

## **PART 5 - OVERVIEW AND SCRUTINY RULES (EXTRACT)**

### 21. Terms of reference of Overview and Scrutiny Committees

#### 21.1 **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 make reports or recommendations to the Council or the Cabinet on any matter affecting the area or its inhabitants;
- ii) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Leader and Cabinet (executive functions);
- iii) To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Leader and Cabinet (Council -side functions);
- iv) To make reports or recommendations to the Council or the Leader and Cabinet with respect to the discharge of executive and Council-side functions;
- v) To be able to call-in executive decisions which have been made but not implemented for review and scrutiny as set out in paragraph 15 of the Overview and Scrutiny rules;
- vi) To hold the Leader and Cabinet to account, usually by the appearance of relevant portfolio holders at meetings of each Overview and Scrutiny Committee on an annual basis;
- vii) To undertake pre-decision scrutiny of decisions listed in the Forward Plan of decisions to be taken by the Leader and Cabinet;
- viii) To review and scrutinise policy framework documents and the Cabinet's draft budget proposals as provided for in Part 3 of Chapter 4 of the Constitution (Budget and Policy Framework Rules) and to contribute to the development of Council policies more generally;
- ix) To monitor performance and identify areas for further review and scrutiny;
- x) To deal with member's items as they arise;
- xi) To scrutinise and review partnership working including the performance of partners;
- xii) To scrutinise and review the operation and effectiveness of alternative models of service delivery;
- xiii) To scrutinise and review the operation of risk management in the Council;
- xiv) To deal with petitions referred to the Committee in accordance with the Council's Petition Scheme;
- xv) To develop a work programme having regard to the Council's overall strategic priorities, key projects and measures of success;
- xvi) To report on the activity of the Committee to each meeting of the Council, with the exception of Annual Council and the Budget Council meeting;

- xvii) To identify topics for in-depth review by Overview and Scrutiny Task Groups and make recommendations to the Business Support Overview and Scrutiny Committee in relation to the overall programme of reviews agreed from time to time;
- xviii) To appoint time limited Task Groups to undertake in-depth reviews within the overall programme of reviews agreed each year by the Business Support Overview and Scrutiny Committee and to make recommendations to the Council and Leader and Cabinet as appropriate.

## 21.2 Specific Terms of Reference

### a) Business Support [and Digital](#)

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

To determine the priority of topics in the programme for in-depth reviews across all four Committees taking into account the recommendations put forward by each Committee under a criteria based selection system

To fulfil all the functions of an Overview and Scrutiny Committee in relation to the following:-

- i) Development of the Council's revenue and capital budgets together with regular monitoring of budgets and the capital programme
- ii) Development of the Council Strategy and Council Plan overall and regular monitoring of implementation insofar as it relates to the functions within the Terms of Reference of this Committee
- iii) Functions within the responsibility of the Assistant Director, Legal and Governance, including Democratic Services and governance, Elections and Members Services, Legal Services, Licensing, Local Land Charges, and Category Management
- iv) Medway Norse (strategic matters)
- v) Functions within the responsibility of the Chief Operating Officer including Finance Strategy, Treasury Management Policy, Finance Operations, the Revenue and Benefits Service, Internal Audit and Counter Fraud Services, Transformation, Customer Contact, [HR](#), ICT, Organisational Change and Performance and Business Administration including complaints
- vi) ~~Adult Learning, Community Hubs and Libraries, HR and Communications~~
- vii) ~~Strategic Housing, Housing Management and Travellers~~
- viii) Equalities in the community and the workplace
- ix) Climate change
- x) [Digital Transformation](#)

### b) Children and Young People Overview and Scrutiny Committee

To fulfil all the functions of an Overview and Scrutiny Committee in relation to the following:-

- i) Development of the Council's revenue and capital budgets insofar as they relate to the functions within the terms of reference of this Committee [together with regular monitoring of budgets and the capital programme](#)
- ii) Regular monitoring of implementation of the Council Strategy and Council Plan insofar as it relates to the functions within the terms of reference of this Committee
- iii) Children's Social Care including: the children's advice and duty service, Children in Need, Child Protection, Child Adolescent Support, Looked after Children and proceedings, Adoption, Fostering, the Integrated Family Support Service, Children with learning and physical disability and Quality Assurance and Safeguarding
- iv) Children and Adolescent Mental Health Services
- v) Children's safeguarding and the effectiveness of the Medway Children Safeguarding Board (MCSB) and the Independent Reviewing Officer Service
- vi) School Effectiveness and Inclusion, including school challenge and improvement, Early Years including the family information service, SEN and Inclusion, the behavioural support service, the integrated youth support service including Youth Justice/ Youth Offending Team, the Learning Support Service and Youth and Employment Services
- vii) Opportunities for education, training and learning outside the school environment
- viii) School Organisation and the School's Capital Programme
- ix) School Admissions
- x) Home to School Transport
- xi) Integration of Health, Social Care and Public Health Services including partnership commissioning and the Better Care Fund Plan insofar as these relate to children including Early Help (Children)
- xii) The effectiveness of the Health and Wellbeing Board in relation to identification of children's needs in the Joint Strategic Needs Assessment and delivery of priorities relating to children in the Joint Health and Wellbeing Strategy
- xiii) Public Health Services for children and young people aged 0-18, including school nursing

To review and scrutinise any matters relating to the planning, provision and operation of health services for children and young people in Medway in accordance with the provisions of the Health and Social Care Act 2012, insofar as they relates to the health of children and young people (0-18); in particular:

- (i) the review and scrutiny of services commissioned and provided by relevant NHS Bodies and relevant health services providers;
- (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 relevant NHS bodies and relevant health service providers on any proposal for a substantial development or substantial variation in the provision of health services for children in Medway;
- (iv) Referral of contested health service reconfigurations affecting children to the Secretary of State as permitted under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

## NOTES:

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 relevant NHS bodies or relevant health service providers bridge services for children and adults, with participation by representatives of the Children and Young People Overview and Scrutiny Committee when such matters are discussed.

The Health and Adult Social Care Overview and Scrutiny Committee will be the lead on scrutiny of public health.

## c) Health and Adult Social Care Overview and Scrutiny Committee

To fulfil all the functions of an Overview and Scrutiny Committee in relation to the following:-

- i) Development of the Council's revenue and capital budgets insofar as they relate to the functions within the terms of reference of this Committee [together with regular monitoring of budgets and the capital programme](#)
- ii) Regular monitoring of implementation of the Council Strategy and Council Plan insofar as it relates to the functions within the terms of reference of this Committee
- iii) Adult Social Care and Social Work including Disability Services, Mental Health Social Work, Safeguarding Adults, Home Care, Hospital Social Work, residential, intermediate and day care, domiciliary and respite care
- iv) Integration of Health, Social Care and Public Health Services including partnership commissioning and the Better Care Fund Plan insofar as these relate to adults including Early Help (Adults)
- v) The effectiveness of the Health and Wellbeing Board in relation to identification of adults' needs in the Joint Strategic Needs Assessment and delivery of priorities relating to adults in the Joint Health and Wellbeing Strategy
- vi) Public Health Services

To review and scrutinise any matters relating to the planning, provision and operation of health services in Medway in accordance with the provisions of the Health and Social Care Act 2012, (with the exception of matters relating

to children's health which shall be within the remit of the Children and Young People Overview and Scrutiny Committee) in particular:

- i) the review and scrutiny of services commissioned and provided by relevant NHS bodies and relevant health service providers.
- ii) supporting the improvements of health services and the reduction of health inequalities for the people of Medway.
- iii) considering and responding directly to consultations from the relevant NHS bodies and relevant health service providers on any proposal for a substantial development or substantial variation in the provision of health services in Medway.
- iv) referral of contested health service reconfigurations (excluding changes affecting children) to the Secretary of State as permitted under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

NOTE:

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 relevant NHS bodies and relevant health service providers bridge services for children and adults, with participation by representatives of the Children and Young People Overview and Scrutiny Committee when such matters are discussed.

The Health and Adult Social Care Overview and Scrutiny Committee will be the lead on scrutiny of public health. The Regeneration, Culture and Environment Overview and Scrutiny Committee will retain public health aspects of promotion of community safety, the local authority's role in dealing with health protection incidents, outbreaks and emergencies (emergency planning) and social inclusion.

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

- d) Regeneration, Culture and Environment Overview and Scrutiny Committee

To fulfil all the functions of an Overview and Scrutiny Committee in relation to scrutiny and review of the following:-

- i) Development of the Council's revenue and capital budgets insofar as they relate to the functions within the terms of reference of this Committee [together with regular monitoring of budgets and the capital programme](#)
- ii) Regular monitoring of implementation of the Council Strategy and Council Plan insofar as it relates to the functions within the terms of reference of this Committee

- iii) Frontline Services including highways maintenance and parking, waste and other contracted services, safer communities, emergency planning, green spaces, integrated transport, CCTV, Bereavement and Registration, environmental health and trading services
- iv) Physical and Cultural Regeneration including festivals, arts, theatres, and events, sport, leisure, tourism and heritage, planning policy and the Local Plan, development management, regeneration delivery and Capital Projects, economic development and building control
- v) Social Inclusion, Community Development and neighbourhood renewal
- vi) Local Growth Fund projects
- vii) European Matters
- viii) Flood and coastal erosion risk management functions under the Flood and Water Management Act 2010
- ix) Property and Asset Strategy, acquisitions and disposal
- x) Medway Norse (operational matters within the remit of this Committee)
- xi) [Strategic Housing, Housing Management and Travellers](#)
- xii) [Adult Learning, Community Hubs and Libraries](#)

To be the designated Crime and Disorder Committee for the purpose of scrutiny, at least once a year, of the decisions and actions of the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself and to consider crime and disorder CCfAs (in accordance with the guidance and procedures on the CCfA as set out in section 22 of the Overview and Scrutiny rules.

NOTE:

The Health and Adult Social Care Overview and Scrutiny Committee will be the lead on scrutiny of public health. The Regeneration, Culture and Environment Committee will retain public health aspects of promotion of community safety, the local authority's role in dealing with health protection incidents, outbreaks and emergencies (emergency planning) and social inclusion.