

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"> 1. Co-ordinating 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, 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.

Annex 3

	<p>4. Receiving reports from overview and scrutiny committees and progressing the matters addressed.</p> <p>5. Receiving and determining all call-ins under the Call-in Procedure Rules.</p> <p>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.</p> <p>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.</p> <p>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> <p>7. Making a report and recommendations to the Council with respect to local crime and disorder matters.</p>
<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 by providing a corporate overview of performance, the budget and service improvement.</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 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.</p>
<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>	<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</p>

<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"> • in reviewing and scrutinising matters relating to the planning, provision and operation of health services in the area; and • 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. <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. libraries and information, equalities, customer services and lifelong learning.</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"> • highways, waste management, planning, transport and other Environmental Services; • the fire and rescue service, emergency management, trading standards, registration service and coroners; • libraries and information and lifelong learning. <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>Community Safety Overview and Scrutiny Committee</p> <p>9 County Councillors</p>	<p>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.</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>
<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"> • 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. <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 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 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"> • To monitor the operation of the Code of Conduct for Members • To advise the Council on any amendment or revision of the Code • To secure adequate and appropriate training of County Councillors and co-opted Members on the
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	<p>Code of Conduct for Members</p> <ul style="list-style-type: none"> • 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. • To give general guidance and advice to County Councillors and employees on gifts and hospitality. <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"> 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; 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; c) considers that granting the dispensation is in the interests of persons living in the authority's area; 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 e) considers that it is otherwise appropriate to grant a dispensation. <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"> • To assess and review allegations of Member misconduct. • To determine allegations of Member misconduct. <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"> a) Censure; b) Report to Council; c) Recommend actions to the Leader of the Council; d) Recommend actions to Group Leader; e) Removal from Outside Bodies; f) Withdrawal of facilities, such as Council email/website/internet access; 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 h) Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology. <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"> • To recommend successful candidates to the County Council to be chosen by a majority of Councillors.
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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.