in particular (but not limited to):

- (i) School services and all of the functions of the Council as an education authority under the Education Acts, School Standards and Framework Act 1998 and all other relevant legislation in force from time to time;
- (ii) the provision of opportunities for education, training and learning outside the school environment including pre-school, community learning and youth justice issues;
- (iii) to fulfil the overview and scrutiny role in relation to the development of the Council's asset management plan for schools, behaviour support plan, early years development and childcare plan, education development plan, lifelong learning and development plan, policy framework for admission to schools, school organisation plan, special educational needs action plan and youth justice plan;
- (iv) fostering and adoption and family placements;
- (v) children and family services including all functions and duties of the Council under all relevant legislation in force from time to time relating to children's social work and social services;
- (vi) in particular to fulfil the overview and scrutiny role in relation to the children and young people's strategic plan;
- (vii) youth health promotion;
- (viii) youth strategy;

- (ix) mental and physical disabilities in young people;
- (x) quality protects;
- (xi) inclusion;
- (xii) collaborative working with health and voluntary agencies;
- (xiii) adult learning;

(xiii)(xiv) scrutiny of work areas within the remit of the Director of Children's Services and Adults, excluding adult social care.

The review and scrutiny of matters relating to the health service including National Health Service (NHS) scrutiny in accordance with the provision of the Health and Social Care Act 2001, insofar as it relates to children's health; in particular

- (i) the review and scrutiny of local NHS Bodies, in particular (but not limited to) any matter relating to the planning, provision and operation of health services for children in Medway;
- (ii) supporting the improvement of health services and the reduction of health inequalities for the children of Medway;
- (iii) considering and responding directly to consultations from the NHS on any proposal for a substantial development or substantial variation in the provision of health services for children in Medway.

**NOTE:**

The Children's Services and Adults Overview and Scrutiny Committee will have responsibility for health scrutiny in relation to children (defined for this purpose as young people aged 0-18 years).

The Community Services Health and Adult Social Care Overview and Scrutiny Committee and the Health and Adult Social Care Sub-Committee will be the lead on scrutiny of health insofar as it relates to the transition between childhood and adulthood or where consultation by the NHS bridges services for children and adults, with participation by representatives of the Children's Services and Adults Overview and Scrutiny Committee when such matters are discussed.

**(c) Community Services Overview and Scrutiny Committee**

To fulfil all the functions of an Overview and Scrutiny Committee in relation to community services, and in particular (but not limited to):

- (i) scrutiny of the Health Service including NHS scrutiny, with the exception of matters relating to children's health;

- ~~(ii) health promotion;~~
- ~~(iii) all the functions and duties of the Council under relevant legislation in force from time to time and relating to residential and day care, domiciliary care and respite care and social work for elderly people, adults with physical disabilities, people with mental health problems and learning difficulties home care service, staffing and emergency response for elderly persons in sheltered housing and hospital social workers;~~
- ~~(iv) social care procurement;~~
- ~~(v) adult learning;~~
- ~~(vi) collaborative working with health and voluntary sector agencies in the area;~~
- ~~(vii) the promotion of good health and the Council's specific initiatives to support this;~~
- ~~(viii) to review and scrutinise matters relating to the health service in the area, in accordance with the provisions of the Health and Social Care Act 2001, with the exception of matters relating to children's health;~~
- ~~(ix) the operational management of the Council's housing stock;~~
- ~~(x) the development of partnerships with external organisations to meet housing need and regenerate unsatisfactory housing;~~
- ~~(xi) the improvement of private sector housing;~~
- ~~(xii) grants and loans to owner occupiers, tenants, landlords and/or developers;~~
- ~~(xiii) homelessness and rehousing;~~
- ~~(xiv) special needs housing;~~
- ~~(xv) the provision and management of community services and participation;~~
- ~~(xvi) economic development and social regeneration including to fulfil the overview and scrutiny role in relation to the development of the Council's economic development strategy;~~
- ~~(xvii) the management of events and heritage attractions;~~
- ~~(xviii) the development and promotion of tourism;~~

- ~~(xix) the development of the Council's annual library plan and cultural strategy;~~
- ~~(xx) the provision and management of castles, museums, art galleries, theatre, archives and local history activities, libraries, leisure centres, swimming pools and other like facilities;~~
- ~~(xxi) leisure, arts, sport and recreational activities to enhance the quality of life for local people;~~
- ~~(xxii) the provision and management of trees, parks, grounds and other like facilities;~~
- ~~(xxiii) all of the functions of the Council in relation to European matters;~~
- ~~(xxiv) social inclusion, community development and neighbourhood renewal and the Council's specific initiatives to promote them;~~
- ~~(xxv) scrutiny of work areas within the remit of the Director of Community Services.~~

**NOTE:**

~~The Children's Services Overview and Scrutiny Committee will have responsibility for health scrutiny in relation to children (defined for this purpose as young people aged 0-18 years).~~

~~This Committee and the Health and Adult Social Care Sub-Committee will be the lead on scrutiny of health insofar as it relates to the transition between childhood and adulthood or where consultation by the NHS bridges services for children and adults, with participation by representatives of the Children's Services Overview and Scrutiny Committee when such matters are discussed.~~

**(c)(i) Health and Adult Social Care Sub-Overview and Scrutiny Committee of Community Services Overview and Scrutiny Committee**

To be responsible for:

- (i) the review and scrutiny of matters relating to the health service in the area, including NHS scrutiny, in accordance with the provisions of the Health and Social Care Act 2001 (with the exception of matters relating to children's health which shall be within the remit of the Children's Services Overview and Scrutiny Committee) as follows:
  - the review and scrutiny of local National Health Service Bodies (NHS), in particular (but not limited to) any matter relating to the planning, provision and operation of health services in Medway,

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- supporting the improvements of health services and the reduction of health inequalities for the people of Medway,
  - considering and responding directly to consultations from the National Health Service on any proposal for a substantial development or substantial variation in the provision of health services in Medway,
  - any other matters within the remit of the Community Services Overview and Scrutiny Committee that the committee may wish to delegate to the sub-committee;
- (ii) health promotion;
- (iii) all the functions and duties of the Council under relevant legislation in force from time to time and relating to residential and day care, domiciliary care and respite care and social work for elderly people, adults with physical disabilities, people with mental health problems and learning difficulties, home care service, staffing and emergency response for elderly persons in sheltered housing and hospital social workers;
- (iv) social care procurement;
- ~~(v) adult learning;~~
- ~~(vi)(v)~~ collaborative working with health and voluntary sector agencies in the area;
- ~~(vii)(vi)~~ the promotion of good health and the Council's specific initiatives to support this.

**NOTE:**

The Children and Adults Overview and Scrutiny Committee will have responsibility for health scrutiny in relation to children (defined for this purpose as young people aged 0-18 years).

The Health and Adult Social Care Overview and Scrutiny Committee will be the lead on scrutiny of health insofar as it relates to the transition between childhood and adulthood or where consultation by the NHS bridges services for children and adults, with participation by representatives of the Children and Adults Overview and Scrutiny Committee when such matters are discussed.

- (d) **Regeneration, and Development Community and Culture Overview and Scrutiny Committee**



To fulfil all the functions of an Overview and Scrutiny Committee in relation to ~~the environment~~ regeneration, community and culture, and in particular (but not limited to):

- (i) all of the functions and duties of the Council insofar as they relate to environmental health, including street cleansing, recycling and refuse collection and air quality management and pollution control;
- (ii) strategic planning;
- (iii) community safety;
- (iv) the wardens' service;
- (v) travellers;
- (vi) CCTV and enforcement;
- (vii) emergency planning, flooding and coastal protection;
- (viii) landscape, urban design and conservation;
- (ix) all of the functions and duties of the Council in relation to development and building control;
- (x) the preparation, implementation and maintenance of traffic management and highway schemes and initiatives;
- (xi) matters in relation to LA 21;
- (xii) in particular to fulfil the overview and scrutiny role in relation to the development of the Council's air quality action plan, development plan, food law enforcement service plan, local transport plan and waste strategy;
- (xiii) the development of the Council's rural strategy;
- ~~(xiv) housing strategy;~~
- ~~(xv)~~ (xiv) the regeneration of communities in the area and the physical regeneration of the area including being the scrutiny Committee for matters within the remit of the Medway Renaissance Partnership;
- ~~(xvi) scrutiny of work areas within the remit of the Director of Regeneration and Development.~~
- (xv) the provision and management of community services and participation;

- (xvi) economic development and social regeneration including to fulfil the overview and scrutiny role in relation to the development of the Council's economic development strategy;
- (xvii) the management of events and heritage attractions;
- (xviii) the development and promotion of tourism;
- (xix) the development of the Council's annual library plan and cultural strategy;
- (xx) the provision and management of castles, museums, art galleries, theatre, archives and local history activities, libraries, leisure centres, swimming pools and other like facilities;
- (xxi) leisure, arts, sport and recreational activities to enhance the quality of life for local people;
- (xxii) the provision and management of trees, parks, grounds and other like facilities;
- (xxiii) all of the functions of the Council in relation to European matters;
- (xxiv) social inclusion, community development and neighbourhood renewal and the Council's specific initiatives to promote them.
- (xxv) scrutiny of work areas within the remit of the Director of Regeneration, Community and Culture.

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[F:\OVERVIEW AND SCRUTINY COMMITTEES\BUSINESS SUPPORT O&S COMMITTEE\2007-2008\27 March 2008\URGENT - O&S changes - Appendix A.doc](#) [G:\Documents and Settings\teri.hemmings\Local Settings\Temporary Internet Files\OLKD9\Constitutional issues - Appendix A.doc](#) [F:\Julie draft reports.doc\Constitutional issues - Appendix A - proposed changes to chapter 4 part 5 paragraph 22.doc](#)