

## SCRUTINY COMMISSION

### GENERAL

- To exercise the delegated powers specified in its terms of reference.
- This body reports to the Cabinet Executive or direct to the Council if relating to functions reserved to the Council.
- Scrutiny Commission has the power to establish and appoint Working Groups and ad hoc Panels. Currently no Panels are established.

### MEMBERSHIP, CHAIRMANSHIP AND QUORUM

- Number of Members: **18**
- Substitute Members permitted: YES
- Whether Proportionality applies: YES
- Eligibility/Non-Eligibility for Membership:
  - Members of the Cabinet Executive are not eligible.
- Eligibility/Non-Eligibility for Chairmanship/Vice-Chairmanship:
  - Chairman – Scrutiny Commissioner from one of the two largest minority groups. If more than one nomination is received from the two largest minority groups, a vote will be taken at Annual Council to determine who will hold the position of Chairman of Scrutiny Commission.
  - In the event of the Commission Chairman and Vice-Chairman being absent from the meeting any Member of Scrutiny Commission can be appointed to Chair the Commission meeting.
- Quorum: **6**

## **SCRUTINY COMMISSIONERS**

The Council will appoint a Scrutiny Commissioner from each of the three political groups with the largest number of seats.

## **PROCEDURES**

(See also Scrutiny Procedure Rules set out in Part 4 of this Constitution.)

## **COMPILATION OF AGENDA**

Matters may be referred to the Democratic Services, Scrutiny and Governance Manager in accordance with the Constitution by:

- the Council
- the Cabinet Executive
- the Chief Executive
- elected Members (Section 21 Local Government Act 2000).

The Chief Executive and the Democratic Services, Scrutiny and Governance Manager shall, in consultation with the Scrutiny Committee Chairman, determine Agenda Items.

## **RIGHTS TO SEE, REQUISITION AND CALL TO APPEAR**

This Commission has the right:-

- to see Cabinet Executive papers (which must be treated with the necessary confidentiality given to them by the Council's procedures)
- to requisition all relevant documents held by the Council (which must be treated with the necessary confidentiality given to them by the Council's procedures)
- to call Members, Officers and public bodies to appear before it.

## **FUNCTIONS**

- 1 **Policy development and review.** The Scrutiny Commission may:
  - (a) assist the Council and the Cabinet Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
  - (b) conduct research, community and other consultation in the analysis of

policy issues and possible options;

- (c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (d) question Members of the Cabinet Executive and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and
- (e) 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.

2 **Scrutiny.** The Scrutiny Commission may:

- (a) review and scrutinise the decisions made by and performance of the Cabinet Executive and/or Committees and Council Officers both in relation to individual decisions and over time (including call-in);
- (b) review and scrutinise the financial performance of the Council and any related financial issues;
- (c) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (d) select for examination and advise on all Corporate policies and plans;
- (e) question Members of the Cabinet Executive and/or Committees and Chief Officers 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;
- (f) make recommendations to the Cabinet Executive arising from the outcome of the scrutiny process or direct to the Council if relating to functions reserved to the Council;
- (g) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Commission and its Working Groups and local people about their activities and performance;
- (h) question and gather evidence from any person (with their consent);
- (i) review and scrutinise matters relating to the Health Service and Police Authority for the area and to make reports and recommendations (in conjunction with the Leicestershire County Council);
- (j) Co-opt Members who are not on the Cabinet Executive if specific skills and

expertise is required;

- (k) Co-opt members of the public and representatives from community groups (with the exception of Members of the Cabinet Executive) to hold the Blaby District Community Safety Partnership to account.
- 3 **Finance.** The Scrutiny Commission may exercise overall responsibility for the finances made available to it.
- 4 **Annual Work Programme.** The Scrutiny Commission will approve an Annual Scrutiny Work Programme, including the programme of any Working Groups it appoints so as to ensure that the Commission's and Working Groups' time is effectively and efficiently utilised.
- 5 **Annual report.** The Scrutiny Commission must report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
- 6 **Leader's Statement "The State of the Blaby District"** - The Scrutiny Commission will receive a report from the Leader of the Council at its first meeting after each annual Council Meeting on 'The State of the Blaby District', the Cabinet Executive's priorities for the coming year and its performance in the previous year.
- 7 **Officers.** The Scrutiny Commission may exercise overall responsibility for the work programme of the Officers employed to support their work.

## ROLES

### The Scrutiny Role:

- to monitor the Cabinet Executive in the discharge of its role (such monitoring being carried out through the selection and evaluation of Cabinet Executive Reports).

### The Advisory Role:

- to select for examination and, in the light of that, advise on
  - Corporate policies and plans
  - Major issues regarding Service Delivery
  - Major financial issues

### The Investigatory Role:

- to investigate and advise on significant performance issues.

## **DELEGATED POWERS**

- To make recommendations to the Cabinet Executive or Full Council.
- To appoint Working Groups to undertake review work specified by the Scrutiny Commission.
- To set the Annual Work Programme.
- To provide the Council with an overview of the work of the Scrutiny Commission at its Annual Meeting and to produce a full Annual Report once the next year's work programme has been determined by the Scrutiny Commission.
- To carry out the functions and roles specified in its terms of reference. (See also Scrutiny Procedure Rules at Part 4 Section 5 of the Constitution).

## **CHAIRMAN OF SCRUTINY COMMISSION/COMMISSIONER**

### **DUTIES AND RESPONSIBILITIES OF CHAIRMAN**

- 1 To Chair the Scrutiny Commission in accordance with the procedures set out in the Council's Constitution and the advice contained in the booklet entitled 'The Chairman's Guide'.
- 2 To attend briefing and agenda setting meetings.
- 3 To participate in the agenda setting process in conjunction with the Democratic Services, Scrutiny and Governance Manager.
- 4 To present items and reports to the Council and the Cabinet Executive as spokesperson for the Scrutiny Commission.

### **DUTIES AND RESPONSIBILITIES OF A COMMISSIONER**

- 1 To assist the Scrutiny Commission to carry out its duties and provide a strong link between the Commission and Members of the Council.
- 2 To act, in conjunction with the other Scrutiny Commissioners, as business managers for the Scrutiny Commission in respect of:-
  - (a) Proposing, in conjunction with the Democratic Services, Scrutiny & Governance Manager, a programme of work for the Scrutiny Commission.
  - (b) Agreeing work programmes for any Scrutiny Working Groups.

- (c) Offering advice and assistance to:
- The Scrutiny Commission
  - Scrutiny Working Groups
  - Scrutiny Working Group Lead Members
- (d) Keeping abreast of legislative and best practice developments and advising appropriately:
- The Scrutiny Commission
  - Scrutiny Working Group Lead Members
- (e) Ensuring that proper arrangements exist to facilitate co-ordinated working between the Scrutiny role and appropriate Partnerships and Outside Bodies
- (f) Managing elements of the Scrutiny Commission’s work programme.
- (g) Instigating performance reviews of the scrutiny function.
- (h) Managing the allocation of Members to the Scrutiny Working Groups.
- (i) Providing mentoring, advice and assistance to Scrutiny Working Group Lead Members in:
- Scoping review work and identifying its remit
  - Leading review work
  - Conducting, completing and reporting on review work
- (j) Reporting on reviews, outcomes and recommendations to Scrutiny Commission, Cabinet and Council.

## OFFICER DELEGATION SCHEME

The delegated powers specified in the Cabinet Executive Officer Delegation Scheme shall, so far as they fall within the functions, powers and duties of this body, constitute the delegated powers of this body. Where those delegated powers are specified in the case of the Cabinet Executive as being exercised in consultation with a Portfolio Holder, such delegated powers shall be exercised within this body’s functions, powers and duties.

<b>Officer Delegation Scheme</b>	
	To add items to the Annual Scrutiny Work Programme.
	D as appropriate/CSGM/DSGM in consultation with two out of the three Scrutiny Commissioners

## SCRUTINY WORKING GROUPS

The Scrutiny Commission may set up Working Groups to undertake specified scrutiny work. These Working Groups will report to the Scrutiny Commission.

### GENERAL

- Advisory groups with no delegated powers other than to carry out the functions set out below.
- These groups report to the Scrutiny Commission.
- These groups consider such Scrutiny Work Programme items as are allocated to them by the Scrutiny Commission or by an Officer under delegated powers.

### MEMBERSHIP, CHAIRMANSHIP AND QUORUM

- Number of Members: 5 - 10
- Allocation of Members to Scrutiny Working Groups will normally be by self-selection and managed by the Commissioners.
- The Scrutiny Working Group Lead Member may be selected by the Members of the Working Group for individual work topics.
- Whether Proportionality applies: NO
- Eligibility/Non-Eligibility for Membership:
  - Members - All Non Executive Members
  - No Substitutes

As Scrutiny Working Groups are not decision making bodies, membership of Scrutiny Working Groups is not restricted to Members of the Scrutiny Commission.

**NB** A member may not scrutinise a decision in which he/she has been directly involved.

- Eligibility/Non-Eligibility for Chairmanship/Vice-Chairmanship:
  - This will be any non-Executive Member.

- May be chaired by a Commissioner or nominated non-Executive Member.
- Quorum: **3**

## **PROCEDURES**

### **Rights to see, requisition and call to appear**

The Scrutiny Working Groups have the right:

- to see Cabinet Executive papers (which must be treated with the necessary confidentiality given to them by the Council's procedures)
- to requisition all relevant documents held by the Council (which must be treated with the necessary confidentiality given to them by the Council's procedures)
- to call Members and Officers to appear before.

### **Functions of the Scrutiny Working Groups**

To consider and report to the Scrutiny Commission on any matters requested by the Scrutiny Commission, including:

- undertaking performance reviews
- undertaking policy reviews
- advising the Cabinet Executive upon issues affecting service delivery
- testing the use of delegated powers

### **Delegated Powers**

None, but may make recommendations to the Scrutiny Commission.