

HAMPSHIRE COUNTY COUNCIL

SELECT (OVERVIEW AND SCRUTINY) COMMITTEES – OPERATING PROTOCOL

1) Function of Scrutiny

Legal requirements relating to scrutiny are set out in the Local Government Act 2000 and reflected in the County Council's Constitution. Within their scope, Select Committees can:

- review and scrutinise decisions made, or actions taken, in connection with the discharge of Executive functions
- make reports or recommendations to the County Council or the Executive, in connection with the discharge of Executive functions
- review and scrutinise decisions made or actions taken, in connection with the discharge of Non-Executive functions;
- make reports or recommendations to the County Council or the Executive, in respect of the discharge of Non-Executive functions
- make reports or recommendations to the County Council or the Executive on any matter affecting the County Council's area or members of the public in Hampshire
- call in decisions made by the Executive which have not yet been implemented which they consider should be reviewed or scrutinised
- review and scrutinise the exercise by risk management authorities of flood and coastal erosion management functions which affect the County Council's area
- review and scrutinise decisions made, or other action taken, in connection with the discharge by the County Council of its crime and disorder functions and make reports and recommendations to the County Council in respect of the discharge of such functions.

A role of Select Committees is to hold the Executive to account, and Select Committees also have a broad advisory role in relation to the functions of the whole County Council and matters affecting the locality of Hampshire. In addition, statutory guidance suggests that Overview and Scrutiny Committees can also play a valuable role in developing policy.

2) Managing the Agendas of Scrutiny Committees

- 2.1. The Forward Work Plan of a Select Committee is developed between the Chairman of the Committee and the relevant departmental Director or Directors and is agreed by each Scrutiny Committee on a regular basis. The HASC Work Programme is also informed by changes to health services being proposed by the NHS and other issues relevant to the planning of health services.
- 2.2. At each meeting of a Select Committee, Members have the opportunity to review the work programme and request that topics be added to the work programme. In scheduling of items, account is taken of their timeliness and priority, which can change over time based on new information. Chairmen of Scrutiny Committees plan the agendas so as to ensure they are manageable and topics are prioritised appropriately.
- 2.3. Where Members of a Scrutiny Committee put forward topic suggestions to the Chairman, these are considered by the Chairman at agenda planning meetings.
- 2.4. In addition, the Constitution provides that a Member of a Scrutiny Committee may give notice that they wish an item relevant to the functions of the Committee to be included on the agenda for the next convenient meeting. In such a case, an item will be included on the agenda for the next convenient meeting. The Scrutiny Committee will then apply the criteria outlined at paragraph 2.5 below to determine whether the item warrants further discussion or action. In the event that the Scrutiny Committee decides that the item is not suitable for consideration no further action will be taken.

2.5. Suitability of topics for Scrutiny

Topics are suitable for Scrutiny when:

- 2.5.1 scrutiny could have a material impact and add value
- 2.5.2 resources are available that would be required to conduct the review, in terms of manpower and budget
- 2.5.3 it avoids work duplication elsewhere
- 2.5.4 the issue is one that the Scrutiny Committee can realistically influence
- 2.5.5 the issue is related to an area where the County Council, or one of its partners could improve its performance

2.5.6 the issue is relevant to all or large parts of the County Council's area or members of the public in Hampshire.

Topics are not suitable for scrutiny when:

2.5.7 the issue is already being addressed elsewhere

2.5.8 the topic would be better addressed elsewhere, for example at a Member briefing or in another forum

2.5.9 scrutiny would have limited or no impact upon outcomes

2.5.10 the topic may be sub-judice

2.5.11 the topic is too broad for a realistic review

2.5.12 new legislation or guidance relating to the topic is expected.

3) Task and Finish Working Groups

Task & Finish Working Groups will:

- 3.1. be prioritised by the relevant Scrutiny Committee in accordance with the criteria set out above
- 3.2. deal with topics which require additional support from Officers and require a process which would not be possible within the formal Scrutiny meeting structure
- 3.3. usually comprise Members of the relevant Select Committee drawn from each of the political groups as far as is reasonably practicable, together with any non-voting Co-opted Members and or others, where the Task & Finish Working Group considers this would be advantageous to their work
- 3.4. comprise topics which have been put forward from internal or external sources.

4) Operation of Task & Finish Working Groups:

The following principles apply:

- 4.1. Task & Finish Working Groups will be established with a minimum of three County Councillors and be appointed by their 'parent' Committee, where possible on a proportional basis, and shall appoint their own Chairman

- 4.2. Each Task & Finish Working Group will report back to its 'parent' Scrutiny Committee
- 4.3. Working Groups will operate on a 'task and finish' basis and are ad hoc and informal. They are free to analyse topics in greater detail and to carry out scrutiny in ways which are not conducive to formal business meetings.
- 4.4. When considering the report of a Task & Finish Working Group a Scrutiny Committee will review how any recommendations they ratify should then be pursued. Recommendations may be made to an individual Executive Member, to Cabinet or Full Council as the Committee deems appropriate. Any recommendations agreed to be taken forward will normally be presented by the Chairman of the Working Group.

5) Allocation of Scrutiny Resources:

- 5.1. The County Council has a finite level of resource to dedicate to Scrutiny. Each Scrutiny Committee is responsible for agreeing the allocation of resources available to support its work programme together with the allocation of resources to support Task and Finish Working Groups within the resources available to it.

6) Call-In

- 6.1. Provisions regarding call-in are contained in Part 3 Chapter 3 Paragraphs 1.17 and 1.18 [of the Constitution](#). Scrutiny Committees have the power to call-in decisions which have been made but not implemented.
- 6.2. The County Council's governance arrangements require Executive Decisions made by Members to be made in public, with agendas and reports published in advance of the decision. This coupled with the practice of pre-scrutinising significant decisions means that the need for call-in should be significantly reduced as Members will have been able to express their views in advance of any decision, and Executive Members will make decisions with the benefit of the views of Scrutiny Committees.
- 6.3. Consequently, it is envisaged that matters that have been pre-scrutinised should only be called in in exceptional circumstances.