

**EAST HAMPSHIRE DISTRICT COUNCIL  
PENNS PLACE  
PETERSFIELD  
HAMPSHIRE  
GU31 4EX**



*Telephone:* 01730 266551  
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## **OVERVIEW & SCRUTINY COMMITTEE AGENDA**

**Date:** Thursday 14 July 2016

**Time:** 7.30 pm

**Venue:** Council Chamber, Penns Place, Petersfield, GU31 4EX

**Membership:** Councillor A Williams (Chairman)

Councillors R Ayer, B Bentley, K Carter, G Hill, M Johnson, M Kendall, Y Parker-Smith, M Smith, T Spencer, I Thomas (Vice-Chairman) and A Waterhouse

If Councillors have detailed or technical questions on any agenda item, it would be useful if they could be forwarded to the relevant Officer in advance of the meeting.

The business to be transacted is set out below:

Nick Leach  
Monitoring Officer

**Date of Publication:** 6 July 2016

*Contact Officer:* Cynthia Haveron 01730 234098  
*Email:* [Cynthia.haveron@easthants.gov.uk](mailto:Cynthia.haveron@easthants.gov.uk)

## **PART 1 - Items open for public attendance**

**1. Apologies for Absence**

To receive apologies.

**2. Chairman's Announcements**

**3. Declarations of Interest**

To receive and record any declarations of interest from members present in respect of any of the various matters on the agenda for this meeting.

**4. Confirmation of Minutes**

To confirm the minutes of the meeting held on 23 February 2016.

**5. Consideration of any Executive decisions called-in to the Committee (if applicable)**

**6. Constitutional Amendment**

**1 - 6**

RECOMMENDATION TO COUNCIL

**7. Exclusion of the Press and Public**

**RECOMMENDED** that the press and the public be excluded from the meeting during the consideration of the following item as:-

(a) it is likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information as specified in paragraphs of Part 1 of Schedule 12A (as amended) to the Local Government Act 1972; and

(b) in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **PART 2 (Confidential Items - closed to the public)**

**8. Matters Arising from Executive Decisions relating to Exempt Items (if applicable)**

## **GENERAL INFORMATION**

**IF YOU WOULD LIKE A VERSION OF THIS AGENDA, OR ANY OF ITS REPORTS, IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 01730 234073.**

### **Internet**

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### **Public Attendance and Participation**

Members of the public are welcome to attend and observe the meetings. Many of the Council's meetings allow the public to make deputations on matters included in the agenda. Rules govern this procedure and for further information please get in touch with the contact officer for this agenda.

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### **No Smoking Policy**

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NON EXEMPT

## EAST HAMPSHIRE DISTRICT COUNCIL

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Overview & Scrutiny Committee

14 July 2016

### CONSTITUTIONAL AMENDMENT

Report by Monitoring Officer

FOR RECOMMENDATION TO COUNCIL

Portfolio Holder: Cllr Cowper, Leader

Key Decision: No

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#### 1.0 Purpose of Report

- 1.1 To consider a proposal to create a new Governance, Audit and Scrutiny Committee. This Committee will replace the current Governance & Audit Committee and Overview & Scrutiny Committee.

#### 2.0 Recommendation

- 2.1 The Governance and Audit Committee recommends to Council that the draft Constitutional amendments be adopted and a new Governance, Audit and Scrutiny Committee be established, replacing the Governance and Audit Committee and the Overview and Scrutiny Committee.

#### 3.0 Subject of Report

##### 3.1 *Legislative framework*

- 3.2 The concept of 'overview and scrutiny' was introduced to English and Welsh local authorities by the Local Government Act 2000. This Act obliged local councils to adopt political management systems with a separate executive. The 'executive' would take the form of a leader (or elected mayor) and a cabinet. The remainder of the council was required to establish at least one overview and scrutiny committee. Overview and scrutiny committees may not include members of the council's cabinet, and their membership should in general reflect the political balance of the local authority. The legal provisions can now be found in schedule 2 of the Localism Act 2011.

- 3.3 The Governance and Audit Committee was established in 2013 and acts as the Council's Audit Committee. It also monitors and reviews the Council's governance arrangements, including changes to the Constitution, and monitors the Council's powers under the Regulation of Investigatory Powers Act 2000 (RIPA).

##### 3.4 *Overview and scrutiny at East Hampshire*

## **NON EXEMPT**

3.5 In 2015 and 2016 the Overview & Scrutiny Committee has only met on two occasions. Furthermore, currently a high proportion of Members sit on both Committees.

3.6 It is therefore proposed that the two Committees are combined with a membership of 14 Councillors. The proposed terms of reference are attached.

### **4.0 Implications**

4.1 **Resources:** Merging the two Committees means the Council will work in a more streamlined cost-efficient way

4.2 **Legal:** The new Committee will carry out the Council's functions as required by section 21 of the Local Government Act 2000

4.3 **Strategy:**

4.4 **Risks:** (Environmental, Health & Safety and Customer Access Impact Assessment) None

4.5 **Communications:** The Council's Constitution will be amended accordingly

### **Appendix: Terms of Reference**

#### **Agreed and signed off by:**

Legal Services: 5 July 2016

Interim Head of Finance & Assets: 6 July 2016

Executive Director Strategy & Governance: 6 July 2016

**Contact Officer:** Nick Leach  
**Job Title:** Monitoring Officer  
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**E-Mail:** [nick.leach@easthants.gov.uk](mailto:nick.leach@easthants.gov.uk)

## The Governance, Audit & Scrutiny Committee

### 7.1 Terms of Reference

7.1.1 The Council will appoint the Governance, Audit & Scrutiny Committee set out below to discharge the functions conferred by section 21 of the Local Government Act 2000.

### 7.2 Specific functions

#### *Audit*

7.2.1 The Governance, Audit and Scrutiny Committee will act as the Audit Committee and will approve the Annual Statement of Accounts. It will also carry out the following:

- Monitor and review the Council's Governance arrangements, including the annual Governance Statement and Local Code of Governance;
- Monitor the use (if any) of the Council's powers under the Regulation of Investigatory Powers Act 2000 (RIPA); and
- To formally review the Council's RIPA policy.

#### *Governance*

7.2.2 The Governance Audit and Scrutiny Committee will promote ethical standards within the Council by:

- Promoting and maintaining high standards of conduct by councillors and co-opted members;
- Advising the Council on the adoption or revision of the Councillor Code of Conduct;
- Advising and training councillors and co-opted members on matters relating to ethical governance;
- Receive reports from the Monitoring Officer on any matter relating to ethical standards within the Council; and
- Granting dispensations to District Councillors from requirements relating to disclosable pecuniary interests as set out in the Code of Conduct and as stated in Section 33 of the Localism Act 2011.

7.2.3 A Governance Sub-Committee will be required from time to time to deal with complaints against councillors and any breaches of the adopted Code of Conduct. The Sub-Committee will consist of 3 Governance, Audit and Scrutiny Committee members.

#### *Scrutiny*

7.2.4 The Governance, Audit & Scrutiny Committee may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and/or committees and Council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Cabinet and/or committees and chief officers about their decisions and performance;
- (iv) make recommendations to the Cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Governance, Audit and Scrutiny Committee and local people about their activities and performance; and
- (vi) exercise the right to call-in decisions made but not yet implemented by the Cabinet and to recommend that the decision be reconsidered.

*Policy development and review*

**7.2.5** The Governance, Audit and Scrutiny Committee may:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Cabinet and/or committees and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

**7.3 How the Committee operates:**

- 7.3.1** The Governance, Audit and Scrutiny Committee shall consist of 14 councillors, one of whom shall be appointed annually by the Leader of the Council to be the Chairman.

- 7.3.2 The committee shall be quorate where 7 councillors are present.
- 7.3.3 The Governance, Audit and Scrutiny Committee will report annually to full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
- 7.3.4 The Chairman shall receive prospective agenda items and it will be for the Chairman to determine the reasonable timescale in which those items can be considered by the Committee.

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