

Article 5 – Overview and Scrutiny Bodies

5.1 General

The Council has agreed that Overview and Scrutiny should be exercised through the Scrutiny Committee and three Select Committees. The statutory scrutiny arrangements are set out in Appendix 2 and 2A.

5.2 Scrutiny Committee

- (i) The Council appoints the Scrutiny Committee from among the non-executive Members of the Council to review or scrutinise decisions made or other action taken in accordance with:
 - a) any functions which are the responsibility of the Executive, including decisions made/actions taken directly by the Executive itself and those decisions/actions delegated to Chief Officers and individual Members of the Executive; and
 - b) any functions which are not the responsibility of the Executive.
- (ii) The Scrutiny Committee may make reports or recommendations to either the Cabinet or to the County Council with respect to:
 - a) the discharge of any functions which are the responsibility of the Executive;
 - b) the discharge of any functions which are not the responsibility of the Executive; or
 - c) matters which affect Norfolk or its inhabitants.
- (iii) The Scrutiny Committee:
 - a) exercises overall responsibility for the resources made available to it by the Council;
 - b) conducts its proceedings in accordance with the additional Overview and Scrutiny Procedure Rules set out in Appendix 10.

5.3 Membership of the Scrutiny Committee

- (i) The Committee comprises 13 Members of the Council who are not Members of the Executive, 2 Parent Governor representatives and 1 representative of each of the Church of England and Roman Catholic Diocesan Boards. The Council Members will be appointed to reflect the political balance requirements.
- (ii) The Committee will be chaired by the Chair of the Committee who will be appointed by the Council and who will normally be the Leader of the main Opposition Group on the Council.

- (iii) The Parent Governor and Church representatives are entitled to speak on all matters considered by the Scrutiny Committee but vote only on matters relating to education.
- (iv) The quorum for meetings of the Scrutiny Committee is 7.

5.4 Powers of the Scrutiny Committee

- (i) In carrying out its powers of review and scrutiny the Scrutiny Committee will take into account the desirability of co-ordination and avoiding duplication with the work of the County Council's Select Committees.
- (ii) The Scrutiny Committee has the power to 'call-in' for scrutiny all decisions made by the Cabinet but not implemented and recommend that they are reconsidered or be reviewed or scrutinised by the full Council.
- (iii) The Scrutiny Committee should only use the power to refer matters to the full Council:
 - a) if the Committee considers that the decision is contrary to the policy framework; or
 - b) if the Committee considers that the decision is contrary to or not wholly in accordance with the budget.

Any called-in matters that are considered by full Council under this arrangement will be dealt with in accordance with the full Council procedure rules rather than the scrutiny procedure rules. This means that all Members of the Council may participate, the debate will be chaired by the Chair of the County Council, and there will be no opportunity to question officers.

- (iv) The Scrutiny Committee also has the power to 'call-in' for scrutiny any decisions (as defined in Article 10) which are the responsibility of the Executive but taken by an individual Cabinet Member or officer on the Executive's behalf. The Committee may recommend that the decisions are reconsidered by the person or body which made the decision.
- (v) The call-in power is to be taken in accordance with the County Council's system for the call-in of decisions, as follows:
 - a) any Member of the Council, with the support of three other Members must give notice within five working days of a meeting of the Cabinet or, if the decision is taken by an individual Member or Chief Officer, within five working days of the decision being published under the Access to Information Procedure Rules in Appendix 13;
 - b) where education matters are involved, the Parent Governor and Church representatives together count as one Member;
 - c) a Member who has called in a decision may participate in the

debate of that call-in by the Scrutiny Committee, irrespective of whether they are a Member of the Scrutiny Committee;

- d) The call-in procedure will not apply to urgent decisions. In this respect:
- in deciding the urgency of key decisions, the procedure in Paragraphs and 1.9 of the Access to Information Procedure Rules will apply;
 - in deciding the urgency of decisions which are contrary to the Budget and Policy Framework, the procedure in Paragraph 1.9 of the Budget and their Policy Framework Rules will apply;
 - in all other cases the final decision as to whether a decision is urgent will rest with the Head of Paid Service or in their absence the Monitoring Officer. For this purpose, an urgent decision is one which cannot reasonably wait until the full call-in process would otherwise have been completed.
- (vi) In order to enable it to exercise its powers, the Scrutiny Committee may:
- a) require the Leader, Cabinet Members and officers to attend before it and answer questions; and such Members and officers will attend unless reasonably prevented from doing so;
 - b) invite any other person to attend its meetings and answer questions but may not require them to do so; *
 - c) question and gather evidence from any person with their consent;
 - d) commission reports from officers;
- (vii) The Scrutiny Committee is the Council's designated Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006.

*N.B. Reasonable travel expenses are payable on request to members of the public and to members of voluntary organisations who are invited to attend meetings

5.5 Children's Services Scrutiny Sub-Committee

- (i) The Scrutiny Committee has established a Sub-Committee consisting of five non-Executive Members specifically to scrutinise the performance of Children's Services.

5.6 Select Committees

- (i) The Council has appointed three Select Committees from among the non- executive Members so that their areas of responsibility cover all the main services of the Council. These Select Committees are:
- a) People and Communities Committee
 - b) Infrastructure and Development Committee
 - c) Corporate Committee
- (ii) The Select Committees may within their areas of responsibility consider proposed decisions to be made or other action taken in connection with:

- a) any functions which are the responsibility of the Executive; and
 - b) any functions which are not the responsibility of the Executive.
- (iii) The Select Committees may within their areas of responsibility make reports or recommendations to either the Leader, the Cabinet, the relevant Cabinet Member or the County Council with respect to:
 - a) the discharge of any functions which are the responsibility of the Executive;
 - b) the discharge of any functions which are not the responsibility of the Executive; or
 - c) matters which affect Norfolk and its inhabitants.
- (iv) Each Select Committee also has the following roles within its area of responsibility:
 - a) assist and advise the Council Leader and the Cabinet in the development of the policy framework
 - b) review the performance of the Executive in relation to its policy objectives and performance targets
- (v) Select Committees must be mindful as to avoid duplication with the work undertaken by the Scrutiny Committee.
- (vi) Select Committees do not have the power to 'call-in' decisions made but not implemented.
- (vii) Select Committees will conduct their proceedings in accordance with Appendix 10.
- (viii) Any reports and recommendations made by Select Committees will include any dissenting views

5.7 Membership and Areas of Responsibility of Select Committees

The Select Committees have the following membership and areas of responsibility:

- (i) People and Communities Select Committee

13 members

Remit: The People and Communities Select Committee is aligned to people orientated services which are based on individual need. These services are predominantly for children and adults but also include other services that contribute to our residents' well-being.

The Committee supports the Cabinet and Council in its work with adults

and older people with disabilities; services for young people who are vulnerable and improving educational attainment together with services to improve the wellbeing of our residents such as Arts and Culture, Public Health and Adult Education.

(ii) Infrastructure and Development Select Committee

13 members

Remit - The Infrastructure and Development Select Committee is aligned to the physical, geographical and economic services we provide to our residents. These services relate to the entire community both at whole County level and at neighbourhood level and take a strategic approach to prevent the fragmentation of service provision that leads to gaps or duplication of effort.

The Committee supports the Cabinet and Council in its work on transport, environmental services and growing the economy to enable our residents to live in resilient, prosperous, safe and sustainable communities with the facilities and infrastructure they need.

(iii) Corporate Select Committee

13 members

Remit: The Corporate Select Committee is aligned to the overall governance, resources and assets of the Council.

The Committee supports the Cabinet and Council in ensuring good governance and that the resources and assets are used as efficiently and effectively as possible and that as a result the Council minimises risk, is resilient, takes advantage of opportunities arising from new technology and communicates effectively with its residents and stakeholders.

The Corporate Select Committee shall also review the content and operation of the Constitution at least annually and at the request of the Council or the Director of Governance, to ensure it remains fit for purpose as set out in Article 1 of this Constitution.

5.8 Powers of Select Committees

- (i) To enable them to exercise their powers each Select Committee may within their areas of responsibility:
 - a) review matters which are not the responsibility of the Council, but which affect the social, environmental and economic well-being of the inhabitants of Norfolk;

- b) require the appropriate Cabinet Members and officers to attend before it and answer questions; and such Members and officers will attend unless reasonably prevented from doing so;
- c) question and gather evidence from any person with their consent;
- d) commission reports from officers;
- e) the Select Committees may carry out elements of “scrutiny” in so far as it relates to developing policy, by considering what has worked well, or less well, in the past.

5.9 General

- (i) Cabinet Members may attend and speak at meetings of the Select Committees. Cabinet Members attend to provide input into discussions on policy development and respond to questions raised during Select Committee meetings.
- (ii) The quorum for meetings of Select Committees is 7.