

Northamptonshire Overview & Scrutiny Board

Terms of Reference and Procedure Rules

1. Role

The Northamptonshire Overview & Scrutiny Board (referred to in the remainder of this document as “the Scrutiny Board”) will carry out the following functions:

a) Holding to Account

To maintain an overview of the business conducted by the Public Service Board and hold it to account for its actions, including the recommendations it makes to partner organisations.

b) Policy Development and Review

To scrutinise and review issues affecting Northamptonshire, making recommendations to the Public Service Board and other bodies as appropriate. Scrutiny should focus on issues that affect the county as a whole, or the area of more than one district or borough council, and that relate to the work of more than one partner organisation.

c) Communication and Co-operation

To act as a forum for discussing scrutiny activity and responsibilities across Northamptonshire in order to encourage co-operation and co-ordination between different organisations to maximise resources.

d) Regional Scrutiny

To provide a Northamptonshire voice in the operation of regional scrutiny.

2. Membership

The membership of the Scrutiny Board will consist of 2 members appointed by each of the following organisations (referred to as the “member organisations”):

- a) Corby Borough Council
- b) Daventry District Council
- c) East Northamptonshire Council
- d) Kettering Borough Council
- e) Northampton Borough Council
- f) Northamptonshire County Council
- g) NHS Northamptonshire
- h) South Northamptonshire Council
- i) Borough Council of Wellingborough

Scrutiny Board members will be drawn from an Overview & Scrutiny Committee, or appropriate equivalent body, of their respective member organisation.

Each of the member organisations will select their 2 Scrutiny Board members according to their own appropriate procedures.

If a Scrutiny Board member is unable to attend a Scrutiny Board meeting a named member from an Overview & Scrutiny Committee, or appropriate equivalent body, of their respective member organisation may substitute for them.

It is the responsibility of any Scrutiny Board member due to be substituted at a meeting to ensure that their substitute is briefed on the business to be conducted at that meeting.

3. Advising Officer

The Northamptonshire Partnership Strategic Planning & Policy Manager will carry out the role and functions of an Advising Officer for the Scrutiny Board. All references to “the Advising Officer” in the remainder of this document refer to the Strategic Planning & Policy Manager.

4. Meetings

The Scrutiny Board will meet at least four times per year following meetings of the Northamptonshire Public Service Board (PSB).

The Advising Officer may be requested to call additional meetings by the Chair of the Board, or by Board members representing at least 6 of the member organisations if they have already made a request to the Chair to call a meeting that has been refused.

Scrutiny Board meetings will normally start at 6.00pm.

The Scrutiny Board will determine the locations of its meetings.

5. Quorum

A meeting of the Scrutiny Board will be quorate when members representing at least half of the member organisations are present.

During any meeting if the Chair counts the number of members present and declares that there is not a quorum present then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date the remaining business will be considered at the next ordinary meeting.

6. Chair of the Scrutiny Board

The Chair and Vice Chair of the Scrutiny Board will be agreed annually by the Board at the first Board meeting of the municipal year, when nominations from the membership will be taken.

The positions of Chair and Vice Chair of the Board will always be held by members representing different member organisations.

If the position of Chair or Vice Chair becomes vacant during the course of the municipal year a new Chair or Vice Chair will be appointed at the next Board meeting to serve for the remainder of the municipal year in progress.

7. Work Programme

The Scrutiny Board will agree a rolling work programme covering a three-year period. The work programme will be reviewed on an annual basis by the Board, following the appointment of the Chair and Vice Chair.

The work programme should support the delivery of the Scrutiny Board functions set out in paragraph 1 above.

The work programme may be informed by:

- a) The Public Service Board Forward Plan
- b) Member organisations' Forwards Plans or equivalent
- c) Member organisations' scrutiny work programmes or equivalent
- d) The East Midlands Regional Select Committee's work programme, or equivalent
- e) Potential subjects for scrutiny brought to the attention of the Board by:
 - i) The Public Service Board
 - ii) The Chief Executives Group
 - iii) Member organisations' Overview & Scrutiny functions or equivalent
 - iv) Members of the public or representatives of community groups
 - v) Partner organisations including the voluntary and business sectors
 - vi) Any other county, regional or national body
 - vii) Previously-completed scrutiny work.

8. Meeting Agendas

The agenda for meetings of the Scrutiny Board will be agreed by the Chair and Vice Chair, based on the work programme.

9. Employees, Officers and Members Giving Account

In carrying out its functions, the Scrutiny Board may request the attendance of any employee, officer or member from the member organisations and, if that request is declined, require any portfolio holder / lead member, the head of paid service, or any member of the senior management team from these organisations to attend before it to explain any matter for which they would be accountable, and it is the duty of those persons to attend if so required.

Where any individual is required to attend a Scrutiny Board meeting under this provision, the Chair of the Board will inform the Advising Officer. The Advising

Officer shall inform the individual in writing, giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Board. Where the account to be given to the Board will require the production of a report, then the individual concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the individual is unable to attend on the required date, the Board shall in consultation with them arrange an alternative date for attendance to take place as soon as possible following the original request.

10. Recommendations and Reports from the Scrutiny Board

Recommendations by the Scrutiny Board for actions by partner organisations will be set out in a formal report. The report will be submitted to the relevant partner organisation(s).

Recommendations by the Scrutiny Board that member organisations' Overview & Scrutiny functions consider carrying out scrutiny work will be set out in a formal report. The report will be submitted to the relevant Overview & Scrutiny committee, or appropriate equivalent body, of the member organisation(s) concerned.

All recommendations by the Scrutiny Board must be evidence-based.

The Scrutiny Board will aim to agree all recommendations and reports by consensus. If the Scrutiny Board cannot agree on a single final report than a minority report may be submitted with the majority report.

Reports by the Scrutiny Board setting out recommendations for actions by partner organisations will specify when the Scrutiny Board will review the implementation of its recommendations.

11. Ensuring that Scrutiny Board Reports are Considered

Reports from the Scrutiny Board to the Public Service Board will be considered by the Public Service Board at its next meeting following the agreement of the report by the Scrutiny Board in accordance with the Partnership Protocol.

Reports from the Scrutiny Board to partner organisations will be considered by the appropriate body within two months of the date on which the partner organisation received the report.

Once it has considered a report from the Scrutiny Board the Partnership Board will:

- a) produce a report setting out its response to the recommendations from the Scrutiny Board to be submitted to the next following Scrutiny Board meeting;
- b) instruct the Chair of the Public Service Board to write to relevant partners to request that any recommendations that are supported by the Public Service Board are implemented.

- c) instruct the Chair of the Public Service Board to request that relevant partners provide a report to the Scrutiny Board on the implementation of recommendations or the reasons why implementation has not occurred in accordance with the timescale for reviewing the implementation of recommendations specified in the report by the Scrutiny Board.

Once it has considered a report from the Scrutiny Board a partner organisation will:

- a) produce a report setting out its response to the recommendations from the Scrutiny Board to be submitted to the next following Scrutiny Board meeting;
- b) provide a report to the Scrutiny Board on the implementation of recommendations or the reasons why implementation has not occurred in accordance with the timescale for reviewing the implementation of recommendations specified in the report by the Scrutiny Board.

12. Task and Finish Groups

The Scrutiny Board may set up sub groups (referred to as Task & Finish Groups) to carry out scrutiny reviews on behalf of the Board. The Scrutiny Board will agree a brief for the work that is required from any sub group. A sub group will be wound up once its assigned task has been completed satisfactorily and it has reported back to the Scrutiny Board.

Scrutiny Board members may sit on sub groups. Other members of member organisations may also be approached to sit on them.

Representatives from the local community may be co-opted to sit on sub groups, where it would be useful and appropriate to do so. Proposals to co-opt community representatives will normally be agreed by the Scrutiny Board. In the event that it is impractical for a decision on a proposed co-option to be delayed until the next available Scrutiny Board meeting then the proposal may be agreed by the Chair and Vice Chair of the Scrutiny Board.

The Scrutiny Board may specify the chair of a sub group when it is established or may leave a group to select its own chair.

The Scrutiny Board will consider requests from member organisations for it to nominate a Scrutiny Board member to serve on a task and finish group to be formed by member organisations' Overview & Scrutiny functions.

13. Review and revision of the Terms of Reference and Procedure Rules

Any Scrutiny Board member or the Scrutiny Board as a whole may request the Advising Officer to consider any proposed changes to the Terms of Reference and Procedure Rules. The Advising Officer may also make proposals for changes.

The Scrutiny Board will review its operation and effectiveness, including the need to propose changes to its terms and reference and procedure rules, on an annual basis at the final Scrutiny Board meeting of each municipal year.

All proposed changes to the Terms of Reference and Procedure Rules of the Scrutiny Board shall be considered by the Advising Officer before being presented to the appropriate body for approval.

Northamptonshire Overview & Scrutiny Board

Access to Information Procedure Rules

a) Right to Attend Meetings

Members of the public may attend all Board meetings subject only to the exceptions in these rules.

b) Notices of Meeting

Member organisations will give at least five working days notice of any Board meeting by posting details of the meeting at their respective corporate headquarters.

c) Access to Agenda and Reports Before the Meeting

Member organisations will make copies of the agenda and reports open to the public available for inspection at the designated office at least five working days before the meeting. If an item is added to the agenda later, the revised agenda and any report relating to the item will be open for inspection from the time the item is added to the agenda.

d) Access to Minutes Etc After Meeting

Member organisations will make available copies of the following for six years after a meeting:

- the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- the agenda for the meeting; and
- reports relating to items when the meeting was open to the public.

e) Background Papers

The Advising Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- disclose any facts or matters on which the report or an important part of the report is based; and
- which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in these rules) - and in respect of Cabinet reports, the advice of a political advisor.

The member organisations will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

f) Confidential Information - Exclusion of Access by the Public to Meetings

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

g) Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

h) Meaning of confidential information

Confidential information means information given to a member organisation by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

i) Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any qualification):

General qualifications:

(i) Information falling within any of the paragraphs 1-7 in the table below is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

(b) Information which falls within any of the paragraphs 1-7 below and which is not prevented from being exempt by virtue of the general qualification (a) above or the qualification to category 3 below is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Category	Qualifications and Interpretation
1. Information relating to any individual	
2. Information which is likely to reveal the identify of an individual	

<p>3. Information relating to the financial or business affairs of any particular person (including the organisation holding that information).</p>	<p>Information falling within this paragraph is not exempt information if it is required to be registered under the:</p> <p>(a) Companies Act 1985; (b) Friendly Societies Act 1974; (c) Friendly Societies Act 1992; (d) Industrial and Provident Societies Acts 1965 – 1978; (e) Building Societies Act 1986; or (f) Charities Act 1993</p> <p>“organisation” means any Council, its committees and sub-committees, and any other member agency. “financial or business affairs” includes contemplated, as well as past or current activities.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the organisation or a Minister of the Crown and employees of, or officer-holders under the authority.</p>	<p>“organisation” means any Council, its committees and sub-committees, and any other member agency. “employee” means a person employed under a contract of service. “labour relations matter” is as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute, within the meaning of that Act. This provision shall relate to “office holders” as they apply to employees.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>6. Information which reveals that the organisation proposes:</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p>	<p>“organisation” means any Council, its committees and sub-committees, and any other member agency.</p>

(b) to make an order or direction under any enactment.	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

j) Exclusion of Access by the Public to Reports

If the Advising Officer thinks fit, access by the public may be excluded from reports which in his/her opinion relate to items during which, in accordance with rules (f)-(g) above, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.