

## Rother District Council

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| Report to     | - | Overview and Scrutiny Committee |
| Date          | - | 10 June 2019                    |
| Report of the | - | Executive Directors             |
| Subject       | - | Role and Functions              |

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**Recommendation:** It be **RESOLVED:** That the report be noted.

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### Introduction

1. As part of the Members Induction process for 2019, it has been agreed that a report outlining each Committee's roles and responsibilities will be presented to the first meeting of each Committee in the new municipal year.
2. The Local Government Act 2000 states that Councils must have at least one Committee that has the power to review or scrutinise decisions or actions which affect the authority's area or its residents. The more recent Local Government Act 2007 provides for wider security powers to include external scrutiny of other organisations. The Scrutiny Committee acts as a critical friend to the Cabinet (Executive) and other local service providers, helping to monitor performance and develop policies, and also has the power to hold the Cabinet to account by "calling in" decisions before or after they have been taken.
3. The OSC is comprised of 12 Members appointed in accordance with political balance rules. All Members of the Council are entitled to attend meetings of this Committee and are able to address it with the Chairman's consent. Although this Committee is governed by the Council Procedure Rules that apply to all meetings of Committees and Sub-Committees (Part 4-1 of the Constitution), meetings are usually conducted in a more informal way.
4. The OSC receives reports largely on the external facing services of the Council, as well as partner organisations and stakeholders. The Annual Work Programme reported elsewhere on this agenda will give an understanding of the types of reports that will be submitted to the Committee over the coming municipal year. When considering the Work Programme, this is an opportunity for Members to discuss potential items that they may want to include on it.
5. Attached at Appendix A is a copy of the OSC's Terms of Reference. The Committee can report direct to Cabinet on matters where Members of the OSC have given express authority or where timescales dictate. The Committee also reports directly to full Council in accordance with Article 6 of the Council's Constitution when making an annual report and call-in report. A copy of the Committee and Decision Making Structure of Rother District Council is attached at Appendix B.
6. The general responsibilities of the OSC (in accordance with Article 6 of the Constitution) include:

- Assisting the Council and the Executive in the development of its budget and policy framework;
  - Considering and implementing mechanisms to encourage and enhance community participation in the development of policy options; and
  - Reviewing and scrutinising the performance of other public bodies in the area and inviting reports from them by requesting them to address the OSC and local people about their activities and performance.
7. The remaining dates arranged for meetings of the Committee for the 2019/20 municipal year are as follows:
- 2019:** 22 July; 9 September; 14 October; and 25 November.  
**2020:** 27 January; 16 March; and 27 April.
- However, the Chairman may call additional meetings throughout the year as required.
- During the last Council, meetings of the OSC were held on a Monday evening at 6:30pm.
8. As part of the Council's commitment to Member training and development, specific Committee training has been arranged. The Overview and Scrutiny Training day for this year took place on Friday 24 May and was presented by an external trainer.

## **Conclusion**

13. This report outlines the key role and functions of the OSC.

Malcolm Johnston  
Executive Director

Dr Anthony Leonard  
Executive Director

## **Risk Assessment Statement**

There are no risks associated with this report.

## Overview and Scrutiny Committees

### 6.1 Terms of reference

The Council will appoint at least one Overview and Scrutiny Committee to discharge the following functions conferred by section 21 of the Local Government Act 2000:

- Provision and management of cultural, domestic, housing, leisure and recreational activities and facilities.
- Food Hygiene, Health and Safety and Licensing.
- Crime and Disorder Committee.
- Review of the provision of education, health and social services by other authorities and agencies.
- Economic Growth & Employment.
- Regeneration Partnerships.
- Tourism Promotion.
- Protection & enhancement of the Built and Natural Environment.
- Sustainability issues.
- Planning and Transport.
- Emergency Planning.
- Local democracy and the achievement of effective, transparent and accountable decision making.
- Consultation arrangements.
- Modernisation.
- Corporate strategy - performance management aspects.
- Monitoring of the Council's key plans, policies and strategies.
- Publication of performance information.
- Council's Annual Report.
- Council's significant partnerships - contracts and service level agreements
- Capital and revenue budgets.
- Medium Term Financial Revenue Strategy; the Capital Strategy; the Asset Management Plan; and the Procurement Strategy.
- Development / review of the budget consultation process.

### 6.2 General role

Within their terms of reference, Overview and Scrutiny Committees will:

- (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/or recommendations to the Council and/or the Executive and/or any joint or area Committee in connection with the discharge of any of the functions of the Council or the Executive, as appropriate;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any Area Committees appointed.

### 6.3 Specific functions

- (a) **Policy development and review.** Overview and Scrutiny Committees may:
- (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
  - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
  - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - (iv) engage with and question Members of the Executive and / or Executive Directors, Heads of Service or such other officers as may be determined by the appropriate Executive Director, about their views on issues and proposals affecting the area; and
  - (v) 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.
- (b) **Scrutiny.** Overview and Scrutiny Committees may:
- (i) review and scrutinise the decisions made by and the performance of the Executive and/or Council officers both in relation to individual decisions and the impact of those decisions over time;
  - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - (iii) engage with and question Members of the Executive, Executive Directors, Heads of Service or such other officers as may be determined by the appropriate Executive Director, 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;
  - (iv) make recommendations to the Executive and/or Council arising from the outcome of the scrutiny process;
  - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and residents about their activities and performance; and
  - (vi) engage with and question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for any finances made available to it
- (d) **Annual report.** Overview and Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

### 6.4 Proceedings of Overview and Scrutiny Committee

Overview and Scrutiny Committees and any appointed formal Sub-Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

