

Appendix 1

PROPOSED OVERVIEW AND SCRUTINY COMMITTEE DRAFT TERMS OF REFERENCE WHICH WOULD APPLY TO THE NEW OVERVIEW AND SCRUTINY COMMITTEES FOLLOWING THE SHADOW PERIOD

- 1 to discharge the Council's functions under Section 21 of the Local Government Act 2000 (Scrutiny Committees);
- 2 to oversee the Council's overall scrutiny function including the preparation, implementation, monitoring and review of an annual work programme for scrutiny and arrangements for the scrutiny of other public bodies particularly where required to do so by law
- 3 to establish such task and finish groups, appointing the Chairman with such membership as it sees fit, to undertake scrutiny on a task and finish basis;
- 4 to ensure that officers discharge their responsibilities effectively and efficiently in relation to the scrutiny function;
- 5 In performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations;
- 6 scrutinise decisions after implementation to examine their effect and outcomes;
- 7 ensure in conjunction with the Standards and Constitution Committees that the Council has in place appropriate mechanisms to protect organisational Integrity including the development of appropriate policies and guidance;
- 8 deal with any overview and scrutiny matter which is the subject of a call-in, a Councillor Call for Action or a Local Petition (a Councillor Call for Action Protocol is included in Part 5 of this Constitution);
- 9 to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- 10 to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- 11 to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- 12 to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
- 13 to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,
14. to undertake the statutory responsibility to scrutinise flood risk management
15. to undertake the statutory responsibility to examine the work of Community Safety Partnerships

16 to undertake the statutory responsibility to examine the work of relevant partners

Notes:-

The Overview and Scrutiny Committee will continue to have power to require officers and Cabinet Members to appear before it.

Provision has to be made for Church and Parent Governors in respect of education matters.

The Council must ensure must ensure that the overview and scrutiny committee has power to require Partner organisations to provide information to it.

The Overview and Scrutiny Committee may give a relevant partner organisation notice in writing requiring them to have regard to a report or recommendations in exercising its functions

HEALTH AND WELLBEING OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE WHICH WOULD APPLY TO THE NEW OVERVIEW AND SCRUTINY COMMITTEES FOLLOWING THE SHADOW PERIOD

The Health and Wellbeing Scrutiny Committee will fulfil the functions of an Overview and Scrutiny Committee as they relate to performance management, Corporate Resources and Strategy and in particular (but not restricted to):

1. Fulfil the Health Scrutiny duties falling on the Authority by virtue of the relevant Health acts and subsequent relevant legislation and Government Guidance;
2. liaison with NHS Trusts and Clinical Commissioning Groups(CCG's) on any matter relating to the planning, provision and operation of Health services in Cheshire East, including commenting on any performance or quality documents.
3. responding to any formal consultations undertaken by relevant NHS Trusts and CCG's or relevant health providers or commissioners on any substantial development or variation in service;
4. participation with other relevant local authorities in joint scrutiny arrangements of NHS Trusts providing cross-border services to Cheshire East residents, in particular the Cheshire and Wirral Partnership, NHS Foundation Trust;
5. liaison with the Local Involvement Network (LiNK)/Healthwatch for Cheshire East, commissioning work and receiving reports and recommendations as appropriate;
6. deal with any matter referred by the Department of Health, the Local Involvement Network/Healthwatch or by the Council;
7. scrutinise, the effective integration of the NHS and the work of the Council and its partners in delivering improved public health and public health protection
8. analyse and comment on the progress towards achieving the outcomes relevant to health and wellbeing whether specified locally, regionally or nationally
9. deal with any Health or Adult Social Care matter which is the subject of a Call-In, a Councillor Call for Action or Local Petition;
- 10 provide a regular programme of training and development for all Members and Co-opted Members involved in the work of the Committee.

Note: The provisional terms of reference will need to be reviewed to ensure that there is a clear focus on Health and Wellbeing and the thrust of legislative changes arising from the Health and Social Care Act 2012 together with clarity around the establishment of the Health and Wellbeing Board and the future working arrangements between the board and scrutiny.