

## **Article 6 - Overview and Scrutiny Committees**

### **6.01 Appointment of overview and scrutiny committees**

The Council will appoint the following overview and scrutiny committees to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000. The Council will vary the number and scope of committees from time to time.

- (i) Audit, Best Value and Community Services Scrutiny Committee
- (ii) Economy, Transport and Environment Scrutiny Committee
- (iii) Adult Social Care and Community Safety Scrutiny Committee
- (iv) Children's Services Scrutiny Committee
- (v) Health Overview and Scrutiny Committee

### **6.02 Proceedings of overview and scrutiny committees**

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

### **6.03 Functions of overview and scrutiny committees**

Within the scope of their terms of reference, overview and scrutiny committees shall:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and recommendations to the full Council and/or the Cabinet, or a joint or area committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Leader, Cabinet, individual cabinet members or any joint or area committees in accordance with the procedure outlined in the Constitution;
- (v) consider any Councillor Call for Action (CCfA) in accordance with the agreed procedure; and
- (vi) Consider any petition in accordance with the Petition Scheme.

6.04 **Powers of overview and scrutiny committees**

- (a) **Policy development and review:** Overview and scrutiny committees may:
- (i) assist the Council, Leader and Cabinet in the development of the budget and policy framework by undertaking analysis of policy, performance and resource issues;
  - (ii) undertake research, community (and other) consultation in support of policy development and review functions;
  - (iii) consider and implement mechanisms to encourage and enhance community participation in matters being reviewed;
  - (iv) question the Leader, members of the Cabinet and/or committees and the Chief Executive and Directors about their views on issues and proposals affecting the area; and
  - (v) liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny:** Overview and scrutiny committees may:
- (i) review and scrutinise decisions made by the Leader, Cabinet, committees and council 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 and performance targets;
  - (iii) question the Leader, Cabinet members, committees, the Chief Executive and Directors about their decisions and performance, whether generally in relation to service plans and targets over time, or in relation to particular decisions, initiatives or projects;
  - (iv) make recommendations to the Cabinet and full Council arising from the outcome of scrutiny projects;
  - (v) review and scrutinise the performance of other public bodies in the area; this can be achieved by requesting representatives of these bodies to:

- (a) submit reports and/or other written information to an overview and scrutiny committee;
  - (b) attend and address an overview and scrutiny committee about their activities and performance;
  - (c) host a site visit by members of an overview and scrutiny committee.
- (vi) question and gather evidence from any other person (with their consent).
- (c) **Finance.** Overview and scrutiny committees may exercise overall responsibility for the finances made available to them.

#### 6.04 The remit of overview and scrutiny committees

##### **Audit, Best Value and Community Services Scrutiny Committee**

1) To exercise the overview and scrutiny functions and powers in respect of:

- o Strategic Management
- o Policy and performance
- o Legal and Democratic Services
- o Property management
- o Finance
- o Audit and performance
- o Personnel and Training
- o Communications
- o Health scrutiny and review functions
- o Information and Communication Technology (ICT) services
- o Libraries and museum service
- o Archives and records
- o Arts and culture
- o Registration Service
- o Voluntary and community sector
- o Functions not specifically within the scope of the other scrutiny committees.

2) To exercise the Audit Committee functions as follows:

1) To review and provide independent scrutiny in relation to all internal and external audit matters.

2) To consider the effectiveness of the Council's risk management processes, internal control environment and corporate governance arrangements and to recommend any changes to Governance Committee or Cabinet as appropriate.

3) To consider the external auditor's annual letter and the Chief Internal Auditor's annual report and opinion and the level of assurance they can give over the Council's risk management processes, internal control environment and corporate governance arrangements.

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- 4) To review and scrutinise the effectiveness of management arrangements to ensure probity and legal and regulatory compliance, including, but not limited to contract procedure rules, financial regulations, codes of conduct , anti fraud and corruption arrangements and whistle-blowing policies.
- 5) To consider the major findings of internal and external audit and inspection reports, and Directors' responses, and any matters the Chief Internal Auditor or District Auditor may wish to discuss (in the absence of Directors if necessary).
- 6) To review the Council's assurance statements, including the Annual Governance Statement, ensuring that they properly reflect the risk environment, and any actions required to improve it.
- 7). To review the internal audit strategy and annual plan and the external auditor's annual audit and inspection plan and to monitor performance of both internal and external audit.
- 8) To review the annual statement of accounts and the external auditor's report to those charged with governance.
- 9) To discharge the Council's health scrutiny and review functions

### **Economy, Transport and Environment Scrutiny Committee**

To exercise the overview and scrutiny functions and powers in respect of:

- Planning
- Environment
- Highways
- Transport
- Road safety
- Waste and minerals
- Rights of way and countryside maintenance
- Flood risk management
- Coastal erosion risk management
- Economic development, skills and infrastructure
- Trading Standards
- Gypsies and travellers
- Emergency Planning

**Adult Social Care and Community Safety Scrutiny Committee**

To exercise the overview and scrutiny functions and powers in respect of:

- Commissioning and delivery of social care services for adults and older people
- Support for carers
- Universal preventative and 'signposting' services related to social care for adults and older people
- Safeguarding vulnerable adults
- Crime and disorder matters (as specified in the Police and Justice Act 2006), Community Safety including the work of the East Sussex Safer Communities Steering Group

**Children's Services Scrutiny Committee**

To exercise the overview and scrutiny functions and powers in respect of:

- Early years, childcare and extended schools services
- Learning and school effectiveness
- Inclusion support services
- Adult education
- Commissioning and delivery of social care services for children and young people
- Health services exercised by the County Council where they relate to children and young people
- Safeguarding vulnerable children and young people
- Looked after children
- Youth development services
- Youth offending services

**Health Overview and Scrutiny Committee (HOSC)**

To exercise the specific functions given to local authorities to scrutinise the health services within their locality as follows:

- 1) To scrutinise matters relating to the provision of health care and to promote the equality of opportunities in health care for the inhabitants of East Sussex.
- 2) To make reports and recommendations to local NHS bodies, as defined, patients' representatives, the County Council and to other relevant bodies on matters affecting the provision of health care for the inhabitants of East Sussex.
- 3) To respond to consultation by any local NHS body or Foundation Trust with reference to any proposal for substantial development of the health service in the County, and/or affecting the inhabitants of East Sussex or for a substantial variation in the provision of such service excluding pilot schemes (within the meaning of Section 4 of the National Health Service (Primary Care) Act 1997 and urgent proposals as defined in Regulation 4(3) of the Local Authority (Overview and Scrutiny Committees Health and Scrutiny Functions) Regulations 2002) and to make comments by the due date specified by the local NHS body referring the matter.

- 4) To report to the local NHS body or to the Secretary of State in writing in any case where the Committee is not satisfied that:
  - a) consultation on any proposal has been adequate in relation to content or time allowed or;
  - b) that the reasons given by the local NHS body for failing to consult because of urgency are not adequate.
- 5) To make representations to the Secretary of State in writing on any such proposals as are referred to above whether in support or against such proposals having considered whether or not such proposals would be in the interests of the provision of health care for the inhabitants of East Sussex.
- 6) To evaluate and review the effectiveness of the implementation or other outcome of its recommendations in improving the health services for the inhabitants of East Sussex.
- 7) To undertake all the statutory functions of the scrutiny committee in accordance with Section 7 and regulations under that section, of the Health and Social Care Act 2001, relating to reviewing and scrutinising health service matters.
- 8) To encourage the County Council, District and Borough Councils to take into account the implications of their policies and activities on health and the promotion of equality in the provision of health care.
- 9) To contribute to the development of policy to improve the provision of health care for the inhabitants of East Sussex.
- 10) To respond to or make proposals for joint scrutiny of health provision in adjoining areas which may impact on the provision of health care for the inhabitants of East Sussex.
- 11) In all of the above, to seek, and take account of, views of the inhabitants of East Sussex.