

TAKING SCRUTINY FORWARD

Constitution Committee – 17 August 2009

1. Background

At its meeting on 29 July 2009, the Overview and Scrutiny Management Committee (OSMC) considered proposals for taking scrutiny forward at the county council. A report was presented outlining the findings of the Scrutiny Review Group, new legislative requirements and a possible new structure. A copy of the report is attached at annex A.

2. Overview and Scrutiny Management Committee

2.1 The views of the committee are summarised below:

a) Scrutiny of the environment and the economy

Members supported the return of the Environment Scrutiny Committee with regular reports on the economy from Gloucestershire First (the Thematic Partnership for the Economy under the Gloucestershire Conference) to the Scrutiny Management Committee. Task groups will be set up as required to look at specific issues.

b) Community safety

Support was expressed for setting up a committee with responsibility for scrutiny of crime and disorder issues and the activities of the Community Safety Directorate. Members hoped that it would be possible to include representatives from the district councils and police authority on the committee. Provision should be made in the constitution for six seats for district councillors (one from each council) and a member of the police authority. Members felt that the county and district councillors on the committee should not also be members of the police authority.

c) Health and community well-being

It was suggested that the committee should be called the 'Health, Community and Care Scrutiny Committee' to reflect its wider remit which includes the activities of the Community and Adult Care Directorate.

d) Children and young people

As per the report presented to OSMC – the committee will continue largely in the same format.

e) Scrutiny management

The Scrutiny Management Committee was recognised as an important body in co-ordinating the scrutiny process. It is suggested that the committee includes 12 members and that the chairs of the other scrutiny committees (including the Audit Committee) are members of the committee.

f) Budget and performance

Members supported a separate committee to provide a corporate overview of performance and budget issues. It was felt that quarterly meetings were unlikely to be sufficient and the same number of meetings would be required as the other scrutiny committees (six per year). It was suggested that the role of the Council Plan and Budget Task Group should be integrated into the committee.

g) Time-limited task groups

As a general principle, it was felt that the number of task groups should be limited to 10 which is equivalent to two per scrutiny committee (excluding the Audit Committee). The Scrutiny Management Committee will have an important role in ensuring that reporting deadlines are met. Task groups should address specific issues and 'add value' but not duplicate the activities of other bodies.

h) Neighbourhood scrutiny

As per the report presented to OSMC - further work is required in this area when the new scrutiny structure is in place.

i) Committee membership (except Scrutiny Management Committee)

The OSMC report suggests that all the scrutiny committees (except the Audit Committee) should include nine county councillors. A proposal was put forward that the Health, Community and Care Scrutiny Committee should be increased to 10 county councillors.

j) Councillor calls for action

As per the report presented to OSMC – councillor calls for action will be referred to the most appropriate scrutiny committee.

- 2.2 An updated structure chart reflecting the views of the Overview and Scrutiny Management Committee is attached at annex B.

3. Suggested amendments to the constitution

In order to assist members there is attached at annex C extracts from the constitution relating to overview and scrutiny showing suggested amendments to implement the proposals contained in this report. For ease of reading, a version without the changes highlighted is included at annex D.

4. Recommendations

- a) To consider the views of the Overview and Scrutiny Management Committee and make an appropriate recommendation to full council on the future scrutiny structure.
- b) To recommend to full council that the constitution be amended in order to implement the new scrutiny arrangements.

Councillor Rob Garnham

Chairman of the Overview and Scrutiny Management Committee



TAKING SCRUTINY FORWARD

Overview and Scrutiny Management Committee - 29 July 2009

1. Purpose

- 1.1 This report sets out the principles for a new scrutiny structure at the county council. Information is provided on new legislative requirements and the findings of the Scrutiny Review Group.
- 1.2 There have been some notable scrutiny achievements at the county council in recent years and it is important that the new structure builds on these strengths.
- 1.3 Members are invited to comment on the proposals for a new structure shown in section 5. The detailed working arrangements will need to be considered by the Constitution Committee in coming weeks. It is intended that a new structure will be approved and members appointed to the new committees at the full council meeting on 18 November. If this happens it should be possible to hold the first round of meetings in January and February 2010.

2. Present scrutiny structure

- 2.1 The present structure was introduced in May 2007 following concerns that the previous service-based structure was hindered by a lack of focus, very few outcomes, lack of member involvement and no overall management of the scrutiny process. The previous structure was mainly inward looking and failed to take account of the county council's growing role in working with partners to deliver services.
- 2.2 The present structure was based on the intention that most scrutiny work would be done by task groups that could address cross-cutting as well as service based issues, and draw on a wider range of interested members than a single committee. The overarching structure comprises a scrutiny management committee and three other committees examining issues relating to health, children and young people and the budget and performance.

2.3 The strengths of the present structure are summarised as follows:

- Health scrutiny – well regarded by county and district members alike. A number of examples of good practice including the Great Western Ambulance Joint Health Scrutiny Committee which was the winner of the 2009 national health scrutiny award.
- Task groups – allow issues of concern to local people to be examined in more detail. They provide opportunities for members to become involved in issues where they have a particular interest and make recommendations for improvement. There have been a number of good examples in recent years and these range from major scrutiny inquiries to reviews of specific service issues. Successful service reviews include community support to older people and civil parking enforcement.
- Children and Young People Scrutiny Committee – the ‘super task group’ approach with meetings dedicated to specific issues. This has allowed a range of issues surrounding the ‘safeguarding’ agenda to be examined.
- Effective monitoring process – scrutiny recommendations are monitored after 6, 12 and 18 months. This approach has been commended by the Centre for Public Scrutiny.
- Working with partners – through the scrutiny process the county council has engaged effectively with a wide range of partner organisations including the NHS, public utilities and the emergency services.

3 New legislative requirements

3.1 Local area agreement (LAA) scrutiny

Where a report or recommendations of a scrutiny committee concerns a local improvement target relating to a partner authority, that authority must have regard to that report or recommendations. District councils will be able to require information from partner authorities with whom they have a direct relationship. They will be able to make recommendations to the county council or executive on matters relating to an LAA target.

Joint scrutiny committees may be established between county councils and one or more district councils in their area where they relate to a LAA local improvement target.

3.2 Joint scrutiny committees

The Local Government, Economic Development and Construction Bill includes an enabling power to establish joint scrutiny committees to examine matters beyond those relating to local improvement targets (see paragraph 3.1 above). The committees will have the power to require information from partner organisations. The bill is due to receive Royal Assent before the parliamentary summer recess and the new powers are likely to become effective in the early autumn.

3.3 Councillor call for action

The prime aim of the councillor call for action is to support elected members in achieving improvements for their local areas. In their day-to-day roles councillors identify issues of significant concern to their communities. They seek to resolve problems by talking to the council and other service providers. If they cannot resolve a particular issue they are now able to refer it to a scrutiny committee for further investigation.

This new power became effective on 1 April 2009 and full council adopted a protocol for dealing with councillor calls for action on 22 April. The emphasis is on councillors resolving issues at an early stage by making use of existing local mechanisms. This will include approaching the relevant service managers, partnership bodies and cabinet members before referring the matter to the appropriate scrutiny committee.

3.4 Crime and disorder scrutiny

Regulations issued under the Police and Criminal Justice Act 2006 require all local authorities to designate a scrutiny committee with responsibility for crime and disorder issues. At a minimum, the committees will be required to deal with certain councillor calls for action, monitor the work of partners and make recommendations.

There is national support for a co-ordinated approach to crime and disorder scrutiny across local authorities. The Gloucestershire Police Authority has indicated that it would like to see a co-ordinated approach in the county rather than the seven local authorities and the six crime and disorder partnerships adopting different ways of working.

3.5 Designated scrutiny officer

The Local Government, Economic Development and Construction Bill includes a requirement for all county and unitary authorities to have a designated scrutiny officer. The role of this post will be to promote the

scrutiny function and provide advice and support to members and officers relating to scrutiny matters.

3.6 Petitions

A new right is likely to be introduced for the organiser of a petition to ask a scrutiny committee to review the adequacy of the executive's response to their petition. There will also be a provision for petitions to call senior officers to attend public scrutiny committees to give evidence.

4. Scrutiny Review Group

4.1 The Scrutiny Review Group has met on three occasions since January 2009 to consider the future shape of scrutiny at the county council. All members were invited to give feedback on the way scrutiny currently operates and to comment on what scrutiny should look like in the future. There was also an opportunity at the final round of scrutiny meetings in March for members to comment on what they felt had worked well and to identify areas for improvement.

4.2 The key issues identified by the group are summarised as follows:

- Taking steps to address LAA scrutiny with partner organisations. One approach could be to base the scrutiny structure on the model of thematic partnerships
 - Children and Young People's Strategic Partnership
 - Health and Community Well Being Partnership
 - Safer and Stronger Communities Partnership
 - Gloucestershire First (Economic Partnership)
 - Environment Partnership
- How to provide effective overview of council services – but recognising that it is not possible or appropriate to scrutinise everything!
- Making the process for setting up task groups quicker and easier – steps are already being taken to simplify the request form but other measures may also be required.
- Providing coverage of environment related issues
- Picking the right topics for scrutiny – this will be helped by the training provided following the election and by giving members an opportunity to examine the council risk register.
- Improving links between the scrutiny process and the cabinet - this could be addressed by inviting the appropriate cabinet members to scrutiny meetings.

- How to scrutinise effectively council performance and the budget, including holding cabinet members and officers to account - members have already indicated that they would like to reinstate the low performing indicators task group. This could be a standing group and would meet as and when required to address areas of concern.

5 Next steps

- 5.1 In designing a new scrutiny structure, the new council needs to take account of the new legislative requirements and the issues raised by the Scrutiny Review Group but it is important that the strengths of the present structure are not lost.
- 5.2 The local area agreement is clearly going to be a key driver for scrutiny in the future and it would seem sensible to base a new structure on the thematic partnerships.

5.3 Possible new structure

a) Scrutiny of the environment and economy

The return of the Environment Scrutiny Committee will be welcomed by members and will provide opportunities to examine a range of environment related issues. The committee will not, however, be able to examine everything at the same time and it will be important that the committee's work programme is prioritised.

There is a question as to how issues relating to the economy can be scrutinised. Gloucestershire First monitors the economic position in the county and it is important that the scrutiny process does not duplicate the work already being undertaken.

Three options to scrutinise the environment and economy are put forward and members' views would be welcomed on the best approach:

- i) A joint Environment and Economy Scrutiny Committee
- ii) An Environment Scrutiny Committee with a permanent sub-group to look at issues relating to the local economy.
- iii) Regular reports on the economy to the Scrutiny Management Board from Gloucestershire First and other relevant bodies. Task groups could be set up as required to look at specific issues.

b) Community safety

The council has a duty to have a scrutiny committee in place to deal with crime and disorder issues. It is proposed that a Community Safety Scrutiny Committee is established not only to cover this area of work but also wider aspects of community safety including the Gloucestershire

Fire and Rescue Service. To undertake this role effectively it is likely that there will need to be Police Authority and district council representation on the committee.

c) Health and community well-being

Health scrutiny has proved particularly successful in Gloucestershire and has received national recognition by the Centre for Public Scrutiny. With the growing links between health and social care, it would seem sensible to include the services provided by the Community and Adult Care Directorate within the remit of the Health Overview and Scrutiny Committee. The overall membership of this committee may need to be reviewed to enable it to undertake this wider role effectively.

d) Children and young people

The Children and Young People Scrutiny Committee has operated successfully in recent years looking at a range of issues ranging from 'safeguarding' to excess school balances. It is proposed that it continues to operate in the same way within the new structure.

e) Scrutiny management

The Scrutiny Management Board will be a pivotal body in co-ordinating scrutiny activities across the council. Its membership will include the chairs of the other scrutiny committees. It will commission task groups although to avoid delays the lead members will be able to agree for work to begin on a piece of work suggested by one of the other scrutiny committees.

The committee will be responsible for evaluating the activities of the scrutiny committees to ensure that they are operating effectively. It will do this by examining committee work plans, receiving reports from committee chairs and monitoring progress against scrutiny recommendations. It will also be the body that considers call-ins of cabinet decisions.

f) Budget and performance

Under the present scrutiny structure the Budget and Performance Scrutiny Committee monitors performance, the budget and service improvements. If the structure suggested in this report is adopted, the relevant scrutiny committee for each service area will take on this role. There will, however, remain an important corporate role for scrutiny in providing an overview of performance, the budget and service improvement. Members' views are sought on how this can be achieved.

One way of addressing this would be to retain the Budget and Performance Scrutiny Committee with its remit including those service areas not covered by the other scrutiny committees. These include the Chief Executive's Support Unit, the Business Management Directorate

Annex A

and the Building our Future (BoF) programme. If this approach is adopted then it might only be necessary to schedule four meetings each year to coincide with the publication of the quarterly performance reports. Additional meetings could of course be arranged as necessary.

It is suggested that input into the budget setting process will continue to be provided on an annual basis through the Council Plan and Budget Consultation Task Group. This approach has worked well in recent years with interim and final reports of the task group being presented to the cabinet during the budget setting process.

g) Task groups

Good scrutiny is 'narrow and deep' not 'broad and shallow' and it is recommended that detailed scrutiny work should continue through time-limited task groups. This approach allows small groups of members, typically five to seven, to examine issues in detail and to make recommendations that can really make a difference to the quality of services. Task groups also provide a good opportunity to involve district councillors when issues of particular relevance to their areas are being considered.

Before each task group begins its work, the terms of reference will be agreed by the Scrutiny Management Board or its lead members. The final report of each task group will be presented to the relevant scrutiny committee before reports are made to the cabinet or the relevant partner organisation. The Scrutiny Management Board will receive a summary of the findings of each scrutiny review but will not examine the recommendations in detail.

When the present scrutiny structure was introduced, the number of task groups operating at any one time was limited to eight. This provided a more focused approach and ensured that scrutiny examined those issues that had the greatest impact upon service delivery and the public. Having a set number of task groups also allowed limited resources to be used to the best effect. Under the new structure, members may wish to increase the number of task groups to 10, although this may be varied by the Scrutiny Management in exceptional circumstances. It will generally be expected that not more than two task groups relating to the activities of one scrutiny committee will operate at any one time.

h) Neighbourhood scrutiny

No detailed work has been undertaken at present on neighbourhood scrutiny across the county. Further work will be required in this area when the new scrutiny structure is in place and more information is available on the outcome of the neighbourhood pilot projects.

i) Committee membership, frequency of meetings and agenda management

If there are five scrutiny committees with 12 county councillors, there will be a total of 60 seats available on the scrutiny committees. In addition, 12 seats would be available on the Scrutiny Management Board and six on the Audit Committee.

With co-opted members, these will be very large committees and members may feel that the number of county councillors could be reduced to nine. This would provide a total of 45 seats with a further nine seats available on the Scrutiny Management Board and six on the Audit Committee.

It is proposed that each scrutiny committee should be chaired by a county councillor and they will be appointed at the annual meeting of council. Meetings will be held six times a year although as indicated earlier it may only be necessary for the Budget and Performance Scrutiny Committee to meet quarterly.

Cabinet members will be invited to attend meetings of the relevant scrutiny committees as required. A cabinet member may request a scrutiny committee to examine a particular issue where the scrutiny process can add value or provide overview. It is expected that the scrutiny committees, with the exception of the Budget and Performance Scrutiny Committee, will spend around half their time examining external issues that are of particular interest to the public.

j) Councillor call for action

Councillor calls for action will be referred to the most appropriate scrutiny committee. The Scrutiny Management Board will determine which scrutiny committee should consider the matter in the event of any disagreement.

k) Staffing

The approach suggested represents a significant expansion of the current scrutiny structure and it can only be successful if it is supported effectively by officers. More officer time will be required from the service directorates, although it is difficult to estimate the extent of this at the present time. Initial estimates indicate that one extra scrutiny officer will be required in the scrutiny team in Democratic Services. This will increase the size of the scrutiny team from four to five full time equivalent officers. In view of the financial constraints faced by the council, opportunities will be sought to transfer resources within the existing budget for Legal and Democratic Services.

***Councillor Rob Garnham
Chairman of the Scrutiny Review Group***

SCRUTINY STRUCTURE AS PROPOSED BY OSMC 290709



Article 8 - Overview and Scrutiny of decisions

8.01 ~~Overview and s~~Scrutiny committees

8.01.1 The roles of ~~overview and~~ scrutiny committees, (other than ~~the Health Overview and Scrutiny Committee and~~ the Audit Committee) are to:

1. Help to hold the executive to account for the decisions that it makes
2. Review, constructively challenge and monitor the Cabinet's policies and programmes to ensure that community and corporate priorities are achieved within budget
3. Review, constructively challenge and monitor other decisions made or actions taken in connection with the discharge of any of the Council's functions and consider any matter affecting the area or its inhabitants
4. Engage in policy review
5. Focus on improvement and how it can be achieved cost effectively
6. Engage with the community
7. Look outwards and show community leadership by providing constructive challenge to other public bodies particularly those with whom the County Council delivers services in partnership
8. Liaise with external organisations operating in the area, whether national, regional or local to ensure that the interests of the people of Gloucestershire are enhanced by collaborative working
9. Raise the profile of the County Council
10. Consider called in decisions (~~Overview and~~ Scrutiny Management Committee only)
11. Consider any matters referred by full Council or Cabinet

8.01.2 The ~~primary~~ role of the Health Overview and Scrutiny Committee is to focus on health improvement by working in partnership and bringing together the Council's responsibilities for well-being and reviewing, constructively challenging and monitoring local services provided and commissioned by the NHS including equality of provision. It also includes the scrutiny of those of the Council's functions which are the responsibility of the Community & Adult Care Directorate.

8.01.2 The role of the Community Safety Scrutiny Committee is also to scrutinise the actions and decisions of the responsible authorities in respect of crime and disorder

8.01.~~33~~ The primary role of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the

authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.

8.01.4 The County Council has appointed several ~~overview and~~ scrutiny committees to carry out these tasks and, other than those of ~~Health, Overview and Community and Care, Scrutiny Committee and the~~ Audit Committee ~~(and Community Safety Scrutiny Committee)~~ their work programmes are agreed by the ~~Overview and~~ Scrutiny Management Committee. The remit and role of each ~~overview and~~ scrutiny committee are described fully in Part 3 of the Constitution.

3.10 OVERVIEW AND SCRUTINY COMMITTEES

Introduction

- 3.10.1 The roles of ~~overview and~~ scrutiny committees are set out in Article 8 of the Constitution.
- 3.10.2 Work programmes, except those of the ~~Health, Community and Care Overview and Scrutiny Committee and~~ Audit Committee will be agreed by the ~~Overview and Scrutiny~~ Management Committee which will also establish overview and scrutiny policy and working practices and related member training and development.
- 3.10.3 All ~~overview and~~ scrutiny committees, except the Audit Committee, will undertake work in relation to directorates' key targets, council's key priorities and issues of public interest or concern including by use of focussed task groups.
- 3.10.4 The Council will appoint the ~~overview and~~ scrutiny committees set out in the left hand column of the table below to discharge the overview and scrutiny functions on behalf of the Council (as conferred by Section 21 of the Local Government Act 2000 and Sections 7-10 of the Health and Social Care Act 2001 and Section 19 Police and Justice Act 2006) as set out in the right hand column of the same table.

Overview and Scrutiny Committee	Terms of Reference <u>Summary of Services</u>
Overview and Scrutiny Management Committee 12 County Councillors	Direct, carry out and manage the overview and scrutiny functions of the County Council by: <ol style="list-style-type: none"> 1. Coordinating and overseeing an annual planning cycle for the whole overview and scrutiny function of the County Council 2. Commissioning all overview and scrutiny task groups (with the exception of any commissioned by Health, Community Overview and Care Scrutiny Committee or Audit committees), including agreeing their objectives, their political balance (if any) and time limit. 3. Managing, coordinating and reviewing resources available to support time limited task groups commissioned by all overview and scrutiny committees with clear terms of reference delivering the roles set out in Article 8 of the Constitution in respect of any County Council functions 4. Receiving reports including from task groups and overview and scrutiny committees, and progressing the matters addressed <u>5. Receiving and determining all call-ins under the Call In Procedure Rules</u> <u>5-6. Receiving and monitoring regular reports from Gloucestershire First (the thematic partnership for the Economy under Gloucestershire Conference) in respect of the Gloucestershire Economy</u>

<p>Budget and Performance Overview and Scrutiny Committee</p> <p>9 County Councillors</p>	<p>1. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all budget and performance related matters for all County Council functions in accordance with a work plan approved by the Overview and Scrutiny Management Committee by providing a corporate overview of performance, the budget and service improvement.</p> <p>1-2. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution by scrutinising those County Council functions not covered by other scrutiny committees. These include the Chief Executive's Support Unit, the Business Management Directorate and the Building our Future Programme.</p>
<p>Children and Young People Overview and Scrutiny Committee</p> <p>9 County Councillors</p>	<p>Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all children and young persons related matters in accordance with a work plan approved by the Overview and Scrutiny Management Committee.</p>
<p>Health, Overview & Community and Care Scrutiny Committee</p> <p>9 County Councillors</p>	<p>1. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution focussing on health issues from the public's perspective including commissioning task the use of task groups to carry out its overview and scrutiny functions. To act as a lever to improve the health and those services that impact on the health of local people, working in partnership with other agencies. To address issues of health inequalities between different groups in the community. To determine those matters referred to in Article 12.02.2 of the Constitution (joint committees concerning health service changes)</p> <p>1-2. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all matters relating to adult social care, libraries and information, equalities, customer services and lifelong learning.</p>
<p>Audit Committee</p> <p>6 County Councillors</p>	<p>Terms of Reference</p> <p>(1) Advise on the adequacy and effectiveness of the Council's corporate governance arrangements and internal control environment.</p> <p>(2) Monitor the adequacy and effectiveness of the Council's External Audit service and respond to its findings. Specifically:</p> <ul style="list-style-type: none"> • Consider the nature and scope of the external audit of the Council's services and functions. • Receive and consider external audit reports including

	<p>the Annual Audit Letter and Governance Report.</p> <ul style="list-style-type: none"> • Monitor management's response to the external auditor's findings and the implementation of external audit recommendations. <p>(3) Monitor the adequacy and effectiveness of the Internal Audit service. Specifically:</p> <ul style="list-style-type: none"> • Approve the terms of reference for Internal Audit. • To approve the annual internal audit plan from the Head of Internal Audit. • Monitor progress against the plan through receipt of periodic progress reports and an annual Internal Audit and Risk Management report. • Receive and consider major Internal Audit findings and recommendations. • Monitor management's response to Internal Audit findings and the implementation of it's recommendations • Evaluate the extent to which Internal Audit complies with best practice, is sufficiently resourced and meets agreed performance targets <p>(4) Monitor the effectiveness of Chief Officer's responsibility for ensuring an adequate internal control environment.</p> <p>(5) Monitor the arrangements for the identification, monitoring and control of strategic and operational risk within the Council.</p> <p>(6) Monitor the adequacy and effectiveness of the arrangements in place for combating fraud and corruption.</p> <p>(7) Provide an annual report to the County Council that its systems of governance are operating effectively.</p> <p>(8) To review and approve the annual Statement of Accounts and Statement of Internal Control.</p> <p>(9) The Head of Internal Audit has the right of independent access to the Committee and its Chair.</p> <p>(10) The Committee has the right to require the attendance of any Council officers or members in order to respond directly to any issue under consideration.</p>
<p><u>Environment Scrutiny Committee</u> <u>9 County Councillors</u></p>	<p><u>Terms of Reference</u></p> <p><u>1. Carry out the overview and scrutiny functions of the County Council including scrutiny of those functions undertaken in partnership with other Gloucestershire organisations, delivering the roles set out in Article 8 of the Constitution for all matters relating to Environmental Services.</u></p>

	<p><u>2. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of matters relating to highways, waste management, planning, transport and other Environment services.</u></p>
<p><u>Community Safety</u> <u>Scrutiny Committee</u> <u>9 County Councillors</u></p>	<p><u>Terms of Reference</u></p> <p><u>1. Scrutinise the actions and decisions of the responsible authorities under section 5 of the Crime and Disorder Act 1998 in relation to their crime and disorder functions</u></p> <p><u>2. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution for all matters relating to the fire and rescue service, emergency management, trading standards, registration service and coroners.</u></p>

Specific Functions of ~~Overview and~~ Scrutiny Management Committee

3.10.5 The ~~Overview and~~ Scrutiny Management Committee shall have the following additional functions

1. To co-ordinate and manage the County Council's overview and scrutiny function
2. To publish the Council's annual overview and scrutiny plan;
3. To commission and co-ordinate ~~overview and~~ scrutiny task groups, other than ~~those of Health, Community and Care~~ Overview and Scrutiny Committee and that of the Audit Committee; this may include the commissioning of an ~~overview and~~ scrutiny task group jointly with one or more of the district councils in Gloucestershire;
4. To take such other steps as are necessary to promote the efficient and effective exercise of the Council's overview and scrutiny function;
5. To develop and implement a system for monitoring the performance of ~~overview and~~ scrutiny task groups and ~~overview and~~ scrutiny committees;
6. Where matters (other than a called in decision) fall within the remit of more than one ~~overview and~~ scrutiny committee determine the division of responsibility;
7. To promote good practice in the operation of the Council's overview and scrutiny function and to develop and manage a programme for member training in the overview and scrutiny function and committee process.
8. Overall responsibility for the finances and other resources that the Council makes available to the overview and scrutiny function (if any)
9. To report annually to the full Council on its and all ~~overview and~~ scrutiny committees' work undertaken during the year and make recommendations for

future work programmes. The report will consider and may make recommendations to secure adequate resources are available for the discharge of the overview and scrutiny function. Upon receiving this report the full Council will consider any recommendations on the resources available to the overview and scrutiny function and take such action as it considers necessary to address those recommendations. This function is in addition to reports to full Council from the ~~Overview and~~ Scrutiny Management Committee and ~~overview and~~ scrutiny committees on specific issues during the year.

10. To agree the individual work programmes proposed by the ~~Budget and Performance Overview and Scrutiny Committee and Children and Young People Overview and Scrutiny Committees (except the Audit Committee)~~. In the event the ~~Overview and~~ Scrutiny Management Committee considers those work programmes cannot be appropriately resourced, coordinated and/or managed they may be referred back to the relevant ~~overview and~~ scrutiny committee for further consideration. Ultimately, work programme content shall be decided by the ~~Overview and~~ Scrutiny Management Committee.

Meetings and Proceedings of ~~Overview and~~ Scrutiny Committees

3.10.6 Meetings of ~~Overview and~~ Scrutiny Committees shall take place in accordance with ~~Overview and~~ Scrutiny Procedure Rules 9 and 10

3.10.7 ~~Overview and~~ Scrutiny Task Groups

1. This paragraph 3.10.7 shall apply to all ~~Overview and~~ Scrutiny Task Groups, ~~with the exception of any task groups created by the Health, Community and Care Overview and Scrutiny Committee or Audit Committee.~~
2. All ~~overview and~~ scrutiny task groups will undertake work in relation to directorates' key targets, council's key priorities and issues of public interest or concern. Each ~~overview and~~ scrutiny task group will operate in pursuit of the aims set it by the ~~Overview and~~ Scrutiny Management Committee.
3. Where the commissioning of a scrutiny task group is urgently required the Lead members of the Scrutiny Management Committee may agree to do so in advance of the next Scrutiny Management Committee meeting.
4. Before each task group begins its work the terms of reference will be agreed by the Scrutiny Management Committee or its Lead members.
- 3-5. ~~Overview and~~ ~~s~~Scrutiny task groups will report to the ~~Overview and Scrutiny Management Committee~~The final report of each task group will be presented to the relevant scrutiny committee, which may as a result, make recommendations to any council body or any other public body or third party or, exceptionally, the full County Council. The Scrutiny Management Committee will receive a summary of the findings of each scrutiny review.
- 4-6. ~~Overview and~~ ~~s~~Scrutiny task groups will operate to a deadline set by the ~~Overview and~~ Scrutiny Management Committee at their creation, although this may be amended by agreement of the ~~Overview and~~ Scrutiny Management Committee. At the expiration of the deadline the task group will cease to exist.
- 5-7. Unless there are exceptional circumstances, there will be no more than 10-8 ~~overview and~~ scrutiny task groups appointed by the ~~Overview and~~ Scrutiny Management Committee in existence at any one time, in general limited to two task groups per Committee (not counting the Audit Committee).

6-8. Each ~~overview and~~ scrutiny task group may adopt whatever means of operation it deems most effective, bearing in mind the resources available to it.

3.10.8 Proceedings of the ~~Overview and~~ Scrutiny Committees

~~Overview and~~ Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution.

~~OVERVIEW AND~~ SCRUTINY PROCEDURE RULES

1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR ~~OVERVIEW AND~~ SCRUTINY COMMITTEES

The County Council will appoint ~~Overview and~~ Scrutiny Committees, whose remits and functions are described in Part 3 of the Constitution.

2. CO-ORDINATION

The ~~Overview and~~ Scrutiny Management Committee will co-ordinate the work of the ~~overview and~~ scrutiny committees except the Audit ~~e~~Committee.

3. MEMBERSHIP

3.1 All county councillors, except members of the Cabinet, are eligible to be members of ~~overview and~~ scrutiny committees.

3.2 The Annual Meeting of the County Council will determine the membership of the ~~overview and~~ scrutiny committees (except members appointed under ~~Overview and~~ Scrutiny Procedure Rule 6), which must be politically balanced.

3.3 The County Council has determined that ~~overview and~~ scrutiny committees, which shall be politically balanced, shall have the following numbers of county councillors

3.3.1 ~~Overview and~~ Scrutiny Management Committee

12 County Councillors

3.3.2 ~~Council Plan,~~ Budget and Performance ~~Overview and~~ Scrutiny Committee

~~429~~ County Councillors

3.3.3 Children and Young People ~~Overview and~~ Scrutiny Committee

~~429~~ County Councillors

3.3.4 Health, ~~Community and Care Overview and~~ Scrutiny Committee

~~9--87~~ County Councillors

3.3.5 Audit Committee

~~56~~ County Councillors

3.3.6 Environment Scrutiny Committee

9 County Councillors

3.3.7 Community Safety Scrutiny Committee

9 County Councillors

4. CASUAL VACANCIES

4.1 A vacancy on an ~~overview and~~ scrutiny committee arises when a County Councillor resigns from membership of the committee.

4.2 Vacancies which occur on ~~overview and~~ scrutiny committees will be filled on behalf of the Council by the Chief Executive using delegated powers to appoint county councillors to seats so as to maintain the political balance of the committee. The filling of the vacancy will be reported by the Chief Executive to the next meeting of the committee.

5. **CO-OPTEDS AND VOTING RIGHTS SCHEME**

5.1 ~~Overview and s~~Scrutiny committees shall be entitled to appoint up to three people who are not County Councillors, as non-voting co-opted members.

5.2 In addition to co-opting members under paragraph 5.1, the Community Safety Scrutiny Committees shall be entitled to appoint one person from each District Council in Gloucestershire and one person from the Gloucestershire Police Authority as voting co-opted members. Each District Council in Gloucestershire and the Gloucestershire Police Authority may nominate one substitute to attend on behalf of a co-opted member, and when attending have the same voting rights as that co-opted member.

5.32 In addition to co-opting members under ~~the preceding~~ paragraph 5.1, the Health, ~~Community and Care~~ Overview and Scrutiny Committee shall be entitled to appoint one person from each District Council in Gloucestershire as voting co-opted members. Each District Council in Gloucestershire may nominate one substitute to attend on behalf of a co-opted member, and when attending have the same voting rights as a co-opted member

5.4 Appointments of co-opted members shall not affect the council's duty under Section 15 of the Local Government and Housing Act 1989 (political balance)

6. **EDUCATION REPRESENTATIVES**

6.1 The ~~overview and~~ scrutiny committee dealing with Education shall include in its membership the following statutory voting representatives:

6.1.1 Church of England Diocese representative;

6.1.2 Roman Catholic Diocese representative;

6.1.3 Parent Governor, representatives (three).

6.2 When dealing with issues other than education the representatives at 6.1.1, 6.1.2 and 6.1.3 above shall not vote though they may stay in the meeting and speak.

7. **CHAIRPERSON OF ~~OVERVIEW AND~~ SCRUTINY COMMITTEES**

The chairperson of every scrutiny committee and of the Scrutiny Management Committee will be appointed by full Council and will be drawn from amongst the County Councillors sitting on each committee.

8. **MEETINGS OF THE ~~OVERVIEW AND~~ SCRUTINY MANAGEMENT COMMITTEE**

There shall be six ordinary meetings of the ~~Overview and~~ Scrutiny Management Committee in each municipal year. In addition extraordinary meetings may be called from time to time. An extraordinary meeting of the ~~Overview and~~ Scrutiny Management Committee may be called by the Chairperson, by two voting members of the Committee or by the Chief Executive if he or she considers it necessary.

9. ~~MEETINGS OF THE OVERVIEW AND~~ SCRUTINY COMMITTEES (OTHER THAN THE ~~OVERVIEW AND~~ SCRUTINY MANAGEMENT COMMITTEE)

9.1 There shall be six ordinary meetings of each ~~overview and~~ scrutiny committee (other than the Audit Committee which shall determine its own meetings schedule and ~~Overview and~~ Scrutiny Management Committee) in each municipal year.

10. Extraordinary meetings of ~~overview and~~ scrutiny committees (other than the ~~Overview and~~ Scrutiny Management Committee) may be called by the:

10.2.1 Chairperson of the relevant ~~overview and~~ scrutiny committee

10.2.2 Chairperson of the ~~Overview and~~ Scrutiny Management Committee after consultation with the membership of the ~~Overview and~~ Scrutiny Management Committee

10.2.3 At least one quarter of the ~~overview and~~ scrutiny committee membership signing a notice to the Chief Executive or

10.2.4 The Chief Executive.

11. QUORUM

11.1 A meeting of an ~~an overview and~~ scrutiny committee cannot take place unless the greater of 3 or one-quarter of the whole number of its members who have voting rights are present.

11.2 Members appointed under ~~Overview and~~ Scrutiny Procedure Rule 6 shall not be counted as part of the quorum except in relation to business where they have voting rights.

12. WORK PROGRAMMES

12.1 The ~~Overview and~~ Scrutiny Management Committee will be responsible for setting its own work programme taking into account the priorities defined by the Cabinet. In setting the work programme the ~~Overview and~~ Scrutiny Management Committee will also take into account the wishes of its members including any non-voting co-opted members.

12.2 The work programme of the ~~overview and~~ scrutiny committees will be drawn up by each committee taking into account the wishes of the members including the ~~non-voting~~ co-opted members. The work programme should also include any requests from the full Council and the Cabinet for advice on particular issues.

12.3 The work programme of each ~~overview and~~ scrutiny committee will be reviewed by the ~~Overview and~~ Scrutiny Management Committee to ensure that their activities are co-ordinated.

13. AGENDA ITEMS

Any member of an ~~overview and~~ scrutiny committee shall be entitled to give notice to the Chief Executive that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

14. COUNCILLOR CALL FOR ACTION

14.1 Any member of the Council shall be entitled to give notice to the Director of Law & Administration in accordance with the Council's Gateway process that he or she wishes a local government matter relevant to the functions of an ~~overview and~~ scrutiny committee to be included on the agenda for and discussed at the next available meeting of the relevant ~~overview and~~ scrutiny committee.

14.2 A local government matter is one relating to a local government function affecting the electoral area of the member or any person who lives or works in the area, unless it is an excluded matter. An excluded matter ~~is~~ is a planning or licensing matter, one relating to an individual where a right of appeal exists or any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at a meeting of an ~~overview and~~ scrutiny committee.

14.3 If the ~~overview and~~ scrutiny committee decide not to accept a referral from a member under 14.1 the committee must notify the member of their decision and the reasons for it. In considering whether or not to accept a referral the committee may have regard to the representations made by the local member as to why it would be appropriate for the committee to consider the matter, and also the extent to which the provisions of the Council's Gateway process have been observed.

15. POLICY REVIEW AND DEVELOPMENT

15.1 The role of the ~~overview and~~ scrutiny committees in relation to the development of the Council's policy framework and budget is set out in the Policy Framework and Budget Procedure Rules.

15.2 An ~~overview and~~ scrutiny committee can, additionally, at the request of the Cabinet, assist in the development of policy options that lie outside the policy framework and budget.

15.3 ~~Overview and~~ sScrutiny committees may within their annual work programme review the success of policy and its implementation over time and make recommendations.

16. REPORTS FROM SCRUTINY COMMITTEES

- 16.1 Where an ~~overview and~~ scrutiny committee makes a report to Council or Cabinet, it may publish the report or recommendations.
- 16.2 The committee must by notice in writing require Council or Cabinet as appropriate, within two months of the date on which it receives the report or recommendations, or (if later) the notice, to
- 16.2.1 Consider the report or recommendations
 - 16.2.2 Respond to the ~~overview and~~ scrutiny committee indicating what (if any) action the Council or Cabinet propose to take
 - 16.2.3 Where an ~~overview and~~ scrutiny committee has published the report or recommendations, publish the response
 - 16.2.4 Where the ~~overview and~~ scrutiny committee provided a copy of the report or recommendations to a member, provide a copy of the response to the member
- 16.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in paragraphs 3 and 4 of the Rules on Access to Information.
- 16.4 Reports from ~~overview and~~ scrutiny committees, except the Audit Committee, relating to executive matters will normally be submitted to the Cabinet for consideration. Reports relating to non executive matters can be submitted by an ~~overview and~~ scrutiny committee to any other Council body or to any external body. In exceptional circumstances (which shall be specified in the minutes), an ~~overview and~~ scrutiny committee may make a report direct to full Council.
- 16.5 If the report proposes a departure from or change to the agreed policy framework or budget, the full Council will consider the matter having regard to advice, if any, received from, the Cabinet.
- 16.6 If an ~~overview and~~ scrutiny committee cannot unanimously agree on one single final report to the Cabinet, to any other Council body or exceptionally, to the full Council, then one separate report may be prepared and submitted for consideration along with the majority report.
- 16.7 The Cabinet, the other Council body or, exceptionally, the full Council, shall consider the report(s) from the ~~overview and scrutiny~~ scrutiny committee at the next available meeting unless the matter which is the subject of the report(s) is scheduled to be considered by the Cabinet within two months from the date the report(s) was adopted by the ~~overview and~~ scrutiny committee. In such cases the report(s) of the ~~overview and~~ scrutiny committee shall be considered by the Cabinet when it considers the matter. The Cabinet may refer the ~~overview and~~ scrutiny committee report(s) to the Leader of the Council or a ~~Cabinet~~ Cabinet Member for consideration and response.
- 16.8 This rule does not apply to the call in of Cabinet decisions: reports that result from call ins are dealt with under the Cabinet Procedure Rules.
- 16.9 Reports from Audit committee are regulated under 22.2 below

17. MEMBERS AND OFFICERS GIVING ACCOUNT

17.1 Any ~~overview and~~ scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function within the area of its terms of reference. As well as reviewing documentation, in fulfilling its scrutiny role, it may require any member of the Cabinet, the Chief Executive or any officer to attend before it to explain in relation to matters within its remit:

- Any particular decision or series of decisions;
- The extent to which the actions taken implement Council policy; or
- Their performance;

and it is the duty of those persons to attend if so required.

17.2 Where any member or officer is required to attend an ~~overview and~~ scrutiny committee under this provision, the Chairperson will inform the Chief Executive who shall, in turn, inform the member or officer in writing giving, where practical, fifteen days notice of the meeting. The notice to the member/officer will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Committee. Where it is necessary to produce a report then the member or officer concerned will be given sufficient time to allow preparation of that report.

17.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date then an alternative date for attendance may be arranged following consultation with the Chairperson of the relevant scrutiny committee.

17.4 An ~~overview and~~ scrutiny committee may not scrutinise a decision of an officer acting under delegated powers, unless the decision is a key decision

18. ATTENDANCE BY OTHERS

An ~~overview and~~ scrutiny committee or a Group Director (in consultation with the chairperson and other political groups' lead members) may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend. Attendance is, of course entirely optional.

19. CALL-IN AND REVIEW AND SCRUTINY OF DECISIONS

19.1 All executive decisions, whether made by the Cabinet, the Leader of the Council, a Cabinet Member and key decisions by an officer under delegated powers, but which have not been implemented may be called-in under the ~~eCall-in p~~Procedure ~~r~~Rules.

19.2 Subject to ~~Overview and~~ Scrutiny Procedure rule 17.4, all executive and non-executive decisions, whether made by the Cabinet, Leader of the Council, a Cabinet Member or an officer under delegated powers and whether implemented or not, may be reviewed and scrutinised by the ~~Overview and~~ Scrutiny Management Committee which may then report on such review and scrutiny to the Cabinet or, in exceptional circumstances (which shall be determined by the committee and recorded in the minutes), to the full Council. For the avoidance of doubt, review and scrutiny in accordance with this ~~Overview and~~ Scrutiny Procedure Rule 19.2 shall not be affected by the Call In Procedure Rules or affect implementation of any decision.

20. PROCEDURE AT ~~OVERVIEW AND~~ SCRUTINY COMMITTEE MEETINGS

~~Overview and s~~Scrutiny committees may plan and conduct their business in the manner that they determine is most likely to result in the effective, efficient and accountable discharge of their functions and, except the ~~Health, Community and Care Overview and Scrutiny eCommittee and~~ Audit Committee, in accordance with any requirements of the ~~Overview and~~ Scrutiny Management Committee.

21. ~~OVERVIEW AND~~ SCRUTINY TASK GROUPS

The ~~Overview &~~ Scrutiny task groups will work within the operating principles set out in the Panel Operating Principles set out in part 4 of this constitution

22. AUDIT COMMITTEE

22.1 ~~Overview and~~ Scrutiny Procedure Rules 12 and 16 do not apply to Audit ~~e~~Committee.

22.2 Audit Committee may report to any council or external body. In consultation with ~~Overview and~~ Scrutiny Management Committee it will annually report on its work to full Council

CALL-IN PROCEDURE RULES

1. SCOPE

- 1.1 All decisions which are the responsibility of the Cabinet (which includes all executive decisions made by the Leader of the Council, ~~a Cabinet~~ Cabinet Member, or key decisions made by officers, under delegated powers) are subject to these rules. Any decision which is the responsibility of the Cabinet, but not yet implemented, can be called-in within the timescale set out ~~in 2.3~~ in 2.3 below.
- 1.2 Call-in should only be used in exceptional circumstances and be invoked only when there is evidence to suggest one or more of the conditions referred to in paragraph 3 below have been satisfied.
- 1.3 Recommendations to full Council in respect of matters which are not within the policy or budget of the Council are not executive decisions and therefore are not subject to these rules

2. PUBLICATION OF CABINET DECISIONS AND IMPLEMENTATION

- 2.1 All decisions taken by the Cabinet, the Leader of the Council or a Cabinet Member and any key decision taken by officers under delegated powers will be published and shall be made available at Shire Hall as soon as reasonably practicable after being made.
- 2.2 All County Councillors will also be sent copies of the decisions at the same time by the Chief Executive.
- 2.3 The notification of decisions will bear the date on which it is published and will state that the decisions will come in to force, and may be implemented, after five working days, unless the decision has been called-in under this procedure.
- 2.4 Subject to paragraph 10 below, no decisions taken by the Cabinet shall be implemented until expiration of the period referred to in 2.3

3. GROUNDS FOR CALL IN

A decision may only be called-in if one or more of the following conditions are satisfied:-

- 3.1 The decision would conflict in whole or in part with any existing policy that has been formally approved or adopted by the Council;
- 3.2 The decision would not be wholly in accordance with the Council's budget;
- 3.3 In making the decision, the Cabinet, the Leader of the Council or a Cabinet Member or officer under delegated powers took account of an irrelevant matter or failed to take account of a relevant matter, which in the opinion of the Chief Executive, had (or would have had) a significant bearing on that decision;
- 3.4 The Cabinet, the Leader of the Council or a Cabinet Member or officer under delegated powers acted contrary to the Cabinet Procedure Rules, the Access to Information about the County Council's Formal Business and/or the principles of decision making set out in Part 2, Article 7.02 of the Constitution.

4. CALL-IN PROCEDURE

A Cabinet decision or decision by the Leader of the Council or a Cabinet Member and a key decision taken by officers under delegated powers, may be called in before the expiration of the period referred to in Call in Procedure Rule 2.3 if:-

- 4.1 At least six Members of the Council give notice in writing to the Chief Executive of their desire to effect a call-in; and
- 4.2 That notice, which shall be substantially in accordance with the template set out at the end of these Call In Procedure Rules :-
 - 4.2.1 Is delivered to the Chief Executive before the end of the fifth working day after the day on which the decision was published; and
 - 4.2.2 Specifies the decision that is the subject of the call-in; ~~and~~, and,
 - 4.2.3 Specifies under which of the grounds mentioned in paragraph 3 of these rules the call-in is made and gives full particulars of the facts and matters relied upon.
- 4.3 In the event the only ground for call in is as specified in Call In Procedure Rule 3.3, the Chief Executive has signified in writing that in his or her opinion, the particulars of the facts and matters relied upon and specified in the notice had (or would have had) a significant bearing on that decision

5. CALL-IN AND DEFERRING IMPLEMENTATION

If a decision has been called in in accordance with these rules it will not be implemented until either:

- 5.1 The matters of concern have been resolved to the satisfaction of persons signing the notice and they have signified in writing to the Chief Executive their wish to withdraw their call-in; or
- 5.2 The process set out in Call In Procedure Rule 7 has been followed

Note: As soon as is practicable, the Chief Executive will send a copy of the call in notice to all members of the ~~Overview and~~ Scrutiny Management Committee and all political group leaders

A political group leader may request clarification from and/or discussion with one or more of the six members giving notice and other political group leaders

The matters referred to in this note will not affect the validity or process of the call-in

6. CONSIDERATION BY ~~OVERVIEW AND~~ SCRUTINY MANAGEMENT COMMITTEE

- 6.1 Decisions called-in will be placed on the agenda for the next available meeting of the ~~overview and s~~Scrutiny ~~M~~management ~~e~~Committee.
- 6.2 In exceptional circumstances, an earlier meeting of the ~~overview and s~~Scrutiny ~~M~~management ~~e~~Committee (if necessary) can be called by the Chief Executive in

consultation with the chairperson of the ~~Overview and~~ Scrutiny Management Committee and the Leader of the Council or relevant ~~Cabinet Member~~Cabinet Member as appropriate.

6.3 In the event a call in is withdrawn in accordance with Scrutiny Procedure Rule 5.1, it will not be placed on the agenda of the ~~overview and s~~Scrutiny ~~M~~management ~~e~~Committee or, if that has already occurred, it will not be considered.

6.4 If the Leader of the Council or Cabinet Member as appropriate has, at least three days before the meeting, sent to members of the ~~Overview &~~ Scrutiny Management Committee a report responding to the call-in, he or she shall be entitled to address the ~~Overview &~~ Scrutiny Management Committee. In the absence of such a report, the Leader of the Council or ~~Cabinet Member~~Cabinet Member as appropriate may address the ~~Overview &~~ Scrutiny Management Committee if the chairperson agrees.

7. ACTION BY THE ~~OVERVIEW AND~~ SCRUTINY MANAGEMENT COMMITTEE

7.1 Having considered the decision called-in, the overview and ~~S~~scrutiny ~~M~~management ~~e~~Committee will either:

7.1.1 Support the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet, Leader of the Council or ~~Cabinet Member~~Cabinet Member); or

7.1.2 Make adverse comments regarding the process when set against the guiding principles for decision-making, but no adverse view on the decision itself (in which case it can be implemented immediately, with the committee's comments being set out in a report and considered by the Cabinet, Leader of the Council or Cabinet Member); or

7.1.3 Propose modifications to the decision or an alternative to the decision to achieve the same effect (in which case the implementation is delayed until the Cabinet, Leader of the Council or Cabinet Member has received and considered a report of the ~~overview and~~ ~~S~~scrutiny ~~M~~management ~~e~~Committee and decided how to proceed); or

7.1.4 In exceptional circumstances (which shall be determined by the ~~overview and~~ ~~S~~scrutiny ~~M~~management ~~e~~Committee and recorded in the minutes) arrange for the full Council to review or scrutinise a decision and decide whether or not to recommend the Cabinet, Leader of the Council or ~~Cabinet Member~~Cabinet Member to reconsider the decision and/or consider an alternative decision recommended by full Council. If full Council does not recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision, the called in decision may be implemented immediately. If full Council does recommend the Cabinet, Leader of the Council or ~~Cabinet Member~~Cabinet Member to reconsider the decision and/or consider an alternative decision the called in decision shall not be implemented until the Cabinet, Leader of the Council or ~~Cabinet Member~~Cabinet Member has considered the recommendation of full Council and decided how to proceed.

7.2 The full Council has no power to make final decisions in respect of matters which are the responsibility of Cabinet unless the decision in question is contrary to the policy framework or budget.

8. ACTION BY THE CABINET LEADER OF THE COUNCIL OR ~~CABINET MEMBER~~CABINET MEMBER

8.1 A report of the ~~overview and s~~Scrutiny Mmanagement ~~e~~C~~o~~mmittee (and full Council in the event Call In Procedure Rule 7.1.4 is invoked) will be submitted to the Cabinet, Leader of the Council or Cabinet Member who will consider the views of the ~~overview and s~~Scrutiny Mmanagement Committee (and full Council if appropriate) and either:

8.1.1 Confirm the called in decision without modification; or

8.1.2 Confirm the called in decision with modification; or

8.1.3 Rescind the called in decision, take the alternative decision recommended by full Council or (if considered appropriate) propose a new one.

8.2 In each case, the reasons must be given, particularly if the action is not as proposed by the ~~overview and s~~Scrutiny Mmanagement ~~e~~C~~o~~mmittee.

8.3 The outcome of the Cabinet's, Leader of the Council's or ~~Cabinet Member's~~Cabinet Member's consideration of the views of the ~~overview and s~~Scrutiny Mmanagement ~~e~~C~~o~~mmittee will be published by the Chief Executive.

9. RESPONSE TO THE ~~OVERVIEW AND~~ SCRUTINY MANAGEMENT COMMITTEE

The Cabinet's, Leader of the Council's or Cabinet Lead Member's response will be reported to the next available meeting of the ~~overview and s~~Scrutiny Mmanagement ~~e~~C~~o~~mmittee.

10. CALL-IN OF URGENT DECISIONS

10.1 On rare occasions, decisions will need to be implemented so urgently that pre-implementation review is not appropriate.

10.2 A decision will be urgent if any delay, likely to be caused by the process, would seriously prejudice the interest of the County Council or of the public or the interests of any person to whom the decision relates.

10.3 The record of the decision and notice by which it is made public must contain an explanation as to why the decision needs to be treated with such urgency.

10.4 The Chairperson of Council and of the ~~overview and s~~Scrutiny Mmanagement ~~e~~C~~o~~mmittee must agree that the decision is urgent and cannot reasonably be deferred.

10.5 Where these circumstances arise at least six county councillors may signify in writing to the Chief Executive their wish for a post-implementation review of the decision. Reasons must be given.

10.6 In these circumstances, call-in has no effect on the implementation of the urgent decision and relates to reviewing the nature of the decision and the circumstances behind it. The outcome of the ~~overview and management~~ Sscrutiny Mmanagement ~~e~~C~~o~~mmittee review will be reported to the Cabinet.

11. CALL-IN DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET

These provisions are set out in the Policy Framework and Budget Procedure Rules.

Gloucestershire County Council

Notice of call-in

To Chief Executive

We, the undersigned six members give notice of our desire to call-in the following executive decision notice of which was published on

[Insert date and decision wording, in the Cabinet Decision Statement]

The grounds for the call-in are that the following condition(s) are satisfied for the reasons specified:

[Delete the conditions not relied upon]

[If the condition is relied upon, this must be completed]*

- 1 The decision would conflict in whole or in part with any existing policy that has been formally approved or adopted by the Council.

The policy with which the decision conflicts and the date of approval or adoption by the Council are *

The wording within the policy with which the decision conflicts is *

The decision conflicts with the policy in the following way(s) *

- 2 The decision would not be wholly in accordance with the Council's budget

The decision expenditure is *

The Council's budget [does not make provision for any of this expenditure] [approved by the Council on * only makes provision for expenditure of £ *] *[delete as necessary]*

- 3 In making the decision, the Cabinet, Leader of the Council or **Cabinet Member** took account of an irrelevant matter or failed to take account of a relevant matter

The irrelevant matter taken into account is *

The relevant matter not taken into account is *

- 4 The Cabinet, Leader of the Council or Cabinet Member acted contrary to the Cabinet Procedure Rules, the Access to Information about the County Council's Formal Business and/or the principles of decision making set out in Part 2, Article 7.02 of the Constitution.

The matter contravened is * *[insert wording from the relevant part(s) of the Council's Constitution]*

The above matter was contravened in the following way(s) *

Dated

Signed

.....

.....

.....

.....

.....

.....

PANEL OPERATING PRINCIPLES

Referred to in Cabinet Procedure Rule 12 and ~~Overview & Scrutiny~~ Procedure Rule 20

References to Panels includes references to ~~overview and~~ scrutiny task groups

1. Panels may be established from time to time by the Cabinet, Leader of the Council, ~~Cabinet Member~~Cabinet Member or officer acting under delegated powers or a committee to undertake standing or task based work in support of the Cabinet, ~~a Cabinet,~~ Leader of the Council, ~~or Cabinet Member~~Cabinet Member or ~~thea~~ committee. Panels may also be established jointly by the Cabinet, Leader of the Council, ~~or Cabinet Member~~Cabinet Member ~~and/or~~ a committee. The full Council will not establish panels and may instead call upon the Cabinet, Leader of the Council, ~~or Cabinet Member~~Cabinet Member and/or a committee to support its work.

2. In order to assist in understanding its role, every Panel will be named in keeping with the following:

[Task or standing function] Cabinet Panel

[Task or standing function] ~~Overview & Scrutiny~~ PanelTask Group

[Task or standing function] Joint Panel

[Task or standing function] [e.g. Standards or Constitution] Panel

3. Each Panel will operate on a time limited basis unless otherwise agreed by the Cabinet, Leader of the Council, ~~or Cabinet Member~~Cabinet Member and/or committee.

4. Panels will not have any decision taking powers.

5. If appropriate the task to be undertaken by the Panel will be scoped and defined beforehand, together with the timeframe within which the work of the Panel is to be completed and the reporting time for the outcome of the Panel's work.

6. ~~Currently, panels will consist of equal numbers of members (decided by each political group leader) from each political group unless it is determined otherwise by the Cabinet, Leader of the Council or Cabinet Member~~Cabinet Member ~~in respect of Cabinet panels and/or committee in respect of committee panels. Individual member expertise contributing to Panel work may result in Panel membership not being politically balanced. Panels will be politically balanced where possible, unless otherwise agreed by Cabinet, the Leader of the Council, Cabinet Member or committee.~~

Note: at the first meeting of each new Council, the numbers of members on Panels will be reviewed

7. All members, except members of the Cabinet, may serve on ~~Overview & s~~Scrutiny Paneltask groups.

8. Cabinet Panels will be chaired by the Leader of the Council or Cabinet Member as appropriate.

Joint Panels will be chaired as agreed by:

the Cabinet, Leader of the Council or Cabinet Member; and
the committee.

Other panels will be chaired as they determine.

- 9 Panel meetings may be conducted informally and electronic mail may be used extensively to exchange information. In consultation with other Panel members, the chairperson of the Panel will determine whether any meetings of the Panel should be held in public. In the event the chairperson of a Panel is not a County Councillor, the majority of those members of the Panel who are County Councillors will determine whether any meetings of the Panel should be held in public
10. Panels may request the attendance of relevant county councillors and officers at meetings to assist in the issues under discussion. People from outside the Council may be invited to attend also for particular issues as appropriate.
11. Where an ~~Overview & s~~Scrutiny ~~Committee Panel~~task group is tasked with looking at an education related issue then the Panel must offer to co-opt at least one additional member from amongst the Church and Parent Governor members on the Children and Young People ~~Overview and~~Scrutiny Committee.
12. Each Panel may co-opt ~~up to two additional~~ people ~~at any one time~~ in addition to those at paragraph 11 above, provided co-options may only be made if the person co-opted has particular knowledge or expertise in the functions being conducted by that Panel.

Co-options may be made for a specified period, for specified meetings or for specific items.

13. Each Panel will appoint a lead officer who will seek to ensure effective progress and communication in respect of the work of the Panel
14. Subject to consultation with the Director of Law and Administration, the administration of Panels will be supported by Legal & Democratic Services.

Note: Member forums will be Panels as described above or formal decision-making bodies e.g. full Council, Cabinet Planning Committee. The proceedings of these forums are regulated by this Constitution

In addition, one other type of member forum may be formed by an officer at Director or Head of Service level or above. This type of forum will be called a Group and will be informal in all respects and not regulated by this Constitution. The officer forming the Group will regulate and support the Group in all respects.

Article 8 - Overview and Scrutiny of decisions

8.01 Scrutiny committees

8.01.1 The roles of scrutiny committees, other than the Audit Committee are to:

1. Help to hold the executive to account for the decisions that it makes
2. Review, constructively challenge and monitor the Cabinet's policies and programmes to ensure that community and corporate priorities are achieved within budget
3. Review, constructively challenge and monitor other decisions made or actions taken in connection with the discharge of any of the Council's functions and consider any matter affecting the area or its inhabitants
4. Engage in policy review
5. Focus on improvement and how it can be achieved cost effectively
6. Engage with the community
7. Look outwards and show community leadership by providing constructive challenge to other public bodies particularly those with whom the County Council delivers services in partnership
8. Liaise with external organisations operating in the area, whether national, regional or local to ensure that the interests of the people of Gloucestershire are enhanced by collaborative working
9. Raise the profile of the County Council
10. Consider called in decisions (Scrutiny Management Committee only)
11. Consider any matters referred by full Council or Cabinet

8.01.2 The role of the Health Overview and Scrutiny Committee is to focus on health improvement by working in partnership and bringing together the Council's responsibilities for well-being and reviewing, constructively challenging and monitoring local services provided and commissioned by the NHS including equality of provision It also includes the scrutiny of those of the Council's functions which are the responsibility of the Community & Adult Care Directorate.

8.01.2 The role of the Community Safety Scrutiny Committee is also to scrutinise the actions and decisions of the responsible authorities in respect of crime and disorder

8.01.3 The primary role of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting process.

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8.01.4 The County Council has appointed several scrutiny committees to carry out these tasks and, other than those of the Audit Committee their work programmes are agreed by the Scrutiny Management Committee. The remit and role of each scrutiny committee are described fully in Part 3 of the Constitution.

3.10 SCRUTINY COMMITTEES

Introduction

3.10.1 The roles of scrutiny committees are set out in Article 8 of the Constitution.

3.10.2 Work programmes, except those of the Audit Committee will be agreed by the Scrutiny Management Committee which will also establish overview and scrutiny policy and working practices and related member training and development.

3.10.3 All scrutiny committees, except the Audit Committee, will undertake work in relation to directorates' key targets, council's key priorities and issues of public interest or concern including by use of focussed task groups.

3.10.4 The Council will appoint the scrutiny committees set out in the left hand column of the table below to discharge the overview and scrutiny functions on behalf of the Council (as conferred by Section 21 of the Local Government Act 2000 and Sections 7-10 of the Health and Social Care Act 2001 and Section 19 Police and Justice Act 2006) as set out in the right hand column of the same table.

Scrutiny Committee	Terms of Reference
<p>Scrutiny Management Committee</p> <p>12 County Councillors</p>	<p>Direct, carry out and manage the overview and scrutiny functions of the County Council by:</p> <ol style="list-style-type: none"> 1. Coordinating and overseeing an annual planning cycle for the whole overview and scrutiny function of the County Council 2. Commissioning all scrutiny task groups including agreeing their objectives, their political balance (if any) and time limit. 3. Managing, coordinating and reviewing resources available to support time limited task groups commissioned by all scrutiny committees with clear terms of reference delivering the roles set out in Article 8 of the Constitution in respect of any County Council functions 4. Receiving reports from scrutiny committees, and progressing the matters addressed 5. Receiving and determining all call-ins under the Call In Procedure Rules 6. Receiving and monitoring regular reports from Gloucestershire First (the thematic partnership for the Economy under Gloucestershire Conference) in respect of the Gloucestershire Economy
<p>Budget and Performance Scrutiny Committee</p> <p>9 County Councillors</p>	<ol style="list-style-type: none"> 1. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution by providing a corporate overview of performance, the budget and service improvement. 2. Carry out the overview and scrutiny functions of the

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	<p>County Council delivering the roles set out in Article 8 of the Constitution by scrutinising those County Council functions not covered by other scrutiny committees. These include the Chief Executive's Support Unit, the Business Management Directorate and the Building our Future Programme.</p>
<p>Children and Young People Scrutiny Committee</p> <p>9 County Councillors</p>	<p>Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all children and young persons related matters in accordance with a work plan approved by the Scrutiny Management Committee.</p>
<p>Health Community and Care Scrutiny Committee</p> <p>9 County Councillors</p>	<ol style="list-style-type: none"> 1. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution focussing on health issues from the public's perspective including the use of task groups to carry out its overview and scrutiny functions. To act as a lever to improve the health and those services that impact on the health of local people, working in partnership with other agencies. To address issues of health inequalities between different groups in the community. To determine those matters referred to in Article 12.02.2 of the Constitution (joint committees concerning health service changes) 2. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all matters relating to adult social care, libraries and information, equalities, customer services and lifelong learning.
<p>Audit Committee</p> <p>6 County Councillors</p>	<p>Terms of Reference</p> <ol style="list-style-type: none"> (1) Advise on the adequacy and effectiveness of the Council's corporate governance arrangements and internal control environment. (2) Monitor the adequacy and effectiveness of the Council's External Audit service and respond to its findings. Specifically: <ul style="list-style-type: none"> • Consider the nature and scope of the external audit of the Council's services and functions. • Receive and consider external audit reports including the Annual Audit Letter and Governance Report. • Monitor management's response to the external auditor's findings and the implementation of external audit recommendations. (3) Monitor the adequacy and effectiveness of the Internal Audit service. Specifically: <ul style="list-style-type: none"> • Approve the terms of reference for Internal Audit. • To approve the annual internal audit plan from the

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	<p>Head of Internal Audit.</p> <ul style="list-style-type: none"> • Monitor progress against the plan through receipt of periodic progress reports and an annual Internal Audit and Risk Management report. • Receive and consider major Internal Audit findings and recommendations. • Monitor management's response to Internal Audit findings and the implementation of its recommendations • Evaluate the extent to which Internal Audit complies with best practice, is sufficiently resourced and meets agreed performance targets <p>(4) Monitor the effectiveness of Chief Officer's responsibility for ensuring an adequate internal control environment.</p> <p>(5) Monitor the arrangements for the identification, monitoring and control of strategic and operational risk within the Council.</p> <p>(6) Monitor the adequacy and effectiveness of the arrangements in place for combating fraud and corruption.</p> <p>(7) Provide an annual report to the County Council that its systems of governance are operating effectively.</p> <p>(8) To review and approve the annual Statement of Accounts and Statement of Internal Control.</p> <p>(9) The Head of Internal Audit has the right of independent access to the Committee and its Chair.</p> <p>(10) The Committee has the right to require the attendance of any Council officers or members in order to respond directly to any issue under consideration.</p>
<p>Environment Scrutiny Committee</p> <p>9 County Councillors</p>	<p>Terms of Reference</p> <ol style="list-style-type: none"> 1. Carry out the overview and scrutiny functions of the County Council including scrutiny of those functions undertaken in partnership with other Gloucestershire organisations, delivering the roles set out in Article 8 of the Constitution for all matters relating to Environmental Services. 2. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of matters relating to highways, waste management, planning, transport and other Environment services.
<p>Community Safety Scrutiny Committee</p> <p>9 County Councillors</p>	<p>Terms of Reference</p> <ol style="list-style-type: none"> 1. Scrutinise the actions and decisions of the responsible authorities under section 5 of the Crime and Disorder Act

	<p>1998 in relation to their crime and disorder functions</p> <p>2. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution for all matters relating to the fire and rescue service, emergency management, trading standards, registration service and coroners.</p>
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Specific Functions of Scrutiny Management Committee

3.10.5 The Scrutiny Management Committee shall have the following additional functions

1. To co-ordinate and manage the County Council’s overview and scrutiny function
2. To publish the Council’s annual overview and scrutiny plan;
3. To commission and co-ordinate scrutiny task groups, other than that of the Audit Committee; this may include the commissioning of a scrutiny task group jointly with one or more of the district councils in Gloucestershire;
4. To take such other steps as are necessary to promote the efficient and effective exercise of the Council’s overview and scrutiny function;
5. To develop and implement a system for monitoring the performance of scrutiny task groups and scrutiny committees;
6. Where matters (other than a called in decision) fall within the remit of more than one scrutiny committee determine the division of responsibility;
7. To promote good practice in the operation of the Council’s overview and scrutiny function and to develop and manage a programme for member training in the overview and scrutiny function and committee process.
8. Overall responsibility for the finances and other resources that the Council makes available to the overview and scrutiny function (if any)
9. To report annually to the full Council on its and all scrutiny committees’ work undertaken during the year and make recommendations for future work programmes. The report will consider and may make recommendations to secure adequate resources are available for the discharge of the overview and scrutiny function. Upon receiving this report the full Council will consider any recommendations on the resources available to the overview and scrutiny function and take such action as it considers necessary to address those recommendations. This function is in addition to reports to full Council from the Scrutiny Management Committee and scrutiny committees on specific issues during the year.
10. To agree the individual work programmes proposed by the scrutiny committees (except the Audit Committee). In the event the Scrutiny Management Committee considers those work programmes cannot be appropriately resourced, coordinated and/or managed they may be referred back to the relevant scrutiny committee for further consideration. Ultimately,

work programme content shall be decided by the Scrutiny Management Committee.

Meetings and Proceedings of Scrutiny Committees

3.10.6 Meetings of Scrutiny Committees shall take place in accordance with Scrutiny Procedure Rules 9 and 10

3.10.7 Scrutiny Task Groups

1. This paragraph 3.10.7 shall apply to all Scrutiny Task Groups,
2. All scrutiny task groups will undertake work in relation to directorates' key targets, council's key priorities and issues of public interest or concern. Each scrutiny task group will operate in pursuit of the aims set it by the Scrutiny Management Committee.
3. Where the commissioning of a scrutiny task group is urgently required the Lead members of the Scrutiny Management Committee may agree to do so in advance of the next Scrutiny Management Committee meeting.
4. Before each task group begins its work the terms of reference will be agreed by the Scrutiny Management Committee or its Lead members.
5. The final report of each task group will be presented to the relevant scrutiny committee, which may as a result, make recommendations to any council body or any other public body or third party or, exceptionally, the full County Council. The Scrutiny Management Committee will receive a summary of the findings of each scrutiny review.
6. Scrutiny task groups will operate to a deadline set by the Scrutiny Management Committee at their creation, although this may be amended by agreement of the Scrutiny Management Committee. At the expiration of the deadline the task group will cease to exist.
7. Unless there are exceptional circumstances, there will be no more than 10 scrutiny task groups appointed by the Scrutiny Management Committee in existence at any one time, in general limited to two task groups per Committee (not counting the Audit Committee).
8. Each scrutiny task group may adopt whatever means of operation it deems most effective, bearing in mind the resources available to it.

3.10.8 Proceedings of the Scrutiny Committees

Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution.

SCRUTINY PROCEDURE RULES

1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR SCRUTINY COMMITTEES

The County Council will appoint Scrutiny Committees, whose remits and functions are described in Part 3 of the Constitution.

2. CO-ORDINATION

The Scrutiny Management Committee will co-ordinate the work of the scrutiny committees except the Audit Committee.

3. MEMBERSHIP

3.1 All county councillors, except members of the Cabinet, are eligible to be members of scrutiny committees.

3.2 The Annual Meeting of the County Council will determine the membership of the scrutiny committees (except members appointed under Scrutiny Procedure Rule 6), which must be politically balanced.

3.3 The County Council has determined that scrutiny committees, which shall be politically balanced, shall have the following numbers of county councillors

3.3.1 Scrutiny Management Committee

12 County Councillors

3.3.2 Budget and Performance Scrutiny Committee

9 County Councillors

3.3.3 Children and Young People Scrutiny Committee

9 County Councillors

3.3.4 Health, Community and Care Scrutiny Committee

9- County Councillors

3.3.5 Audit Committee

6 County Councillors

3.3.6 Environment Scrutiny Committee

9 County Councillors

3.3.7 Community Safety Scrutiny Committee

9 County Councillors

4. CASUAL VACANCIES

- 4.1 A vacancy on a scrutiny committee arises when a County Councillor resigns from membership of the committee.
- 4.2 Vacancies which occur on scrutiny committees will be filled on behalf of the Council by the Chief Executive using delegated powers to appoint county councillors to seats so as to maintain the political balance of the committee. The filling of the vacancy will be reported by the Chief Executive to the next meeting of the committee.

5. CO-OPTees AND VOTING RIGHTS SCHEME

- 5.1 Scrutiny committees shall be entitled to appoint up to three people who are not County Councillors, as non-voting co-opted members.
- 5.2 In addition to co-opting members under paragraph 5.1, the Community Safety Scrutiny Committee shall be entitled to appoint one person from each District Council in Gloucestershire and one person from the Gloucestershire Police Authority as voting co-opted members. Each District Council in Gloucestershire and the Gloucestershire Police Authority may nominate one substitute to attend on behalf of a co-opted member, and when attending have the same voting rights as that co-opted member.
- 5.3 In addition to co-opting members under paragraph 5.1, the Health, Community and Care Scrutiny Committee shall be entitled to appoint one person from each District Council in Gloucestershire as voting co-opted members. Each District Council in Gloucestershire may nominate one substitute to attend on behalf of a co-opted member, and when attending have the same voting rights as a co-opted member.
- 5.4 Appointments of co-opted members shall not affect the council's duty under Section 15 of the Local Government and Housing Act 1989 (political balance)

6. EDUCATION REPRESENTATIVES

- 6.1 The scrutiny committee dealing with Education shall include in its membership the following statutory voting representatives:
- 6.1.1 Church of England Diocese representative;
- 6.1.2 Roman Catholic Diocese representative;
- 6.1.3 Parent Governor, representatives (three).
- 6.2 When dealing with issues other than education the representatives at 6.1.1, 6.1.2 and 6.1.3 above shall not vote though they may stay in the meeting and speak.

7. CHAIRPERSON OF SCRUTINY COMMITTEES

The chairperson of every scrutiny committee and of the Scrutiny Management Committee will be appointed by full Council and will be drawn from amongst the County Councillors sitting on each committee.

8. MEETINGS OF THE SCRUTINY MANAGEMENT COMMITTEE

There shall be six ordinary meetings of the Scrutiny Management Committee in each municipal year. In addition extraordinary meetings may be called from time to time. An

extraordinary meeting of the Scrutiny Management Committee may be called by the Chairperson, by two voting members of the Committee or by the Chief Executive if he or she considers it necessary.

9. MEETINGS OF SCRUTINY COMMITTEES (OTHER THAN THE SCRUTINY MANAGEMENT COMMITTEE)

9.1 There shall be six ordinary meetings of each scrutiny committee (other than the Audit Committee which shall determine its own meetings schedule and Scrutiny Management Committee) in each municipal year. 10. Extraordinary meetings of scrutiny committees (other than the Scrutiny Management Committee) may be called by the:

10.2.1 Chairperson of the relevant scrutiny committee

10.2.2 Chairperson of the Scrutiny Management Committee after consultation with the membership of the Scrutiny Management Committee

10.2.3 At least one quarter of the scrutiny committee membership signing a notice to the Chief Executive or

10.2.4 The Chief Executive.

11. QUORUM

11.1 A meeting of a scrutiny committee cannot take place unless the greater of 3 or one-quarter of the whole number of its members who have voting rights are present.

11.2 Members appointed under Scrutiny Procedure Rule 6 shall not be counted as part of the quorum except in relation to business where they have voting rights.

12. WORK PROGRAMMES

12.1 The Scrutiny Management Committee will be responsible for setting its own work programme taking into account the priorities defined by the Cabinet. In setting the work programme the Scrutiny Management Committee will also take into account the wishes of its members including any non-voting co-opted members.

12.2 The work programme of the scrutiny committees will be drawn up by each committee taking into account the wishes of the members including the co-opted members. The work programme should also include any requests from the full Council and the Cabinet for advice on particular issues.

12.3 The work programme of each scrutiny committee will be reviewed by the Scrutiny Management Committee to ensure that their activities are co-ordinated.

13. AGENDA ITEMS

Any member of a scrutiny committee shall be entitled to give notice to the Chief Executive that he or she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

14. COUNCILLOR CALL FOR ACTION

14.1 Any member of the Council shall be entitled to give notice to the Director of Law & Administration in accordance with the Council's Gateway process that he or she wishes a local government matter relevant to the functions of a scrutiny committee to

be included on the agenda for and discussed at the next available meeting of the relevant scrutiny committee.

- 14.2 A local government matter is one relating to a local government function affecting the electoral area of the member or any person who lives or works in the area, unless it is an excluded matter. An excluded matter is a planning or licensing matter, one relating to an individual where a right of appeal exists or any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at a meeting of a scrutiny committee.
- 14.3 If the scrutiny committee decide not to accept a referral from a member under 14.1 the committee must notify the member of their decision and the reasons for it. In considering whether or not to accept a referral the committee may have regard to the representations made by the local member as to why it would be appropriate for the committee to consider the matter, and also the extent to which the provisions of the Council's Gateway process have been observed.

15. POLICY REVIEW AND DEVELOPMENT

- 15.1 The role of the scrutiny committees in relation to the development of the Council's policy framework and budget is set out in the Policy Framework and Budget Procedure Rules.
- 15.2 A scrutiny committee can, additionally, at the request of the Cabinet, assist in the development of policy options that lie outside the policy framework and budget.
- 15.3 Scrutiny committees may within their annual work programme review the success of policy and its implementation over time and make recommendations.

16. REPORTS FROM SCRUTINY COMMITTEES

- 16.1 Where a scrutiny committee makes a report to Council or Cabinet, it may publish the report or recommendations.
- 16.2 The committee must by notice in writing require Council or Cabinet as appropriate, within two months of the date on which it receives the report or recommendations, or (if later) the notice, to
- 16.2.1 Consider the report or recommendations
 - 16.2.2 Respond to the scrutiny committee indicating what (if any) action the Council or Cabinet propose to take
 - 16.2.3 Where a scrutiny committee has published the report or recommendations, publish the response
 - 16.2.4 Where the scrutiny committee provided a copy of the report or recommendations to a member, provide a copy of the response to the member
- 16.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in paragraphs 3 and 4 of the Rules on Access to Information.
- 16.4 Reports from scrutiny committees, except the Audit Committee, relating to executive matters will normally be submitted to the Cabinet for consideration. Reports relating to non executive matters can be submitted by a scrutiny committee to any other

Council body or to any external body. In exceptional circumstances (which shall be specified in the minutes), a scrutiny committee may make a report direct to full Council.

- 16.5 If the report proposes a departure from or change to the agreed policy framework or budget, the full Council will consider the matter having regard to advice, if any, received from, the Cabinet.
- 16.6 If a scrutiny committee cannot unanimously agree on one single final report to the Cabinet, to any other Council body or exceptionally, to the full Council, then one separate report may be prepared and submitted for consideration along with the majority report.
- 16.7 The Cabinet, the other Council body or, exceptionally, the full Council, shall consider the report(s) from the scrutiny committee at the next available meeting unless the matter which is the subject of the report(s) is scheduled to be considered by the Cabinet within two months from the date the report(s) was adopted by the scrutiny committee. In such cases the report(s) of the scrutiny committee shall be considered by the Cabinet when it considers the matter. The Cabinet may refer the scrutiny committee report(s) to the Leader of the Council or a Cabinet Member for consideration and response.
- 16.8 This rule does not apply to the call in of Cabinet decisions: reports that result from call ins are dealt with under the Cabinet Procedure Rules.
- 16.9 Reports from Audit committee are regulated under 22.2 below

17. MEMBERS AND OFFICERS GIVING ACCOUNT

- 17.1 Any scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function within the area of its terms of reference. As well as reviewing documentation, in fulfilling its scrutiny role, it may require any member of the Cabinet, the Chief Executive or any officer to attend before it to explain in relation to matters within its remit:
- Any particular decision or series of decisions;
 - The extent to which the actions taken implement Council policy; or
 - Their performance;

and it is the duty of those persons to attend if so required.

- 17.2 Where any member or officer is required to attend a scrutiny committee under this provision, the Chairperson will inform the Chief Executive who shall, in turn, inform the member or officer in writing giving, where practical, fifteen days notice of the meeting. The notice to the member/officer will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Committee. Where it is necessary to produce a report then the member or officer concerned will be given sufficient time to allow preparation of that report.
- 17.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date then an alternative date for attendance may be arranged following consultation with the Chairperson of the relevant scrutiny committee.

- 17.4 A scrutiny committee may not scrutinise a decision of an officer acting under delegated powers, unless the decision is a key decision

18. ATTENDANCE BY OTHERS

A scrutiny committee or a Group Director (in consultation with the chairperson and other political groups' lead members) may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend. Attendance is, of course entirely optional.

19. CALL-IN AND REVIEW AND SCRUTINY OF DECISIONS

- 19.1 All executive decisions, whether made by the Cabinet, the Leader of the Council, a Cabinet Member and key decisions by an officer under delegated powers, but which have not been implemented may be called-in under the Call-In Procedure Rules.

- 19.2 Subject to Scrutiny Procedure rule 17.4, all executive and non-executive decisions, whether made by the Cabinet, Leader of the Council, a Cabinet Member or an officer under delegated powers and whether implemented or not, may be reviewed and scrutinised by the Scrutiny Management Committee which may then report on such review and scrutiny to the Cabinet or, in exceptional circumstances (which shall be determined by the committee and recorded in the minutes), to the full Council. For the avoidance of doubt, review and scrutiny in accordance with this Scrutiny Procedure Rule 19.2 shall not be affected by the Call In Procedure Rules or affect implementation of any decision.

20. PROCEDURE AT SCRUTINY COMMITTEE MEETINGS

Scrutiny committees may plan and conduct their business in the manner that they determine is most likely to result in the effective, efficient and accountable discharge of their functions and, except the Audit Committee, in accordance with any requirements of the Scrutiny Management Committee.

21. SCRUTINY TASK GROUPS

The Scrutiny task groups will work within the operating principles set out in the Panel Operating Principles set out in part 4 of this constitution

22. AUDIT COMMITTEE

- 22.1 Scrutiny Procedure Rules 12 and 16 do not apply to Audit Committee.
- 22.2 Audit Committee may report to any council or external body. In consultation with Scrutiny Management Committee it will annually report on its work to full Council

CALL-IN PROCEDURE RULES

1. SCOPE

- 1.1 All decisions which are the responsibility of the Cabinet (which includes all executive decisions made by the Leader of the Council, a Cabinet Member, or key decisions made by officers, under delegated powers) are subject to these rules. Any decision which is the responsibility of the Cabinet, but not yet implemented, can be called-in within the timescale set out in 2.3 below.
- 1.2 Call-in should only be used in exceptional circumstances and be invoked only when there is evidence to suggest one or more of the conditions referred to in paragraph 3 below have been satisfied.
- 1.3 Recommendations to full Council in respect of matters which are not within the policy or budget of the Council are not executive decisions and therefore are not subject to these rules

2. PUBLICATION OF CABINET DECISIONS AND IMPLEMENTATION

- 2.1 All decisions taken by the Cabinet, the Leader of the Council or a Cabinet Member and any key decision taken by officers under delegated powers will be published and shall be made available at Shire Hall as soon as reasonably practicable after being made.
- 2.2 All County Councillors will also be sent copies of the decisions at the same time by the Chief Executive.
- 2.3 The notification of decisions will bear the date on which it is published and will state that the decisions will come in to force, and may be implemented, after five working days, unless the decision has been called-in under this procedure.
- 2.4 Subject to paragraph 10 below, no decisions taken by the Cabinet shall be implemented until expiration of the period referred to in 2.3

3. GROUNDS FOR CALL IN

A decision may only be called-in if one or more of the following conditions are satisfied:-

- 3.1 The decision would conflict in whole or in part with any existing policy that has been formally approved or adopted by the Council;
- 3.2 The decision would not be wholly in accordance with the Council's budget;
- 3.3 In making the decision, the Cabinet, the Leader of the Council or a Cabinet Member or officer under delegated powers took account of an irrelevant matter or failed to take account of a relevant matter, which in the opinion of the Chief Executive, had (or would have had) a significant bearing on that decision;
- 3.4 The Cabinet, the Leader of the Council or a Cabinet Member or officer under delegated powers acted contrary to the Cabinet Procedure Rules, the Access to Information about the County Council's Formal Business and/or the principles of decision making set out in Part 2, Article 7.02 of the Constitution.

4. CALL-IN PROCEDURE

A Cabinet decision or decision by the Leader of the Council or a Cabinet Member and a key decision taken by officers under delegated powers, may be called in before the expiration of the period referred to in Call in Procedure Rule 2.3 if:-

- 4.1 At least six Members of the Council give notice in writing to the Chief Executive of their desire to effect a call-in; and
- 4.2 That notice, which shall be substantially in accordance with the template set out at the end of these Call In Procedure Rules :-
 - 4.2.1 Is delivered to the Chief Executive before the end of the fifth working day after the day on which the decision was published; and
 - 4.2.2 Specifies the decision that is the subject of the call-in; and,
 - 4.2.3 Specifies under which of the grounds mentioned in paragraph 3 of these rules the call-in is made and gives full particulars of the facts and matters relied upon.
- 4.3 In the event the only ground for call in is as specified in Call In Procedure Rule 3.3, the Chief Executive has signified in writing that in his or her opinion, the particulars of the facts and matters relied upon and specified in the notice had (or would have had) a significant bearing on that decision

5. CALL-IN AND DEFERRING IMPLEMENTATION

If a decision has been called in in accordance with these rules it will not be implemented until either:

- 5.1 The matters of concern have been resolved to the satisfaction of persons signing the notice and they have signified in writing to the Chief Executive their wish to withdraw their call-in; or
- 5.2 The process set out in Call In Procedure Rule 7 has been followed

Note: As soon as is practicable, the Chief Executive will send a copy of the call in notice to all members of the Scrutiny Management Committee and all political group leaders

A political group leader may request clarification from and/or discussion with one or more of the six members giving notice and other political group leaders

The matters referred to in this note will not affect the validity or process of the call-in

6. CONSIDERATION BY SCRUTINY MANAGEMENT COMMITTEE

- 6.1 Decisions called-in will be placed on the agenda for the next available meeting of the Scrutiny Management Committee.
- 6.2 In exceptional circumstances, an earlier meeting of the Scrutiny Management Committee (if necessary) can be called by the Chief Executive in consultation with

the chairperson of the Scrutiny Management Committee and the Leader of the Council or relevant Cabinet Member as appropriate.

- 6.3 In the event a call in is withdrawn in accordance with Scrutiny Procedure Rule 5.1, it will not be placed on the agenda of the Scrutiny Management Committee or, if that has already occurred, it will not be considered.
- 6.4 If the Leader of the Council or Cabinet Member as appropriate has, at least three days before the meeting, sent to members of the Scrutiny Management Committee a report responding to the call-in, he or she shall be entitled to address the Scrutiny Management Committee. In the absence of such a report, the Leader of the Council or Cabinet Member as appropriate may address the Scrutiny Management Committee if the chairperson agrees.

7. ACTION BY THE SCRUTINY MANAGEMENT COMMITTEE

- 7.1 Having considered the decision called-in, the overview and Scrutiny Management Committee will either:
 - 7.1.1 Support the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet, Leader of the Council or Cabinet Member); or
 - 7.1.2 Make adverse comments regarding the process when set against the guiding principles for decision-making, but no adverse view on the decision itself (in which case it can be implemented immediately, with the committee's comments being set out in a report and considered by the Cabinet, Leader of the Council or Cabinet Member); or
 - 7.1.3 Propose modifications to the decision or an alternative to the decision to achieve the same effect (in which case the implementation is delayed until the Cabinet, Leader of the Council or Cabinet Member has received and considered a report of the Scrutiny Management Committee and decided how to proceed); or
 - 7.1.4 In exceptional circumstances (which shall be determined by the Scrutiny Management Committee and recorded in the minutes) arrange for the full Council to review or scrutinise a decision and decide whether or not to recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision recommended by full Council. If full Council does not recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision, the called in decision may be implemented immediately. If full Council does recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision the called in decision shall not be implemented until the Cabinet, Leader of the Council or Cabinet Member has considered the recommendation of full Council and decided how to proceed.
- 7.2 The full Council has no power to make final decisions in respect of matters which are the responsibility of Cabinet unless the decision in question is contrary to the policy framework or budget.

8. ACTION BY THE CABINET LEADER OF THE COUNCIL OR CABINET MEMBER

8.1 A report of the Scrutiny Management Committee (and full Council in the event Call In Procedure Rule 7.1.4 is invoked) will be submitted to the Cabinet, Leader of the Council or Cabinet Member who will consider the views of the Scrutiny Management Committee (and full Council if appropriate) and either:

8.1.1 Confirm the called in decision without modification; or

8.1.2 Confirm the called in decision with modification; or

8.1.3 Rescind the called in decision, take the alternative decision recommended by full Council or (if considered appropriate) propose a new one.

8.2 In each case, the reasons must be given, particularly if the action is not as proposed by the Scrutiny Management Committee.

8.3 The outcome of the Cabinet's, Leader of the Council's or Cabinet Member's consideration of the views of the Scrutiny Management Committee will be published by the Chief Executive.

9. RESPONSE TO THE SCRUTINY MANAGEMENT COMMITTEE

The Cabinet's, Leader of the Council's or Cabinet Lead Member's response will be reported to the next available meeting of the Scrutiny Management Committee.

10. CALL-IN OF URGENT DECISIONS

10.1 On rare occasions, decisions will need to be implemented so urgently that pre-implementation review is not appropriate.

10.2 A decision will be urgent if any delay, likely to be caused by the process, would seriously prejudice the interest of the County Council or of the public or the interests of any person to whom the decision relates.

10.3 The record of the decision and notice by which it is made public must contain an explanation as to why the decision needs to be treated with such urgency.

10.4 The Chairperson of Council and of the Scrutiny Management Committee must agree that the decision is urgent and cannot reasonably be deferred.

10.5 Where these circumstances arise at least six county councillors may signify in writing to the Chief Executive their wish for a post-implementation review of the decision. Reasons must be given.

10.6 In these circumstances, call-in has no effect on the implementation of the urgent decision and relates to reviewing the nature of the decision and the circumstances behind it. The outcome of the Scrutiny Management Committee review will be reported to the Cabinet.

11. CALL-IN DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET

These provisions are set out in the Policy Framework and Budget Procedure Rules.

Gloucestershire County Council

Notice of call-in

To Chief Executive

We, the undersigned six members give notice of our desire to call-in the following executive decision notice of which was published on

[Insert date and decision wording, in the Cabinet Decision Statement]

The grounds for the call-in are that the following condition(s) are satisfied for the reasons specified:

[Delete the conditions not relied upon]

[If the condition is relied upon, this must be completed]*

- 1 The decision would conflict in whole or in part with any existing policy that has been formally approved or adopted by the Council.

The policy with which the decision conflicts and the date of approval or adoption by the Council are *

The wording within the policy with which the decision conflicts is *

The decision conflicts with the policy in the following way(s) *

- 2 The decision would not be wholly in accordance with the Council's budget

The decision expenditure is *

The Council's budget [does not make provision for any of this expenditure]
[approved by the Council on * only makes provision for
expenditure of £ *] *[delete as necessary]*

- 3 In making the decision, the Cabinet, Leader of the Council or Cabinet Member took account of an irrelevant matter or failed to take account of a relevant matter

The irrelevant matter taken into account is *

The relevant matter not taken into account is *

- 4 The Cabinet, Leader of the Council or Cabinet Member acted contrary to the Cabinet Procedure Rules, the Access to Information about the County Council's Formal Business and/or the principles of decision making set out in Part 2, Article 7.02 of the Constitution.

The matter contravened is * *[insert wording from the relevant part(s) of the Council's Constitution]*

The above matter was contravened in the following way(s) *

Dated

Signed

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.....

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.....

.....

.....

PANEL OPERATING PRINCIPLES

Referred to in Cabinet Procedure Rule 12 and Scrutiny Procedure Rule 20

References to Panels includes references to scrutiny task groups

1. Panels may be established from time to time by the Cabinet, Leader of the Council, Cabinet Member or officer acting under delegated powers or a committee to undertake standing or task based work in support of the Cabinet, Leader of the Council, Cabinet Member or a committee. Panels may also be established jointly by the Cabinet, Leader of the Council, Cabinet Member or a committee. The full Council will not establish panels and may instead call upon the Cabinet, Leader of the Council, Cabinet Member and/or a committee to support its work.
2. In order to assist in understanding its role, every Panel will be named in keeping with the following:

[Task or standing function] Cabinet Panel

[Task or standing function] Scrutiny Task Group

[Task or standing function] Joint Panel

[Task or standing function] [e.g. Standards or Constitution] Panel

3. Each Panel will operate on a time limited basis unless otherwise agreed by the Cabinet, Leader of the Council, Cabinet Member and/or committee.
4. Panels will not have any decision taking powers.
5. If appropriate the task to be undertaken by the Panel will be scoped and defined beforehand, together with the timeframe within which the work of the Panel is to be completed and the reporting time for the outcome of the Panel's work.
6. Panels will be politically balanced where possible, unless otherwise agreed by Cabinet, the Leader of the Council, Cabinet Member or committee.

Note: at the first meeting of each new Council, the numbers of members on Panels will be reviewed

7. All members, except members of the Cabinet, may serve on scrutiny task groups.
8. Cabinet Panels will be chaired by the Leader of the Council or Cabinet Member as appropriate.

Joint Panels will be chaired as agreed by:

the Cabinet, Leader of the Council or Cabinet Member; and
the committee.

Other panels will be chaired as they determine.

Annex D

- 9 Panel meetings may be conducted informally and electronic mail may be used extensively to exchange information. In consultation with other Panel members, the chairperson of the Panel will determine whether any meetings of the Panel should be held in public. In the event the chairperson of a Panel is not a County Councillor, the majority of those members of the Panel who are County Councillors will determine whether any meetings of the Panel should be held in public
10. Panels may request the attendance of relevant county councillors and officers at meetings to assist in the issues under discussion. People from outside the Council may be invited to attend also for particular issues as appropriate.
11. Where a scrutiny task group is tasked with looking at an education related issue then the Panel must offer to co-opt at least one additional member from amongst the Church and Parent Governor members on the Children and Young People Scrutiny Committee.
12. Each Panel may co-opt additional people in addition to those at paragraph 11 above, provided co-options may only be made if the person co-opted has particular knowledge or expertise in the functions being conducted by that Panel.

Co-options may be made for a specified period, for specified meetings or for specific items.

13. Each Panel will appoint a lead officer who will seek to ensure effective progress and communication in respect of the work of the Panel
14. Subject to consultation with the Director of Law and Administration, the administration of Panels will be supported by Legal & Democratic Services.

Note: Member forums will be Panels as described above or formal decision-making bodies e.g. full Council, Cabinet Planning Committee. The proceedings of these forums are regulated by this Constitution

In addition, one other type of member forum may be formed by an officer at Director or Head of Service level or above. This type of forum will be called a Group and will be informal in all respects and not regulated by this Constitution. The officer forming the Group will regulate and support the Group in all respects.