



**Gloucestershire**

COUNTY COUNCIL

**CONSTITUTION COMMITTEE**

**2.00 pm**

**TUESDAY**

**5 MARCH 2013**

**Members' Room - Shire Hall,  
Gloucester**

**MEETING PAPERS**





## CONSTITUTION COMMITTEE

**TIME:** 2.00 pm  
**DATE:** Tuesday 5th March, 2013  
**VENUE:** Members' Room - Shire Hall, Gloucester

### A G E N D A

ITEM	TOPIC	CONTACT
1.	<b>Apologies for absence</b>	Simon Harper
2.	<b>Declaration of Interests</b> Please see note (b) of the agenda.	Simon Harper
3.	<b>Minutes</b> (Pages 1 - 4) To approve the minutes of the meeting held on 5 February 2013.	Simon Harper
4.	<b>Public Questions</b> To answer any written public questions about matters which are within the powers and duties of the Committee. <b>The closing date/time for receipt of questions is 10.00am on 26 February 2013.</b> To answer any oral question(s) put by members of the public with the consent of the Chairperson.	Simon Harper
	<i>Depending on the nature of the questions asked it may not be possible to provide a comprehensive answer at the meeting, in which case a written answer will be supplied as soon as reasonably possible after the meeting.</i>	
5.	<b>Members' Questions</b> To answer any written members' questions. <b>The closing date/time for the receipt of questions is 10.00am on 26 February 2013.</b>	Simon Harper
6.	<b>Gloucestershire Health and Wellbeing Board</b> (Pages 5 - 12) To consider the proposals for the establishment of the Gloucestershire Health and Wellbeing Board with effect from April 2013.	Diana Billingham
7.	<b>New Committee Structure from May 2013</b> (Pages 13 - 38) To consider proposals for a revised scrutiny structure and a new approach to corporate parenting following the elections in May	Simon Harper

2013.

## **NOTES**

- (a) **MEMBERSHIP** – Cllr Phil Awford, Cllr Mark Hawthorne, Cllr Tony Hicks, Cllr Jeremy Hilton, Cllr Ceri Jones, Cllr Antonia Noble, Cllr Ray Theodoulou, Cllr Lesley Williams and Cllr Will Windsor-Clive
  
- (b) **DECLARATIONS OF INTEREST** – Members requiring advice or clarification about whether to make a declaration of interest are invited to contact the Monitoring Officer: Jane Burns ☎01452 328472 /fax: 425149/e-mail: jane.burns@gloucestershire.gov.uk prior to the commencement of the meeting.
  
- (c) **INSPECTION OF PAPERS AND GENERAL QUERIES** - If you wish to inspect reports relating to any item on this Agenda or have any other general queries about the meeting, please contact

Simon Harper, Lead Democratic Services Adviser  
☎: 01452 425230/fax: 425850/e-mail: simon.harper@gloucestershire.gov.uk

***EVACUATION PROCEDURE - in the event of the fire alarms sounding during the meeting please leave as directed in a calm and orderly manner and go to the assembly point which is outside the main entrance to Shire Hall in Westgate Street. Please remain there and await further instructions.***



## CONSTITUTION COMMITTEE

**MINUTES of the meeting of the Constitution Committee held on Tuesday 5th February, 2013 commencing at 10.00 am.**

### **PRESENT MEMBERSHIP:**

Cllr Phil Awford	Cllr Ceri Jones
Cllr Mark Hawthorne	Cllr Antonia Noble
Cllr Tony Hicks	Cllr Ray Theodoulou
Cllr Jeremy Hilton	Cllr Lesley Williams

**Apologies:** Cllr William Windsor-Clive

**Officers:** Jane Burns, Monitoring Officer,  
Christine Wray, Assistant Director of Law and Administration,  
Dilys Wynn, Director of People Services,  
Simon Harper, Lead Democratic Services Adviser,  
Joanne Bolton, Democratic Services Adviser.

**Others:** William Alexander – Chairman of the Independent Remuneration Panel

### **28. MINUTES**

28.1 THAT the minutes of the meeting held on 7 November be approved as a correct record and signed by the Chairman.

### **29. PUBLIC QUESTIONS**

29.1 No public questions were received.

### **30. MEMBERS' QUESTIONS**

30.1 No members' questions were received.

### **31. INDEPENDENT REMUNERATION PANEL**

31.1 William Alexander, Chairman of the Independent Remuneration Panel, presented the panel's report in respect of members' allowances for 2013/14.

31.2 He explained that the panel recommended no change to the basic rate of allowance for 2013-14, and that the level of special responsibility allowances in the scheme should remain unchanged for 2013-14.

- 31.3 One member, who was the chairman of a scrutiny committee, suggested that consideration should be given to extending the scheme of special responsibility allowances to include committee lead members alongside the committee chairs, in order to recognise the key role they played in the committee's work.
- 31.4 One member explained that the role of chairman of the Pensions Committee had changed significantly over the years, in terms of the training requirements and the time invested. He suggested that in order to recognise this consideration should be given to the chairman of the Pensions Committee being included in the scheme of special responsibility allowances.
- 31.5 In response to the comments raised, the chairman of the Independent Remuneration Panel explained that a more in-depth review of the special responsibility allowances in the scheme would be undertaken by the panel and asked members to forward any comments and suggestions to him via Simon Harper, Lead Democratic Services Adviser. He anticipated that recommendations would be brought forward to the committee later on in the year.
- 31.6 The chairman of the Independent Remuneration Panel reported that the panel had recognised that the mileage allowance payable to Council staff was being brought into line with the HM Revenue and Customs rate. Consequently the panel had recommended that the mileage allowance payable to councillors from April 2013 should be brought into line with the HM Revenue and Customs rate. The committee supported this recommendation.
- 31.7 The panel had noted that the councillors representing some of the more rural divisions travel significant distances to parish and town council meetings and this was an important part of their representative role. The panel had therefore recommended that in future the costs of travelling to and from parish and town council meetings should be formally recognised in the allowance scheme.
- 31.8 Whilst some members were in support of this recommendation particularly as the forthcoming boundary changes post elections in May 2013 would mean fewer councillors, and councillors representing larger areas of the county, others felt that the recommendation could not be justified. One member suggested that the travel costs to parish and town council meetings would already be covered in the councillors' basic allowance, paid in recognition of the duties they undertook in representing and serving the local community.
- 31.9 The committee noted that the panel had also recommended that the council should offer councillors the opportunity to join the Local Government Pension Scheme based on the basic allowance.

*Minutes subject to their acceptance as a correct record at the next meeting*

- 31.10 In response to a question the committee was informed that currently approximately a third of all councillors in the UK had the option to join the Local Government Pension Scheme, however the number taking up this offer was low, as the payout on a basic allowance was minimal.
- 31.11 The committee noted that the Department for Communities and Local Government had recently undertaken consultation on the proposal that there would be no access for councillors to the Local Government Pension Scheme in England from April 2014. A decision on this was expected to be published in the coming weeks.
- 31.12 The chairman of the Independent Remuneration Panel took the opportunity to express his gratitude to Sharon Clutterbuck and Julie Hill for their past assistance, and to Simon Harper who was currently advising the panel.
- 31.13 The committee resolved:

***TO RECOMMEND THAT COUNCIL*** consider the following recommendations from the Independent Remuneration Panel:

- (a) That no change be made to the Basic Allowance for 2013/14.*
- (b) That the level of special responsibility allowances in the scheme remain unchanged for 2013/14.*
- (c) That Gloucestershire County Council revert to the Inland Revenue's authorised mileage allowance rate current at the time with effect from 1 April 2013.*
- (d) That travelling allowances are payable to councillors on journeys to and from parish and town council meetings within their division.*
- (e) That, in line with recommendations made in previous years, councillors should be given the opportunity to join the Local Government Pension Scheme based on the basic allowance.*

## **32. AMENDED EMPLOYEE CODE OF CONDUCT**

- 32.1 The Director of People's Services presented the revised Employee Code of Conduct.
- 32.2 The committee noted that the recommendations set out in Graham Garbutt's review of the Cotswold Water Park included the need for revised codes of conduct for both members and employees.

*Minutes subject to their acceptance as a correct record at the next meeting*

32.3 The committee considered the section on the membership of clubs, societies and other organisations in the Employee Code of Conduct, which had been redrafted to include a paragraph outlining the purpose of recording this information, and to include a paragraph to set out examples of potential conflict of interests.

32.4 Whilst the committee agreed with the inclusion of the paragraph outlining the purpose of recording the information, on reflection they did not feel that the inclusion of the detailed examples of potential conflicts of interests was necessary and agreed that this paragraph should be removed.

32.5 The committee resolved:

***TO RECOMMEND TO COUNCIL that the council adopts the revised Employee Code of Conduct***

### **33. NEW COMMITTEE STRUCTURE - MAY 2013**

33.1 The committee noted that a revised scrutiny structure and a new approach to corporate parenting would be presented to the next meeting of the Constitution Committee on 5 March 2013.

### **34. CHANGES TO THE CONSTITUTION**

34.1 The committee considered a report of the Director of Law and Administration relating to changes to the constitution made by the Monitoring Officer. This was in relation to Procedural Standing Order 27.1 (application of procedural standing orders to other Council bodies) being amended to include reference to Procedural Standing Order 2.3.

The committee resolved:

***TO RECOMMEND TO COUNCIL that the amendments to Procedural Standing Order 27.1 be approved.***

### **CHAIRPERSON**

Meeting concluded at 11:05



## **Constitution Committee**

**Tuesday 5<sup>th</sup> March, 2013**

### **Establishment of the Gloucestershire Health and Wellbeing Board with effect from April 2013**

#### **Report of the Director of Public Health**

#### **1. Purpose of Report**

The purpose of this report is to present to the Committee the recommendations from the Shadow Health and Wellbeing Board regarding the local arrangements that can be applied to the establishment of the Health and Wellbeing Board by the Council.

The Health and Wellbeing Board will become a statutory committee from April 2013.

#### **2. Recommendations**

- a) That the Committee approves the proposed membership;
- b) That the Committee recommends the voting proposal for each member organisation to have a single vote (individual officers not voting);
- c) That political proportionality is not applied to the membership;
- d) That the Committee approve the Terms of Reference as set out in Appendix 1

#### **3. Background**

##### **3.1 Legal Background**

Section 194 of the Health and Social Care Act 2012 (“the 2012 Act”) requires that every upper-tier local authority establish a Health and Wellbeing Board. In order to fit Health and Wellbeing Boards within local authority structures, section 194(11) provides that the board is a committee of the local authority which established it.

The explicit policy intention is that Health and Wellbeing Boards will act as a forum for collaborative local leadership and be very different to other local authority committees. The secondary legislation was laid before parliament on 8<sup>th</sup> February 2013. These allow the Council to modify arrangements to ensure effective partnership working, shared leadership and accountability.

### **3.2 Definition of Health and Wellbeing Board**

“Health and Wellbeing Boards will bring together local commissioners of health and social care, public health, elected representatives and representatives from Healthwatch to agree an integrated way to improve local health and wellbeing.”

(Department of Health)

The specific functions are;

- Duty to promote integrated working
- Duty to prepare a Joint Strategic Needs Assessment
- Duty to prepare a Joint Health and Wellbeing Strategy

Membership must include:

- Elected Member (at least one, which may be the Leader of the Council and/or a councillor or councillors nominated by him)
- Director of Adult Services
- Director of Children’s Services
- Director of Public Health
- Clinical Commissioning Group
- Healthwatch
- NHS Commissioning Board local area team

Subsequently additional members may be appointed by the Council following consultation with the Health and Wellbeing Board.

### **3.3 Local Background**

The Shadow Health and Wellbeing Board was formed in December 2011 in accordance with the Health and Social Care Bill. The purpose of the shadow board was to ensure the Council is ready to take on the statutory responsibilities from April 2013.

The shadow board has achieved the following during the past 12 months;

- Written and consulted on the Joint Health and Wellbeing Strategy for Gloucestershire, called Fit for the Future which will be the overarching framework for the county;
- Worked with NHS Gloucestershire and the other health and social care provider organisations to develop a draft five year Care Strategy for the county;
- Established a steering group to oversee the preparation and development of a Joint Strategic Needs Assessment;
- Carried out a review of existing partnerships and groups working in health and

- wellbeing to inform the governance framework for the HWB;
- Completed a board development programme which included an LGA Health and Wellbeing Board peer challenge. This will lead to a development plan for the statutory board.

#### **4. Areas for local decision**

This section presents the areas of corporate governance that can be locally determined that are the recommendations from the shadow Health and Wellbeing Board.

##### **4.1 Membership**

Proposed Membership

- Chair of Clinical Commissioning Gloucestershire
- Additional Clinical Commissioning Gloucestershire member
- Accountable Officer of Clinical Commissioning Gloucestershire
- Leader of Gloucestershire County Council
- A District Council elected representative from Leadership Gloucestershire
- County Council Cabinet Member for Health and Wellbeing (or equivalent)
- County Council Cabinet Member for Vulnerable Families (or equivalent)
- The Director of Adult Social Services, Gloucestershire County Council
- The Director of Children's Services, Gloucestershire County Council
- The Director of Public Health, Gloucestershire County Council
- A representative of the local HealthWatch A representative of the NHS Commissioning Board Local Area Team
- A District Council Chief Officer and link for housing related business

Each organisation, Leadership Gloucestershire and the District Council Chief Executive Officers will notify the Council the names of the nominated representatives prior to the first meeting of the Board.

Substitutions – the Board recommends that if an organisation is unable to send any representative a named substitute may be nominated for that meeting only. Notice of this shall be given by the absent Board member to the committee administrator in advance of the meeting. Ideally a week's notice shall be given to allow all Board members to be advised of the substitution.

The Council's substitution rule in procedural standing orders section 4, page 74 in the Constitution will not be applied.

##### **4.2 Voting Restrictions**

The regulations allows for all key members of the Board to have a vote, not just the elected representatives on the Board. However, the shadow board has recommended that the preferred arrangement is for each member organisation to have a single vote (individual officers not voting).

This would mean organisation votes for Gloucestershire County Council; Clinical Commissioning Gloucestershire; District Councils (one vote for all six); HealthWatch and the NHS Commissioning Board. The Health and Wellbeing Board Chair will have a casting vote if required.

#### **4.3 Political Proportionality**

The regulations disapply the provisions of existing legislation requiring political balance in relation to health and wellbeing boards, so that this issue is left to local determination.

The Shadow Board recommends that political proportionality is not applied to the membership. The Board unanimously agreed that following the guidance is appropriate given the unique nature of the Health and Wellbeing Board.

#### **4.4 Establishment of Sub-committees**

The regulations provide the Health and Wellbeing Board with the power to establish sub-committees and delegate functions to them.

The Shadow Board recommends that at this time it will not have any sub-committees. The Health and Wellbeing Board will continue to use the existing provisions in the Constitution for task groups that operate in accordance with the panel operating principles set out in part 4 of the Constitution.

#### **4.5 Other Regulations**

In other respects the usual rules applicable to council committees will apply without modifications, these are:

- Disqualification for membership
- Applications of a code of conduct and declarations of interest
- Application of transparency provisions (access to information rules)

This means that the Board will follow the same provisions as other local authority committees to give public notice of meetings, hold them in public and to make papers available. The Health and Wellbeing Board will receive support from Democratic Services with a named officer who will attend meetings, prepare agendas and provide governance advice as necessary.

### **5. Appendices**

Appendix 1 – Constitution Amendment

### **6. Background Documents**

The Health and Social Care Act 2012

[The Local Authority \(Public Health, Health and Wellbeing Boards and Health Scrutiny\) Regulations 2013](#)

Get in on the Act: Health and Social Care Act 2012. Local Government Association, June 2012

## Appendix 1

### 3.13 HEALTH AND WELLBEING BOARD

In accordance with the requirements of the Health & Social Care Act 2012 (“the Act”) the Council has established the Health and Wellbeing Board as a committee of the Council. Its duties/terms of reference are:

1.	For the purpose of advancing the health and wellbeing of the people of Gloucestershire to encourage persons who arrange for the provision of any health or social care services in the county to work in an integrated manner
2.	To encourage persons who arrange for the provision of any health or social care services in the county and persons who arrange for the provision of any health-related services in the county to work closely together.
3.	Pursuant to section 116 of the Local Government and Public Involvement in Health Act 2007 to prepare and publish a joint strategic needs assessment for the county
4.	To prepare and publish a strategy for meeting the needs identified in the joint strategic needs assessment.
5.	To provide such advice assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services
6.	To encourage persons who arrange for the provision of any health-related services in the county to work closely with the Board

Membership of the Health and Wellbeing Board comprises:

- Chair of Clinical Commissioning Gloucestershire
- Additional Clinical Commissioning Gloucestershire member
- Accountable Officer of Clinical Commissioning Gloucestershire
- Leader of the Gloucestershire County Council
- A District Council elected representative from Leadership Gloucestershire
- County Council Cabinet Member for Health and Wellbeing, Gloucestershire County Council (or equivalent)
- County Council Cabinet Member for Vulnerable Families, Gloucestershire County Council (or equivalent)
- The Director of Adult Social Services, Gloucestershire County Council
- The Director of Children’s Services, Gloucestershire County Council
- The Director of Public Health, Gloucestershire County Council
- A representative of the local HealthWatch
- A representative of the NHS Commissioning Board Local Area Team
- A District Council Chief Officer and link for housing related business

Note 1: Political proportionality will not be applied

Note 2: Voting – each member organisation will have one vote. Organisations must be present to vote. There will be no absence voting provision. The Chair will have the casting vote.

Note 3: For the purpose of enabling it to carry out its functions the Health and Wellbeing Board may request the Council, the Local Healthwatch, a Clinical Commissioning Group or other member of the Board to supply it with information specified in the request.

Note 4: Terms of Office – This will run for term of each County Council unless a member organisation advises otherwise.

Note 5: Substitutions: There will be no substitutions, if an organisation is unable to send any representative a named substitute may be nominated for that meeting only. Notice of this shall be given by the absent Board member to the committee administrator in advance of the meeting. Ideally a week's notice shall be given to allow all Board members to be advised of the substitution.

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## **New committee structure from May 2013**

### **Report to the Constitution Committee on 5 March 2013**

#### **1 Background**

- 1.1 The Overview and Scrutiny Management Committee has considered proposals for a new scrutiny structure to become effective following the County Council election on 2 May 2013. The proposals have been developed in conjunction with the other overview and scrutiny committees and members from across the Council have had an opportunity to comment.
- 1.2 If the new structure is adopted before the election, members will be appointed to the new committees at the Annual Meeting in May. This will prevent the disruption caused by appointing members to the old committees and undertaking another round of appointments later in the year. It will also allow non-executive members to become involved in scrutiny at an early stage in the new Council.
- 1.3 At the meeting of the Constitution Committee on 7 November 2012, consideration of the new structure was deferred to allow a survey to be undertaken of members on the frequency of scrutiny committees and full Council meetings. Information was also requested on the number of committee seats available to non-executive members if the new scrutiny structure is adopted.
- 1.4 The report provides this information together with details of the proposed new scrutiny structure and suggestions for a new approach to Corporate Parenting.

#### **2 Seats available to non-executive members**

- 2.1 If the new scrutiny structure is adopted, a total of 98 committee seats are potentially available to non-executive members following the May 2013 election. The breakdown is as follows:

	<i>Seats</i>	<i>Number of meetings each year</i>
Overview and Scrutiny Management Committee	12	6
Health and Care Overview and Scrutiny Committee	9	6
Children and Families Overview and Scrutiny Committee	9	6
Environment and Communities Overview and Scrutiny Committee	9	6
Audit and Governance Committee	9	4
Police and Crime Panel	4	6
Planning Committee*	<del>19</del> 15	6
Appeal Panels – Access to Education*	18 pool of 15 members	At least monthly (3 member panels)
Constitution Committee	9	6
Pensions Committee*	6	5
Adoption Panel*	1	Weekly
<i>Total</i>	98	

\* The members of these committees are statutorily required to receive training before they are able to sit on them in a decision making capacity.

- 2.2 Seats on all of the above bodies will be allocated according to the political balance of the Council. The number of seats on the Planning Committee and the Appeals Committee have been reduced to reflect the smaller size of the Council (53 versus 63 members).
- 2.3 The following committees have not been included as they only meet very occasionally: Commons and Rights of Way Committee, Safety and Licensing Committee and Traffic Regulation Order Committee. It is worth noting, however, that the members of these committees are statutorily required to attend training before they are able to sit on them.
- 2.4 In addition to the seats available on committees, it is also worth noting that the most effective work undertaken by non-executive members is on scrutiny task groups that undertake ‘narrow and deep’ reviews of particular areas. These task groups are open to all non-executive members and not just those who sit on particular committees.

### **3 Frequency of meetings**

- 3.1 There was no overall consensus on the number of scheduled scrutiny committees each year. Twenty seven members responded to the survey and the majority (18) thought that six meetings of each scrutiny committee was about right. Thirteen of the 27 members supported reducing the number of scheduled meetings of each scrutiny committee to four per year with additional meetings being arranged as necessary. Twelve members did not support reducing the number of scheduled scrutiny committee meetings.
- 3.2 There was little support for reducing the number of scheduled full Council meetings from the current number of seven each year.
- 3.3 A summary of the results of the survey including comments from members is available on request from Democratic Services.

### **4 New scrutiny structure**

- 4.1 The new scrutiny structure reduces the number of overview and scrutiny committees from six to four.
- 4.2 In summary, it is proposed that the Overview and Scrutiny Management Committee takes on the strategic performance and budget monitoring role of the Budget and Performance Scrutiny Committee. The Environment Scrutiny Committee would be renamed Environment and Communities Scrutiny Committee and take on a wider remit including the fire and rescue service, trading standards and libraries.
- 4.3 The Health, Community and Care Scrutiny Committee (*renamed Health and Care Scrutiny Committee*) and Children and Young People Scrutiny Committee (*renamed Children and Families Scrutiny Committee*) would continue largely unchanged.
- 4.4 Under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, it is full Council that has the power to review and scrutinise matters relating to the planning, provision and operation of the health service. It is proposed that the Council delegates these powers to the Health and Care Overview and Scrutiny Committee. However, under the regulations the 'referral powers' to the Secretary of State on substantial variations to services will remain with full Council. This means that the Health and Care Overview and Scrutiny Committee will need to make a recommendation to full Council if they believe that a referral is appropriate.
- 4.5 The new Audit and Governance Committee falls within the family of overview and scrutiny committees in the constitution. However, the committee's terms

of reference have recently been agreed by full Council and it is therefore not covered within this report.

4.6 At the meeting of the Overview and Scrutiny Management Committee held on 2 October 2012, the chairman, Cllr Rob Garnham, noted that the proposed structure built on the success of the Council's current arrangements whilst taking account of:

- a) The new operating model that splits commissioning from the delivery of services.
- b) The reduction in the number of councillors from 63 to 53 in May 2013.
- c) The introduction of the Police and Crime Panel.
- d) Reducing staff resources in Democratic Services and across the Council.

4.7 It should be noted that whilst a number of members have indicated support for the new structure, the proposals are not universally supported. Some members have raised specific concerns, most notably relating to the wide remit of the Health and Care Overview and Scrutiny Committee.

4.8 Please find the following documents attached to the report:

Annex 1 - Cllr Garnham's report to the Overview and Scrutiny Management Committee on 2 October 2012

Annex 2 – an extract from the minutes of the Overview and Scrutiny Management Committee held on 2 October 2012

Annex 3 – the changes required to the constitution if the new scrutiny structure becomes effective following the May 2013 election.

#### **4.9 Decision**

- a) *To consider whether to make a recommendation to the Council to adopt the new scrutiny structure to become effective following the May 2013 election. The constitution changes indicated at annex 3 will need to be adopted at that time.*
- b) *To consider whether the number of scheduled scrutiny committee meetings should be reduced to four each year with additional meetings being arranged as necessary. In reality, at least six meetings are likely to be needed but a requirement to hold at least four meetings would provide more flexibility if most of the work is being undertaken through scrutiny task groups.*

## **5 New approach to Corporate Parenting**

- 5.1 The Council has had a Corporate Parenting Committee since 2009 but the members of the committee believe that this is no longer the best approach for addressing the needs of children in care. The committee suggests that a new approach is developed that provides better engagement with looked after children, allows partners including district councils to be more involved, promotes the role of all county councillors as corporate parents and strengthens the advisory role of the lead cabinet member for Children's Services.
- 5.2 Members believe that the existing Corporate Parenting Committee should be disbanded and replaced by a standing Corporate Parenting Group established by the lead cabinet member for Children's Services. This would include county councillors and representatives from the district councils, health, education and local business.
- 5.3 The role of the group should be to agree a strategy for improving outcomes for looked after children and care leavers. This includes improving engagement with looked after children and young people and foster carers in the care system, promoting the importance of health and wellbeing, improving educational attainment and identifying greater opportunities to support care leavers into work.
- 5.4 Scrutiny of performance would be through reports to the Children and Young People Overview and Scrutiny Committee (or equivalent). Members of the Corporate Parenting Committee are also anxious that every full Council agenda includes a standing item for corporate parenting. This could take the form of a short update from the lead cabinet member for Children's Services with more detailed presentations being made from time to time by officers.
- 5.5 The Corporate Parenting Committee will be producing a report making recommendations to the new Council on how this important agenda should be addressed. This will include recommendations for individual elected members in their role as a corporate parent. The member induction programme following the May 2013 election will include a specific session on corporate parenting and this will provide an opportunity to brief members.

### **5.6 Decision**

*If the approach suggested is supported, to recommend to the Council that the following changes to the constitution are made following the May 2013 election:*

- a) *To remove section 3.10 of part 3 of the constitution relating to the role, duties and membership of the Corporate Parenting Committee.*
  
- b) *To include a standing item of business on all ordinary meetings of the Council to allow the lead cabinet member for Children's Services to report on corporate parenting issues. This will require an appropriate addition to procedural rule 2 ("ordinary meetings") in part 4 of the constitution.*

## **New scrutiny structure**

From: Cllr Rob Garnham, Chairman of the Overview and Scrutiny Management Committee

### **1 Introduction**

- 1.1 The current scrutiny structure with six committees has worked well and has allowed a number of members to be involved in detailed scrutiny reviews of specific issues. The council's scrutiny activities have been recognised nationally in recent years, most notably in winning the Centre for Public Scrutiny's 2012 'overall impact' award for the Severn Estuary Scrutiny Commission.
- 1.2 The current structure is largely based around the council's directorate structure which came to an end in December 2011. A new structure needs to be developed which takes account of the following changes:
- a) The council's new operating model that splits commissioning from the delivery of services.
  - b) The reduction in the number of councillors from 63 to 53 in May 2013
  - c) The introduction of the Police and Crime Panel, a joint committee of the seven councils, to scrutinise the activities of the Police and Crime Commissioner from November 2012.
  - d) Reducing staff resources in Democratic Services and across the council

### **2 Members' views**

- 2.1 The views of all members have been sought on the future of scrutiny and a number of comments were made in response to the paper published in January 2012. These are summarised below:
- a) The proposals were logical and tidied up the current arrangements.
  - b) Need to ensure that scrutiny looks at the right issues. It should concentrate on resolving problems and tackling specific issues rather than trying to look at everything.
  - c) For scrutiny reviews, follow the successful approach used for the Severn Estuary Scrutiny Commission. The review was undertaken on one day and all the stakeholders were invited to attend.
  - d) More opposition members should have the opportunity of becoming involved in chairing committees and task groups.
  - e) The committees had too wide a remit. There was particular concern at the lack of coverage of adult social care issues by the Health, Community and Care OSC.

- f) There should either be a larger number of committees covering each council area or just one with a series of task groups looking at specific issues.
- g) Differing views on the need for the Overview and Scrutiny Management Committee. Some members felt that it did not provide a useful function whilst others felt that it was essential in co-ordinating the scrutiny process.
- h) Some concern that Community Safety OSC might no longer be within the structure, despite being recognised nationally as an example of best practice. Fire and rescue, trading standards, emergency management, registration, coroners and road safety should clearly be signposted as being under the remit of the Environment and Communities OSC.
- i) Differing views on setting up task groups. Some members believe that individual committees should be able to commission groups but others felt that the Overview and Scrutiny Management Committee should still 'sign-off' new groups to provide consistency of approach.
- j) 'Call-in' does not help the scrutiny process. Can we find a way of doing it in a better way?
- k) The new structure needs to reflect the reduction in staff resources across the council.
- l) The opportunity should be taken not just to review the number of scrutiny committees but also the frequency of council meetings generally.

### **3 New structure**

- 3.1 Having considered the views expressed by members, a suggested new structure for scrutiny is attached at appendix A. This builds on the success of our current arrangements whilst taking account of the changes highlighted in a) to d) in paragraph 1.2.
- 3.2 There is still a need for a body that fulfils the role of the Overview and Scrutiny Management Committee to ensure that limited scrutiny resources are deployed in the most effective way. There may be scope to combine the committee with the strategic performance and budget monitoring role of the Budget and Performance OSC.
- 3.3 The call-in process by its nature is always likely to be adversarial and the Overview and Scrutiny Management Committee provides a forum for call-ins to be dealt without impacting on the other scrutiny committees.
- 3.3 The Environment OSC should be renamed Environment and Communities OSC and take on a wider remit including the fire and rescue service, trading standards, libraries and the local economy.
- 3.4 The Health, Community and Care OSC (*renamed Health and Care OSC*) and Children and Young People OSC (*renamed Children and Families OSC*) would continue largely unchanged. Although it has been suggested that



health and adult care should be scrutinised separately, this would make little sense at a time efforts are being made to integrate health and social care activities. The new work planning approach adopted by the committee has allowed key issues to be identified and specific reviews to be undertaken.

- 3.5 The new Police and Crime Panel is a statutory requirement and will take on the crime and disorder aspects of the former Community Safety OSC alongside scrutiny of the Police and Crime Commissioner. This is a joint scrutiny committee of the seven councils.
- 3.6 To make this structure successful meeting arrangements will need to be more flexible with more meetings being arranged as necessary. Task groups looking at specific issues have proved to be a real success story for scrutiny in recent years. They need to continue but there may be opportunities to adopt new approaches to undertaking reviews such as one day scrutiny commissions.
- 3.7 Meetings should not be held for the sake of holding meetings and it is suggested that a minimum of four meetings of each scrutiny committee should be held each year. This principle could be extended to full council, reducing the number of scheduled meetings to four each year – February, May, September and November. This would not prevent additional meetings being arranged as business dictates.

#### **4 Next steps**

A new scrutiny structure will be considered by the Constitution Committee before a formal recommendation is made to full council on 21 November 2012. The new structure will become effective from May 2013 when the new council is elected.

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**Overview and Scrutiny Management**

Scrutiny of draft budget

- Scrutiny monitoring
- Commissioning task groups
- Call-in
- Performance
- Finance
- 'Meeting the Challenge'
- Procurement
- Risk management

**Police and Crime Panel**  
(joint committee of the 7 councils)

- Scrutiny of Police and Crime Commissioner
- Police precept
- Police and crime plan
- Reviewing appointment of Chief Constable

**Environment and Communities**

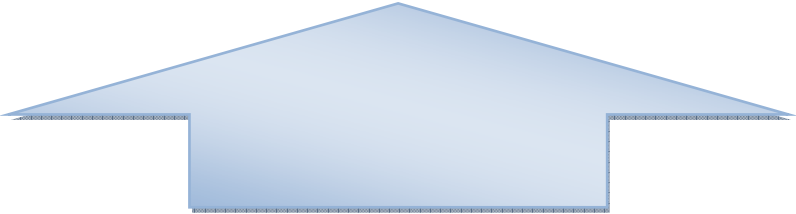
- Multi-agency services to communities eg. highways, public transport, waste, fire and rescue, trading standards, libraries, planning, flood management, local economy

**Children and Families**

- Multi-agency services eg. children's social care, 'chaotic' families, safeguarding, education, youth support, children with disabilities

**Health and Care**  
(including district representatives)

- Multi-agency services eg. acute and community hospitals, community services, public health, mental health services, adults with disabilities, adult social care, safeguarding



Time-limited task groups  
(These groups can cut across the responsibilities of more than one scrutiny committee and may include both county and district councillors)

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## Overview and Scrutiny Management Committee –

### Extract from the minutes of the meeting held on 2 October 2012

#### 27. FUTURE SCRUTINY STRUCTURE

Members considered a report which set out proposals for a new scrutiny structure from May 2013 following the County Council election. The chairman noted that the structure attached to the report built on the success of the Council's current arrangements whilst taking account of:

- a) The new operating model that splits commissioning from the delivery of services.
- b) The reduction in the number of councillors from 63 to 53 in May 2013.
- c) The introduction of the Police and Crime Panel.
- d) Reducing staff resources in Democratic Services and across the Council.

He suggested that, linked to the proposals, consideration be given to reducing the frequency of meetings. He believed that this principle could be extended to full Council with a reduced number of full Council meetings each year.

The vice-chairman stated that the call-in process built walls between members and did not help the scrutiny process. He suggested that consideration be given to setting up a separate committee to consider call-ins and petitions.

A member said that full Council was the arena for political debate on key issues. Debate should not be curtailed and meetings should take as long as needed for members to have their say. He believed that there was a case for more rather than less full Council meetings.

Another member believed that it was important that members were given the opportunity to debate the big issues and she felt that this was lacking at present.

The scrutiny structure attached to the report was supported and it was agreed that it should be referred to the Constitution Committee. The Constitution Committee should also be asked to consider wider issues relating to the frequency of meetings.

**Action** – *Simon Harper*

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## New scrutiny structure – proposed changes to the constitution

### PART 3 - RESPONSIBILITY FOR FUNCTIONS

#### 3.9 OVERVIEW AND SCRUTINY COMMITTEES

##### Introduction

- 3.9.1 The roles of overview and scrutiny committees are set out in Article 8 of the Constitution;
- 3.9.2 Work programmes, except those of the Audit and Governance 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;
- 3.9.3 All overview and scrutiny committees, except the Audit and Governance Committee, will undertake work in relation to **service area** key targets, Council's key priorities and issues of public interest or concern including by use of focussed task groups;
- 3.9.4 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, 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
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"> <li>1. Co-ordinating and overseeing an annual planning cycle for the whole overview and scrutiny function of the County Council.</li> <li>2. Commissioning all Scrutiny Task Groups, including agreeing their objectives, their political balance (if any) and time limit.</li> <li>3. Managing, co-ordinating 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.</li> </ol>

	<ol style="list-style-type: none"> <li>4. Receiving reports from overview and scrutiny committees and progressing the matters addressed.</li> <li>5. Receiving and determining all call-ins under the Call-in Procedure Rules.</li> <li>6. 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.</li> <li>7. 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 overview and scrutiny committees. These include Strategy and Challenge, Enabling and Transition, customer services, equalities and the Building our Future Programme.</li> <li><del>6. Receiving and monitoring regular reports from Gloucestershire First (the thematic partnership for the Economy under Gloucestershire Conference) in respect of the Gloucestershire Economy.</del></li> <li><del>7. Making a report and recommendations to the Council with respect to local crime and disorder matters.</del></li> </ol>
<p><del>Budget and Performance Overview and Scrutiny Committee</del></p> <p><del>9 County Councillors</del></p>	<ol style="list-style-type: none"> <li><del>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.</del></li> <li><del>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 overview and scrutiny committees. These include the Chief Executive's Support Unit, the Business Management Directorate and the Building our Future Programme.</del></li> </ol>
<p>Children and Families 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 and Care Overview and Scrutiny Committee</p>	<ol style="list-style-type: none"> <li>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</li> </ol>



<p>9 County Councillors</p>	<p>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).</p> <p>2. Under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, to exercise the Council’s role:</p> <ul style="list-style-type: none"> <li>• in reviewing and scrutinising matters relating to the planning, provision and operation of health services in the area; and</li> <li>• In commenting on or making a recommendation in relation to proposals for a substantial development or variation to services save that ‘referral powers’ to the Secretary of State remain with full Council.</li> </ul> <p>3. 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. <del>libraries and information, equalities, customer services and lifelong learning.</del></p>
<p>Environment and Communities 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 matters relating to</p> <ul style="list-style-type: none"> <li>• highways, waste management, planning, transport and other Environmental Services;</li> <li>• the fire and rescue service, emergency management, trading standards, registration service and coroners;</li> <li>• libraries and information and lifelong learning.</li> </ul> <p>2. 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.</p> <p>3. Receiving and monitoring regular reports from Gloucestershire First in respect of the Gloucestershire Economy.</p>

<p><del>Community Safety Overview and Scrutiny Committee</del></p> <p><del>9 County Councillors</del></p>	<p><del>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.</del></p> <p><del>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.</del></p>
<p>Audit and Governance Committee</p> <p>9 County Councillors</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"> <li>• Consider the nature and scope of the External Audit of the Council's services and functions;</li> <li>• Receive and consider External Audit Reports including the Annual Audit Letter and Governance Report;</li> <li>• Monitor management's response to the External Auditor's findings and the implementation of External Audit recommendations.</li> </ul> <p>(3) Monitor the adequacy and effectiveness of the Internal Audit service. Specifically:</p> <ul style="list-style-type: none"> <li>• Approve the terms of reference for Internal Audit;</li> <li>• To approve the annual Internal Audit Plan from the Head of Internal Audit;</li> <li>• Monitor progress against the Plan through receipt of periodic progress reports and an annual Internal Audit and Risk Management report;</li> <li>• Receive and consider major Internal Audit findings and recommendations;</li> <li>• Monitor management's response to Internal Audit findings and the implementation of its recommendations;</li> <li>• Evaluate the extent to which Internal Audit complies with best practice, is sufficiently resourced and meets agreed performance targets.</li> </ul> <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 Annual Governance Statement.</p> <p>(9) The Head of Internal Audit has the right of independent access to the Committee and its Chair.</p> <p>(10) To be responsible for the implementation and undertake regular monitoring of the Council's treasury management policies and practices.</p> <p>(11) To formulate and keep under review a code of Conduct to promote high ethical standards amongst Officers and to do anything that is calculated to promote and maintain high standards of conduct by Officers.</p> <p>(12) To formulate and keep under review the Council's 'whistle-blowing' policy.</p> <p>(13) To formulate and keep under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman.</p> <p>(14) To promote, maintain and assist the achievement of high standards of conduct by County Councillors and co-opted members in accordance with the Council's Code of Conduct for Members.</p> <ul style="list-style-type: none"> <li>• To monitor the operation of the Code of Conduct for Members</li> <li>• To advise the Council on any amendment or revision of the Code</li> <li>• To secure adequate and appropriate training of County Councillors and co-opted Members on the</li> </ul>
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	<p>Code of Conduct for Members</p> <ul style="list-style-type: none"> <li>• To give general guidance and advice to County Councillors on Members' interests and keep under review the Register of Members' Interests maintained by the Monitoring Officer.</li> <li>• To give general guidance and advice to County Councillors and employees on gifts and hospitality.</li> </ul> <p>(15) To grant dispensations to County Councillors and co-opted Members related to interests specified in the Code of Conduct for Members following written requests to the proper officer (Chief Executive) by a Member or Co-opted Member under section 33 of the Localism Act 2011, when the Council:</p> <ol style="list-style-type: none"> <li>a) considers that without the dispensation, the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;</li> <li>b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be upset as to alter the likely outcome of any vote relating to the business;</li> <li>c) considers that granting the dispensation is in the interests of persons living in the authority's area;</li> <li>d) considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or</li> <li>e) considers that it is otherwise appropriate to grant a dispensation.</li> </ol> <p>(16) To establish a Sub-Committee known as the Hearings Panel to hear allegations that Members have failed to comply with the Authority's Code of Conduct.</p> <ul style="list-style-type: none"> <li>• To assess and review allegations of Member misconduct.</li> <li>• To determine allegations of Member misconduct.</li> </ul> <p>Note: 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>
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<p>Hearings Panel Sub-Committee</p> <p>5 County Councillors proportional to the political composition of the Council. Quorum of 3 members present for its duration</p>	<p>(1) To receive reports referred from the Monitoring Officer following investigations into complaints and other steps associated with that function.</p> <p>(2) To conduct standards hearings and all other steps associated with that function, including taking into account the advice of the Independent Person.</p> <p>(3) If the panel determines that a breach of the Authority's Code of Conduct has occurred, the panel can impose one or more of the following if appropriate:</p> <ul style="list-style-type: none"> <li>a) Censure;</li> <li>b) Report to Council;</li> <li>c) Recommend actions to the Leader of the Council;</li> <li>d) Recommend actions to Group Leader;</li> <li>e) Removal from Outside Bodies;</li> <li>f) Withdrawal of facilities, such as Council email/website/internet access;</li> <li>g) Exclusion from the Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Committees or Sub-Committees and/or nominating a single point of contact; and/or</li> <li>h) Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology.</li> </ul> <p>(4) To set-up when necessary an interview panel comprising of the lead members of each party to shortlist and interview candidates for the role of Independent Person.</p> <ul style="list-style-type: none"> <li>• To recommend successful candidates to the County Council to be chosen by a majority of Councillors.</li> </ul>
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**Specific Functions of Overview and Scrutiny Management Committee**

3.9.5 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 Scrutiny Task Groups, other than that of the Audit and Governance 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 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 overview and scrutiny committees (except the Audit and Governance Committee). In the event the Overview and Scrutiny Management Committee considers those work programmes cannot be appropriately resourced, co-ordinated 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**

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

### **3.9.7 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 key targets for service areas, the 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 Overview and Scrutiny Management Committee.
3. Where the commissioning of a Scrutiny Task Group is urgently required, the Lead Members of the Overview and Scrutiny Management Committee may agree to do so in advance of the next Overview and Scrutiny Management Committee meeting.
4. Before each Scrutiny Task Group begins its work, the terms of reference will be agreed by the Overview and Scrutiny Management Committee or its Lead Members.
5. The final report of each Scrutiny Task Group will be presented to the relevant overview and 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 Overview and 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 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 Scrutiny Task Group will cease to exist.
7. Unless there are exceptional circumstances, there will be no more than eight Scrutiny Task Groups appointed by the Overview and Scrutiny Management Committee in existence at any one time, in general limited to two Scrutiny Task Groups per Committee (not counting the Audit and Governance Committee).
8. Each Scrutiny Task Group may adopt whatever means of operation it deems most effective, bearing in mind the resources available to it.

### 3.9.8 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.

## PART 4 - RULES OF PROCEDURE

### 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 and Governance 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 Budget and Performance Overview and Scrutiny Committee~~

~~9 County Councillors~~

3.3.3 Children and Families Overview and Scrutiny Committee

9 County Councillors

3.3.4 Health and Care Overview and Scrutiny Committee

9 County Councillors

3.3.5 Audit and Governance Committee

9 County Councillors



### 3.3.6 **Environment and Communities** Overview and Scrutiny Committee

9 County Councillors

### 3.3.7 ~~Community Safety Overview and 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-OPTees AND VOTING RIGHTS SCHEME

5.1 Overview and 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 Overview and 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 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 overview and scrutiny committee and of the Overview and 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 a minimum of four 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 OVERVIEW AND SCRUTINY COMMITTEES (OTHER THAN THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE)**

There shall be a minimum of four ordinary meetings of each overview and scrutiny committee (other than the Audit and Governance Committee, which shall meet four times per annum plus such other meetings as the Chair shall consider necessary and appropriate, 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:

10.1 Chairperson of the relevant overview and scrutiny committee;

10.2 Chairperson of the Overview and Scrutiny Management Committee after consultation with the membership of the Overview and Scrutiny Management Committee;

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

10.4 The Chief Executive.