

AGENDA ITEM

REPORT TO EXECUTIVE SCRUTINY COMMITTEE

28 SEPTEMBER 2021

REPORT OF THE ASSISTANT DIRECTOR, ADMINISTRATION, DEMOCRATIC AND ELECTORAL SERVICES

EXECUTIVE SCRUTINY COMMITTEE - ROLE AND TERMS OF REFERENCE

SUMMARY

The report sets out the role and terms of reference of Executive Scrutiny Committee as set out in the Council's Constitution and considers the Committee's work programme in this context.

RECOMMENDATIONS

That the report be noted.

DETAIL

EXECUTIVE SCRUTINY – TERMS OF REFERENCE

1. Executive Scrutiny Committee was established as part of the scrutiny co-ordination arrangements as a co-ordinating body for the Council's statutory scrutiny function. The terms of reference were approved by Full Council and are included in the Council's Constitution and the Scrutiny Toolkit. The terms of reference are as follows:

1. *The Executive Scrutiny Committee will:*

- (a) Keep under review the overall effectiveness of the scrutiny process and the select committee structure; to consider how the process and structure can be improved and developed further and to make appropriate recommendations for change to Cabinet and the Council.*
- (b) Receive and consider input from all Councillors and employees on suggested areas for scrutiny work, including views from the Scrutiny Liaison Forum on emerging policy development review topics and from thematic select committees, quasi-judicial committees/appeals panels on areas for review.*
- (c) Consider, prioritise, develop and co-ordinate the scrutiny work programme, ensuring that there is efficient use of the Select Committees' time, that the potential for duplication of effort is minimised and managing any changes in year (i.e. between annual meetings).*
- (d) Receive and respond to requests from Cabinet and/or the full Council for policy development advice and new priority review areas, allocating them if appropriate to one or more of the relevant thematic Select Committees.*

- (e) *Be responsible for the prioritisation, co-ordination and monitoring of scrutiny work programmes and activities, advising on timescales, liaising as appropriate with each thematic Select Committee and determining how scrutiny reviews will be resourced.*
 - (f) *Where matters fall within the remit of more than one Select Committee, to determine which of them will assume responsibility for any particular issue, or whether there is a need for joint working, and to resolve any issues of dispute between Select Committees.*
 - (g) *Maintain an overview of, and to monitor performance information to inform the scrutiny work programme.*
 - (h) *Where it is deemed necessary [in accordance with paragraphs 3.181 & 3.182] "Call-in", scrutinise and comment on the Cabinet's executive decisions; the Key Decisions of the Council's Officers and executive joint arrangements Key Decisions, including where it considers it to be appropriate questioning members of the Cabinet and Senior Officers about such decisions; and making recommendations to the Cabinet and/or Council about those decisions.*
 - (i) *Identify the need for, and to support and co-ordinate the delivery of, scrutiny training for members and co-opted members.*
 - (j) *Be the Council's co-ordinating body for scrutiny, including considering all Councillor Calls for Action (unless vexatious, discriminatory or otherwise prohibited by law) and, where appropriate, allocating them to the appropriate Select Committee, in accordance with the Council's Councillor Call for Action Protocol.*
2. *The Executive Scrutiny Committee will be comprised of a Chair appointed by Council, plus the Chairs of the 5 thematic Select Committees together with such other Members as are necessary to achieve political balance.*
 3. *Two diocesan representatives and two parent governor representatives will be entitled to attend as voting members of the Committee when it is dealing with education matters. The presence of such members on the Committee has no implications insofar as achieving political balance is concerned.*

EXECUTIVE SCRUTINY WORK PROGRAMME

1. The work programme for Executive Scrutiny Committee is in line with its terms of reference and, in order to discharge its functions, has comprised the following:

 - Setting the annual scrutiny work programme each Spring and allocating reviews to thematic Select Committees
 - Determining in year additions or changes to the work programme including referrals from Cabinet
 - Considering performance reports
 - Considering performance against the Council Plan and MTFP
 - Considering Call-In and Councillor Calls for Action when received
 - Reviewing the robustness of the Council's scrutiny arrangements against legislative changes and current issues and making appropriate recommendations to Cabinet
 - Considering updates at each meeting from Select Committee chairs to provide an overview of Select Committee work, flag up any concerns and share good practice. As part of these updates, other Members of Executive Scrutiny can input into the evidence to be collected

2. Reports on the Council Plan and the Council's Medium Term Financial Plan are presented to the Committee every six months and allow the Committee to scrutinise Council performance and financial management.
3. To supplement the above, informal Chairs' meetings and "Away Days" have taken place to provide a further opportunity to support the scrutiny process. Whilst our scrutiny structures have not substantively changed, improvements have been made over the years with the scrutiny function proving itself to be flexible and adaptable to changing priorities.
4. As part of feeding back on the work of the Select Committees it has been customary for Executive Scrutiny Committee to receive an Executive Summary of the final reports following in-depth reviews. These items are marked "for information" on the agenda and are considered prior to or after Cabinet consideration depending on the timescales for reviews. These reports are presented as part of Executive Scrutiny Committee maintaining an overview of the delivery of the programme they have set. Under the Council's Constitution, Executive Scrutiny Committee has no remit to amend these reports and, indeed it could be argued that it would be inappropriate for them to do so as they have not carried out the work.

CONSULTATION

5. Any changes to the Committee's terms of reference would require Council approval.

FINANCIAL AND LEGAL IMPLICATIONS

6. The Executive Scrutiny work programme is developed in line with its role as set out in the Council's Constitution; any changes would require Full Council approval.

RISK ASSESSMENT

7. There is a need for Executive Scrutiny to discharge its functions and for the Council to meet legislative requirements and for the Council to put in place internal mechanisms to ensure the safety and quality of key services.

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Background Papers: None
Ward(s) and Ward Councillors: Not Ward Specific
Property Implications: None