

Part 2 – Article 5 (Overview and Scrutiny)

By law, the Council must establish Overview and Scrutiny Committees and it has established the following Committees:

- Scrutiny Committee
- Health Scrutiny Committee
- Children's Services Scrutiny Committee
- Education Scrutiny Committee
- Executive Scrutiny Committee

These Committees work to deliver local public sector accountability. They are able to require the Council's decision-makers, as well as those of its key partners, to account for their decisions and actions.

The Committees are also a key mechanism for reviewing Council policies and services, as well as services delivered by other organisations in Lancashire.

If at any Overview and Scrutiny Committee meeting the party whip is to be applied, then it must be declared.

Summary

The five Overview and Scrutiny Committees shall comprise the number of County Councillors indicated below and such Co-optees as the Full Council shall determine at its Annual Meeting.

1. **Scrutiny Committee** (Thirteen County Councillors)

To review and scrutinise the decisions and actions of the County Council and external partners. The Committee will scrutinise the work and performance of any part of the County Council and its partners and the functions of the relevant Cabinet Members.

To exercise the statutory functions in relation to the scrutiny of flood risk management

To exercise the statutory functions of a Crime and Disorder overview and scrutiny committee under the provisions of the Police and Justice Act 2006. For this purpose the Committee may choose to include co-opted members in accordance with the provisions of that act.

2. **Health Scrutiny Committee** (Thirteen County Councillors and twelve non-voting Co-opted district Members)

To review and scrutinise issues around public health and health inequalities. The Committee will review and scrutinise the work and performance of any relevant part of the County Council and its partners and the functions of the relevant Cabinet Members

To discharge the statutory health overview and scrutiny functions under the provisions of the Health and Social Care Act 2012, as they relate to services for adults or universal services. For this purpose the Committee shall include twelve non-voting Co-opted district council Members.

3. **Children's Services Scrutiny Committee** (Thirteen County Councillors, one non-voting co-opted youth council representative, and five non-voting district members)

To review and Scrutinise issues around children's services. The Committee will scrutinise the work and performance of any relevant part of the County Council and its partners and the functions of the relevant Cabinet Members.

To discharge the statutory health overview and scrutiny functions under the provisions of the Health and Social Care Act 2012, in relation to services for children and young people. For this purpose the Committee shall include five non-voting Co-opted district council Members, one appointed by each of the local Children's Partnership Boards.

The committee shall also include a non-voting representative nominated by the Youth Council.

4. **Education Scrutiny Sub-Committee** (Thirteen County Councillors and five voting Co-optees)

To review and scrutinise issues around education. The Committee will scrutinise the work and performance of any relevant part of the County Council and its partners and the functions of the relevant Cabinet Members.

The Committee shall include the statutory education Co-optees (five Co-optees comprising three Church representatives and two parent governor representatives) who shall have voting rights in relation to any education functions which are the responsibility of the Executive.

4. **Executive Scrutiny Committee** (Thirteen County Councillors)

To review and scrutinise forthcoming decisions of the County Council's Cabinet, and key decisions of individual cabinet members and Cabinet Committees.

The following Terms of Reference should be read in conjunction with the above summary.

Scrutiny Committee

1. To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively, the Leader, Deputy Leader or the relevant Cabinet Members or Cabinet committees.
2. To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader or the relevant Cabinet Members or Cabinet committees with respect to the discharge of any functions which are undertaken by the Cabinet collectively, the Leader, Deputy Leader or the relevant Cabinet Members or Cabinet committees.
3. To review decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet, except for decisions of the Regulatory Committee, the Development Control Committee, the Audit and Governance Committee, the Conduct Committee, the Pension Fund Committee, the Corporate Complaints Committee and the Student Support Appeals Committee or any other committees of the Full Council as the Full Council may from time to time specify.
4. To make reports or recommendations to the Full Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet.
5. In reviewing decisions (other than decisions designated as urgent under Standing Order 34(3)) made in connection with the discharge of any functions undertaken by the Cabinet collectively, the Leader, Deputy Leader or the relevant Cabinet Members or Cabinet committees, but which have not been implemented, the Committee may recommend that the decision be reconsidered by the person who made it or to refer the decision to the Full Council for it to decide whether it wishes it to be reconsidered by the decision taker. These rules do not apply to executive decisions which take the form of recommendations for final decision by the Full Council
6. To request a report by the executive to Full Council where a decision which was not treated as being a key decision has been made and the Scrutiny Committee is of the opinion that the decision should have been treated as a key decision
7. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet members, Cabinet committees, or decided by the Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the

Cabinet, individual Cabinet members, Cabinet committees or to the Full Council as appropriate.

8. To undertake reviews (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet committees or decided by the Committee itself) and make recommendations to the Full Council, the Cabinet or the relevant Cabinet Members or Cabinet committees, as appropriate, on relevant services or activities carried out by external organisations which affect Lancashire or its inhabitants.
9. To consider any matter brought to it following a request by a County Councillor or a Co-optee of the Committee who wishes the issue to be considered.
10. The regular liaison and joint discussion of future policy issues with the Executive.
11. To consider requests from the other Overview and Scrutiny Committees on the establishment of task groups, and to establish Sub-Committees, task groups, and other working groups and panels as necessary, as well as joint committees to exercise the statutory function of joint health scrutiny committees under the NHS Act 2006
12. To determine which Overview and Scrutiny Committee considers a particular matter where this is not clear.
13. The co-ordination of Overview and Scrutiny training for County Councillors and Co-optees.
14. The facilitation of liaison with external bodies and neighbouring authorities as appropriate.
15. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.
16. To require any Councillor, an Executive Director or a senior officer nominated by him/her to attend any meeting of the Committee to answer questions and discuss issues.
17. To establish arrangements for the scrutiny of member development, and receive reports from the Member Development Working Group
18. To review and scrutinise the operation of the Crime and Disorder Reduction Partnership in Lancashire in accordance with the Police and Justice Act 2006 and make reports and recommendations to the responsible bodies as appropriate
19. In connection with 18. above, to require an officer or employee of any of the responsible bodies to attend before the Committee to answer questions

20. To co-opt additional members in accordance with the Police and Justice Act 2006 if required, and to determine whether those co-opted members should be voting or non-voting
21. To review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area

Children's Services Scrutiny Committee

Note: The Committee shall, for the purpose of discharging the statutory health overview and scrutiny functions in relation to services for children and young people, include five non-voting district council Members.

The committee shall also include a non-voting representative nominated by the Youth Council.

1. To review decisions made, or other action taken, in connection with the discharge of any relevant functions undertaken by the Cabinet collectively, or the relevant Cabinet Members or Cabinet committee.
2. To make reports or recommendations to the Full Council, the Cabinet or the relevant Cabinet Members or Cabinet committee with respect to the discharge of any functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet committee.
3. In reviewing decisions (other than decisions designated as urgent under Standing Order 34(3)) made in connection with the discharge of any relevant functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet committee, but which have not been implemented, the Committee may recommend that the decision be reconsidered by the person who made it or to refer the decision to the Full Council for it to decide whether it wishes it to be reconsidered by the decision taker.
4. To request a report by the executive to Full Council where a decision which was not treated as being a key decision has been made and the Children's Services Scrutiny Committee is of the opinion that the decision should have been treated as a key decision
5. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet committee or decided by the Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to either the Cabinet, the relevant Cabinet Members, Cabinet committee or to the Full Council as appropriate.

6. To undertake reviews (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet committee or decided by the Committee itself) and make recommendations to the Full Council, the Cabinet, Cabinet committee or the relevant Cabinet Members, as appropriate, on relevant services or activities carried out by external organisations which affect Lancashire or its inhabitants.
7. To consider any relevant matter referred to the Committee by the Scrutiny Committee following a request by a County Councillor or a Co-optee of the Committee who wishes the issue to be considered.
8. To request that the Scrutiny Committee establish sub-committees, task groups and other working groups and panels as necessary.
9. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.
10. To require any Councillor who is a member of the Cabinet, the appropriate Executive Director or a senior officer nominated by him/her to attend any meeting of the Committee to answer questions and discuss issues.
11. To recommend the Full Council to co-opt on to the committee persons with appropriate expertise in the relevant children's services matters, without voting rights
12. To recommend to the Scrutiny Committee appropriate training for members of the Committee on children's services related issues.
13. To request that the Scrutiny Committee establish as necessary joint working arrangements with district councils and other neighbouring authorities.

The following provisions relating to scrutiny of health and social care relate to services for children and young people:

14. To review and scrutinise any matter relating to the planning, provision and operation of the health service in the area and make reports and recommendations to NHS bodies as appropriate,
15. In reviewing any matter relating to the planning, provision and operation of the health service in the area, to invite interested parties to comment on the matter and take account of relevant information available, particularly that provided by the Local Healthwatch
16. To review and scrutinise any local services planned or provided by other agencies which contribute towards the health improvement and the reduction of health inequalities in Lancashire and to make recommendations to those agencies, as appropriate

17. In the case of contested NHS proposals for substantial service changes, to take steps to reach agreement with the NHS body
18. In the case of contested NHS proposals for substantial service changes where agreement cannot be reached with the NHS, to refer the matter to the relevant Secretary of State.
19. To refer to the relevant Secretary of State any NHS proposal which the Committee feels has been the subject of inadequate consultation.
20. To scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under Section 31 of the Health Act 1999.
21. To draw up a forward programme of health scrutiny in consultation with other local authorities, NHS partners, the Local Healthwatch and other key stakeholders.
22. To acknowledge within 20 working days to referrals on relevant matters from the Local Healthwatch or Local Healthwatch contractor, and to keep the referrer informed of any action taken in relation to the matter
23. To require the Chief Executives of local NHS bodies to attend before the Committee to answer questions, and to invite the chairs and non-executive directors of local NHS bodies to appear before the Committee to give evidence.
24. To invite any officer of any NHS body to attend before the Committee to answer questions or give evidence.

Education Scrutiny Committee

The Committee shall, for the purpose of discharging the statutory education overview and scrutiny functions, include the five statutory voting co-opted members.

1. To review decisions made, or other action taken, in connection with the discharge of any relevant functions undertaken by the Cabinet collectively, or the relevant Cabinet Members or Cabinet committee.
2. To make reports or recommendations to the Full Council, the Cabinet or the relevant Cabinet Members or Cabinet committee with respect to the discharge of any functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet committee.
3. In reviewing decisions (other than decisions designated as urgent under Standing Order 34(3)) made in connection with the discharge of any relevant functions undertaken by the Cabinet collectively or the relevant Cabinet Members or Cabinet committee, but which have not been implemented, the Committee may recommend that the decision

be reconsidered by the person who made it or to refer the decision to the Full Council for it to decide whether it wishes it to be reconsidered by the decision taker.

4. To request a report by the executive to Full Council where a decision which was not treated as being a key decision has been made and the Education Scrutiny Sub Committee is of the opinion that the decision should have been treated as a key decision
5. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet committee or decided by the Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to either the Cabinet, the relevant Cabinet Members, Cabinet committee or to the Full Council as appropriate.
6. To fulfil all the statutory functions of an Overview and Scrutiny Committee as they relate to education functions of a Children's Services Authority.
7. To undertake reviews (whether requested by the Full Council, the Cabinet, the relevant Cabinet Members, Cabinet committee or decided by the Committee itself) and make recommendations to the Full Council, the Cabinet, Cabinet committee or the relevant Cabinet Members, as appropriate, on relevant services or activities carried out by external organisations which affect Lancashire or its inhabitants.
8. To consider any relevant matter referred to the Committee by the Scrutiny Committee following a request by a County Councillor or a Co-optee of the Committee who wishes the issue to be considered.
9. To request that the Scrutiny Committee establish sub-committees, task groups and other working groups and panels as necessary.
10. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.
11. To require any Councillor who is a member of the Cabinet, the appropriate Executive Director or a senior officer nominated by him/her to attend any meeting of the Committee to answer questions and discuss issues.
12. To recommend the Full Council to co-opt on to the committee persons with appropriate expertise in the relevant education matters, without voting rights
13. To recommend to the Scrutiny Committee appropriate training for members of the Committee on education related issues.

Health Scrutiny Committee

Note: The Committee shall, for the purpose of discharging the statutory health overview and scrutiny functions, include twelve non-voting district council Members. The Committee has the statutory responsibility for health scrutiny in relation to services for adults or universal services.

1. To review decisions made, or other action taken, in connection with the discharge of any relevant functions undertaken by the Cabinet collectively, or the relevant Cabinet Members or Cabinet Committee.
2. To make reports or recommendations to the Full Council, the Cabinet or the relevant Cabinet Member or Cabinet committee with respect to the discharge of any relevant functions undertaken by the Cabinet collectively or the relevant Cabinet Member or Cabinet committee.
3. In reviewing decisions (other than decisions designated as urgent under Standing Order 34(3)) made in connection with the discharge of any relevant functions undertaken by the Cabinet collectively or the relevant Cabinet Member or Cabinet committee, but which have not been implemented, the Committee may recommend that the decision be reconsidered by the person who made it or to refer the decision to the Full Council for it to decide whether it wishes it to be reconsidered by the decision taker.
4. To request a report by the executive to Full Council where a decision which was not treated as being a key decision has been made and the Health Scrutiny Committee is of the opinion that the decision should have been treated as a key decision
5. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council, the Cabinet, the relevant Cabinet Member, Cabinet committee or decided by the Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to either the Cabinet, the relevant Cabinet Member, Cabinet committee or to the Health and Well Being Board or the Full Council as appropriate.
6. To review and scrutinise any County Council services planned or provided as part of the Council's wider public health responsibilities, and to make recommendations to the Full Council, the Health and Well Being Board or the Cabinet or Cabinet committee, as appropriate.
7. To review and scrutinise any matter relating to the planning, provision and operation of the health service in the area and make reports and recommendations to NHS bodies as appropriate,
8. In reviewing any matter relating to the planning, provision and operation of the health service in the area, to invite interested parties to comment on the matter and take account of relevant information available, particularly that provided by the Local Healthwatch

9. The review and scrutinise any local services planned or provided by other agencies which contribute towards the health improvement and the reduction of health inequalities in Lancashire and to make recommendations to those agencies, as appropriate
10. In the case of contested NHS proposals for substantial service changes, to take steps to reach agreement with the NHS body
11. In the case of contested NHS proposals for substantial service changes where agreement cannot be reached with the NHS, to refer the matter to the relevant Secretary of State.
12. To refer to the relevant Secretary of State any NHS proposal which the Committee feels has been the subject of inadequate consultation.
13. To scrutinise the social care services provided or commissioned by NHS bodies exercising local authority functions under Section 31 of the Health Act 1999.
14. To request that the Scrutiny Committee establish as necessary joint working arrangements with district councils and other neighbouring authorities.
15. To draw up a forward programme of health scrutiny in consultation with other local authorities, NHS partners, the Local Healthwatch and other key stakeholders.
16. To acknowledge within 20 working days to referrals on relevant matters from the Local Healthwatch or Local Healthwatch contractor, and to keep the referrer informed of any action taken in relation to the matter.
17. To consider any relevant matter referred to the Committee by the Scrutiny Committee following a request by a County Councillor or a Co-optee of the Committee who wishes the issue to be considered.
18. To request that the Scrutiny Committee establish task groups and other working groups and panels as necessary.
19. To require the Chief Executives of local NHS bodies to attend before the Committee to answer questions, and to invite the chairs and non-executive directors of local NHS bodies to appear before the Committee to give evidence.
20. To invite any officer of any NHS body to attend before the Committee to answer questions or give evidence.
21. To invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.

22. To recommend the Full Council to co-opt on to the Committee persons with appropriate expertise in relevant health matters, without voting rights.
23. To require any Councillor who is a member of the Cabinet, the appropriate Executive Director or a senior officer nominated by him/her to attend any meeting of the Committee to answer questions and discuss issues.
24. To recommend to the Scrutiny Committee appropriate training for members of the Committee on health related issues

Executive Scrutiny Committee

1. To review and scrutinise reports and decisions due for consideration by the Cabinet collectively, and to make recommendations to Cabinet on those reports and decisions.
2. To review and scrutinise Key Decisions, other than the making of Traffic Regulation Orders of all kinds including Speed Limit Orders, due for consideration by individual Cabinet Members and to make recommendations to Cabinet Members on those decisions.
3. To review and scrutinise Key Decisions due for consideration by Cabinet Committees, and to make recommendations to the relevant Cabinet Committee on those decisions.
4. The committee may invite to any meeting of the Committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor whom the Committee considers would assist it in carrying out its functions.
5. To require any Councillor, an Executive Director or a senior officer nominated by him/her to attend any meeting of the Committee to answer questions and discuss issues in relation to the reports and decisions before it for consideration..
6. To appoint a Budgetary Scrutiny Working Group and receive recommendations from it in order to make recommendations to Cabinet on its budget proposals to Full Council