

Health and Adult Social Care Scrutiny Committee
14 September 2023

Committee Terms of Reference

Report of the Statutory Scrutiny Officer

1 Purpose

- 1.1 To ensure that the Committee has clarity regarding its purpose and objectives, and rules of operation so that it can operate efficiently and effectively contributing to good governance of the Council.

2 Action required

- 2.1 The Committee is asked to note:
- a) its Terms of Reference for municipal year 2023/24;
 - b) that Article 11 (Overview and Scrutiny) of the Constitution sets out the rules within which it must operate; and
 - c) that its operation, and the approach of scrutiny councillors should be in line with the agreed Overview and Scrutiny Protocol.

3 Background information

- 3.1 The Health and Adult Social Care Scrutiny Committee was established by Council as one of the Council's overview and scrutiny committees, specifically to carry out the statutory overview and scrutiny functions in relation to matters relating to adult social care and public health and the statutory role in scrutinising health services commissioned and provided for residents of the City.
- 3.2 The Terms of Reference for the Committee are attached.
- 3.3 Article 11 (Overview and Scrutiny) of the Constitution sets out the rules within which all of the overview and scrutiny committees must operate, including that:
- a) The core purpose of overview and scrutiny is to contribute to policy development and ensure that the Council's Executive is publicly held to account for its decisions and actions.
 - b) Each scrutiny committee is responsible for developing its own work programme to fulfil its terms of reference and this work programme should be focused on issues of importance to the Council, relevant partners or the city as a whole.
 - c) Scrutiny committees cannot make decisions or overturn the decisions of others but aim to support improvement by making evidence based reports or recommendations to the Executive and individual Executive members on any of the functions of the

Executive and on any matters which affect the city or citizens. The committees can also make recommendations to partner organisations.

- d) In order to collect evidence to support their reports and recommendations, scrutiny committees can require any member of the Executive Board, the Chief Executive and/or any Corporate Director or Director to attend a meeting to discuss any decision they have taken, the extent to which the actions taken implement adopted Council policy, or performance within their remit.
- e) Within two months of receiving a report or recommendation(s) from a scrutiny committee, the Executive is required to consider the report or recommendations; respond to the committee on what action, if any, is to be taken in response to the report or recommendations; and if the report is published, to publish the response.
- f) Scrutiny committees can also invite other individuals and organisations to attend meetings to discuss issues of local concern and/or answer questions, and make reports and recommendations to other individuals and organisations. However, these organisations and individuals are under no obligation to attend or respond to recommendations.
- g) The call in process enables scrutiny committees to examine and make recommendations on a decision made by the Executive that has not yet been implemented.

3.4 In addition to the powers held by all overview and scrutiny committees, the Committee can require representatives of commissioners and providers of NHS and public health funded services to provide information to the Committee, to attend meetings and answer questions; make reports and recommendations to the commissioners of NHS and public health funded services on matters within their remit and require them to respond to such recommendations. Commissioners of NHS and public health funded services also have a duty to consult the Committee when there are proposals for substantial developments or variations to services, and the Committee has the ability to make comments on those proposals. In certain circumstances, the Committee has the power to refer decisions about substantial developments or variations in health services to the Secretary of State.

3.5 To support its evidence gathering process, the Committee invites a representative of Healthwatch Nottingham and Nottinghamshire to attend formal meetings of the Committee to provide evidence and insight on matters under the Committee's consideration.

3.6 Article 11 (Overview and Scrutiny) also sets out the following key principles for how overview and scrutiny should be carried out:

- All overview and scrutiny activity should, as far as possible, be politically neutral.
- All overview and scrutiny recommendations should be based upon evidence which councillors should consider with an open mind.

- All overview and scrutiny activity should be constructive and focussed on improvement.
- Overview and Scrutiny activity should be conducted in public wherever possible.
- All reviews should be conducted fairly with all members of the Committee given the opportunity to ask questions and to contribute and speak.
- Those assisting the Committee by giving evidence should be treated with respect and courtesy.
- Reviews should adhere to the agreed scope, purpose and intended time limit.
- Overview and scrutiny committees should endeavour to reach consensus whenever possible.
- The relationship between the Executive and Scrutiny should be based upon mutual respect for the others' role. Any disputes will be escalated to the Chair of the Corporate Scrutiny Committee and the Leader for resolution with support from the Monitoring Officer if necessary.

3.7 In support of these principles an Overview and Scrutiny Protocol has been developed with input from both the overview and scrutiny function and the Executive. This protocol sets out that ensuring good scrutiny is a whole council responsibility and that scrutiny councillors, the Executive and senior officers all have a role to play in working together to create the right culture and conditions for success.

4 List of attached information

4.1 Health and Adult Social Care Scrutiny Committee Terms of Reference

4.2 Overview and Scrutiny Protocol

5 Background papers, other than published works or those disclosing exempt or confidential information

5.1 None

6 Published documents referred to in compiling this report

6.1 Nottingham City Council Constitution

7 Wards affected

7.1 All

8 Contact information

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