

## **Part Five – Committees and Non-Executive Functions**

### **Section 3 – Scrutiny Committees**

#### **1. General Duties of Overview and Scrutiny**

- (i) The Overview and Scrutiny Committee and the Select Committees are empowered to:
- (ii) review and scrutinise decisions made, or actions taken in connection with the discharge of any of the Council's functions;
- (iii) recommend and report to the full Council (including committees of the Council) or the Leadership Team in connection with the discharge of any of the Council's functions;
- (iv) consider any matter affecting the Borough or its inhabitants;
- (v) exercise the right to call-in for reconsideration decisions made but not yet implemented by the Executive; and
- (vi) hold an inquiry into a matter which has been the subject of a report from the Monitoring Officer or the Chief Finance Officer.

#### **2. Policy Development and Review**

- (i) The Overview and Scrutiny Committee and the Select Committees may:
- (ii) assist the Council and the Leadership Team in the development of its budget and policy framework by in-depth analysis of policy issues;
- (iii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iv) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (v) question members of the Leadership Team and/or members of committees, executive directors and directors about their views on issues and proposals affecting the area; and
- (vi) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people and, subject to Order of the Secretary of State, to require partner organisations to provide information to scrutiny committees.

#### **3. Other Powers and Duties**

- (i) Overview and Scrutiny and the Select Committees may:

*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

- (ii) review and scrutinise the decisions made by and the performance of the Leadership Team;
- (iii) undertake more general reviews of decisions made by committees and officers;
- (iv) review and scrutinise the performance of the Council generally in relation to its policy objectives, performance targets and/or particular service areas;
- (v) question members of the Leadership Team and/or members of committees, executive directors and directors 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;
- (vi) make recommendations to the Leadership Team, appropriate committees and/or the Council arising from the outcome of the scrutiny process;
- (vii) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee about their activities and performance; and
- (viii) question and gather evidence from any person (with their consent).

#### **4. Finance**

- (i) Overview and Scrutiny and the Select Committee may exercise overall responsibility for the finances made available to them.

#### **5. Scrutiny Arrangements**

- (i) Members of the Leadership Team may not be members of scrutiny committees.
- (ii) The Councillors serving on scrutiny committees must reflect the political balance of the Council.
- (iii) Scrutiny committees must meet in public and their agendas must be made publicly available, in accordance with access to information requirements in local government legislation.
- (iv) The scrutiny committees will, collectively, have the power to scrutinise all Council decisions. However, the following principles will apply:
- (v) Scrutiny committees should not normally scrutinise non-key decisions made by officers under the scheme of delegation. Where necessary, such scrutiny should be confined to overall reviews of service performance.
- (vi) Scrutiny Committees must not scrutinise:
- (vii) individual decisions made by other Council committees;

*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

- (viii) any matter relating to a planning or licensing decision;
- (ix) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment (other than the right to complain to the Local Government Ombudsman);
- (x) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the scrutiny committee or at a meeting of a sub-committee of that committee.
- (xi) Individual scrutiny committee members should not normally be involved in reviewing decisions made by other committees of which they are members.
- (xii) In discharging their scrutiny functions, Overview and Scrutiny and the Select Committees will be entitled to report, with recommendations as appropriate, to the Leadership Team or to the full Council.
- (xiii) As indicated in Part 4 of the Constitution, the Leadership Team will be required to consult the Overview and Scrutiny Committee when formulating proposals in relation to the Council's budgetary and policy framework. Again, the Overview and Scrutiny Committee will be entitled to report, with recommendations, to the Leadership Team or to the full Council.
- (xiv) Overview and Scrutiny and the Select Committees can also make reports or recommendations to the Leadership Team or to the full Council in relation to matters which are not the responsibility of the Council, but which nevertheless affect the Borough or its inhabitants.
- (xv) In discharging their responsibilities, the Overview and Scrutiny Committee and the Select Committees may require members of the Leadership Team and Directors or Executive Directors to attend before it to answer questions. The officers may choose to be accompanied or represented by other officers.
- (xvi) The Overview and Scrutiny Committee and the Select Committees may also require any Councillor to attend before it to answer questions relating to any function which is exercisable by the Councillor under delegated authority in relation to the electoral ward for which the Councillor is elected.
- (xvii) Overview and Scrutiny and the Select Committees may invite other people to take part in their discussions when, for example, considering issues of local concern.
- (xviii) Any member of the Overview and Scrutiny Committee or the Select Committees may, by means of a Call for Action, require that any matter be placed on the agenda of that Committee and discussed. It will, however, be for consideration by that Committee, as to whether:

*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

- (xix) officers should be asked to produce a report on the matter; or
- (xx) the member concerned should be asked to produce a report.
- (xxi) Should the matter be of sufficient urgency as to suggest the need for a written report to the next available meeting of that Committee, the Councillor making the call for action may request that the Committee's approval be sought by phone and/or e-mail to a brief written item being prepared by officers.
- (xxii) Any member of the Council may refer to the Overview and Scrutiny Committee and the Select Committees of the Council of which he is not a member any local government matter which is relevant to the functions of the committee.
- (xxiii) The Overview and Scrutiny Committee has the specific power to recommend that Key Decisions made, but not yet implemented, be reconsidered (see call-in provisions in Part 4 of the Constitution).

## **6. Members and Chairs of Scrutiny Committees**

- (i) Committee members shall hold office until their successors are appointed.
- (ii) Members of the Overview and Scrutiny Committee and the select committees hold office until their successors are appointed.
- (iii) The Chair and Vice-Chair of the Overview & Scrutiny Committee will be appointed at the Council's Annual Meeting. Each Select Committee will elect from amongst its members a chair and a vice-chair, who will hold office until their successors have been appointed or until they cease to be members of the Council. In the event of there being a vacancy in the position of chair, or if he or she is absent or unable to act, the vice-chair may act as chair.

## **7. Support Arrangements**

- (i) The Overview and Scrutiny Committee will be made up of ten Councillors – up to six non-executive Councillors appointed by Full Council and the chairs of the select committees.
- (ii) Appropriate officer support facilities and training, together with an appropriate budget, is provided to enable the Council's overview and scrutiny function to discharge their statutory responsibilities. The Council has appointed a Scrutiny Officer whose functions are:
  - (iii) to promote the role of the Council's scrutiny committees;
  - (iv) to provide support to the Council's scrutiny committees and the members of those committees;
  - (v) to provide support and guidance to
  - (vi) members of the Council,

- (vii) members of the Leadership Team, and
- (viii) Council officers,

in relation to the functions of the authority's Overview and Scrutiny Committee and Select Committees.

## **Overview and Scrutiny Committees**

### **8. The Overview and Scrutiny Committee**

- (i) The Committee has a membership of ten Council members.
- (ii) The Committee's terms of reference are:
- (iii) The preparation of an annual scrutiny work programme and the co-ordination of scrutiny work including allocating scrutiny reviews to the Council Select Committees to carry out.
- (iv) To carry out the functions of a crime and disorder committee in accordance with the Police and Justice Act 2006.
- (v) To make reports and recommendations to the Leadership Team and full Council arising from the outcomes of the scrutiny process.
- (vi) To consider requests for escalation by Scrutiny Committees or Council Select Committees of any scrutiny recommendations where Scrutiny considers insufficient response is made by the Leadership Team.
- (vii) To report each year to full Council (with presentations on what individual reviews have achieved in between annual reports).
- (viii) To review the effectiveness of scrutiny, looking for ways to continue to improve.
- (ix) To ensure that statutory scrutiny responsibilities are addressed (by the Overview and Scrutiny Committee itself, by allocation to the relevant Select Committee or by one-off events to consider particular issues).
- (x) To consider and assess Grenfell-related topics for scrutiny alongside others identified by local people, councillors and other stakeholders and, where these are clear priorities for scrutiny at any given time, to allocate the topic to the Select Committee into whose remit the matter falls, for investigation or in-depth review.

**Note:** where the issue or topic relates to partnerships or cross-cutting issues associated with the Grenfell Recovery Strategy the Committee will decide how best, and by which Committee, the matter should be scrutinised.

- (xi) To exercise powers to call-in Key Decisions as provided in Part 4 of the Constitution.

*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

- (xii) Matters of corporate interest or management such as:
- (xiii) The Council's budget and overall financial management;
- (xiv) The achievement of effective, transparent and accountable decision-making by the Council;
- (xv) Best value in the delivery of Council services;
- (xvi) Corporate policy, including Council-wide personnel and staff management policies;
- (xvii) Information and communication technology;
- (xviii) The introduction, development or termination of major services within the Borough;
- (xix) The Mayoralty and civic functions;
- (xx) Services to Councillors, including allowances;
- (xxi) Corporate grants;
- (xxii) European matters;
- (xxiii) Community safety and emergency planning;
- (xxiv) Economic development;
- (xxv) Partnerships associated with the delivery of corporate services;
- (xxvi) Corporate facilities management; and
- (xxvii) Communications.

**9. The Select Committees**

- (i) The Overview and Scrutiny Committee will determine the work programme and allocated this to the select committees in accordance with their terms of reference.

**10. The Adult Social Care and Health Select Committee**

- (i) The Committee has a membership of seven Councillors and one co-optee from Healthwatch.
- (ii) The Committee's terms of reference are:
- (iii) the provision, planning, management and performance of all adult social care services;
- (iv) health partnerships where adult social care is a significant partner in terms of service delivery or management accountability;
- (v) any partnerships associated with the delivery of adult social care services;

*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

- (vi) corporate grants to organisations providing services that fall within this Committee's remit;
- (vii) the provision of the public health service;
- (viii) the plans, strategies and decisions of the Health and Wellbeing Board;
- (ix) matters referred to the Committee by the local Healthwatch organisation;
- (x) local health bodies including those established by the Health and Social Care Act 2012 and the Health and Social Care Act 2022; including NHS Trusts or NHS Foundation Trusts, Integrated Care Boards and other relevant health service providers (including voluntary, independent and private sector providers);
- (xi) aspects of partnerships where the Council is a partner in terms of health service delivery and accountability; and
- (xii) with scrutiny committees of other London boroughs as appropriate, matters within this Committee's remit which cross borough boundaries.
- (xiii) The Chair of the Adult Social Care and Health Select Committee shall represent the Council at the North West London Joint Health Overview and Scrutiny Committee with the Vice-Chair acting as a substitute should the Chair be unable to attend.

**11. The Environment Select Committee**

- (i) The Committee has a membership of seven Councillors
- (ii) The Committee's terms of reference are:
- (iii) the preservation, enhancement and protection of the built and natural environment;
- (iv) the scrutiny of any partnerships associated with the delivery of services within the Committee's remit;
- (v) the performance of the Planning Department;
- (vi) the provision, planning and management of measures for the protection and enhancement of the quality of life in the Borough, including:
- (vii) tourism and visitor management;
- (viii) environmental quality and cleanliness;
- (ix) control of pollution and contaminated land;
- (x) flooding (including discharging the statutory duty for scrutiny of flood risk mitigation except on those occasions when the Overview and Scrutiny Committee reserves the topic for itself);

*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

- (xi) environmental health matters, including enforcement and other operational matters (but not those aspects of environmental health that fall under the broad 'public health' remit of the Adult Social Care and Health Select Committee);
- (xii) transport, streets and highways;
- (xiii) traffic management and parking;
- (xiv) waste management;
- (xv) licensing policy;
- (xvi) planning policy;
- (xvii) museums, arts and cultural services
- (xviii) leisure services, parks and open spaces;
- (xix) burials, cremation, mortuaries and coroners' services; and
- (xx) the Notting Hill Carnival.
- (xxi) The efficiency and effectiveness of the Council's regulatory and enforcement activity, including the need for effective co-operation and collaboration between licensing, highways and planning enforcement.

**12. Family Services Select Committee**

- (i) The Committee has a membership of seven Councillors, plus four statutory co-opted voting members and two statutory co-opted non-voting members
- (ii) The Committee's terms of reference are:
- (iii) social services provision for children and families;
- (iv) partnerships associated with the delivery of the services within the Committee's remit;
- (v) education, training and youth services;
- (vi) early years, childcare and play services;
- (vii) sports education;
- (viii) youth support service incorporating careers advice;
- (ix) libraries and registration services;
- (x) education and industry links; and
- (xi) participation with other education providers in voluntary organisations.

**13. Housing and Communities Select Committee**



*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

- (i) The Committee has a membership of seven Councillors.
- (ii) The Committee's terms of reference are:
- (iii) The provision, planning, management and performance of all housing services;
- (iv) Any partnerships associated with the delivery of housing;
- (v) Improvement and delivery of social housing;
- (vi) Arrangements for the management of the Council's housing stock including the organisations charged or contracted to undertake this;
- (vii) Housing strategy and implementation, housing stock finance and development;
- (viii) Community relations;
- (ix) Consultation with the local community; and
- (x) Corporate asset management.

**14. The North West London Joint Health Overview & Scrutiny Committee**

- (i) One nominated voting member from each Council participating in the North West London Joint Health Overview and Scrutiny Committee plus one alternate member who can vote in the voting member's absence. In addition, one non-voting co-opted member of the London Borough of Richmond. The committee will require at least six voting members in attendance to be quorate. The North West London Joint Health Overview and Scrutiny Committee will elect its own Chair and Vice Chair. Elections will take place on an annual basis each May, or as soon as practical thereafter, to allow for any annual changes to the committee's membership.
- (ii) The Committee's terms of reference are:
- (iii) To scrutinise the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; in particular the implementation plans and actions by the North West Integrated Care System and their Integrated Care Board, focusing on aspects affecting the whole of North West London. Taking a wider view than might normally be taken by individual local authorities
- (iv) To review and scrutinise decisions made, or actions taken by North West London Integrated Care System, their Integrated Care Board and/or other NHS service providers, in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London, where appropriate.

*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

- (v) To make recommendations to North West London Integrated Care System and its Integrated Care Board, NHS England, or any other appropriate outside body in relation to the plans for meeting the health needs of the population and arranging for the provision of health services in North West London; and to monitor the outcomes of these recommendations where appropriate.
- (vi) To require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply with the scrutiny function of health services in North West London. Individual local authority members of the North West London Joint Health Overview and Scrutiny Committee will continue their own scrutiny of health services in, or affecting, their individual areas (including those under the for North West London).
- (vii) Participation in the Joint Health Overview and Scrutiny Committee will not preclude any scrutiny or right of response by individual boroughs. In particular, and for the sake of clarity, this joint committee is not appointed for and nor does it have delegated to it any of the functions or powers of the local authorities, either individually or jointly, under Section 23 of the local authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- (viii) The Joint Health Overview and Scrutiny Committee will continue until all participating authorities decide otherwise and does not preclude individual authorities from leaving the Committee if they choose to do so. The Committee will keep under review whether it has fulfilled its remit and recommendations of the Committee will be reported to a Full Council meeting of each participating authority, at the earliest opportunity.

**15. Inner West London Mental Health Services Reconfiguration Joint Health Overview and Scrutiny Committee**

- (i) The Committee's terms of reference are:

Purpose

- (ii) Health Services are required to consult a local authority's Health Overview and Scrutiny Committee about any proposals they have for a substantial development or variation in the provision of health services in their area. When these substantial developments or variations affect a geographical area that covers more than one local authority, the local authorities are required to appoint a Joint Health Overview and Scrutiny Committee (JHOSC) for the purposes of the consultation.
- (iii) These terms of reference set out the arrangements for WCC and RBKC to operate a JHOSC to consider the Proposal made in relation to the services at the Gordon Hospital, the St. Charles Mental Health Centre and wider community mental health services in the two

*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

boroughs, in line with the provisions set out in legislation and guidance.

- (iv) This Committee will cease to exist upon the conclusion of its work.

Remit

- (v) The JHOSC will operate formally as a statutory joint committee, i.e. where the councils have been required under Regulation 30 Local Authority (Public Health, Health and Well-being Boards and Health Scrutiny) Regulations 2013 to appoint a joint committee for the purposes of providing independent scrutiny.
- (vi) Regulation 30 of the 2013 Regulations provides:
- Only the joint committee may respond to the consultation (i.e., rather than each individual local authority responding separately).
  - Only the joint committee may exercise the power to require the provision of information by the relevant NHS body or health service provider about the proposal.
  - Only the joint committee may exercise the power to require members or employees of the relevant NHS body or health service.
  - make comments on the proposal consulted on pursuant to regulation.

With the exception of those matters referred to in the paragraph above responsibility for all other health scrutiny functions and activities remain with the respective local authority Health Scrutiny Committees.

Governance and Membership

- (vii) The JHOSC will be hosted by both authorities on rotation and meetings of the JHOSC will be conducted in accordance with the Standing Orders of the host local authority at the time.
- (viii) Each of the two participating authorities will appoint three non-executive Members to the JHOSC and each will notify the other of their appointments.
- (ix) Each member of the JHOSC must be a properly elected Councillor to a seat on their respective authority and will cease to be a member of the JHOSC with immediate effect should they no longer meet this requirement.
- (x) Appointments by each authority to the JHOSC will be politically proportionate to that authority.

*Constitution - Part Five – Committees and Non-Executive Functions*  
*Section 3 – Scrutiny Committees*

- (xi) The quorum for meetings will be a minimum of 4 members, 2 from each authority. However, any vote on a referral to the Secretary of State will require all members to vote and be in agreement.
- (xii) The chairing arrangements for the JHOSC for the duration of the Committee shall be elected and or decided at its first formal meeting and drawn from those Members in attendance at that meeting. Should the Chair cease to be a member of the JHOSC, a new Chair shall be elected at the next formal meeting.
- (xiii) The Vice-Chair of the JHOSC for the duration of the Committee shall be elected at its first formal meeting and drawn from those Members in attendance at that meeting. In the absence of the Chair, the Vice Chair shall assume all chairing responsibilities. Should the Vice-Chair cease to be a member of the JHOSC, a new Vice-Chair shall be elected at the next formal meeting.
- (xiv) In the absence of both the Chair and Vice-Chair at any Meeting of the JHOSC, Members in attendance shall appoint a Chair for that Meeting from amongst their number, who shall, while presiding at that Meeting, have any power or duty of the Chair in relation to the conduct of the Meeting.

Administration

- (xv) The overall coordination, facilitation of meetings, policy support and other administrative arrangements will be shared by the scrutiny and governance teams of both authorities.
- (xvi) Legal advice and support to the JHOSC will be provided by Bi-Borough Legal Services as well as the Monitoring Officers of both authorities.

Reporting

- (xvii) Members of the JHOSC may provide updates to the full Council of their Local Authority on its proceedings in accordance with the requirements of their respective authority.
- (xviii) Any recommendations of the JHOSC shall be communicated to relevant parties in writing with a summary of the evidence and the matter under consideration.