

**ANNUAL MEETING
6 MAY 2009**

**STANDING COMMITTEES, BOARDS AND PANELS
OF THE COUNCIL**

SCRUTINY COMMITTEE

[REPORTING TO THE COUNCIL unless otherwise stated in these Terms of Reference]

Chairman: Councillor G T Prout
Vice-Chairman: Councillor M J Bryant
Membership: Councillors D J Baker, P F Coleman, M J Davis, J A Hayes, D E Hunnisett, E J Lampkin, A R Lloyd (Shadow Chairman), J I Muckle, D M Pickersgill, P Scanlan, Ms R L Shanks, C J Shippam (Shadow Vice-Chairman), T C H Smith, Mrs D J Stoate and A Wells

TERMS OF REFERENCE:

DELEGATED FUNCTIONS:

1. To perform the scrutiny functions on behalf of the Council within the guidelines detailed in the Committee's Protocol;
2. To submit reports to the Council on the following;
 - (a) any Cabinet decision which is likely to give rise to expenditure or savings above such thresholds as agreed by the Council;
 - (b) matters of local concern which are not the responsibility of the Council but which nevertheless affect the Borough and/or its inhabitants;
 - (c) a Cabinet decision which is likely to have a significant impact on two or more Wards;
 - (d) a non-urgent departure decision(s) which is;
 - (i) a Cabinet decision(s) (not yet implemented) which is contrary to the policy framework/budget;
 - (ii) a Cabinet decision(s) (which has been implemented) and which is considered to be contrary to the policy framework/budget).

NB: The Council has no locus to make a decision in respect of a Cabinet decision unless the Cabinet decision is contrary to or not wholly consistent with the budget or policy framework approved/adopted by the Council.

3. To appoint in accordance with Standing Order 58(4) such sub committee(s) as the Committee considers appropriate to fulfil the scrutiny functions of the Committee.
4. To hold the Cabinet to account for the discharge of its executive functions by scrutinising decisions proposed and/or action to be taken in accordance with the Call-in mechanism detailed in the Committee's Protocol.
5. To hold the Cabinet to account for the discharge of its executive functions by scrutinising decisions after implementation i.e. post decision scrutiny, in accordance with the Committee's Protocol for the following purposes only:
 - (a) to seek more understanding of the decision and its implications;
 - (b) to question the soundness of the decision;
 - (c) to identify the need for Council policies to guide delegated decisions;
 - (d) to examine the effect and outcomes of the decision e.g. enquire into grants awarded by the Cabinet to voluntary organisations in the Borough to see how effectively expenditure has been targeted;
 - (e) to make recommendations, including proposals for changes to policies or practices, to the Cabinet.

NB: A decision(s) may only be scrutinised once.

6. To scrutinise the discharge of any other functions of the Council in accordance with the mechanism(s) detailed in the Committee's Protocol.
7. To report to the Cabinet and/or the Council in accordance with the Committee's Protocol on matters of local concern.
8. To seek comments from other Committees/Boards in order to obtain a balanced view of the effects of Council policy and Cabinet decisions.
9. Where appropriate, and as part of the community consultation process, to seek input from Councillors (including Members of the Cabinet), Officers, Tenants Participation Compact, other interested stakeholders and organisations and by drawing on the knowledge of constituents' views.
10. To receive finalised documents relating to a key decision(s) in the Cabinet's forward plan.
11. To scrutinise Cabinet forward plans with a view to deciding which, if any, of the forthcoming Cabinet decisions the Committee wishes to enquire into.
12. To report annually to the Council on the work of the Committee.

13. To consider Monitoring Officer reports about lawfulness or maladministration, which relate to Cabinet functions and consider whether to hold a short enquiry into the matter the subject of the report prior to the Cabinet's consideration of it.

14. To approve an annual scrutiny work programme in accordance with Standing Order 58(8) including the programme of any sub-committee appointed by the Committee to ensure that there is efficient use of the Committee's (sub-committee's) time and that the potential for duplication of effort is minimised.

15. Health Scrutiny Functions

Subject to any protocols/guides which may be issued from time to time by Kent County Council, to scrutinise local health service issues in the Borough, in particular, the Joint Service Needs Assessment and to make reports and recommendations on such matters.

Example - the Committee may call the local PCT to account about how it determines local needs, sets local priorities and ensures efficiency and good value.

16. Discussion/Consultation Papers

To respond to discussion/consultation papers relating to matters connected/associated with the functions of the Committee (i.e. scrutiny) in accordance with the procedure set out in the Appendix to these Terms of Reference.

17. Councillor Call for Action

To consider any local government matter relevant to the Council's functions (other than crime and disorder) referred to the Committee by a local ward Member, under the Councillor Call for Action provisions in the Committee's Protocol.

NB: the matter must be a genuine, significant and persistent community concern referred to the Committee as a last resort, because the usual channels for raising the concern e.g. Council Officers, Cabinet, partner organisations etc have been unsuccessful.

18. Local Area Agreement

Local Improvement Targets are defined as 'targets for improvement in the economic, social or environmental well-being of the authority's area that relates to the authority, one or more partners or one or more other persons acting or having functions exercisable in the authority's area'

To assist Cabinet in delivering accountability for local strategic partnerships by:

- (a)** scrutinising Local Improvement Targets in the Local Area Agreement with a view to ensuring:
- (i)** that targets are being set in consultation with and co-operation between the Cabinet and partner authorities e.g. Kent County Council;
 - (ii)** that partner authorities have regard to the targets specified in the Local Area Agreement which relate to them.
- (b)** reporting to and making recommendations to Kent County Council or the County's Cabinet or a partner authority specified in the Local Area Agreement of the County Council. [Dartford's] Cabinet will receive the report for information.