

Part 3: Chapter 3

A Select (Overview and Scrutiny) Committees

Scrutiny Procedures

1.1 Background

The County Council will have the Select (Overview and Scrutiny) Committees set out in Part 1, Chapter 12 of the Constitution, and it will appoint Members to them in such numbers in political proportionality as it considers appropriate from time to time. The membership of the Policy and Resources Select Committee shall include the Chairmen of the other Select (Overview and Scrutiny) Committees and the Health (Overview and Scrutiny) Committee. The Policy and Resources Select Committee, having a corporate overview, may agree the appointment of working groups of Members and Officers to advise relevant select (Overview and Scrutiny) Committees. Such working groups may be appointed for a fixed period, if appropriate, on the expiry of which they shall cease to exist;

1.2 Membership of Select (Overview and Scrutiny) Committees

Members of (Overview and Scrutiny) Select Committees – all Members (except members of the Executive) may be members of any Select (Overview and Scrutiny) Committee. No Member may be involved in scrutinising a decision in which he or she has been directly involved;

1.3 Co-optees

Co-optees – each Select (Overview and Scrutiny) Committee or working group may include in its membership any person or persons as non-voting co-optees where the Committee or working group considers this would be advantageous to their work;

1.4 Children and Young People Select (Overview and Scrutiny) Committee

The Children and Young People Select (Overview and Scrutiny) Committee, when dealing with the education Functions of the Executive shall include in its membership the following voting representatives:

1.4.1 one Church of England Diocese representative;

1.4.2 one Roman Catholic Diocese representative;

1.4.3 three Parent Governor representatives.

1.5 Meetings of Select (Overview and Scrutiny) Committees

Select (Overview and Scrutiny) Committees will normally meet four times a year, in accordance with a timetable to be published by the Chief Executive. In addition, extraordinary or ad hoc meetings may be called from time to time as and when appropriate. A Select (Overview and Scrutiny) Committee meeting may be called by the chairman of the relevant Select (Overview and Scrutiny) Committee, by a quorum of the members of the committee or by the Chief Executive if he or she considers it necessary or appropriate.

1.6 Chairing Select (Overview and Scrutiny) Committees

The Chairman and Vice-Chairman of each select committee shall be appointed by the County Council at its Annual General Meeting. In the absence of the Chairman, the Vice-Chairman will preside. In the event that neither the Chairman or the Vice-Chairman are present within 10 minutes from the time appointed for any meeting to begin, the Committee may appoint a person to chair it from amongst the members sitting on it. Sub-Committees and working groups shall appoint their own Chairman from among their membership. An officer of the County Council may not chair a working group;

1.7 Work programme

Select (Overview and Scrutiny) Committees will be responsible for proposing their own work programme of activities within their planned meetings structure and, in doing so, shall take into account wishes of members on that Committee who are not members of the largest political group on the County Council. The Policy and Resources Select Committee will oversee and determine the overall work programme of working groups;

1.8 Agenda items

- 1.8.1 Any member of a Select (Overview and Scrutiny) Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next convenient meeting (Section 9 FC (1) (a) and (b) of Part 1A of the 2000 Act). On receipt of such a request, the Chief Executive will ensure that it is so included;
- 1.8.2 Any member of the County Council may refer to any Select (Overview and Scrutiny) Committee, of which they are not a member, any matter which is relevant to the function of that Committee in accordance with Section 9 FC (1) (c) of Part 1A of the Local Government Act 2000, and which is not an excluded matter under Section 9 FC (5) of Part 1A of the 2000 Act (crime and disorder matters and excluded matters within the meaning of the Overview and Scrutiny (Reference by Councillors) (Excluded Matter) (England) Order 2012). In considering whether to exercise this power, the member must have regard to any relevant statutory guidance;
- 1.8.3 Any member of the County Council who is not a member of the Safe and Healthy People Select (Overview and Scrutiny) Committee may refer to that Committee a local crime and disorder matter affecting all or part of their division, or any person who lives or works in that area (Section 19 (3) (b) of the Police and Justice Act 2006);
- 1.8.4 A matter referred to a Select (Overview and Scrutiny) Committee under paragraph 1.8.2 or to the Safe and Healthy People Select (Overview and Scrutiny) Committee under paragraph 1.8.3 shall be included in the agenda for, and discussed at, a meeting for the Committee. Arrangements for the handling of a matter so referred shall be in accordance with the 'Councillor Call For Action' protocol agreed by the County Council (and the provisions of the 2000 Act and the Police and Justice Act 2006 as appropriate);
- 1.8.5 The County Council or the Executive may request a Select (Overview and Scrutiny) Committee to consider matters referred by it or them. Where this occurs, the matter shall be placed on the agenda of the next convenient meeting of the Committee and the Committee will decide what further action should be taken.

1.9 Reports from Select (Overview and Scrutiny) Committees

- 1.9.1 Once it has formed recommendations on a particular matter, the Select (Overview and Scrutiny) Committee will request the Chairman of the relevant Committee to report to the Executive (if

the recommendations are consistent with the existing budgetary and policy framework), or to the County Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). Where members of a Select (Overview and Scrutiny) Committee cannot agree on a single report, the report to the County Council or the Executive shall contain a paragraph giving brief details of where there is dissent from the majority finding. In accordance with Section 9 FE (3) of Part 1A of the 2000 Act, the Committee must notify the Executive or the County Council of the Committee's requirement in respect of its report. The Safe and Healthy People Select (Overview and Scrutiny) Committee in regard to its review and scrutiny of crime and disorder matters is exempt from the provision of Section 9 FE (3) of Part 1A of the 2000 Act but must comply with the requirement of Section 19 of the Police and Justice Act.

1.9.2 The County Council or Executive will consider the report of the Select (Overview and Scrutiny) Committee as soon as practicable after the report has been submitted to it or them, and will provide at least an initial response within 2 months of receipt of the report (Section 122 of the Local Government and Public Involvement in Health Act 2007);

1.9.3 In the event of any dispute between the Executive, the County Council, and/or any Select (Overview and Scrutiny) Committee, it shall be resolved by the County Council. If there is any issue as to whether a matter is a dispute that needs to be resolved by the County Council, the Chief Executive shall advise, and if necessary, will place the matter on the County Council agenda for the next convenient meeting.

1.10 Co-ordinating role

As provided for in its terms of reference, the Policy and Resources Select (Overview and Scrutiny) Committee, will co-ordinate the scrutiny function so as to ensure effective resource allocation, and that review reports are consistent and take account of corporate issues;

1.11 Members' and Officers' attendance at Select (Overview and Scrutiny) Committees or working groups

A Select (Overview and Scrutiny) Committee or working group may scrutinise and review decisions made or actions taken in connection with the discharge of Executive functions. A Select (Overview and Scrutiny) Committee also has an advisory role in respect of any County Council functions within its terms of reference. As well as reviewing documentation, it may require any member of the Executive, the Chief Executive, and/or any other Senior Officer to attend before it to explain,

or give evidence, in relation to matters within their remit and it is the duty of those persons to attend if so required.

Where any Member or Officer is required to attend a Select (Overview and Scrutiny) Committee or Sub-Committee under this provision, they shall be given reasonable notice of the meeting they are required to attend. The notice will state the nature of the matter on which they will be asked to explain or answer, and they will also be given notice of whether any papers are required to be produced. Where attendance is likely to require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

1.12 Attendance by others

A Select (Overview and Scrutiny) Committee or Sub-Committee may invite people other than those referred to in the previous paragraph, to address it, discuss issues of local concern, and/or answer questions. This could include, for example, residents, external experts, stakeholders, and members and officers in other parts of the public sector. In the case of these people, unless required by law attendance will be optional.

1.13 Call-in

1.13.1 Where a decision of the Executive has been made but not yet been implemented, a quorum of members of the relevant Select (Overview and Scrutiny) Committee(s) may require by way of notice in writing to the Chief Executive that a meeting of the Committee is held to consider whether or not to exercise the Committee's powers under Section 9 F (4) of Part 1A of the 2000 Act (referred to in this Constitution as 'call-in'). These powers are to arrange that the decision be reconsidered by the Executive, or arrange for its powers in respect of review or scrutiny of the decision to be exercised by the County Council. Where a decision materially affects more than one Select Committee (i.e. it is cross-cutting) a call-in must be made by at least two of the Select (Overview and Scrutiny) Committees;

1.13.2 A decision can only be called-in within 5 working days of the date the decision was notified to all members of the appropriate Select (Overview and Scrutiny) Committee(s).

1.13.3 When a valid call-in request is made, the Select (Overview and Scrutiny) Committee(s) must meet to consider the request, make a decision and communicate to the Executive any recommendations it wishes to make within 14 calendar days of the request being made. When it meets the Committee(s) must consider whether or not to recommend;

- i) that the decision be reconsidered by the relevant decision making body who made the decision; or
- ii) that the County Council consider whether the relevant decision making body should reconsider the decision (this recommendation shall not be made when the decision is in line with the budget, the Policy Framework or the Forward Plan)

1.13.4 Any decision of the Executive which is not in line with the Budget or the Policy Framework, or the notice procedure in respect of Key Decisions as set out at Part 3 Chapter 2 Paragraph 3.2 of the Constitution, if called-in, shall not be implemented until the request has been disposed of by;

- i) The withdrawal of the request
- ii) The rejection of the request by the Select (Overview and Scrutiny) Committee(s) or by the County Council
- iii) The relevant decision-making body rejecting the recommendation for reconsideration or;
- iv) The relevant decision-making body reconsidering and confirming the original decision.

1.13.5 Call-in shall not prevent the decision from being acted on where the decision is in line with the Policy Framework and other policies approved by the County Council but when the views of the Select Committee differ from, or are critical of, the Executive decision, the facts shall be reported to the next County Council meeting and be debated without changing the previous decision although the County Council may request the Cabinet or relevant Executive Member(s) to review the decision in question.

1.14 Call-in and urgency

1.14.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is an urgent Key Decision (see Chapter 2, Paragraphs 3.3 and 3.4 of this Part).

1.14.2 The record of the urgent Key Decision, and the notice by which it is made public, shall state whether (in the opinion of the decision-making person or body) and confirmed by the Chairman of the relevant Select (Overview and Scrutiny) Committee the decision is an urgent one. If it is considered urgent, the decision will not be subject to call-in. The Chief Executive, or his or her nominee, will have to advise on the issue of urgency in all cases.

- 1.14.3 Decisions taken as a matter of urgency must be reported by the Chief Executive to the members of the relevant Select (Overview and Scrutiny) Committee, together with the reasons for the urgency. If considered appropriate, the Select (Overview and Scrutiny) Committee may refer the matter to the next appropriate Meeting of the County Council.
- 1.14.4 The operation of the provisions relating to call-in and urgency shall be monitored by the Policy and Resources Select (Overview and Scrutiny) Committee and a report submitted to the County Council with proposals for review, if necessary.

B Health (Overview and Scrutiny) Committee

Scrutiny Procedures

2.1 Background

The County Council will have the Health (Overview and Scrutiny) Committee set out in Part 1, Chapter 12 of the Constitution, and it will appoint members to the Committee in accordance with Part 2, Chapter 5, Paragraph 5.7. The Health (Overview and Scrutiny) Committee may appoint working groups of Members and Officers to advise it. Such working groups may be appointed for a fixed period, if appropriate, on the expiry of which they shall cease to exist.

2.2 Membership of Health (Overview and Scrutiny) Committee

Members of the Health (Overview and Scrutiny) Committee – all members (except members of the Executive) may be members of the Health (Overview and Scrutiny) Committee. No member may be involved in scrutinising a decision in which he or she has been directly involved;

2.3 Co-optees

Co-optees – the Health (Overview and Scrutiny) Committee may have within its membership any person or persons as a non-voting co-optees where the Committee considers this would be advantageous to their work;

2.4 Other Members

The Health (Overview and Scrutiny) Committee may in addition have within its membership one or more of the members of the Overview and Scrutiny Committees of the District and Borough and City Councils within the County Council's area. Such members shall be full voting members of the Committee.

2.5 Meetings of the Health (Overview and Scrutiny) Committees

The Health (Overview and Scrutiny) Committee will normally meet six times a year, in accordance with a timetable to be published by the

Chief Executive. In addition, extraordinary or ad hoc meetings may be called from time to time as and when appropriate. A meeting may be called by the Chairman of the Committee, by a quorum of the members of the Committee or by the Chief Executive if he or she considers it necessary or appropriate.

2.6 Chairing the Health (Overview and Scrutiny) Committee

The Chairman and Vice-Chairman of the Committee shall be appointed by the County Council at its Annual General Meeting. In the absence of the Chairman, the Vice-Chairman will preside. In the event that neither the Chairman or the Vice-Chairman are present within 10 minutes from the time appointed for any meeting to begin, the Committee may appoint a person to chair it from amongst the members sitting on it. Sub-Committees and working groups shall appoint their own Chairman from among their membership. An officer of the County Council may not chair a working group;

2.7 Work Programme

The Health (Overview and Scrutiny) Committee will be responsible for proposing its own work programme of activities within its planned meetings structure and, in doing so, shall take into account wishes of members on that Committee who are not members of the largest political group on the County Council.

2.8 Agenda items

2.8.1 Any member of the Health (Overview and Scrutiny) Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next convenient meeting (Section 9 FC (1) (a) and (b) of Part 1A of the 2000 Act). On receipt of such a request, the Chief Executive will ensure that it is so included;

2.8.2 Any member of the County Council may refer to the Health (Overview and Scrutiny) Committee, any local government matter which is relevant to the function of the committee in accordance with Section 9 FC (1) (c) of Part 1A of the Local Government Act 2000, and which is not an excluded matter under Section 9 FC (5) of Part 1A of the 2000 Act. In considering whether to exercise this power, the member must have regard to any relevant statutory guidance;

2.8.3 A relevant Local Involvement Network or a Relevant Person (as defined in the Local Government and Public Involvement in Health Act 2007) may refer any matter relating to the planning, provision and operation of health services or social care service to the Health (Overview and Scrutiny) Committee and any such

referral shall be acknowledged by the Committee within 20 working days of the referral and the referrer shall be kept informed of any action taken in regard to the matter;

2.8.4 A matter referred to a Select Committee under paragraph 2.8.2 or 2.8.3 shall be included in the agenda for, and discussed at, a meeting of the Committee. Arrangements for the handling of a matter so referred shall be in accordance with the Councillor Call for Action Protocol and the provision of the 2000 Act;

2.8.5 The County Council or the Executive may request the Health (Overview and Scrutiny) Committee to consider matters referred by it or them. Where this occurs, the matter shall be placed on the agenda of the next convenient meeting of the Committee and the Committee will decide what further action should be taken.

2.8.6 Reports from the Health (Overview and Scrutiny) Committee

(i) The Health (Overview and Scrutiny) Committee may make reports and recommendations to local NHS bodies or to the Executive or the County Council. Such reports and recommendations shall include:

- an explanation of the matter reviewed or scrutinised;
- a summary of the evidence considered;
- a list of the participants involved; and
- any recommendations on the matter reviewed or scrutinised.

(ii) Where the Health (Overview and Scrutiny) Committee requests a response from the NHS body to whom it has made a report or recommendation, that body shall respond to the request within 28 calendar days of the date of the request.

(iii) Where the Health (Overview and Scrutiny) Committee has completed its review and made reports and recommendations to local NHS bodies scrutinised, the Scrutiny Officer will copy the report to:

- The Cabinet;
- The Local MPs and MEPs;
- The Strategic Health Authority;

- The local Involvement Network; and
- Other bodies or organisations that have expressed an interest in the inquiry.

The Scrutiny Officer will also place a copy of the report on the County Council's website.

2.9 Consultation

2.9.1 Each NHS Body has a duty to consult the Health (Overview and Scrutiny) Committee on any proposals for any substantial development of the Health Service in the County Council's area or any proposals to make any substantial variation in the provision of such services.

2.9.2 An NHS body undertaking a consultation should be prepared to attend the Health (Overview and Scrutiny) Committee, if so requested, to explain the rationale behind the proposals and the options for change being considered.

2.9.3 When the Committee has considered the proposals and local evidence, it should provide its comments (if any) to the local NHS body undertaking the consultation. It must respond within the timescale (if any) specified by that local NHS body. If the Committee does not support the proposals, it should provide reasons and evidence for this. In circumstances where the Committee is concerned about the adequacy of the consultation, it should make the reason why clear in its comments. Where the Committee believes the consultation carried out by the local NHS Body is inadequate or where it believes that a proposal would not be in the interests of the health service in the County Council's area, it may report the matter to the Secretary of State for action as appropriate. The Committee should not consider any referral to the Secretary of State until the relevant NHS body has had an opportunity to respond to the Committee's comments and an effort at local resolution has been made.

2.10 Members, Officers and NHS bodies attendance at the Health (Overview and Scrutiny) Committee

2.10.1 The Health (Overview and Scrutiny Committee) may scrutinise and review decisions made or actions taken in connection with the discharge of any County Council functions within its terms of reference. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Chief Executive, and/or any other senior officer to attend before

it to explain, or give evidence, in relation to matters within their remit and it is the duty of those persons to attend if so required;

2.10.2 Where any member or officer is required to attend a Health (Overview and Scrutiny) Committee or working group under this provision, they shall be given reasonable notice of the meeting they are required to attend. The notice will state the nature of the matter on which they will be asked to explain or answer, and they will also be given notice of whether any papers are required to be produced. Where attendance is likely to require the production of a report, the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

2.10.3 The Health (Overview and Scrutiny) Committee may require the attendance of an officer from a local NHS Body to answer questions and NHS Bodies are under a duty to comply with such a request. Any request for an officer from a local NHS Body to attend must make clear the nature of the information requested, its relevance to its review, and must give the officer requested to attend reasonable notice.