

**Report to:** Council

**Date:** 4th March 2009

**Subject:** Establishment of an Overview and Scrutiny  
Coordinating Committee and Four Scrutiny Committees

**Report of:** Service Director Borough Solicitor

**Contact officer:** Peter Hassett (Telephone: 01942 ) 827381

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**Purpose / summary:** To invite Council to amend its scrutiny arrangements as detailed in a report considered by Cabinet and Overview and Scrutiny Committee (attached)

**Alternative options considered and reason for selecting the one recommended:** There is the option of not amending the Council's scrutiny arrangements but this will not achieve a strong overview and scrutiny process to ensure a modern approach to leadership and decision making.

**Recommendation / decision:** It is recommended that Council amend its scrutiny arrangements by:

1. Disestablishing the existing five Advisory Panels and (possibly in a phased manner) the Overview and Scrutiny Select Committees
2. Changing the name of the Overview and Scrutiny Committee to the Overview and Scrutiny Coordinating Committee and agreeing the terms of reference of that Committee
3. Establishing, and agreeing the terms of reference, of four Scrutiny Committees to mirror the four thematic and delivery partnerships of the Local Strategic Partnership namely
  - The Children Young People and Families Scrutiny Committee
  - The Adult Health and Wellbeing Scrutiny Committee
  - The Building Stronger Communities Scrutiny Committee
  - The Economy Environment Culture and Housing Scrutiny Committee

4. Confirming the numbers of Members on the new Committees, either
  - 15 members on each committee, or
  - (as existing) 23 members on Overview and Scrutiny Committee and 12 on each Scrutiny Committee
5. Confirming call-in arrangements either
  - all call-ins to be referred to Overview and Scrutiny Coordinating Committee, or
  - call-ins to be referred to relevant Scrutiny Committee or the Overview and Scrutiny Committee if general in nature
 and confirming which members may call-in a decision – report suggests any six Members (other than Executive Members)
6. Confirming arrangements for Co-Opted Members either
  - confirm existing nomination arrangements
  - or
  - permit scrutiny committees to review nominations

**Key Decision:** This report does not involve a key decision.

**Risks / Implications:**

Financial:	None identified
Staffing:	None identified
Policy:	Amendment to Wigan Council Constitution
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	No, a diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report
Wards affected:	All

**Property Implications– Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?**

No

**Does this proposal have significant implications for the Council and the local population?**

No

**Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?**

No

Has the Service Director Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the

**Yes**

Council's Constitution?

Has the Service Director Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council's budget? **Yes**

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

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**Tracking/Process:**

Audit Governance & Improvement Review	Consultation	Ward Members	Partners
31 July 2008			
Panel	Overview & Scrutiny	Cabinet	Council
Children & YP 17/7/08 Community Protection 21/7/08 Adult Services 22/7/08 Regeneration 23/7/08 Environment 30/7/08	14 July 2008 9 February 2009	26 June 2008 11 December 2008 19 February 2009	4 March 2009

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Document	Date	File Reference	Place of Inspection
Wigan Council Constitution			Service Director Borough Solicitor, Town Hall, Library Street, Wigan WN1 1YN

Proper Officer K P Lawson

Date 23<sup>rd</sup> February 2009



## This is an Open Report

**Report to:** Overview and Scrutiny Committee  
Cabinet

**Date:** 9<sup>th</sup> February 2009  
19<sup>th</sup> February 2009

**Subject:** Establishment of an Overview and Scrutiny  
Coordinating Committee and Four Scrutiny Committees

**Report of:** Service Director - Borough Solicitor

**Contact officer:** Peter Hassett (Telephone: 01942 827381)

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**PURPOSE/SUMMARY:** To invite Cabinet to recommend that Council amend its decision taking structure as detailed in the report

**ALTERNATIVE OPTIONS CONSIDERED AND REASON FOR SELECTING THE ONE RECOMMENDED:** There is the option of not amending the Council's decision taking structure but this will not achieve a strong overview and scrutiny process to ensure a modern approach to leadership and decision making.

**RECOMMENDATION/DECISION:** That Cabinet recommend that Council amend its decision taking structure by:

- Disestablishing the five Advisory Panels and the four Overview and Scrutiny Select Committees
- Changing the name of the Overview and Scrutiny Committee to the Overview and Scrutiny Coordinating Committee and agreeing the terms of reference of that Committee
- Establishing, and agreeing the terms of reference, of four Scrutiny Committees to mirror the four thematic and delivery partnerships of the Local Strategic Partnership

That Cabinet consider which of the options referred to in paragraph 16 for the number of Members to have on the Overview and Scrutiny Coordinating Committee and the four

Scrutiny Committees it recommends to Council

That Cabinet consider which of the options for call-in referred to in paragraph 21 above it recommends to Council

That Cabinet consider which of the options for the Co-opted Membership of the four Scrutiny Committees referred to in paragraph 26 above it recommends to Council

**Key Decision:**

This report does not involve a key decision.

A decision will be made as a result of this report and will be published within 48 hours.

**Risks / Implications:**

Financial:	None identified
Staffing:	None identified
Policy:	Amendment to Wigan Council Constitution
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	No, a diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report
Wards affected:	All

**Property Implications– Does the proposal involve a reduction, addition or change to the Council’s asset base or its occupation?**

No

**If yes have the property implications been agreed with the Corporate Property officer?**

**Does this proposal have significant implications for the Council and the local population?**

No

**Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?**

No

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Has the Service Director - Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council’s Constitution?

**Yes**

Has the Service Director – Corporate Services confirmed that any expenditure referred to within this report is consistent with the

**No**

Council's budget?

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

**For Cabinet reports only :**

Categorisation of the report:	<b>X</b>		<b>X</b>
Discussion leading to a decision	<b>X</b>	Discussion	
Monitoring		Decision	
Sharing for corporate understanding		Information	

**Tracking/Process:**

Audit Governance & Improvement Review	Consultation	Ward Members	Partners
31 <sup>st</sup> July 2008			
Panel	Overview & Scrutiny	Cabinet	Council
Children & YP 17/7/08 Community Protection 21/7/08 Adult Services 22/7/08 Regeneration 23/7/08 Environment 30/7/08	14 July 2008 9 <sup>th</sup> February 2009	26 June 2008 11 December 2008 19 February 2009	4 March 2009

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Document	Date	File Reference	Place of Inspection
Wigan Council Constitution			The Service Director Borough Solicitor, Town Hall, Library Street, Wigan

Proper Officer Kevin Lawson

Date 3<sup>rd</sup> February 2009

## **BACKGROUND:**

1. On 26<sup>th</sup> June 2008 Cabinet considered a report regarding the review of Advisory Panels and Overview and Scrutiny Select Committees and resolved to endorse the proposals to:
  - a) Disestablish the five Advisory Panels and the four Overview and Scrutiny Select Committees
  - b) Change the name of the Overview and Scrutiny Committee to the Overview and Scrutiny Coordinating Committee
  - c) Establish four Scrutiny Committees to mirror the four thematic and delivery partnerships of the Local Strategic Partnership (Wigan Borough Partnership) as follows:
    - i) Children, Young People and Families Scrutiny Committee;
    - ii) Adult, Health and Wellbeing Scrutiny Committee
    - iii) Building Stronger Communities Scrutiny Committee
    - iv) Economy, Environment, Culture and Housing Scrutiny Committee

and authorised the Service Director Borough Solicitor and the Service Director - Business Transformation to seek the views of the Overview and Scrutiny Committee, the Audit Governance and Improvement Review Committee and the Advisory Panels and to report back to the Cabinet.

2. The responses of the Committees and Panels listed above were reported back to Cabinet on 11<sup>th</sup> December 2008 and Cabinet authorised the Service Director Borough Solicitor to examine the implications of the comments made by Members and bring a further report back to Cabinet setting out the detail of terms of reference and proposed membership for the Committees with a view to implementation in the next municipal year.

## **RESPONSES TO CONCERNS RAISED BY MEMBERS**

### **Capacity of the four Scrutiny Committees**

3. An issue from all Panels consulted was the capacity and remit of the four Scrutiny Committees, in particular the Economy, Environment, Culture and Housing Scrutiny Committee. In response, the terms of reference incorporate a provision that the Overview and Scrutiny Coordinating Committee and the four Select Committees all have the ability to establish ad hoc Sub-Committees, as required, to assist them in carrying out reviews.
4. It is recommended that the Overview and Scrutiny Coordinating Committee meet twice per eight week Council cycle and that the four Select Committees meet once per Council cycle but that the frequency of meeting be kept under review.

## **Health Issues Relating to Children and Young People**

5. Members asked for clarity about where health issues relating to children and young people would be scrutinised. It is recommended that in principal the Health Scrutiny function (including health issues relating to children and young people) be undertaken by the Adult, Health and Wellbeing Scrutiny Committee. Members are further advised that where a matter has implications for two Scrutiny Committees the Overview and Scrutiny Coordinating Committee shall decide upon which of the Scrutiny Committees shall have jurisdiction of the matter and may decide it to be appropriate to convene a joint meeting of two or more Scrutiny Committees to consider a particular matter as necessary.

## **The Ability of Portfolio Holders to Chair or be Members of the Four Scrutiny Committees**

6. Members asked if portfolio holders would be able to chair or sit on the Overview and Scrutiny Coordinating Committee or the four Scrutiny Committees. In response, Members are advised that Cabinet Members are prevented by law from also being Members of an Overview and Scrutiny Committee or Sub-Committee. This will also extend to the four Scrutiny Committees. There is however nothing to prevent the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees approving a Portfolio Holder being present at their meetings, if the Committee so wishes, to answer questions, etc. Such a Cabinet Member would however have no entitlement to vote.
7. In addition, Members may consider it appropriate to have a specific agenda item, or items, at which the portfolio holder may inform the Scrutiny Committee of any relevant Cabinet decisions (or any other matters relevant to the Committee) and may answer any questions the Members of the Scrutiny Committee may have.

## **Appointment of Chairmen**

8. Members asked if the new proposals would change the way that Chairmen are selected and whether opposition Chairmen would be accepted. In response, Members are advised that Council has power to appoint the Chairmen, Vice-Chairman and Members of the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees. If Council does not appoint a Chairman to any one of those five Committees, then the Committee concerned may, under Rule 7 of the Overview and Scrutiny Procedure Rules, appoint a Chairman itself from within its Membership.

9. Members are reminded that the Government has issued advice on the composition of Overview and Scrutiny Committees as follows:

*“ In deciding the membership of overview and scrutiny committees, local authorities will need to take into account the particular skills and expertise required to ensure that thorough and informed reviews take place. They should consider whether to include those who are not members of the local authority to bring outside views to the work of such committees.*

*Where there is a majority group, local authorities might consider it appropriate to have all or some of these committees chaired by members outside the majority group or by church or parent governor representatives. Overview and Scrutiny should be constructive and not merely be there either always to oppose the executive or to rubber stamp the executive's decision.*

10. Council has appointed Members from the majority Labour Group to be the Chairmen of the current Overview and Scrutiny Committee and the four current Select Committees. It has also appointed a Labour Group Member and a minority Group Member to be the two Vice-Chairmen of the Overview and Scrutiny Committee. The four current Select Committees do not have Vice-Chairmen appointed. In appointing the Chairmen, and any Vice-Chairmen, of the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees Council will be required to have regard to the government advice referred to in paragraph 9 above.

### **CIPFA Guidance Regarding the Composition of the Audit Governance and Improvement Review Committee**

11. Members referred to CIPFA guidance which provides that the composition of the Audit Governance and Improvement Review Committee should only include one member of the Cabinet and one member of the Overview and Scrutiny Committee. The Guidance is intended to ensure that the Audit Governance and Improvement Review Committee remains independent of the Executive and the Overview and Scrutiny function to enable it to provide effective challenge across the council and independent assurance on the risk management framework and associated internal control environment to members and the public, and can demonstrate the impact of its work.
12. The CIPFA Guidance was followed when the Membership of the current Audit Governance and Improvement Review Committee Membership was established. Members are advised that the view can be taken that the CIPFA Guidance should only apply to the Overview and Scrutiny Coordinating Committee. To do otherwise would severely limit the membership of either the Scrutiny Committees or the Audit Governance and Improvement Review Committee. This interpretation is being clarified with the Audit Commission. Therefore it is anticipated that there will be no restriction on the number of Members who sit on both a Scrutiny Committees and the Audit Governance and Improvement Review Committee.

## **Prejudicial Interests Under the Members' Code of Conduct**

13. Members are reminded that paragraph 11 of the Members' Code of Conduct has the effect of giving Members a prejudicial interest in any business before the Overview and Scrutiny Coordinating Committee where that business relates to a decision made (whether implemented or not) or action taken by a Scrutiny Committee and at the time the decision was made or action was taken, the Member of the Scrutiny Committee and he/she was present when that decision was made or action was taken. This provision should be borne in mind by the Group Leaders when they nominate the Membership of the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees.

## **PROPOSALS**

### **Disestablishment of the Overview and Scrutiny Committee and the Five Advisory Panels**

14. It is recommended that the Overview and Scrutiny Committee, the five Advisory Panels and the four Overview and Scrutiny Select Committees be disestablished on 20<sup>th</sup> May 2009

### **Membership of the New Committees**

15. In addition to the Co-opted Members the Overview and Scrutiny Committee currently consists of 23 Council Members and each of the Advisory Panels currently consists of 12 Members of the Council, making a total number of seats for elected Members of 83. It is believed that the Overview and Scrutiny Committee Membership is so large to enable the Membership of the four current Select Committees to be drawn from the Members of the Overview and Scrutiny Committee.
16. In the recommended new structure the Membership of the four Scrutiny Committees will not be drawn solely from the Membership of the Overview and Scrutiny Coordinating Committee. Members therefore have the following options
  - OPTION A** – Members have the option of retaining the same membership profile in the new structure of 23 elected Members on the Overview and Scrutiny Coordinating Committee and 12 elected Members on each of the four Scrutiny Committees, giving a total elected membership of 71 Members.
  - OPTION B** - Members could alternatively agree to having 15 elected Members on each of the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees.

Given that option B would give 75 seats in total available on the five new Committees compared with the 71 seats available if option A were adopted, it is recommended that option B be adopted.

17. It is therefore recommended that with effect from 20<sup>th</sup> May 2009 the following Committees be established:
- Overview and Scrutiny Coordinating Committee, consisting of the Chairmen of each of the four Scrutiny Committees listed below and 11 other Members (making a total of 15 Members) plus Co-opted Members
  - Children, Young People and Families Scrutiny Committee, consisting of 15 elected Members plus Co-opted Members (if any)
  - Adult, Health and Wellbeing Scrutiny Committee, consisting of 15 elected Members plus Co-opted Members (if any)
  - Building Stronger Communities Scrutiny Committee, consisting of 15 elected Members plus Co-opted Members (if any)
  - Economy, Environment, Culture and Housing Scrutiny Committee, consisting of 15 elected Members plus Co-opted Members (if any)
18. It is recommended that the Constitution be amended such that:
- any reference to the “Overview and Scrutiny Committee” is amended to read “Overview and Scrutiny Coordinating Committee”;
  - any reference to an Advisory Panel is amended to read the appropriate Scrutiny Committee; and
  - any reference to an Overview and Scrutiny Select Committee is amended to read the appropriate Scrutiny Committee.

### **Call-in Provisions**

19. Members are advised that the guidance issued by the Secretary of State on the operation by local authorities of executive arrangements under the Local Government Act 2000 provides:

*“Call-in should only be used in exceptional circumstances. Local Authorities should ensure that the executive arrangements ensure that any call-in procedure is not abused or used unduly to delay decisions or slow down the process of decision making. In particular the executive will, from time to time, need to take decisions which need to be implemented quickly. Local authorities will need to develop local conventions and protocols to prevent abuse of an overview and scrutiny committee’s power to recommend that a decision made, but not yet implemented, be reconsidered. Local authorities should keep the operation of any call-in arrangements under review to ensure that they are not abused with an associated negative effect on the efficiency of executive decision making.”*

20. Currently, the powers to call-in decisions of Cabinet and Key Decisions of officers can be exercised by the Chairman of the Overview and Scrutiny Committee or any six Members of that Committee and all call-ins are considered by the Overview and Scrutiny Committee. However, in the new scrutiny structure the four Scrutiny Committees will operate differently from the current Overview and Scrutiny Select Committees and will specialise in scrutiny of particular areas. Consideration needs to be given therefore to the exercise of call-in powers in relation to these areas.
21. Various options can be considered under the new structure for call-ins:

**OPTION A - All call-ins are referred to the Overview and Scrutiny Coordinating Committee for consideration.**

This is similar to the position currently adopted by the Council. If this process were to be adopted Members could:

- A(i) allow call-ins to be made by the Chairman of the Overview and Scrutiny Coordinating Committee alone, as at present, or
- A(ii) could amend the relevant Rule such that the agreement of the Vice-Chairman (or Chairmen as the case may be) is also required.

Call-in can also be exercised currently by six Members of the Overview and Scrutiny Committee.. If the recommendation to have 15 Members on the Overview and Scrutiny Coordinating Committee is followed then Members have the option of:

- A(iii) retaining the requirement to have six Members of the Overview and Scrutiny Committee to exercise the power of call-in, or
- A(iv) reducing the number of Members of the Coordinating Committee required to call-in a decision. If the same proportion of Members required to call-in a decision is to be maintained this would suggest a reduction of Members required to call-in a decision to four, or
- A(v) having regard to the government guidance at paragraph 19 above, only reducing the number to five and to review that number in twelve months time.

**OPTION B - Call-ins are referred to the relevant Scrutiny Committee where the decision called-in is within the terms of reference of that Scrutiny Committee. If the decision called in is not specific in nature to any of the four Scrutiny Committees the call-in shall be referred to the Overview and Scrutiny Coordinating Committee for consideration.** If this process were to be adopted it is suggested that the power of call-in be exercisable by the Chairman and Vice-Chairman of the Overview and Scrutiny Coordinating Committee or the relevant Scrutiny Committee (whichever the Head of Paid Service considers applicable in relation to any particular decision). Further, that the call-in power can be exercisable by either:

- B(i) an agreed number (six is suggested) of any of the total Members who sit on the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees; or

B(ii) an agreed number (six is suggested) of any of the Members of Council (excluding the Cabinet Members).

22. Given that in the new scrutiny structure the four Scrutiny Committees will specialise in scrutiny of particular areas it is recommended that option B(ii) above be adopted. Members are reminded however that as Monitoring Officer I am required to monitor and review the operation of the Council's Constitution and must have regard to the Government's guidance referred to in paragraph 19 above to ensure that the call-in procedure is not abused or used unduly to delay decisions or slow down the process of decision making. If option B(ii) is adopted and the power of call-in is abused by Members then as Monitoring Officer I will be required to report the matter back to Members with a suggestion to increase the number required to prevent further abuse.

### **Political Balance**

23. There will be a requirement for the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees to be politically balanced. The allocation of seats available to each of the political Groups on the Council on the various Committees of the Council will therefore require to be recalculated to ensure political balance. The Group Leaders will be consulted prior to the Annual Meeting of the Council in that regard.

### **Terms of Reference**

24. It is also recommended that the above Committees have the Terms of Reference set out in the Appendix to this report and that Article 6 of the Council's Constitution be amended accordingly.

### **Co-opted Members**

25. A number of organisations currently have representatives co-opted onto the Overview and Scrutiny Committee and the five Advisory Panels. It is suggested that the statutory co-opted organisations who currently nominate representatives onto the Overview and Scrutiny Committee and the Children and Young People's Panel be similarly co-opted onto the Overview and Scrutiny Coordinating Committee and the Children, Young People and Families Scrutiny Committee, namely:

#### **Statutory Co-opted(6)**

##### **Representatives of Religious Denominations (3):**

- Roman Catholic;
- Church of England
- Bolton & Rochdale Methodist District/Free Churches

##### **Representatives of Parent Governors (3)**

- Secondary Sector
- Primary Sector
- Special Sector.

The above statutory co-opted Members will be entitled to vote only on education issues considered by the two Committees.

26. In relation to the remaining Co-opted membership of the four Scrutiny Committees Members have the option of:

**OPTION A** – Allowing the same organisations who currently nominate Co-opted Members on to the Advisory Panels to nominate on to the relevant Scrutiny Committee, or

**OPTION B** - Members may consider it to be appropriate that each of the Scrutiny Committees should consider whether it is still appropriate to have permanent Co-opted Members on their Scrutiny Committees.

Given the change in role of the four new Scrutiny Committees compared to the existing Select Committees it is recommended that option B above be adopted.

27. It is suggested that the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees consider and suggest to Council whether any additional organisations be invited to have representatives co-opted onto their Committees. The Local Government and Housing Act provides that such Co-opted Members will not have any voting rights because the Committees will have decision taking powers.

### **Members Allowances**

28. Because it is likely that the agreed amended structure will affect certain Special Responsibility Allowances it is recommended that the amended structure be forwarded to the Independent Remuneration Panel and that the recommendation of the Panel in relation to Members' allowances be considered by Council once received.

### **RECOMMENDATION:**

26. That Cabinet recommend that Council amend its decision taking structure by:
- Disestablishing the five Advisory Panels and the four Overview and Scrutiny Select Committees
  - Changing the name of the Overview and Scrutiny Committee to the Overview and Scrutiny Coordinating Committee and agreeing the terms of reference of that Committee
  - Establishing, and agreeing the terms of reference, of four Scrutiny Committees to mirror the four thematic and delivery partnerships of the Local Strategic Partnership
27. That Cabinet consider which of the options referred to in paragraph 16 above for the number of Members to have on the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees it recommends to Council

28. That Cabinet consider which of the options for call-in referred to in paragraph 21 above it recommends to Council
29. That Cabinet consider which of the options for the Co-opted Membership of the four Scrutiny Committees referred to in paragraph 26 above it recommends to Council

Kevin Lawson  
Service Director Borough Solicitor

## Appendix

### **Article 6 - Overview and Scrutiny Coordinating Committee and the Four Scrutiny Committees**

#### **6.01 Terms of Reference Specific to the Overview and Scrutiny Coordinating Committee**

- a) Discharge the functions conferred by section 21 Local Government Act 2000 & associated Regulations, which are:
  - i) Review and Scrutinise decisions made by the Cabinet and the authority
  - ii) Make reports or recommendations to the authority or Cabinet with regard to the discharge of the Council's functions or in relation to matters that affect the authority's area or the inhabitants of the area
  - iii) Can "call-in" any decision which has been made by the Cabinet (and any Key Decision made by an officer) but not yet implemented to consider if the decision is appropriate
- b) To agree a process for considering Councillor Calls for Action
- c) To agree a process for considering Petitions
- d) Consider Councillor Calls for Action, that are not specific in nature to any of the four Scrutiny Committees.
- e) Consider Petitions that are not specific in nature to any of the four Scrutiny Committees
- f) Review the Council's policies on Corporate Strategic Services and Business Support Services functions together with policy implementation
- g) The general monitoring of the Council's implementation and performance of its Chief Executive Services and Business Support Services functions
- h) Reviews the overall benefit to the public from services provided by the Council and other organisations
- i) Coordination of all scrutiny reviews and related activity throughout the Council including the preparation of an annual scrutiny work programme that fits into the Council's Performance Planning Framework
- j) To consider and make recommendations in relation to the annual workplans of the four Scrutiny Committees
- k) To consider and make recommendations in relation to consultations by any of the four Scrutiny Committees in relation to their setting up a Sub-Committee to consider any particular issue

## **6.02 Terms of Reference Specific to the Children, Young People and Families Scrutiny Committee**

- a) To prepare an annual workplan of scrutiny reviews and to consult with, and consider any recommendations of, the Overview and Scrutiny Coordinating Committee before adopting the same
- b) Hold Portfolio Holders to account for the services within the areas of children, young people and families
- c) Review the overall benefit to the public from services provided by the Council and other organisations within the areas of children, young people and families
- d) Review the Council's policies on functions within the areas of children, young people and families
- e) The general monitoring of the implementation and performance of the Council's services within the areas of children, young people and families
- f) Receive regular performance feedback on areas for improvement/concern and to make recommendations to Cabinet on the policy, implementation and performance of the Council's functions within the areas of children, young people and families
- g) Consider Councillor Calls for Action that are specific in nature to the areas of children, young people and families
- h) Consider petitions that are specific in nature to the areas of children, young people and families
- i) Review and Scrutinise decisions made by the Children, Young People and Families Thematic Partnership insofar as they relate to Council resources.

## **6.03 Terms of Reference Specific to the Adult, Health and Wellbeing Scrutiny Committee**

- a) To prepare an annual workplan of scrutiny reviews and to consult with, and consider any recommendations of, the Overview and Scrutiny Coordinating Committee before adopting the same
- b) Hold Portfolio Holders to account for the services within the areas of adult health and wellbeing
- c) Review the overall benefit to the public from services provided by the Council and other organisations within the areas of adult health and wellbeing
- d) Review the Council's policies on functions within the areas of adult health and wellbeing
- e) The general monitoring of the implementation and performance of the Council's services within the areas of adult health and wellbeing
- f) Receive regular performance feedback on areas for improvement/concern and to make recommendations to Cabinet on the policy, implementation and performance of the Council's functions within the areas of adult health and wellbeing
- g) Consider Councillor Calls for Action that are specific in nature to the areas of adult health and wellbeing

- h) Consider petitions that are specific in nature to the areas of adult health and wellbeing
- i) To fulfil the requirements of the Health and Social Care Act 2001
- j) To review and scrutinise health service matters and make reports and recommendations to NHS bodies
- k) To refer any contested NHS proposals to the Secretary of State on the grounds of either process or merit
- l) May undertake joint work with Committees of other geographic areas to review cross boundary services
- m) To work with LINK organisations to understand patient and public involvement across Wigan Borough
- n) To summon officers of health trusts to Committee Meetings to require information from NHS bodies on the planning and provision of health services
- o) To be consulted with in relation to substantial changes to service provision in health services
- p) Review and Scrutinise decisions made by the Adult Health and Wellbeing Thematic Partnership insofar as they relate to Council resources
- q) Review and scrutinise decisions made by the Single Commissioning Agency insofar as they relate to Council resources.

#### **6.04 Terms of Reference Specific to the Building Stronger Communities Scrutiny Committee**

- a) To prepare an annual workplan of scrutiny reviews and to consult with, and consider any recommendations of, the Overview and Scrutiny Coordinating Committee before adopting the same
- b) Hold Portfolio Holders to account for the services within the areas of building stronger communities
- c) Review the overall benefit to the public from services provided by the Council and other organisations within the areas of building stronger communities
- d) Review the Council's policies on functions within the areas of building stronger communities
- e) The general monitoring of the implementation and performance of the Council's services within the areas of building stronger communities
- f) Receive regular performance feedback on areas for improvement/concern and to make recommendations to Cabinet on the policy, implementation and performance of the Council's functions within the areas of building stronger communities
- g) Consider Councillor Calls for Action that are specific in nature to the areas of building stronger communities
- h) Consider petitions that are specific in nature to the areas of building stronger communities
- i) Carry out on-going regular monitoring against equalities targets
- j) Review and Scrutinise decisions made by the Building Stronger Communities Thematic Partnership insofar as they relate to Council resources.

## **6.05 Terms of Reference Specific to the Economy, Environment, Culture and Housing Scrutiny Committee**

- a) To prepare an annual workplan of scrutiny reviews and to consult with, and consider any recommendations of, the Overview and Scrutiny Coordinating Committee before adopting the same
- b) Hold Portfolio Holders to account for the services within the areas of economy, environment, culture and housing
- c) Review the overall benefit to the public from services provided by the Council and other organisations within the areas of economy, environment, culture and housing
- d) Review the Council's policies on functions within the areas of economy, environment, culture and housing
- e) The general monitoring of the implementation and performance of the Council's services within the areas of economy, environment, culture and housing
- f) Receive regular performance feedback on areas for improvement/concern and to make recommendations to Cabinet on the policy, implementation and performance of the Council's functions within the areas of economy, environment, culture and housing
- g) Consider Councillor Calls for Action that are specific in nature to the areas of economy, environment, culture and housing
- h) Consider petitions that are specific in nature to the areas of economy, environment, culture and housing
- i) Review and Scrutinise decisions made by the Economy, Environment, Culture and Housing Thematic Partnership insofar as they relate to Council resources.

## **6.06 General Role**

Within their terms of reference and guidelines the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees will:

- a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's or Other Body's functions;
- b) undertake reviews and make reports and/or recommendations to the full Council and/or the Executive or Other Body in connection with the discharge of any functions. Each review should:
  - i) accord with the following process –
    - o understand,
    - o plan
    - o evidence gathering
    - o scrutinise
    - o Members prepare reports
  - ii) only address issues relevant to the functions of the Council and any other body the Council is authorised to scrutinise (Other Body)

- iii) allow Members to have the right to appear before a Scrutiny Committee and give their evidence and opinions
- iv) demonstrate added value to the Council's or Other Body's functions
- c) monitor constructively the activities of relevant partnerships and external organisations
- d) consider any matter affecting the area or its inhabitants.

## 6.07 Specific Functions

- (a) **Policy development and review.** Within their terms of reference and the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees will:
  - i) assist the Council and the Executive or Other Body 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) undertake reviews relevant to the functions within their terms of reference including reviews arising from performance issues, Councillor Calls for Action and Petitions ;
  - iv) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  - v) question Members of the Executive and appropriate Committees and chief officers of the Council or the Other Body about their views on issues and proposals affecting the area; and
  - vi) monitor the activities of and 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.** The Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees will:
  - i) examine and review the decisions made by and performance of the Executive and Committees and Council officers both in relation to individual decisions and over time;

- ii) examine and review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - iii) question Members of the Executive and 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;
  - iv) make recommendations to the Executive and appropriate Committee and/or Council arising from the outcome of the scrutiny process;
  - v) undertake the same activities as are set out at i) to iv) above in relation to an Other Body
  - vi) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance; and
  - vii) question and gather evidence from any person (with their consent).
- (c) **Finance.** The Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees will exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** The Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees must report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** The Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees will exercise overall responsibility for the work programme of the officers employed to support its work.

#### **6.08 Proceedings of the Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees**

The Overview and Scrutiny Coordinating Committee and the four Scrutiny Committees will conduct their proceedings in accordance with the [Overview and Scrutiny Procedure Rules](#) set out in Part 4 of this Constitution and each may establish ad hoc Sub-Committees, as required, to assist them in carrying out reviews.

## **6.09 Greater Manchester Arrangements**

The Council authorises the Greater Manchester Health Joint Scrutiny Panel to undertake the scrutiny of strategic, conurbation wide and cross boundary health services

