

## **Appendix 2A – Statutory Scrutiny**

### **1. General**

There is a statutory requirement for the Council to make arrangements for the scrutiny of certain matters, as specified in the following legislation:

- Section 21 of the Local Government Act 2000 and Section 7 of the Health and Social Care Act 2001 as amended by the Health and Social Care Act 2012 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218).
- These powers shall be exercised by the Norfolk Health Overview and Scrutiny Committee.

The Council has a role as lead authority under joint arrangements for the Norfolk Police and Crime Panel.

The Council has also agreed to establish a scrutiny function of the Norfolk Community Safety Partnership. This function shall be exercised through the Countywide Community Safety Partnership.

### **2. Norfolk Health Overview and Scrutiny Committee**

The Council has established a Norfolk Health Overview and Scrutiny Committee, with powers to scrutinise National Health Service bodies in Norfolk. The quorum for meetings of Norfolk Health Overview and Scrutiny Committee is 5.

#### **2.1 Membership of the Norfolk Health Overview and Scrutiny Committee**

- Membership
  - Norfolk County Council Members (politically balanced).
  - District Council Members – one co-opted from each District.
  - District Council Members must be Members of an Overview and Scrutiny Committee of the Council(s) which they are representing.
  - Each Member of the Committee to have one named substitute. No other substitutes acceptable.
  - The Chair to be elected from the Norfolk County Council Members on the Committee, on an annual basis.
  - The Vice-Chair to be elected from the Norfolk District Council Members on the Committee, on an annual basis.
  - Co-opted Members (non-voting) to represent the Waveney area of Suffolk
  - Members of Suffolk Health Scrutiny Committee:

- 1 must be an East Suffolk District Councillor
  - 1 must be a Suffolk County Councillor
- Each co-opted Member may have one named substitute. No other substitutes acceptable.
- c) Contributions from others
- The Committee will invite contributions from commissioners and providers of local NHS funded healthcare, Local Healthwatch, client groups, voluntary organisations, patients and public, or any other stakeholder involved in 'health'.
  - Depending upon the issue under scrutiny, stakeholders may be invited to contribute to relevant meetings of the Committee or to submit their views in writing or both. Individual stakeholders may also be asked to become a Member of a task-and-finish Working Group set up by the Committee.

## **2.2 Terms of Reference of the Norfolk Health Overview and Scrutiny Committee**

Aims of the Committee:

- a) To ensure that the needs and wishes for health and health-related services of all the population (including minorities, socially excluded groups and other targeted equality groups) have been identified towards achieving local health improvement.
- b) To scrutinise whether services provided that have an impact on the health of local inhabitants are accessible to, and can be accessed by, all parts of the local community.
- c) To scrutinise whether the outcomes of intervention (whether through services or other intervention designed to have a positive impact on the health of local inhabitants) are equally good for all groups and sections of the local population.

## **2.3 Legal background**

- a) Local authority overview and scrutiny committees are part of the arrangements for local government under Part II of the Local Government Act 2000. Local authorities are given the power under the 2000 Act to review and scrutinise executive decisions in relation to local authority functions including local services planned and provided as part of their wider responsibility to see health improvements and reduce health inequalities for their area and its inhabitants.
- b) The Health and Social Care Act 2011 (Section 7) extends the overview and

scrutiny power of local authorities with social services responsibilities to review and scrutinise matters relating to the health service in the authority's area and make reports and recommendations on such matters. The scrutiny role also covers social care services commissioned or provided by NHS bodies exercising local authority functions under the Health Act 1999 (Section 31).

- c) The Health and Social Care Act 2012 introduced the following changes to the local authority health scrutiny functions;
- Health Scrutiny powers are now vested in the upper tier local authority rather than in health overview and scrutiny committees.
  - There does not have to be a designated health overview and scrutiny committee as the local authority can choose to discharge its health scrutiny powers in other ways.
- d) As a Committee of the County Council, the County Council's Constitution will apply, except only for differences specified in this Constitution.

## **2.4 Roles**

To review or scrutinise health services commissioned or delivered in the authority's areas within the framework set out below:

- a) Arrangements made by local NHS bodies to secure hospital and community health services to the inhabitants of Norfolk;
- b) The provision of such services to those inhabitants;
- c) The provision of family health services, personal medical services, personal dental services, pharmacy and NHS ophthalmic services;
- d) The NHS public health arrangements in Norfolk, e.g. Arrangements by the NHS bodies for the surveillance of, and response to, outbreaks of communicable disease;
- e) The planning of health services by 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;
- f) The arrangements made by 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;
- g) To make reports and recommendations to the Board of the NHS body scrutinised, with copies to individuals and organisations as follows:
- the local Members of Parliament
  - the NHS Commissioning Board

- Local Healthwatch
  - relevant patients' groups
  - local voluntary organisations with an interest
  - other bodies or organisations with an interest in the issues dealt with in the report and made available on the local authority website and on request;
- h) The Committee has been given delegated power by the County Council to enter into, and to appoint Members to Joint Health Overview and Scrutiny Committees as required and the Council has waived the requirement for the Committee's appointments to such Joint Committees to be in line with the political balance on Norfolk County Council and the requirement for any other Council participating in such Joint Committees to make its appointments in line with the political balance on its Council.
- i) The Committee (and any joint health scrutiny committees in which Norfolk participates) has been given delegated powers to make referrals to the Secretary of State in accordance with the Regulations, but the Committee (and any joint health scrutiny committees in which Norfolk participates) must notify the Council of its intention to make such a referral before the referral is made.

## **2.5 Operation of the Norfolk Health Overview and Scrutiny Committee**

- a) The views of all Members of the Committee should be taken into account when deciding their work plans.
- b) Party whipping will not take place.
- c) The Relevant Chief Officer should present reports and attend meetings.
- d) Reports to Council will include the views of Members dissenting from the majority recommendation of the Committee.

## **3. Norfolk Police and Crime Panel**

The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (Commissioners). The Act also requires the local authorities in each police force area to establish a Police and Crime Panel (panel), as a joint committee, primarily to scrutinise the commissioner. The Act also prescribes many of the arrangements with regard to the panel and the way in which it conducts its business. Norfolk County Council is the host authority for the Norfolk Police and Crime Panel. The Panel's membership, terms of reference and procedures can be viewed on the [Panel webpage](#).

### **3.1 Functions of the Norfolk Police and Crime Panel**

- a) The functions of the PCP must be exercised with a view to supporting

the effective exercise of the functions of the PCC for Norfolk:

- b) The PCP must: -
    - i. review the draft police and crime plan, or draft variation given to the PCP by the PCC, and
    - ii. make a report or recommendation on the draft plan or variation to the PCC.
  
  - c) The PCP must: -
    - i. arrange for a public meeting of the PCP to be held as soon as practicable after the PCP is sent the PCC's annual report;
    - ii. ask the PCC, at that meeting, such questions about the annual report as the members of the PCP think appropriate;
    - iii. review the annual report, and
    - iv. make a report or recommendations on the annual report to the PCC.
  
  - d) The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of:
    - i. the PCC's chief executive
    - ii. the PCC's chief finance officer
    - iii. a deputy PCC
- The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed.
- e) The PCP must respond to any proposal by the PCC to call upon the Chief Constable to retire or resign, by making a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation.
  
  - f) The PCP must review, make a report and may make recommendations on the precept which the PCC proposes to issue for the financial year.
  
  - g) The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of a Chief Constable. The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed or must include a statement that the PCP has vetoed the appointment.
  
  - h) The PCP must: -
    - i. review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions; and
    - ii. make reports or recommendations to the PCC with respect to the discharge of the PCC's functions.

- i) The PCP must publish any reports or recommendations made by it to the PCC and must determine the manner in which such reports or recommendations are to be published.
- j) The PCP must send copies of any reports or recommendations it makes to the PCC, to each local authority (county, city, district and borough councils) in Norfolk.
- k) The PCP must fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities given to the PCP by the Act.
- l) The PCP must appoint an Acting PCC in the circumstances set out in the Act.
- m) The PCP may not exercise any functions other than those conferred by the Act.

#### **4. Scrutiny of the Norfolk Countywide Community Safety Partnership**

4.1 The Scrutiny Committee has the power to scrutinise and make reports and recommendations, regarding decisions taken by the 'responsible authorities' in connection with the discharge of their crime and disorder functions. For this purpose, the Committee has established a Norfolk Countywide Community Safety Partnership Sub Panel.

4.2 The 'responsible authorities' in Norfolk are:

- The County Council
- District Councils
- Norfolk Constabulary
- Norfolk Fire and Rescue Service
- Health – Clinical Commissioning Groups
- Probation service

#### **4.3 Role of the Sub Panel**

4.3.1 The role of the Norfolk Countywide Community Safety Partnership Sub Panel is to:

4.3.2 Scrutinise on a quarterly basis the Community Safety Partnership Plan and on such other occasions as are required to scrutinise the actions, decisions and priorities of the Norfolk Countywide Community Safety Crime and Disorder Partnership in respect of crime and disorder.

4.3.3 Scrutinise the priorities as set out in the annual Countywide Community Safety Partnership Plan.

4.4.4 Make any reports or recommendations to the Countywide Community Safety Partnership and/or where considered appropriate to the Scrutiny Committee.

#### **4.4 Membership of the Sub Panel**

- 3 County Councillors (Politically balanced and can be drawn from the Police and Crime Panel)
- 7 District Council Members – one co-opted from each District.
- Each member of the Sub Panel to have one named substitute. No other substitutes are acceptable.
- The Sub Panel may wish to consider co-opting additional non-voting members onto it if appropriate.
- The Chair to be elected from the County Council Members on the Sub Panel on an annual basis.
- The Vice Chair to be elected from other members on the Sub Panel on an annual basis.

#### **4.5 Working Style**

- The Sub Panel meetings will be held quarterly to scrutinise the progress being made with delivering the Partnership Plan and on such other occasions as are required.
- The Chair will provide regular update reports to the Scrutiny Committee.
- The quorum for the Sub Panel will be five members.
- Unless otherwise stated meetings of the Sub Panel will be held in accordance with Appendix 8 of the County Council's constitution.

#### **4.6 General issues**

- Democratic support to the Sub Panel will be provided by the County Council.