

**PROPOSED AMENDMENTS TO THE CONSTITUTION TO GIVE EFFECT  
TO THE PROPOSED CHANGES TO THE STRUCTURE OF  
SCRUTINY BODIES**

**PART 1 – SUMMARY AND EXPLANATION**

Amend Section on Overview and Scrutiny (paragraphs 16 to 23) to read as follows.

**OVERVIEW AND SCRUTINY**

16. A number of Overview and Scrutiny bodies have been established in relation to the activities of the County Council, in accordance with the provisions of the Local Government Act 2000. Some bodies also exercise functions in relation to the National Health Service in the County under the Health and Social Care Act 2001. The operation of these bodies is described in paragraphs 18 to 23 below.
17. The Health and Social Care Act 2001 requires Social Services authorities such as Leicestershire County Council to establish arrangements to review and scrutinise matters relating to the Health Services in the Authority's area and to make reports and recommendations.
18. There are several standing (i.e. permanent) overview and scrutiny committees – the Scrutiny Commission and a number of other overview and scrutiny committees. These overview and scrutiny committees support the Executive and the County Council as a whole. In the case of the Adult Social Care and Health Services Scrutiny Committee, it also has the task of scrutinising health bodies in the County.
19. The County Council has agreed to establish a joint committee with the Leicester City Council and Rutland Council, as Social Services Authorities, to scrutinise health bodies with responsibility for health service functions across the area of the three authorities. These include amongst others the University Hospitals of Leicester NHS Trust and such activities which a single Primary Care Trust (PCT) may undertake on behalf of all PCTs in the area.
20. Scrutiny Committees allow citizens to have a greater say in County Council matters and things which the County Council is able to influence because at their meetings citizens may ask questions and present petitions provided that they have followed the correct procedures. The Committees produce reports which advise the Executive and the County Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor the decisions of the

Executive. The Adult and Health Services Scrutiny Committee is able to make recommendations directly to the Secretary of State on Health Service issues.

21. In the case of County Council activities members of the Scrutiny Commission can “call in” a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsiders the decision, although the final decision will still remain with the Executive. They may also be consulted by the Executive or the County Council on forthcoming decisions and the development of policy.
22. In addition to the standing overview and scrutiny committees, there is also a Scrutiny Reference Group of senior members involved in overview and scrutiny. The Reference Group will not constitute a formal committee but will meet informally to facilitate the work of overview and scrutiny.
23. At any one time, there is also a number of small, five member, *ad hoc* (i.e. temporary) review panels which carry out specifically targeted reviews on issues identified as requiring special attention. These review panels will be wound up once they have completed their work; other new review panels, with new remits, will take their place. The purpose of these panels is not to exercise any formal powers associated with overview and scrutiny (which are the preserve of the overview and scrutiny committees) but to contribute to and inform the overview and scrutiny process. The panels will, therefore, not constitute formal committees but will meet in private; however, their final reports will usually become public when they are presented to the Executive and/or relevant overview and scrutiny committees.

**PART II – ARTICLES OF THE CONSTITUTION**

Amend Article 6 to read as follows:-

**ARTICLE 6**  
***Overview and scrutiny committees***

**6.01 Terms of Reference**

The County Council will appoint the overview and scrutiny committees and subcommittees set out in Table A in Schedule 3 to discharge the functions conferred by Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001.

**6.02 Proceedings of overview and scrutiny committees**

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

**6.03 General role**

Within their terms of reference, overview and scrutiny committees will:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the County Council's functions or relating to the health service in the County, as appropriate;
- (b) make reports and/or recommendations to the full County Council and/or the Executive and/or any joint or area committee in connection with the discharge of any County Council functions;
- (c) in the case of scrutiny committee(s) with the function of scrutinising the health service, may make reports and recommendations to local NHS bodies, the County Council, Rutland Council, District Councils and in appropriate circumstances, the Secretary of State;
- (d) consider any matter affecting the County or its inhabitants; and
- (e) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive and/or any policy or area committees.

#### 6.04 Specific functions

- (a) **Policy development and review.** Overview and scrutiny committees may:
1. assist the County Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
  2. conduct research, community and other consultation in the analysis of policy issues and possible options;
  3. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
  4. question members of the Executive and/or boards, committees and chief officers about their views on issues and proposals affecting the County; and
  5. liaise with other external organisations operating in the County, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** Overview and scrutiny committees may:
1. review and scrutinise the decisions made by and performance of the Executive and/or boards, committees and chief officers both in relation to individual decisions and over time;
  2. review and scrutinise the performance of the County Council in relation to its policy objectives, performance targets and/or particular service areas;
  3. question members of the Executive and/or boards, committees and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
  4. make recommendations to the Executive and/or appropriate committee and/or County Council arising from the outcome of the scrutiny process;
  5. review and scrutinise matters relating to the planning, provision and operation of health services in the area of the County, as set out in Article 6.08 below;
  6. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
  7. question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and scrutiny committees may exercise overall responsibility for the finances made available to them.

- (d) **Annual report.** Overview and scrutiny committees (or the Scrutiny Commission in a single report on their behalf) will report annually to full County Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work.

### **6.05 Chairman of Scrutiny Commission**

The Chairman of the Scrutiny Commission will be the Leader of the largest opposition group. Where there are two opposition groups with an equal number of seats, chairmanship of the Scrutiny Commission shall rotate between those groups on an annual basis, normally effective from the annual meeting of the Council. Unless agreement is reached otherwise, the order in which the Chairmanship is allocated between the opposition groups will be determined by the toss of a coin.

### **6.06 Call-in Procedure**

The Call-in procedure described in the Overview and Scrutiny Procedure Rules in Part 4E of this Constitution requires that at least one person who is either the Chairman or a Spokesman of the Scrutiny Commission should concur with it being invoked.

### **6.07 Scrutiny Reference Group**

In addition to the Scrutiny Commission and the other standing overview and scrutiny committees there will be a Scrutiny Reference Group with a membership determined by mutual agreement between the political groups. The Scrutiny Reference Group will not constitute an overview and scrutiny committee but will meet informally and in private. The role of the Scrutiny Reference Group will be to consider matters relating to the overall management and operation of overview and scrutiny and the work programme of the Scrutiny Commission.

### **6.08 Health Service functions**

#### **(a) General Role**

Health overview and scrutiny committees will act as a lever to improve the health of local people, ensuring that the needs of local people are considered as an integral part of the delivery and development of health services. A committee may review and scrutinise any matter relating to the planning, provision and operation of health services in the area of the County Council, including:-

- (a) arrangements made by local NHS bodies to secure hospital and community health services for the inhabitants of the area and the services that are provided;
- (b) arrangements made by local NHS bodies for public health, health promotion and health improvement (including addressing health inequalities) in the area;
- (c) the planning of health services by local NHS bodies including plans made in co-operation with local authorities setting out a strategy for improving both the health of the local population and the provision of health care to that population;
- (d) arrangements made by local NHS bodies for consulting and involving patients and the public under the duty placed on them by section 11 of the Health and Social Care Act 2001;
- (e) any matter referred to the committee by a patients' forum;
- (f) responding to consultation from a local NHS body on a particular issue including proposals for a substantial development of the health service or a substantial variation in the provision of such service (in the latter circumstance it may be necessary for the response to be made through a joint overview and scrutiny committee).

**(b) Process**

In carrying out the review and scrutiny of a particular matter, a health overview and scrutiny committee:-

- (a) shall have regard to any guidance issued by the Secretary of State with regard to these functions;
- (b) shall invite interested parties to comment on the matter;
- (c) shall take account of relevant information available to it and in particular relevant information provided by a patients' forum or district-based health forum;
- (d) may seek further information from a local NHS body;
- (e) may require the attendance of an officer of a local NHS body to answer such questions as appear to the committee to be necessary for discharging its functions, subject to providing reasonable notice to that officer;
- (f) may require the attendance of an executive member or officer of the County Council;

- (g) may question and gather evidence from any other person with their consent;
- (h) may conduct research and community and other consultation
- (i) would normally be expected to produce an annual overview and scrutiny plan
- (j) may make reports and recommendations to local NHS bodies, the County Council, Rutland Council, District Councils and in appropriate circumstances to the Secretary of State.

### **6.09 Joint Committee**

The County Council will set up a joint committee with the Leicester City Council and Rutland Council to review and scrutinise the activities of local health bodies with responsibilities for health service functions across the area of the three authorities. Where the Joint Committee is unable to exercise these powers they shall be exercised by the Overview and Scrutiny Committee responsible for scrutiny of health services in the area of the County.

Amend Article 9.A.02 to read as follows:-

### **9.A.02 Composition**

- (a) The Corporate Governance Committee will reflect the political balance on the Council as a whole and may not include the Leader of the Council. The Committee may not include more than one member who is either a member of the Executive or a Cabinet Support Member and that member may not act as Chairman.
- (b) The Lead Member of the Executive responsible for resources, performance management and risk management will be entitled to attend meetings in an observer/advisory capacity unless appointed to the Committee under paragraph (a) above.

### **SCHEDULE 3 Tables**

Amend Table A to read as follows:-

#### **TABLE A Overview and scrutiny committees (Article 6.01)**

*[Note: Neither the Scrutiny Commission nor any of the other overview and scrutiny committees or subcommittees are empowered to take decisions or exercise any responsibilities of the Executive or County Council or Health Service bodies. The general role and specific functions are described in Article 6 and for the purposes of that Article the Scrutiny Commission is regarded as an overview and scrutiny committee for those matters which come within its scope].*

Committee	Scope
Scrutiny Commission	<ol style="list-style-type: none"> <li>1. Any functions which are not specifically within the scope of any other overview and scrutiny committee.</li> <li>2. Any issues which come within the scope of more than one overview and scrutiny committee.</li> <li>3. Oversight and co-ordination of the work of the overview and scrutiny committees.</li> <li>4. Allocating specific issues, on an <i>ad hoc</i> basis, to any of the other overview and scrutiny committees.</li> <li>5. Resolving any disagreements between overview and scrutiny committees.</li> <li>6. The executive functions of the County Council in respect of:- <ol style="list-style-type: none"> <li>(i) the revenue budget.</li> <li>(ii) the capital programme.</li> <li>(iii) Property.</li> <li>(iv) Information and Communications Technology.</li> </ol> </li> <li>7. The scope shall not extend to exercising functions relating to scrutiny of the National Health Service in the County, which shall be a matter for the designated scrutiny committee.</li> </ol>
Children and Young People's Service	<p>The executive functions of the County Council in respect of:</p> <p>Children and Young People's Services.</p>
Adult Social Care and Health Services	<p><u>County Council Functions</u></p> <p>The executive functions of the County Council in respect of:</p> <p>Adult Social Care Services.</p> <p><u>Health Service Functions</u></p> <ol style="list-style-type: none"> <li>1. The exercise by health bodies of functions which affect the area of the County Council.</li> <li>2. Arrangements for responding to consultation by local health bodies for substantial development of the health service or substantial variation in the provision of such service, save where these are dealt with through a joint committee with other Social Services authorities.</li> </ol>



Environment	<p>The executive functions of the County Council in respect of:</p> <ol style="list-style-type: none"> <li>1. Highways and transportation.</li> <li>2. Waste management.</li> <li>3. Planning.</li> <li>4. Environmental Management.</li> <li>5. Rights of Way.</li> </ol> <p><i>[Note: Regional and Strategic Planning will normally be dealt with by the Scrutiny Commission].</i></p>
Community Services	<p>The executive functions of the County Council in respect of:</p> <ol style="list-style-type: none"> <li>1. Libraries and Information.</li> <li>2. Museums Arts and Records.</li> <li>3. Country Parks and Heritage sites.</li> <li>4. Regeneration and Community Development.</li> <li>5. Grant aid for community organisations</li> <li>6. Regulatory Services.</li> </ol>

### HEALTH SERVICE SCRUTINY SUBCOMMITTEES

Committee	Scope
	HEALTH SERVICE SCRUTINY SUBCOMMITTEES
Charnwood and North West Leicestershire	The exercise of functions by the Charnwood and North West Leicestershire Primary Care Trust in respect of the geographical area of the Trust.
Hinckley and Bosworth	The exercise of functions by the Hinckley and Bosworth Primary Care Trust in respect of the geographical area of the Trust.
Melton, Harborough and Rutland	The exercise of functions by the Melton, Harborough and Rutland Primary Care Trust in respect of the geographical area of the Trust.
South Leicestershire	The exercise of functions by the South Leicestershire Primary Care Trust in respect of the geographical area of the Trust.

*[Note: Article 6.09 makes provision for the County Council to establish a joint committee with Leicester City Council and Rutland Council, as Social Services authorities, to scrutinise health bodies with responsibility for functions across the area of the three authorities].”*

OVERVIEW AND SCRUTINY PROCEDURE RULES (PART 4E)  
RULE 5.A

Delete reference to Health Scrutiny Committee in Table.