1.0 Purpose of Report

1.1 To introduce a discussion at the Committee on the overview and scrutiny function at East Hampshire District Council.

2.0 Recommendation

2.1 The Committee is recommended to consider this report and discuss the priorities and principles for the overview and scrutiny function at East Hampshire District Council.

3.0 Summary

3.1 This report sets out the legislative and constitutional framework for the overview and scrutiny function in district councils. It also outlines some principles for how the function could work at East Hampshire District Council, for discussion by the Committee.

4.0 Subject of Report

Legislative framework

4.1 The concept of ‘overview and scrutiny’ was introduced to English and Welsh local authorities by the Local Government Act 2000. This Act obliged local councils to adopt political management systems with a separate executive. The ‘executive’ would take the form of a leader (or elected mayor) and a cabinet. The remainder of the council was required to establish at least one overview and scrutiny committee. Overview and scrutiny committees may not include members of the council’s cabinet, and their membership should in general reflect the political balance of the local authority. The legal provisions can now be found in schedule 2 of the Localism Act 2011.

Constitutional framework

4.2 The Constitution of the East Hampshire District Council sets out the terms of reference for the committee at Article 7, pages 30-31. In summary, the Committee sets its own work programme and may:
i. Review or scrutinise decisions and actions of the Council
ii. Make reports or recommendations to the Full Council in connection with Council functions
iii. ‘Call in’ decisions made but not yet implemented by the Cabinet (described in Standing Order 81 of the Council’s Constitution)
iv. Require Cabinet members and officers, and invite external people, to attend to answer questions
v. Assist the Cabinet and Council to develop policy
vi. Review the Council’s policy implementation and service performance
vii. Appoint sub-committees or working groups to help with the committee’s work

4.3 In addition, the Committee should report annually to the Council on its workings.

Overview and scrutiny at East Hampshire

4.4 In addition to the Overview and Scrutiny Committee, councillors at East Hampshire District Council have a range of opportunities to be involved in the decisions, scrutiny and performance of the Council. Formal opportunities include:

i. Cabinet and assistant portfolio holder roles
ii. Publication and public discussion of most decision-making reports
iii. Full Council meetings, which include a question time for Cabinet members
iv. The Governance and Audit Committee, with its specific remit to act as the official Audit Committee and to promote ethical standards
v. The Development Policy Panel
vi. Other public meetings and forums
vii. Ad hoc councillor events and briefings on specific topics

4.5 Within this context, it is important that the Overview and Scrutiny Committee performs a focused contribution to helping to deliver the Corporate Strategy agreed by the Full Council in this challenging time for public services. Every Scrutiny discussion should pass the test of how it has contributed to delivering the Council’s challenging Corporate Strategy and supporting good governance. Meetings should be focused on Committee members being able to use their expertise, knowledge and skills to support these aims.

4.6 Following discussion, the Chairman, Vice-Chairman, Leader and senior officers have proposed the following principles for the future working of the Committee:

i. That it be focused on how the Committee can contribute to the delivery of the Corporate Strategy
ii. That it consider new areas of policy and strategy in support of the Strategy
iii. That Committee members be encouraged to work together or as individuals, conduct research and write reports and briefing notes for the Committee’s discussion, avoiding demands on staff time between meetings as far as possible
iv. That each meeting be able to demonstrate positive value and impact
v. That the Committee’s performance be reviewed annually to draw lessons and to improve continuously
5.0 Implications

5.1 **Resources:** To work well, the Committee will draw upon the resources and expertise of its members. It is not intended to place significant resource demands on staff.

5.2 **Legal:** the legislative framework for the overview and scrutiny function is set out in sections 4.1 above.

5.3 **Strategy:** It will be important for the work of the Committee to complement the delivery of the Corporate Strategy, as agreed by the Full Council.

5.4 **Risks:** No specific additional risks have been identified as a direct result of this report. If the Committee is not able to perform effectively, there is a risk that an important and statutory element of the Council’s governance framework is lacking and opportunities for improvement are missed.

5.5 **Communications/Community:** The impact of the Committee’s work on the community will depend on the topics with which it engages. Communication will be planned accordingly.

6.0 Consultation

6.1 The Chairman, Vice-Chairman and Leader have been consulted on principles in section 4.5-4.6. Most of the rest of the report summarises the legislative and constitutional framework and is provided for Committee members’ information.

### Appendices:
- East Hampshire District Council Corporate Strategy 2014-19

### Background Papers:

**Contact Officer:** Tom Horwood  
**Job Title:** Executive Director  
**Telephone:** 01730 234025  
**E-Mail:** tom.horwood@easthants.gov.uk