

ROTHERHAM BOROUGH COUNCIL  
OVERVIEW AND SCRUTINY PROCEDURE RULES

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# OVERVIEW AND SCRUTINY PROCEDURE RULES

## PART I

### APPOINTMENT AND TERMS OF REFERENCE ETC OF OVERVIEW AND SCRUTINY COMMITTEES

#### 1. Appointment of overview and scrutiny committees

- 1) The Council's overview and scrutiny committees are set out in the Schedule to these Rules, and the Council will appoint to them from time to time as it considers appropriate and those committees may appoint sub-committees.
- 2) Overview and scrutiny review groups may also be appointed on an ad hoc basis for a fixed period with clear terms of reference, on the expiry of which they shall cease to exist.
- 3) In these Rules, unless the context otherwise requires, the term "overview and scrutiny committee" means –
  - the Overview and Scrutiny Management Board (OSMB),
  - the overview and scrutiny select commissions appointed annually by the Council, and any of its or their Review Groups.
- 4) The Council may appoint from time to time informal select commissions or working groups, comprising members, council officers and others, such as representatives from local communities and businesses, to assist in the overview and scrutiny process.

#### 2. Terms of reference

- 1) The terms of reference of the OSMB are set out in paragraph 1 of Schedule 1.
- 2) The terms of reference of overview and scrutiny select commissions are set out in paragraph 1 of Schedule 2.
- 3) The specific areas for scrutiny by each select commission are set out in Schedule 2.

#### 3. Membership

##### *Appointment of members to overview and scrutiny committees*

- 1) All councillors except members of the Cabinet may be members of an

overview and scrutiny committee, but no member may be involved in scrutinising a decision in which he or she has been directly involved.

- 2) All members of overview and scrutiny committees will be appointed annually by the Council, and each committee will be empowered to appoint members of the committee to its Review Groups.

#### *Co-optees*

- 3) An overview and scrutiny select commission may appoint a number of people as non-voting co-optees of the select commission, as set out in paragraph 2 of Schedule 2.

#### *Education representatives*

- 4) The Improving Lives Select Commission shall include in its membership the following voting representatives (“the education representatives”) –
  - at least one Church of England diocese representative;
  - at least one Roman Catholic diocese representative;
  - between two and five parent governor representatives; and
  - at the direction of the Secretary of State for Education representatives of other faiths or denominations.
- 5) The education representatives shall also be invited to attend the Self-Regulation Select Commission when it deals with education matters
- 6) Where the Improving Lives Select Commission deals with other than educational matters, the education representatives shall not vote on those other matters, though they may stay in the meeting and speak to them.

#### *Membership of particular committees*

- 7) The membership of the OSMB is set out in paragraph 2 of Schedule 1.
- 8) The membership of the overview and scrutiny select commissions are set out in paragraph 2 of Schedule 2.

#### **4. Meetings**

- 1) The OSMB will hold ordinary meetings of the board at the frequency specified in paragraph 3 and at the place specified in paragraph 4 of Schedule 1 to the Rules, and, in addition, extraordinary meetings may be called from time to time as and when appropriate.

- 2) Each overview and scrutiny select commission will hold ordinary meetings at the frequency specified in paragraph 3 and at the place specified in paragraph 5 of Schedule 2 to the Rules, and, in addition, extraordinary meetings may be called from time to time as and when appropriate.
- 3) The chairman and vice-chairman of an overview and scrutiny select commission may call an extraordinary meeting of the committee.

## **5. Quorum**

The quorum for an overview and scrutiny select commission meeting will be one-third of its Members.

## PART II

### ADMINISTRATION, BUDGET AND POLICY REVIEW AND DEVELOPMENT AND ACCESS TO DOCUMENTS

#### 6. Administration

##### *Chairmen of committees*

- 1) The chairmen and vice-chairmen of overview and scrutiny select commissions will be appointed at the Annual Council meeting from the Councillors appointed to the committee.

##### *Work programme*

- 2) Overview and scrutiny select commission work programmes will be set subject to any direction of the OSMB, taking into account the wishes of all members of the select commission including those who are not members of the largest political group on the Council.

##### *Agenda items*

- 3) A member of an overview and scrutiny select commission may notify the Statutory Scrutiny Officer that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the commission.
- 4) The Statutory Scrutiny Officer will inform the chairman of the particular overview and scrutiny select commission of the request at the earliest opportunity, and make arrangements for the matter to be considered by the select commission for inclusion on a future agenda.
- 5) Any member of the Council who is not a member of an overview and scrutiny select commission may give written notice to the Statutory Scrutiny Officer that he or she wishes an item to be considered for inclusion on the agenda of a particular overview and scrutiny select commission.
- 6) The Statutory Scrutiny Officer will inform the chairman of the OSMB and the Chairman of the particular overview and scrutiny select commission of the notice at the earliest opportunity, and make arrangements for the matter to be considered for inclusion on a future agenda of that overview and scrutiny select commission

##### *Expeditious response to requests for reviews*

- 7) OSMB and overview and scrutiny select commissions must respond, as soon as their work programme permits, to requests from the Council or the Cabinet or both, as the case may be, to review particular areas of Council activity.
- 8) On completion of a review, an overview and scrutiny select commission must report its findings and any recommendations to OSMB within one month. The findings and recommendations will then be referred to the

Cabinet or the Council as appropriate within a further month.

- 9) The Council or the Cabinet or both must consider the report of an overview and scrutiny select commission and respond to the recommendations within two months of receiving it.
- 10) The chairman of the OSMB and the Chair of the Scrutiny Review Group shall attend the meeting of the Cabinet which considers the findings and recommendations.

## **7. Budget, policy framework, and related matters**

### *Policy review and development*

- 1) The role of overview and scrutiny select commissions in relation to the development of the Council's budget and policy framework is set out in detail in the Council's *Financial Regulations* and in Part V of the *Executive Procedure Rules*.
- 2) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny select commissions may make proposals to the Cabinet for policy developments in so far as they relate to matters within their terms of reference.
- 3) Overview and scrutiny select commissions may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process.

### *Site visits, public surveys, etc. and attendance of witnesses*

- 4) Overview and scrutiny select commissions may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- 5) Overview and scrutiny select commissions may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for so doing.

## **PART III**

### **REFERRAL, CONSIDERATION AND RESPONSE TO REPORTS**

## **8. Reports from overview and scrutiny select commissions**

### *Referral of report*

- 1) Once it has formed recommendations on proposals for development,

an overview and scrutiny select commission will prepare a formal report and submit it for consideration initially by OSMB and then by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the approved budget and policy framework).

*Consideration of report*

- 2) The Council or Cabinet must consider the report of the overview and scrutiny select commission and respond to the recommendations within two months of it being submitted.

**9. Ensuring consideration of reports**

*Making sure that overview and scrutiny select commission reports are considered by the Cabinet*

- 1) The Cabinet will consider an overview and scrutiny select commission report within two months of the review group reporting.

*Time limit for responding to report*

- 2) If for any reason the Cabinet does not consider a report within two months of its completion, the matter will be referred to the Council for review, and the Statutory Scrutiny Officer will arrange for the report to be considered at the next following Council meeting.

**10. Cabinet's response to reports**

*Cabinet's response to overview and scrutiny select commission reports*

- 1) When the Council meets to consider a referral from an overview and scrutiny select commission on a matter that would impact on the budget and policy framework, it will also consider the response of the Cabinet to the select commission's proposals.
- 2) Where an overview and scrutiny select commission prepares a report for consideration by the Cabinet, in relation to a matter which has been delegated to an individual member of the Cabinet, the Statutory Scrutiny Officer will also send a copy of the report to that member for consideration.

*Time limit for responding to report*

- 3) The Cabinet must consider the report and respond in writing to the OSMB within two months of receiving it.
- 4) A copy of the Cabinet's response to the report must be sent to the Statutory Scrutiny Officer, and those members of the Cabinet with responsibility for that/those particular subject(s) to which the report relates will be invited to attend a future meeting of the overview and



scrutiny select commission to present their responses

#### **PART IV**

### **ACCESS TO DOCUMENTS AND ATTENDANCE OF CABINET MEMBERS AND OFFICERS ETC. AT COMMITTEE MEETINGS**

#### **11. Access to documents, etc**

*Rights of overview and scrutiny select commission members to documents*

- 1) In addition to their rights as councillors, members of overview and scrutiny select commissions have the additional right to documents and to notice of meetings, as set out in the *Access to Information Procedure Rules*.
- 2) Nothing in this rule prevents more detailed liaison between the Cabinet and an overview and scrutiny select commission, as appropriate, depending on the particular matter under consideration.

#### **12. Attendance of members and officers, etc at overview and scrutiny select commission meetings**

*Members and officers giving account*

- 1) In fulfilling its scrutiny role, an overview and scrutiny select commission may require any member of the Cabinet, the Chief Executive, who is the head of paid service, and any senior officer to attend before it to explain in relation to matters within the commission's remit -
  - any particular decision or series of decisions,
  - the extent to which the actions taken implement Council policy,
  - his, her or their performance,
  - and it is the duty of those persons to attend if so required.
- 2) Where any member or officer is required to attend an overview and scrutiny select commission under this provision, the chairman of that commission will inform the Statutory Scrutiny Officer.
- 3) The Statutory Scrutiny Officer will inform the member or officer in writing that the commission requires their attendance, giving at least 10 working days' notice of the meeting at which he or she is required to attend.
- 4) The notice to the member or officer will state the nature of the matter on which he or she is required to attend to give account and whether any papers are required to be produced to the commission.
- 5) Where the account to be given to the commission will require the

production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of the report.

- 6) If in exceptional circumstances the member or officer is unable to attend on the required date, the commission must, in consultation with the member or officer, arrange an alternative date for attendance or acceptable substitute.

*Attendance by others*

- 8) An overview and scrutiny select commission may invite other persons, such as residents, stakeholders, contractors and members and officers in other parts of the public sector, to address it and discuss issues of local concern or answer questions, criticisms or complaints. Those asked to address any panel will have access to support and guidance from the Statutory Scrutiny Officer.

**PART V  
CALL-IN**

**13. Call-in**

*Publication of Cabinet decisions*

- 1) A decision of the Cabinet, a committee of the Cabinet, or an individual member of the Cabinet will be published, including where possible by electronic means, and be available for inspection at the Town Hall ordinarily within three working days of the decision being made.
- 2) At the same time as decisions made in accordance with subparagraph (1) are published, all of the members of the Council and the education representatives will be notified and sent copies of the records of the decisions by the Democratic Services Manager.
- 3) A notice sent under subparagraph (2) will bear the date on which it is published and state that any decision specified in the notice will come into force on the expiry of 7 working days after its publication ("the notification period"), and may then be implemented, unless the decision is called-in.

*Decisions that may be called-in*

- 4) Any decision of the Cabinet may be called-in unless it is –
  - in the form of a recommendation to the full Council;
  - an urgent decision (as defined by rule 14 (2)) and the reason for urgency is recorded in the body of the decision;
  - a decision of the Adoption Panel;
  - concerned with procedural matters; or

- in connection with an appeal.
- 5) Where a Cabinet decision takes the form of an approval of details only, the principle having been established by an earlier Cabinet decision, then call-in shall be confined to those details.

*Call-in of decision for scrutiny*

- 6) During the notification period –
- in the case of a decision that does not relate to an education function, a member of the Council who is supported by at least five other members may request the chairman of OSMB to call-in the decision for scrutiny by that board; and
  - in the case of a decision that relates to an education function, a member or education representative who is supported by five members or five education representatives (or a combination of both members and education representatives) may request the chairman of the OSMB to call-in the decision.
- 7) If the decision relates to an education function, the education representatives will be invited to the meeting of the OSMB where the call-in will be considered.
- 8) The chairman of the OSMB will record –
- the decision to which the call-in relates;
  - the name of the member, or in the case of a decision that relates to an education function the name of the member or education representative, requesting call-in of the decision;
  - the names of the members, or in the case of a decision that relates to an education function the names of the members or education representatives or members and representatives, supporting the request;
  - the reason for the call-in; and provide the Statutory Scrutiny Officer with those details and request him or her to confirm that the decision is subject to call-in.
- 9) The Statutory Scrutiny Officer will notify the decision-maker and the strategic director of the directorate concerned of the call-in request and advise him or her that implementation of the decision be delayed until conclusion of the call-in process.
- 10) Where appropriate and after consulting the chairman of the OSMB, the Statutory Scrutiny Officer will add the call-in request to the agenda for the next following meeting of the board.

*Refer back of decision*

- 11) Where having considered the decision the OSMB is still concerned about it, the board may refer it back to the decision-maker for reconsideration, setting out in writing the nature of its concerns, or refer the decision for consideration by the full Council.
- 12) If the decision is referred back to the decision-maker, he, she or they must reconsider the decision within ten working days and either amend it or not amend it before making a final decision, which will come into force and take effect on that date.

*Date on which decision to come into force and take effect*

- 13) If after deciding to call-in a decision, the OSMB–
  - does not consider the decision at the next following meeting of the board or commission, or
  - meets to consider the decision called-in but does not refer the decision for consideration by the full Council or back for reconsideration by the decision-maker,

the decision shall come into force and take effect on the date of the board or commission's meeting.

- 14) If the full Council –
  - meets but does not object to a decision called-in and referred by the OSMB
  - meets but does not refer the decision back for reconsideration by the decision-maker

the decision shall come into force and take effect on the date of the Council meeting.

*Decision referred back by Council*

- 15) If the full Council objects to a decision called-in and referred to it by the OSMB the Council will refer the decision back to the decision-maker together with the Council's views on the decision, and the decision-maker may amend the decision or not before reaching a final decision and implementing it.
- 16) If the Cabinet as a whole or a committee or sub-committee of the Cabinet made the called-in decision, a meeting of the Cabinet or committee or sub-committee (as the case may be) will be convened within ten working days of the Council's request to reconsider it.
- 17) If an individual made the called-in decision, that individual will reconsider the decision within ten working days of the Council's request to reconsider it.

## **14. Call-in and urgency**

### *Urgent Cabinet decisions*

- 1) The call-in procedure shall not apply where the decision being taken by the Cabinet is urgent.
- 2) A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- 3) The record of the decision, and notice by which it is made public shall state whether, in the opinion of the decision-maker, the decision is an urgent one and therefore not subject to call-in.
- 4) The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.
- 5) In the absence of the Mayor, the Deputy Mayor's consent must be obtained, and in the absence of both the Chief Executive's consent, or his nominee's consent in his absence, must be obtained.

### *Reporting and monitoring urgent Cabinet decisions*

- 6) Where the Mayor, Deputy Mayor or Chief Executive consents to exempting a decision from call in on grounds of urgency, the Chairman of the OSMB and Statutory Scrutiny Officer will be informed as soon as possible after the decision is made.
- 7) Decisions taken as a matter of urgency must be reported to a meeting of the full Cabinet, together with the reasons for urgency.
- 8) The operation of the procedures relating to scrutiny, call-in and urgency will be monitored annually, and a report submitted to the full Council with proposals, if necessary, for review of the procedures.

## **PART VI**

### **PETITIONS**

## **15. Petitions**

### *The Council's scheme for handling petitions*

- 1) Overview and scrutiny select commissions have the following responsibilities in respect of petitions submitted under the above scheme.

### *Petitions referred by the Council*

- 2) The Council may refer to an overview and scrutiny select commission a petition received or debated at the Council meeting.

- 3) The petition will be reported to the next convenient meeting of the commission. The commission shall consider the petition and make a report in response to the Council or to Cabinet. The report may make recommendations as to the steps to be taken by Council or Cabinet in response to the petition.

*Petitions calling officers to account*

- 4) Petitions to hold an officer to account which meet the qualifying threshold under the Scheme shall be reported to the next convenient meeting of the relevant overview and scrutiny select commission.
- 5) The Statutory Scrutiny Officer shall in advance of the meeting notify the petition organiser of the date and time of the meeting and invite him or her to submit a list of questions which he or she would like to be put to the officer at the meeting. The petition organiser may submit such questions up to three working days before the meeting.
- 6) At the meeting, the chair may invite the petition organiser if present to address the commission on the issues raised in the petition. The chair shall then ask the officer to report to the commission on the matters raised by the petition. Members of the commission may question the officer and such questions may include any questions submitted prior to the meeting by the petition organiser. However, the petition organiser shall not put questions directly to the officer.
- 7) After the officer has attended before the commission, the commission shall make a report or recommendations to the Council or the Cabinet and shall send a copy of that report or those recommendations to the petition organiser.

*Review of steps*

- 8) A petition organiser may request an overview and scrutiny select commission to review the adequacy of the steps proposed to be taken by the Council in response to a petition.
- 9) Notice of such a request shall be submitted to the Statutory Scrutiny Officer who shall determine which is the relevant overview and scrutiny select commission and shall notify the petition organiser of the time, date and place of the next convenient meeting of that overview and scrutiny select commission. Such notification shall also be given to the Cabinet Member whose portfolio includes the subject matter of the petition.
- 10) At the meeting, the chair shall invite the petition organiser, if present, to address the commission on why he or she considers that the Council's decision on the petition is inadequate. The chair may also invite the Cabinet Member, if present, to make representations.
- 11) The commission shall make a report as to its findings under the review and may make recommendations to the Council, the Cabinet or the

relevant Cabinet Member.

- 12) The petition organiser shall be notified of the results of the review within five working days of the meeting of the commission. The results of the review shall be published on the Council's website unless the commission considers that in all the circumstances it would be inappropriate to do so.

## **PART VII**

### **PROCEDURE AT OVERVIEW AND SCRUTINY MEETINGS**

#### **16. Order of business at overview and scrutiny committee meetings**

##### *Order of business*

- 1) The order of business at overview and scrutiny committee meetings will be determined in accordance with the Council's *Procedural Standing Orders*.

##### *Questions from the public and Press*

- 2) An overview and scrutiny committee will allocate time at its meetings for questions from members of the Press and public on matters within the committee's remit

##### *Investigations*

- 3) Where an overview and scrutiny committee conducts investigations (for example with a view to policy development), the committee may invite persons to attend to give evidence at panel meetings.
- 4) In conducting an investigation, a committee will ensure that
  - the investigation is conducted fairly and that all members of the committee are given the opportunity to ask questions of attendees and to contribute and speak;
  - those assisting the committee by giving evidence are treated with respect and courtesy; and
  - the investigation is conducted so as to maximise the efficiency of the investigation or analysis.
- 5) Following an investigation or review, the committee will prepare and submit a report to the Cabinet or full Council or both, as appropriate, and shall make the report and findings public.

##### *Conflicts of interest – membership of area assembly co-ordinating groups and overview and scrutiny committee*

- 6) Where an overview and scrutiny committee is scrutinising items of business in relation to the specific decisions or proposals of an area assembly co-ordinating group, a member of the committee who is also a member of the particular area assembly co-ordinating group may not,

Speak to or vote on those items and shall withdraw.

- 7) Sub-paragraph (6) does not apply if:
- the member concerned attends the meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action; or
  - the member concerned has been given a dispensation to speak or vote (or both) on the items by the Council's Standards Committee.

#### *General policy reviews*

- 8) Where a committee is reviewing policy generally, a member of an area assembly co-ordinating group must declare his interest before the relevant agenda item is reached but need not withdraw from the meeting and may speak to and vote on the item.

### **17. The party whip**

- 1) When considering any matter, in respect of which a member of a committee is subject to the operation of a party whip, the member must declare the existence of the whip and the nature of it before the commencement of the committee's deliberations on the matter.
- 2) The declaration and the detail of the operation of whipping arrangements will be recorded in the minutes of the meeting.

### **18. Councillor Call for Action**

In accordance with Section 119 of the Local Government and Public Involvement in Health Act 2007 and Sections 19 and 20 of Part 3 of the Police and Justice Act 2006, any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter. This is intended only to be used when all the usual channels for resolving such issues have been exhausted.

Referral is by way of notice to the Statutory Scrutiny Officer that an item be placed on the next available meeting of the OSMB and will be dealt with under the procedure set out in these Rules.

- 1) Any member of the Council may submit a Councillor Call for Action (CCfA) on a local government or crime and disorder matter.
- 2) A local government matter means a matter which:
  - a) relates to the discharge of any function of the Council;
  - b) affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area, and;



c) is not an excluded matter.

- 3) A local crime and disorder matter, in relation to a member of a local authority, means a matter concerning:
- a) Crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
  - b) The misuse of drugs, alcohol and other substances.

which affects all or part of the electoral area for which the member is elected or any person who lives or works in that area.

- 4) Specifically excluded from becoming a CCfA is:
- a) any matter relating to a planning decision;
  - b) any matter relating to a licensing decision;
  - c) 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;
  - d) 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 OSMB or at a meeting of a sub-committee of the OSMB.
- 5) A matter does not fall within a description in paragraph 4 (a) – (d), if it consists of an allegation that a function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis, notwithstanding the fact that the allegation specifies or refers to a planning decision, a licensing decision or a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to review or right of appeal conferred by or under any enactment.
- 6) Unless specifically excluded, with regard to crime and disorder matters, the OSMB has the power to:
- a) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities\* of their crime and disorder functions;
  - b) to make reports or recommendations to the Crime and Disorder Reduction Partnership with respect to the discharge of those functions.

**Notes:**

A licensing decision means any decision in relation to:

- An application for any authorisation within the meaning of section 2 of the Licensing Act 2003 (b), or
- A request for a review of any such decision, or
- Any enforcement decision made under that Act or subordinate legislation made under that Act.

Planning decision means:

- Any decision on an application under the Planning Acts or subordinate legislation made under those Acts for any agreement, approval, consent or permission, or
- Any enforcement decision relating to any development within the meaning of those Acts(a); and
- 'right of recourse to a review' does not include any right to make a complaint to the Commission for Local Administration pursuant to the Local Government Act 1974.

\*Responsible authorities means the bodies or persons who are responsible authorities within the meaning given by section 5 of the Crime and Disorder Act 1998. Namely:

- (i) The council for the area;
- (ii) The police and police authority for the area;
- (iii) The fire and rescue service and fire and rescue authority for the area;
- (iv) The NHS.

## Schedule 1

### Overview and Scrutiny Management Board

#### *Terms of reference*

- 1) The OSMB's terms of reference are as follows to –
  - consider matters relating to the conduct, structure and procedures of overview and scrutiny;
  - provide overview and scrutiny of the Council's values, plans and strategies and to make recommendations for improvements as it considers appropriate;
  - co-ordinate and prioritise the overview and scrutiny work programme and assign work, as it considers appropriate, to the various select commissions
  - establish task-finish scrutiny working groups; this includes:-
    - determining their size and membership; and,
    - approving their terms of reference;
  - suggest a list of individuals who could become co-opted members of overview and scrutiny select commissions, or a list of organisations that could be invited to nominate representatives as possible co-opted members;
  - liaise with the Leader and Cabinet to regularly attend the OSMB to assist in consideration of the scrutiny work programme,
  - co-ordinate respective work programmes with the Chair of the Audit Committee, Chairs of Area Assemblies and Parish Councils to identify areas of joint working as appropriate and minimise areas of duplication,
  - consider a request made for the call-in of an executive decision.
  - consider a request made under a Councillor Call for Action in relation to a local government matter (under the powers outlined in Section 119 of the Local Government and Public Involvement in Health Act 2007)
  - consider a request made under a Councillor Call for Action in relation to crime and disorder issues (under the powers outlined in the Police and Justice Act 2006).
  - act as the designated Crime and Disorder Committee under powers outlined in the Police and Justice Act 2006.
  - consider matters relating to equalities and diversity and the

Council's specific initiatives to promote them;

- make recommendations to the Cabinet, partners or to any organisation on issues scrutinised relevant to those bodies, and where appropriate, direct to Council
- co-ordinate for joint scrutiny activity with other authorities and non-executives/scrutineers from other bodies

*Annual overview and scrutiny work programmes*

- To approve an annual overview and scrutiny work programme, including the programme of any sub-committees it appoints.
- To ensure that there is efficient use of the board's and overview and scrutiny select commission's time, and that the potential for duplication of effort is minimised.
- To ensure that members of the board and overview and scrutiny select commissions may efficiently carry out their work.
- To prepare and approve an annual overview and scrutiny work programme for implementation by the select commissions or their review groups, including –
  - liaison with the Cabinet and Senior Leadership team,
  - service reviews conducted on the basis of a scheduled programme of reviews or in response to a matter brought to the committee's attention by –
    - an area assembly,
    - an overview and scrutiny select commission ,
    - an organisation with which the Council is in partnership, or
    - the public as a result of a public consultation exercise; or
  - the Forward Plan;
- Reviews in consequence of the Council's Corporate Plan and Sustainable Community Strategy.
- Performance reviews of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators).
- Reviews under the statutory powers to scrutinise the health service.
- Reviews under the Council's general power of competence and power to promote the well-being of the citizens of Rotherham.

- To monitor and review the implementation of changes made following the acceptance by the Council of recommendations in earlier scrutiny reports.
- To submit an annual report to the Council on the operation of overview and scrutiny select commissions and recommendations for future work, in accordance with article 8(6) of the Constitution.

*Cross-cutting issues and resolution of disputes*

- To determine which overview and scrutiny select commission will assume responsibility for any particular issue, where matters fall within the remit of more than one select commission and to resolve any issues of dispute between them.

*Requests for reports from Cabinet and management of referrals to Cabinet*

- To receive requests from the Cabinet and the full Council or both for reports from a select commission and to allocate them as appropriate
- To put in place and maintain a system to ensure that referrals from select commissions to the Cabinet, either by way of report or for reconsideration, are managed efficiently.

*Prioritising referrals to Cabinet*

- To make decisions at the Cabinet's request about the priority of referrals to overview and scrutiny if the volume of referrals creates difficulty for the management of Cabinet business, threatens the effective working of the overview and scrutiny process, or jeopardises the efficient running of council business.

*Powers of call-in*

- To have the powers of call-in of an overview and scrutiny committee, in relation to an executive decision made but not implemented, as set out in section 21(3) of the Local Government Act 2000, that is to say the power –
  - to recommend reconsideration of the decision, or
  - to arrange for the decision to be considered by the full Council.

*Review or scrutiny of Cabinet and regulatory committees*

- To review or scrutinise decisions or actions taken by the executive in the discharge of executive functions.
- To make reports or recommendations to the executive or the full Council in respect of functions which are the responsibility of the executive.

- To review or scrutinise decision making processes or actions taken in connection with the discharge of functions which are not the responsibility of the executive.
- To make reports or recommendations to the full Council in respect of functions which are not the responsibility of the executive.

*Matters affecting the borough or its inhabitants*

- To make reports or recommendations to the full Council or the Cabinet on matters which affect the borough or the inhabitants of the borough.
- To arrange public consultation exercises for the purpose of assessing public satisfaction with current policies or to assist in the development of new policies.

*Membership of OSMB*

2) The membership of the OSMB shall comprise –

- a chairman who shall be a councillor appointed by the Council;
- a vice-chairman who shall be appointed by the Council; and
- the chairmen and vice-chairmen of the overview and scrutiny select commission who shall be councillors appointed by the Council
- one Opposition councillor nominated by Opposition councillors and appointed by the Council.

*Committee meetings*

- 3) Ordinary meetings of the OSMB shall be set for 9.30 am on Fridays the week after the Cabinet meets.
- 4) Meetings of the OSMB will normally be held at the Town Hall, Rotherham, Moorgate Street, Rotherham, S60 2TH but may be held at other venues around the Borough as appropriate

**Schedule 2**

**TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY SELECT COMMISSIONS**

**1) SELF-REGULATION**

- To carry out in depth overview and scrutiny of issues as directed by the OSMB. This shall include, to:

- scrutinise the Council's self assessment processes as part of the self-regulation framework
- scrutinise issues and actions emerging from external assessments (peer review, inspection etc)
- monitor and hold to account the performance of service delivery within RMBC and its partners etc with particular reference to the Corporate Plan and Sustainable Community Strategy
- scrutinise and monitor whether efficiency savings are achieved or exceeded
- co-ordinate the carrying out of value for money reviews
- scrutinise the annual budget setting process
- monitor the Council budget and MTFS

## 2) HEALTH

- To carry out in depth overview and scrutiny of issues as directed by the OSMB
- To be the Council's designated scrutiny body for any issue relating to health and the public health agenda

The work of the Health Overview and Scrutiny Select Commission will include scrutiny of:

- Health services commissioned for the people of Rotherham (under the powers of health scrutiny as outlined in the Health and Social Care Act 2001);
- Partnerships and commissioning arrangements in relation to health and well-being and their governance arrangements
- Health improvements and the promotion of wellbeing for adults and children of Rotherham.
- Measures to address health inequalities
- Public health
- Food law and environmental health
- Issues referred to it by the Local Involvement Network (or successor body)

The Commission will also act as a consultee in respect of those matters of 'substantial variation' on which NHS bodies must consult with the Council's health scrutiny function.

Regional and specialist health services. Health issues that affect residents of two or more local authorities within Yorkshire and the Humber, will be scrutinised according to the Protocol for the Yorkshire and the Humber Council's Joint Health Scrutiny Committee.

### **3) IMPROVING LIVES**

The Improving Lives Overview and Scrutiny Select Commission will carry out overview and scrutiny of issues as directed by the OSMB. These issues shall relate to

- the Every Child Matters agenda (note Health Overview and Scrutiny Select Commission responsibilities)
- the 'Think Family' and early intervention/ prevention agendas
- other cross-cutting services provided specifically for children and young people
- employment and skills development.
- non-health related adult social care

### **4) IMPROVING PLACES**

The Improving Places Overview and Scrutiny Select Commission will carry out overview and scrutiny of issues as directed by the OSMB. These issues shall relate to:

- community cohesion and social inclusion and the Council's specific initiatives to promote them;
- tourism, culture and leisure services and strategies
- borough Wide Housing and Neighbourhood Strategies
- economic development and regeneration strategies;
- environment and sustainable development

#### *Annual overview and scrutiny work programmes*

- To carry out the annual overview and scrutiny work programme set for the particular select commissions by the OSMB, including—



- service reviews conducted on the basis of a scheduled programme of reviews or in response to a matter brought to the commission's attention by an area assembly, petition, overview and scrutiny select commission, organisation with which the Council is in partnership, referral from tenant or user group bodies (for example Area Housing Panels or Rotherham Youth Cabinet) or as a result of a public consultation exercise;
- reviews in consequence of the Cabinet's annual work plan or Forward Plan;
- performance reviews of joint authorities, committees and other bodies whose activities concern the borough and its inhabitants (eg the Police, and public transport operators).

#### *Requests for reports from OSMB*

- To prepare reports commissioned by the OSMB in response to requests from the Cabinet and the full Council (or both) for reports from overview and scrutiny select commissions.

#### *Reports and recommendations in respect of Cabinet functions*

- To make reports or recommendations to Cabinet or the full Council in respect of functions which are the responsibility of the executive and which fall within the remit of the particular select commission.

#### *Review and scrutiny of non-executive decisions*

- To review or scrutinise decisions made or actions taken in connection with the discharge of functions which are not the responsibility of the executive but which fall within the remit of the particular select commission
- To make reports or recommendations to the full Council in respect of functions which are not the responsibility of the executive but which fall within the remit of the particular select commission.

#### *Matters affecting the borough or its inhabitants*

- To prepare reports or recommendations commissioned by the OSMB on matters that affect the borough or the inhabitants of the borough for submitting to the Council or the Cabinet.
- To arrange public consultation exercises for the purpose of assessing public satisfaction with current policies or to assist in the development of new policies.

### *Membership of Overview and Scrutiny Select Commissions*

- 1) The membership of each of the Council's overview and scrutiny select commissions shall comprise –
  - a chairman and vice-chairman, who shall be councillors appointed annually by the Council;
  - other councillors appointed annually by the Council;
  - any non-voting co-optees appointed from time to time by each commission; and
  - in the case of the Improving Lives Overview and Scrutiny Select Commission, and where appropriate, the Self-Regulation Overview and Scrutiny Select Commission, , the education representatives appointed by the Council.

### *Overview and scrutiny select commission meetings*

- 1) Subject to paragraph 4, overview and scrutiny select commissions must meet at least once every six weeks but may otherwise determine the dates, times and frequencies of their meetings.
- 2) In consideration of its workload, including any annual overview and scrutiny work programme allocated to it by the OSMB, each overview and scrutiny select commission shall review from time to time the frequency of its meetings.
- 3) Meetings of overview and scrutiny select commissions will normally be held at the Town Hall, Rotherham, Moorgate Street, Rotherham, S60 2TH but may be held at other venues around the Borough as appropriate.