

## **APPENDIX A – Proposed Revisions**

## ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

### 6.01 Terms of Reference

The Council will appoint the Overview and Scrutiny Committees set out in the ~~left hand column of the~~ table below to discharge the functions conferred by section 21 of the Local Government Act 2000, the Police and Justice Act 2006, or regulations under section 32 of the Local Government Act 2000 in relation to the matters set out in the second column of the same table. Each overview and scrutiny committee will be responsible for scrutinising policy framework documents that fall within their respective terms of reference.

### 6.02 Each Overview and Scrutiny Committee will primarily hold to account the Cabinet Member(s) (as set out in each table) but can call other Cabinet Members to account as appropriate.

<p align="center"><b>Strategic Leadership and Corporate Service Overview and Scrutiny Committee</b></p> <p>Leader; and Cabinet Member for Corporate Services</p>	<p align="center"><b>Planning, Transport and Development Overview and Scrutiny Committee</b></p> <p>Cabinet Member for Planning, Transport and Development</p>
<ul style="list-style-type: none"> <li>• Reviewing performance and ensuring appropriate action is identified and executed to remedy performance issues</li> <li>• Asset Management</li> <li>• Communications</li> <li>• Human Resources</li> <li>• Business Transformation and the Corporate Improvement Programme</li> <li>• Equalities</li> <li>• Scrutinising <b>whether</b> standards of governance and conduct are <b>being</b> achieved <b>throughout the business of the Council</b></li> <li>• Customer service</li> <li>• Corporate finance including regular budget monitoring</li> <li>• <b><u>The Capital Programme</u></b></li> <li>• Information Technology including scrutiny of the shared service</li> <li>• Council Tax and Housing Benefit including the Revenues and Benefits Shared Service</li> <li>• Mid Kent Improvement Partnership</li> <li>• Democratic Services <b><u>including electoral services and</u></b> member services</li> <li>• <b><u>Electoral services</u></b></li> <li>• Procurement, Property Services and Facilities Management</li> </ul>	<ul style="list-style-type: none"> <li>• The Council’s contribution to securing sustainable construction with respect to development in the borough.</li> <li>• Spatial planning including the Local <del><b><u>Plan Development Framework</u></b></del> and other spatial planning documents including Development Plan Documents, Development Management policies and development briefs</li> <li>• Transport and Infrastructure (including Highways, Parking, Park and Ride and Public Transport)</li> <li>• Development Management including planning enforcement and land charges</li> <li>• Landscape and Conservation</li> <li>• Building Control</li> </ul>

<b>Community, <del>Leisure Services and</del> Environment and Housing -Overview and Scrutiny Committee</b>	<b>Economic and Commercial Development Overview and Scrutiny Committee</b>
<p>Cabinet Member for Community and Leisure Services; &amp; Cabinet Member for Environment <b>and Housing</b></p> <ul style="list-style-type: none"> <li>• Housing</li> <li>• Community Development</li> <li>• Community Safety (To act as the Crime and Disorder Reduction Partnership OSC twice a year)</li> <li>• Safety In Action</li> <li>• Voluntary and Community Sectors</li> <li>• Health</li> <li>• Parks, open spaces and allotments including grounds maintenance</li> <li>• <del>Leisure activities including sporting and recreational based activities and including services provided via the Maidstone Leisure Centre</del></li> <li>• Community engagement</li> <li>• Allocation and monitoring of grants</li> <li>• Air Quality</li> <li>• Contaminated Land</li> <li>• Water</li> <li>• Climate change</li> <li>• Licensing</li> <li>• Carbon Management</li> <li>• Local Biodiversity</li> <li>• Waste minimisation, recycling and collection</li> <li>• Cleansing services</li> <li>• Environmental Health services</li> <li>• Bereavement i.e. services provided from the cemetery and crematorium</li> <li>• Capital projects and programmes relevant to the portfolio</li> <li>• <del>Cobtree Golf Course</del></li> <li>• Climate Change</li> </ul>	<p>Cabinet Member for Economic and Commercial Development</p> <ul style="list-style-type: none"> <li>• Economic Development and Regeneration</li> <li>• Commercial Services Development</li> <li>• The Visitor Economy including <b>the Hazlitt Arts Centre, Maidstone museums</b>, tourism, the Kent Conference Bureau and Maidstone market.</li> <li>• Capital projects and programmes relevant to the portfolio including regeneration and public realm improvement schemes</li> <li>• <b><u>Festivals and Events and venues (including activities in parks and other council owned facilities)</u></b></li> <li>• <b><u>Cobtree Golf Course</u></b></li> <li>• <b><u>Leisure activities including sporting and recreational based activities and including services provided via the Maidstone Leisure Centre</u></b></li> <li>• <b><u>Maidstone Culture and Leisure (MCL) including cultural services such as the Hazlitt Arts Centre and Maidstone museums</u></b></li> </ul>

#### Scrutiny Coordinating Committee

A Committee consisting of the Chairmen and Vice Chairmen of the four Overview and Scrutiny Committees, to be called the Scrutiny Coordinating Committee shall meet from time to time to consider matters relating to the conduct, performance and procedures of the Committees; to develop mechanisms for addressing cross cutting issues; and to prevent duplication in the work of the individual committees.

## 6.02 General role

Within their terms of reference Overview and Scrutiny Committees will:

- (a) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions. This would include looking at decisions after they have been implemented;
- (b) Make reports and/or recommendations to the full Council and/or the Executive and/or any other Committee in connection with the discharge of any functions (the decision making power remains with the original decision taker);
- (c) Consider any matter affecting the area or its inhabitants; and
- (d) Exercise the right to call in, for reconsideration, executive decisions not yet implemented by the Executive and/or any other Committees or officers.

## 6.03 Specific functions

(a) **Policy development and review.** Overview and Scrutiny Committees may:

- (i) Assist the Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues;
- (ii) Conduct research with the community and other consultation in the analysis of policy issues and possible options;
- (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) Question Members of the Executive, Members of Committees and chief officers about their views on issues and proposals affecting the area; and
- (v) 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.** Overview and Scrutiny Committees may:

- (i) Review and scrutinise the decisions made by and performance of the Executive, other Committees and Council Officers both in relation to

individual decisions and over time. This would include looking at decisions after they have been implemented;

- (ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
  - (iii) Question Members of the Executive, Members of other appropriate 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, other appropriate Committees and/or the Council arising from the outcome of the Overview and Scrutiny process;
  - (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and
  - (vi) Question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them within the budget set by Council. This budget to be used to support the policy review work of the Committees.
- (d) **Annual report.** Overview and Scrutiny Committees may report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and Scrutiny Committees may exercise overall responsibility for the work programme of any officers employed to support their work.

#### 6.04 Proceedings of Overview and Scrutiny Committees

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

#### 6.05 Chairmanship

An Overview and Scrutiny Committee shall not be chaired by the Chairman of the Audit Committee.