

## **6 Article 6 – Overview and Scrutiny Committee**

### **6.1 Appointment and membership**

The Council will appoint one Committee 'the Overview and Scrutiny Committee' comprising such number of Councillors, not being less than eight, as may be determined by Council from time to time.

6.2 Membership of the Overview and Scrutiny Committee shall be required to reflect the political balance of the Full Council.

6.3 The Overview and Scrutiny Committee has the power to appoint sub-committees; and also to appoint panels, to be known as Review and Scrutiny Panels to undertake the detailed review or scrutiny of any issue referred to them by the Committee. Such panels shall not be regarded as sub-committees of the Overview and Scrutiny Committee.

6.4 Membership of sub-committees of the Overview and Scrutiny Committee may include co-opted members who are Councillors but not members of the Overview and Scrutiny Committee itself, but only where that is permitted by any applicable law and this Constitution.

6.5 All sub-committees of the Overview and Scrutiny Committee must have Delegations agreed by the Overview and Scrutiny Committee.

6.6 A Member of the Executive may not be a member of the Overview and Scrutiny Committee nor of any sub-committee or Panel appointed by it.

6.7 Where a Councillor has been appointed to assist a Member of the Executive in any examination, that Councillor shall not take part in any review of the same matter conducted by the Overview and Scrutiny Committee, or of any of its sub-committee or Panels.

### **6.8 Delegations**

The Overview and Scrutiny Committee shall have the following Delegations –

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive, and in particular: –

(i) to review or scrutinise any Executive decision or action referred to it under the provisions of the Overview and Scrutiny call-in procedures set out in Appendix 11 of this Constitution;

(ii) to make reports to the Council or the Executive as the case may be in respect of any review or scrutiny of –

- (A) Executive functions; or
  - (B) any decisions or actions referred to it under the call-in procedure;
- (b) to review or scrutinise decisions made, or other action taken, and to make reports to the Council in connection with the discharge of any functions which are not the responsibility of the Executive;
  - (c) to make reports to the Council on any matter which may affect the area of the Council or its inhabitants, and in particular –
    - (i) to prepare and implement a programme of policy reviews;
    - (ii) to consider and report on any area of policy development; and
    - (iii) to consider and report on any area of policy review, insofar as they may affect the area of the Council or its inhabitants; and
  - (d) to review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas.

#### 6.9 **Work programme and process**

The Overview and Scrutiny Committee will prepare and make publicly available –

- (a) its own work programme;
- (b) the Delegations, programme and project timetable of each Sub-Committee and Scrutiny Panel as soon as practicable after appointment.

6.10 The work programme of the Committee and any of its Sub-Committees shall contain a statement of how the views of local people and other stakeholders are to be obtained.

6.11 The Committee will develop its work programme having regard to its powers and functions and –

- (a) advice from Community Councillors and Area Committees;
- (b) major issues identified in the Corporate Strategy and Forward Plan of the Council;
- (c) Local Community Plans;

- (d) issues likely to be of interest or concern to the people of North Devon;
  - (e) national and international issues which may have an impact on North Devon;
  - (f) requests of the Executive and Full Council.
- 6.12 In discharging their respective functions, the Overview and Scrutiny Committee and any of its Sub-Committees or Panels may –
- (a) obtain the views of the public, stakeholders and experts on the matters at issue;
  - (b) take evidence from sources outside the Council;
  - (c) invite the attendance at meetings of persons outside the Council;
  - (d) require members of the Executive or officers of the Council to attend meetings and to answer questions;
  - (e) consider written submissions; and
  - (f) appoint experts to assist its consideration of any issue within its remit.
- 6.13 Any member of the Overview and Scrutiny Committee or of any of its Sub-Committees may require that any matter relevant to the functions of the Overview and Scrutiny Committee or Sub-Committee respectively is placed on the agenda and discussed at a meeting of the Overview and Scrutiny Committee or Sub-Committee as the case may be.
- 6.14 The Chairman of the Overview and Scrutiny Committee shall make a quarterly report to Council on the progress in performance of the work programme, and such reports shall contain recommendations for future work programmes and any amended working methods which it considers appropriate.
- 6.15 **Openness and transparency**
- Unless and to the extent that the information to be imparted is exempt or confidential within the meaning of the Local Government Act 1972 and the Local Government Act (Executive Arrangements) (Access to Information) (England) Regulations 2000 –
- (a) all meetings of the Overview and Scrutiny Committee itself and of its Review and Scrutiny Panels shall be held in public; and
  - (b) all reports by the Overview and Scrutiny Committee and its Review and Scrutiny Panels shall be open reports and publicly available.