

The Previous Health Scrutiny Sub-Committee Procedure Rules

(Agreed at O & S 10 June 2014)

1. Who may sit on the Health Scrutiny Sub-Committee?

All Councillors who are members of the Overview & Scrutiny Committee may be members of the Health Scrutiny Sub-Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved. (Council Procedure Rule 18(b)).

Substitute members of the Overview and Scrutiny Committee may not be members of the Health Scrutiny Sub-Committee.

2. How many councillors may sit on the Health Scrutiny Sub-Committee?

There must be a minimum of four members on the Health Scrutiny Sub-Committee.
(Resolution O & S meeting 15/4/2014)

The Overview & Scrutiny Committee can determine the maximum number of members subject to the constraints of its own membership.

3. Who may act as substitute members on the Health Scrutiny Sub-Committee?

Only Councillors who are members of the Overview & Scrutiny Committee may act as substitute members of the Health Scrutiny Sub-Committee. However, no substitute member may be involved in scrutinising a decision in which they have been directly involved.

4. Co-optees

The Health Scrutiny Sub-Committee will have the discretion to appoint Councillors who are not members of the Overview & Scrutiny Committee to sit on their Sub-Committee, but those councillors will have no power to vote. However, no councillor acting as a co-optee may be involved in scrutinising a decision in which they have been directly involved.

The Health Scrutiny Sub-Committee will have the discretion to appoint non-Councillors to sit on their Sub-Committee, but those persons will have no power to vote.

(Council Procedure Rule 18(d)).

5. Meetings of the Health Scrutiny Sub-Committee

All Health Scrutiny Sub-Committee meetings shall meet in accordance with the approved timetable of meetings.

It will not meet at the same time as the Overview & Scrutiny Committee.

Special meetings of the Health Scrutiny Sub-Committee may be called in accordance with Council procedure rule 26.

6. Quorum

The quorum for Health Scrutiny Sub-Committee shall be a quarter of the membership subject to a minimum of 3.
(Council Procedure Rule 3.)

7. Who chairs the Health Scrutiny Sub-Committee?

The Chairman of the Health Scrutiny Sub-Committee will be drawn from among the Councillors sitting on the Sub-Committee and subject to this requirement, the Sub-Committee may appoint such a person as it considers appropriate as Chairman.

8. Work Programme

The Health Scrutiny Sub-Committee will be responsible for drafting and approving its work programme.¹

In so doing, the Health Scrutiny Sub-Committee shall take into account:

- wishes of Members of the Health Scrutiny Sub-Committee who are not Members of the largest group on the Council;
- wishes of the Overview & Scrutiny Committee;
- promoting Health & Wellbeing in the community;
- promoting Health & Wellbeing in the Council's workforce; and
- acting as a scrutiny body for the local activities and performance of NHS bodies located within the District of Warwick and in other areas of Warwickshire in liaison with the County Adult Health & Social Care Overview & Scrutiny Committee.
- the Council's Health & Wellbeing Strategy.

9. Agenda Items

Any member of the Council may place an item on the agenda in accordance with Council Procedure Rule 6.

¹ Amendment resolved O & S meeting 29 July 2014

10. Consultation and Questionnaires from Warwickshire County Council and other outside bodies in the Health Sector

The Health Scrutiny Sub-Committee has full delegated authority to respond to consultation papers and questionnaires on behalf of the Overview & Scrutiny Committee that are received from Warwickshire County Council and other outside bodies in the Health Sector.

11. Policy Review and Development

- (i) The Health Scrutiny Sub-Committee shall only act on these matters on receipt of instruction from the Overview & Scrutiny Committee and that instruction will contain either authorisation to act on behalf of the Committee or to report back to the Committee.
- (ii) The Health Scrutiny Sub-Committee's remit cannot exceed that of the Overview & Scrutiny Committee.
- (iii) Where the Overview & Scrutiny Committee authorise the Health Scrutiny Sub-Committee to handle work on its behalf, then the Sub-Committee is bound by the same rules as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 9.)

12. Reports from the Health Scrutiny Sub-Committee

- (i) Once the Sub-Committee has formed recommendations on proposals for policy development, the Health Scrutiny Sub-Committee will prepare a formal report and submit it to:
 - a. Where the Overview & Scrutiny Committee authorised the Sub-Committee to act on its behalf:
 - i. To the Chief Executive for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework.)
 - b. Where the Overview & Scrutiny Committee instructed the Sub-Committee to report back:
 - i. To the Overview & Scrutiny Committee which will determine what action to take according to its powers.
- (ii) If the Health Scrutiny Sub-Committee has been instructed to act on behalf of the Overview & Scrutiny Committee but cannot agree on one single final report to the Council or Executive as appropriate, then it must report back to the Overview & Scrutiny Committee which will decide the course of action.
- (iii) The Council or Executive shall consider the report of the Health Scrutiny Sub-Committee within one month of it being submitted to the Chief Executive.

- (iv) The Health Scrutiny Sub-Committee will submit its minutes to the Overview & Scrutiny Committee following each of its meetings. These minutes can be “unapproved” and providing no significant amendments are made when they are approved, there is no need to re-submit them once approved. If there are significant amendments, then these amendments must be reported as soon as possible.
- (v) The Health Scrutiny Sub-Committee will submit an annual report of its activities to the Overview & Scrutiny Committee in April so that it may be included in the Overview & Scrutiny’s annual report made in May.

13. When the Health Scrutiny Sub-Committee submits a report to the Executive

Where individual reports are made by the Health Scrutiny Sub-Committee to the Executive, the Chairman of the Health Scrutiny Sub-Committee will normally be expected to attend the Executive in order to address the Executive and answer questions.

14. Members and Officers giving Account

The Health Scrutiny Sub-Committee has the same rights as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 13.)

15. Attendance by Portfolio Holder

The Health Scrutiny Sub-Committee has the same rights as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 14.)

16. Attendance by Others

The Health Scrutiny Sub-Committee has the same rights as the Overview & Scrutiny Committee. (Overview & Scrutiny Committee Procedure Rule 15.)

17. Call-In

This is outside the remit of the Health Scrutiny Sub-Committee and will be dealt with by the Overview & Scrutiny Committee as laid out in its procedures.

18. The Party Whip

When considering any matter in respect of which a member of the Health Scrutiny Sub-Committee is subject to a party whip, the member must declare the existence of the whip, and the nature of it before the commencement of the Sub-Committee's deliberation on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

19. Orders of Business at Health Scrutiny Sub-Committee Meetings

- (a) The Health Scrutiny Sub-Committee shall consider the following business:
- (i) Substitute Members (if relevant)
 - (ii) Minutes of the last meeting
 - (iii) Presentations
 - (iv) Questions from Members
 - (v) Policy framework/consultation investigation – reports from Officers covering:
 - Consultation papers
 - Executive consultation on Policy and budget
 - Investigations requested by the Overview & Scrutiny Committee
 - (vi) Scrutiny of Performance Decisions – reports from Officers covering
 - Service performance
 - Investigations requested by the Overview & Scrutiny Committee on the effect of decisions taken
 - (vii) Consultation papers and questionnaires from Warwickshire County Council and other bodies and voluntary organisations in the Health Sector.
 - (viii) Date and time of the next meeting
- (b) Where the Health Scrutiny Sub-Committee conducts investigations (e.g. with a view to policy development) the Sub-Committee may also ask people to attend to give evidence at its meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all members of the Sub-Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis
- (c) Following any investigation or review, the Sub-Committee shall prepare a report, for submission to either the Overview & Scrutiny Committee if that was the instruction or to the Executive and/or Council as appropriate and shall make its report and finding public.

20. Excluded Matters

The Sub-Committee will not be permitted to consider any matter that the Overview & Scrutiny Committee is not allowed to consider and it cannot consider any matter that does not have a health and wellbeing implication.

The function of examining and making comments and recommendations on reports going to the Executive the following day will remain the province of the Overview & Scrutiny Committees. The Health Scrutiny Sub-Committee will not participate in this process. If instructed by the Overview & Scrutiny Committee, it can advise upon reports to the officers ahead of their inclusion on the Executive agenda and following discussion by the Executive.

21. Overriding Principles

The Health Scrutiny Sub-Committee is bound by the same rules as the Overview & Scrutiny Committee and can only act differently insofar as the statutory regulations allow a sub-committee to act differently to a committee, e.g. quorum.

The Health Scrutiny Sub-Committee cannot have greater power than the Overview & Scrutiny Committee and must respond to instruction from that Committee.

The Overview & Scrutiny Committee has power to dissolve the sub-committee and change the way it operates. Even where the Sub-Committee has full delegated power to act on certain matters, the Overview & Scrutiny Committee has full power to handle that work itself if it so decides.