

Appendix 2 Part 2: Functions delegated by the Council to Committees

Policy Overview and Scrutiny Committee Suite

1. Cabinet Scrutiny Committee

14 Members

Conservative: 11; Liberal Democrat: 1; Labour: 1; independent 1; and (for relevant education items only): Churches: 3; Parent Governors: 2.

1.1 The Council has appointed this committee under section 21 of the Local Government Act 2000 to:

(a) review or scrutinise formal decisions made by the Leader, the Cabinet, Cabinet Members or Cabinet committees.

(b) call-in any decision made but not yet implemented by the Leader, the Cabinet or a Cabinet Member and either:

- (i) recommend that the decision be reconsidered by the person who made it or
- (ii) arrange for its function under (a) above (so far as it relates to the decision) to be exercised by the Council

(c) make reports or recommendations to the Leader, Cabinet, Cabinet Member, the relevant officer or the Council arising out of its functions.

1.2 When exercising its powers in relation to education functions, this Committee will include persons nominated by the Diocesan Boards of Education of the Canterbury and Rochester Dioceses of the Church of England and the Roman Catholic bishop whose diocese includes Kent (paragraph 7 of Schedule 1 to the 2000 Act), as well as persons elected as representatives of parent governors at schools maintained by the Council as the local education authority for Kent (paragraph 9 of Schedule 1 to the 2000 Act).

1.3 The Cabinet Scrutiny Committee has the power to:

(a) require the Leader, Cabinet Members and officers to attend before it and answer questions.

(b) question and gather evidence from any person (with their consent).

(c) appoint one or more sub-committees to discharge any of its functions.

2. Policy Overview and Scrutiny Committees

2.1 These committees make reports or recommendations to the Council or the Executive on the discharge of functions or matters affecting its area or inhabitants (see Article 7).

2.2 The Policy Overview and Scrutiny Committees whose terms of reference involve education functions, include persons nominated by the Diocesan Boards of Education of the Canterbury and Rochester Dioceses of the Church of England and the Roman Catholic bishop whose diocese includes Kent (paragraph 7 of Schedule 1 to the 2000 Act), as well as persons elected as representatives of parent governors at schools maintained by the Council as the local education authority for Kent (paragraph 9 of Schedule 1 to the 2000 Act).

2.3 The Procedure Rules include provision (in Appendix 4 Part 8) regulating how the Cabinet Scrutiny and Policy Overview and Scrutiny Committees exercise these powers.

2.4 The work of the Policy Overview and Scrutiny Committees is co-ordinated by the Scrutiny Board.

2.5 Each Policy Overview and Scrutiny Committee has the power to:

(a) assist and advise the Council, the Leader, a Cabinet Member and the Cabinet in the development of the Policy Framework

(b) review the performance of the Council in relation to its policy objectives and performance targets

(c) require the Leader, Cabinet Members and officers to attend before it and answer questions

(d) review or scrutinise the performance of other public bodies in Kent, invite reports from them and request them to address the Committee about their activities and performance

(e) question and gather evidence from any person (with their consent)

(f) conduct research, community and other consultation about service performance, policy issues and possible options

(g) recommend to the Scrutiny Board the appointment of Select Committees (with the legal status of Sub-Committees) to conduct reviews with the same powers as the main Committee

(h) make reports and recommendations to the Council, the Leader, a Cabinet Member, the Cabinet or any other Council Committee or officer arising from the exercise of the preceding terms of reference or affecting Kent or its inhabitants within their allocated areas of responsibility.

(i) hear evidence from an officer following the receipt of a petition signed by the required number of signatories (in accordance with the Petition Scheme).

(j) consider petitions referred to it in accordance with the Petition Scheme and to make recommendations for action to be taken.

3. Scrutiny Board

10 Members

Conservative: 9; Liberal Democrat: 1.

This committee is made up of the Chairman of Cabinet Scrutiny Committee, the Chairmen of the Policy Overview and Scrutiny Committees, the Chairman of the Health Overview and Scrutiny Committee and such other Members as may be required to comply with the proportionality requirements of the Local Government and Housing Act 1989.

This committee has been appointed by the Council under section 21 of the Local Government Act 2000, either by itself or by allocation to one or more of the Policy Overview and Scrutiny Committees, to:

- (a) review or scrutinise:
 - (i) decisions made or other action taken in connection with the discharge of any non-Executive functions
 - (ii) actions taken in connection with the discharge of any Executive functions by the Leader, the Cabinet or Cabinet Members (other than formal decisions)
 - (iii) officer decisions (whether exercising Executive or non-Executive functions)
- (b) request, but not require, that implementation of a decision be postponed when considering any decision taken by an officer or by a Committee exercising functions delegated by the Council.
- (c) co-ordinate the programme of Select Committee reviews during the year
- (d) allocate Select Committee reviews to Policy Overview and Scrutiny Committees and decide the appointment, co-ordination, composition and chairing of Select Committees to conduct the reviews
- (e) undertake policy development activity where this is of a cross-cutting nature, or allocate this power to the relevant Policy Overview and Scrutiny Committee
- (f) consider and keep under review the overall mechanisms and functions of the Overview and Scrutiny process and to make recommendations to the Council as appropriate
- (g) deploy Policy Overview and Scrutiny support staff and resources
- (h) to consider and determine all requests from a lead petitioner for a review of the response to a petition in accordance with the Petition Scheme

4. Education Learning and Skills Policy Overview and Scrutiny Committee

13 Members

Conservative: 11; Liberal Democrat: 1; Labour: 1; and (for relevant education items only): Churches: 3; Parent Governors: 2 (Teacher Advisor Representatives - non voting: 6).

This committee considers the functions of the Council that are the responsibility of the Corporate Director Education, Learning & Skills and related matters affecting Kent or its residents.

5. Specialist Children's Services Policy Overview and Scrutiny Committee

12 Members

Conservative: 10; Liberal Democrat: 1; Labour: 1.

This committee considers the functions of the Council that are the responsibility of the Director of Specialist Children's Services and related matters affecting Kent or its residents.

6. Adult Social Care & Public Health Policy Overview and Scrutiny Committee

13 Members

Conservative: 11; Liberal Democrat: 1; Labour: 1.

This committee considers the functions of the Council that are the responsibility of the Corporate Director Families & Social Care (other than specialist children's services) and the Director of Public Health and related matters affecting Kent or its residents.

7. Environment, Highways and Waste Policy Overview and Scrutiny Committee

12 Members

Conservative: 11; Liberal Democrat: 1.

This committee considers the functions of the Council that are the responsibility of the Corporate Director Enterprise & Environment in relation to environment, highways and waste functions and related matters affecting Kent or its residents, including flood risk management.

8. Regeneration and Economic Development Policy Overview and Scrutiny Committee

12 Members

Conservative: 11; Liberal Democrat: 1.

This committee considers the functions of the Council that are the responsibility of the Corporate Director Business Strategy & Support in relation to regeneration, economic development and related matters affecting Kent or its residents.

9. Customer & Communities Policy Overview and Scrutiny Committee

12 Members

Conservative: 10; Liberal Democrat: 1; Labour: 1.

This committee considers the functions of the Council that are the responsibility of the Corporate Director Customer & Communities and related matters affecting Kent or its residents.

It is also responsible for the scrutiny of authorities responsible for Crime and Disorder strategies in accordance with section 19 of the Police and Justice Act 2006 and the Protocol at Appendix 4 Part 5 Annex C.

10. Corporate Policy Overview and Scrutiny Committee

12 Members

Conservative: 11; Liberal Democrat: 1.

This committee considers the functions of the Council managed by the Managing Director (with the exception of regeneration and economic development) and related matters affecting Kent or its residents.

11. Health Overview and Scrutiny Committee

12 Members

Conservative: 10; Liberal Democrat: 1; Labour: 1.

This committee reviews and scrutinises matters relating to health and social care in Kent and exercises the powers conferred on the Council under the Health and Social Care Act 2001 and the Local Government and Public Involvement in Health Act 2007.

12. Select Committees

8 Members

Conservative: 7; Liberal Democrat: 1.

(a) These are time limited, task specific sub-committees of the Policy Overview and Scrutiny Committees, appointed to carry out reviews on behalf of the Policy Overview and Scrutiny Committees with the same powers as the main committee.

(b) The general scope of each Select Committee review is agreed by the Scrutiny Board when it is included in the work programme. The detailed terms of reference of each Select Committee Review are developed by a cross party Member group (one from each group), for approval by the Select Committee and endorsement by the parent Policy Overview and Scrutiny Committee.

(c) A register of all appointments of Select Committees is kept by the Monitoring Officer.