

# OVERVIEW AND SCRUTINY PANEL

## 1 Terms of Reference

The Council will appoint an Overview and Scrutiny Panel with the following functions:

- (a) To have the ability to hold the Executive to account;
- (b) To review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (c) To make reports and evidence-based recommendations to the full Council, the Executive and other bodies of the Council including those established under Joint Arrangements in connection with the discharge of any functions;
- (d) To make reports and evidence-based recommendations to the full Council on any matters of broad local concern or importance within their remit;
- (e) To conduct reviews and carry out community and other consultation in the analysis of policy issues and possible options;
- (f) To exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or an Executive Portfolio Holder or key decisions made but not yet implemented by officers;
- (g) To be able to appoint such time limited working groups as it considers appropriate to fulfil its functions;
- (h) To approve its own work programme;
- (i) To review the system of referrals from Scrutiny to the Executive to ensure that these are managed efficiently and do not exceed reasonable time limits as set out in this Constitution;
- (j) To respond to reasonable requests from the Executive to develop or review policy not within their remit;
- (k) In the event of reports to the Executive exceeding reasonable time limits, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business, at the request of the Executive, to make decisions about the priority of referrals made;
- (l) To encourage and enhance community participation in the development of policy options and general decision making;
- (m) To consider leisure contract monitoring reports and undertake an annual review in line with the Funding and Management Agreement;
- (n) To discharge the functions of a Crime and Disorder Scrutiny Committee; and

- (o) To be responsible for the new standards responsibilities under the Localism Act (to include the new Code of Conduct, Registers of Interests, training, advice, standards complaints, investigations, considering reports, hearings, sanctions and dispensations).

## 2 **Specific Functions**

The Overview and Scrutiny Panel will:-

- (a) review and scrutinise the decisions made by and performance of the Executive or council officers both in relation to individual decisions and decisions made over time and may question Members of the Executive and officers whether generally or in relation to specific decisions, initiatives or projects;
- (b) scrutinise the need for and the appropriateness of the Council's policies and the effectiveness of the outputs of the delivery systems in achieving the outcomes of those policies;
- (c) review and scrutinise the performance of the Council in relation to its budget, policy objectives, performance targets or particular service areas, and assist in the development of the budget and policy framework by in-depth analysis of the current provision, performance and policy issues;
- (d) make recommendations to the Executive and Council arising from the outcome of the scrutiny process and its reviews;
- (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address a Scrutiny Panel and local people about their activities and performance; and
- (f) question and gather evidence from any person with relevant knowledge, expertise or responsibility (with their consent).
- (g) instigate research, community and other consultation in the analysis of policy issues, possible options and the development of policy;
- (h) regularly involve Members of the Executive and occasionally Members of other bodies of the Council and officers to find out their views or advice on issues, proposals and policy affecting the area;
- (i) consider reports or questions from any individual Member on matters relevant to the terms of reference of the Panel to enable the views of constituents and other organisations to be taken into account; and
- (j) 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.

- (k) be responsible for all matters relating to Member learning and development.

### 3 Standards Matters

#### Roles and Functions:-

- (a) to provide and maintain high standards of conduct by councillors and co-opted members;
- (b) to assist councillors and co-opted members of the authority to observe the Council's Code of Conduct;
- (c) to advise the Council on the adoption or revision of the Members' Code of Conduct and on matters relating to the ethical conduct of the Council and its Members;
- (d) to advise and train councillors and co-opted members on matters relating to the Code of Conduct;
- (e) to grant dispensations to District Councillors (and where relevant, co-opted members of the District Council) on requirements relating to Disclosable Pecuniary Interests in the following circumstances:
- i. where many Members of the decision-making body have a Disclosable Pecuniary Interest, which would result in the political balance being affected;
  - ii. it is in the interests of the inhabitants that a dispensation be granted; or
  - iii. it is appropriate to grant a dispensation.

In addition, (and when it is not expedient to wait until the next scheduled Panel meeting) dispensations can also be granted by:-

- a Scrutiny Code of Conduct Sub Panel, or
  - the Monitoring Officer in consultation with the Chairman and Vice Chairman of the Overview and Scrutiny Panel.
- (f) to consult the Independent Person(s) in accordance with the 'Dealing with Complaints Policy';
- (g) to consider complaints alleging a breach of the Code of Conduct by District Councillors (and any co-opted members where relevant) and those members of town and parish councils in the District of South Hams; and
- (h) to receive investigation reports and to carry out Hearings (including sanctions) in respect of allegations of misconduct for District Councillors (and co-opted Members where relevant) and town and

parish council members, and to recommend sanctions or other recommendations / actions.

#### **4 Overview and Scrutiny Panel Sub Committees – Standards Matters**

##### **Roles and Functions:-**

- (a) to consider complaints alleging a breach of the Members' Code of Conduct as referred by the Council's Monitoring Officer; and
- (b) to receive investigation reports and carry out Hearings (including sanctions) in respect of allegations and misconduct.

#### **5 Officers**

The Overview and Scrutiny Panel will have administrative support and be able to call on other relevant officer support and external expertise where appropriate.

#### **6 Annual Report**

The Overview and Scrutiny Panel must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.