

REPORT OF THE
Chief Executive
PART I

102. CONSTITUTIONAL AND PROCEDURAL MATTERS

1. Openness of Local Government Bodies Regulations 2014

The Openness of Local Government Bodies Regulations 2014 ('the 2014 Regulations') were brought into force on 5 August 2014. The 2014 Regulations make statutory provisions for members of the public to report and comment on meetings of the County Council, its Committees and Executive Meetings open to the public. The 2014 Regulations also make provision for specified recording of Non-Executive decisions made by Officers under an express delegation, and certain Non-Executive decisions made by Officers under delegated powers.

2. As Members will be aware, County Council and Cabinet Meetings are already broadcast live on the County Council's website. It is however currently otherwise forbidden under Standing Order 10 of the County Council's Constitution to make audio or visual records while a meeting of the County Council, Cabinet or Executive Decision Day is in progress. It is therefore necessary that Standing Order 10 be amended to enable the County Council to comply with the provisions in respect of the reporting on meetings introduced in the 2014 Regulations.

3. Confirmation of Voting Rights of Co-opted Members of the Health and Adult Social Care Select (Overview and Scrutiny) Committee on Health Scrutiny Matters

By virtue of Regulation 31 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 ('the Health Scrutiny Regulations') the County Council may arrange for the appointment of Members from District Councils within the area of the County Council to a Health Scrutiny Committee. Where District Council Co-opted Members are appointed to a Health Scrutiny Committee, provision can also, by virtue of Paragraph 11 of Schedule A1 of the Local Government Act 2000 (as amended) ('the 2000 Act'), be made for such Co-opted Members to have voting rights.

4. As Members will be aware, the County Council previously appointed four District Co-opted Members with voting rights to the Health Overview and Scrutiny Committee. It was determined on approval of the Health and Adult Social Care Select (Overview and Scrutiny) Committee ('HASC') in May 2014 that continuation of the appointment of four District Council Co-opted Members with voting rights on health matters should continue on the HASC, in order to enable the County Council to retain the breadth of membership necessary to conduct effective health scrutiny and to maintain relationships with key partners.

5. Following establishment of the HASC the Department of Health has issued in June 2014 further guidance, 'Local Authority Health Scrutiny – Guidance to support Local Authorities and their partners to deliver effective health scrutiny' ('the Health Scrutiny Guidance'). Paragraph 2.1.2 of the Health Scrutiny Guidance confirms previous government guidance that in the case of a scrutiny committee performing health scrutiny functions membership may include District Council Co-opted Members, but states that any voting rights must be in accordance with a Scheme made by the appointing Local Authority.

6. It is therefore considered sensible as a matter of good governance in light of the revised Health Scrutiny Guidance for the County Council to approve a voting rights scheme confirming voting rights of District Council Co-opted Members on the HASC. A draft Scheme is attached at Annex 1 to this Report.

RECOMMENDATIONS

That the County Council:

- (a) Authorises the Monitoring Officer to make the necessary amendment to Standing Order 10 of the County Council's Constitution and any other amendments required in respect of the recording of Officer decisions in order to enable the County Council to comply with provisions introduced in the 2014 Regulations.
- (b) Approves the draft Voting Scheme attached at Annex 1 to this Report in respect of voting rights of District Council Co-opted Members on the HASC, and authorises the Monitoring Officer to make any necessary change to the Constitution to give effect to the Scheme.

HAMPSHIRE COUNTY COUNCIL

SCHEME OF VOTING RIGHTS FOR CO-OPTED MEMBERS OF THE HEALTH AND ADULT SOCIAL CARE SELECT (OVERVIEW & SCRUTINY) COMMITTEE ('HASC')

Hampshire County Council, in exercise of the powers conferred by Schedule 1A of the Local Government Act 2000 ('the 2000 Act'), has made the following Scheme:

1. Definitions

- 1.1. 'County Council' means Hampshire County Council.
- 1.2. 'Co-opted Member' means a person who is not an elected member of the County Council but who is a member of the Health and Adult Social Care Select (Overview and Scrutiny) Committee.
- 1.3. 'Overview and Scrutiny Committee' means a Committee appointed pursuant to Section 9F of the Local Government Act 2000.

2. The Scheme

- 2.1. The County Council's Constitution provides for the County Council to appoint four members of the District, Borough or City Councils within Hampshire as Co-opted Members of the HASC with the right to vote on health matters.
- 2.2. Where voting Co-opted Members are appointed their right to vote shall operate in accordance with this Scheme.
- 2.3. This Scheme shall operate until it is terminated by the County Council.

3. When a Co-opted Member may vote

Co-opted Members of the HASC who are also members of Overview and Scrutiny Committees of District, City and Borough Councils within the administrative area of the County Council may exercise a vote in considering items of business relating to the planning, provision and operation of the Health Service in the County Council's area.

4. When a Co-optee may not vote

For the avoidance of doubt voting rights will not apply in relation to any other business considered by the HASC or to provisions in respect of the call-in of Executive Decisions exercised under Part 3, Chapter 3 of the County Council's Constitution.

THIS PAGE IS LEFT INTENTIONALLY BLANK