

## **Terms of Reference for Scrutiny**

### **Membership**

The membership of all committees is determined by the Council at its Annual Meeting. The membership may be varied during the year only with the consent of the Council.

Scrutiny Functions & procedures

### **Scrutiny Functions**

1. The aims of the Scrutiny process are to:-
  - add value to Council business and decision-making;
  - hold the Executive to account;
  - monitor the budget and performance of services;
  - assist the Council in the development of policy and review the effectiveness of the implementation of Council policy;
  - review relevant central government policy development and legislation to assess the impact on the City and make recommendations to Executive.

### **Scrutiny Programme Board (“SPB”)**

2. The purpose of the Scrutiny Programme Board is to manage scrutiny in a way that ensures the functions of overview and scrutiny are fairly balanced across all aspects of the Council’s work, with a view to improving services, reducing inequalities and improving outcomes for the people of Exeter. The Scrutiny Programme Board will meet on a bi-annual basis.

### **Role of the Scrutiny Programme Board:-**

- To set priorities for the annual scrutiny work programme;
- To ensure that work is allocated fairly across the two scrutiny committees and reflects all aspects of the Council’s work by providing oversight and direction to the committees’ work programmes;
- To ensure corporate and cross cutting business is dealt with by the relevant committees;
- To review performance against the relevant corporate priorities and inform work programmes as appropriate;
- To receive for information, and oversee implementation of, recommendations made by each of the two Scrutiny Committees;
- To plan and oversee implementation of the process for annual Budget Scrutiny;
- To produce an annual scrutiny report to Council (in conjunction with the scrutiny committees);

- To review national best practice and guidance in relation to scrutiny and recommend any changes to the way scrutiny is undertaken as a result.

### **Membership:-**

The Scrutiny Programme Board will consist of one member nominated by the Leader (who shall not be a member of the Executive) together with the Chairs and Deputy Chairs of each of the two scrutiny committees.

**Chair** - the Chair of the Board will be from the group in administration.

**Deputy Chair** - the Deputy-Chair will be from the main opposition group.

### **Role of the Scrutiny Committees**

The relevant scrutiny committee will:

- hear call-ins, Councillor's call for action and petitions;
- approve the creation of time limited working groups for issues within its remit;
- monitor performance against the relevant corporate priorities;
- receive finance and performance reports;
- agree recommendations to Executive, Council and partner organisations;
- agree appointments of co-opted representatives;
- monitor the forward plan;
- review new and developing legislation to assess its impact on the city;
- consider and introduce schemes to involve the public in developing policy;
- work with national, regional and local organisations to promote the interest of local people.

### **Strategic Scrutiny Committee**

Responsibility for

- Relevant policies in the Exeter Plan
- Corporate Health & Safety
- Response to Central Government's Policy Making
- Climate change and sustainability
- Council wide/strategic matters
- Hear call-ins relevant to the role of the committee

Partnership links

- Growth Board
- Joint Committee for Heart of the South West
- Heart of the South West Local Enterprise Partnership

**Membership** - There are fourteen members of the Committee including the Chair and Vice Chair. None shall be members of the Executive Committee.

**Chair** - The Chair will be nominated and elected at full council and will be a member of the Scrutiny Management Board.

**Deputy Chair** - The Deputy Chair will be nominated and elected at full council

**Urgent Decisions** - The Chair with relevant responsibilities will be consulted on urgent decisions to be made.

### **Customer Focus Scrutiny Committee**

Responsibility for:-

- Corporate Performance Monitoring
- Financial Performance Monitoring
- Annual Budget Setting Process
- Service specific/operational matters
- Hear call-ins relevant to the role of the committee

Partnership links

- Health and Wellbeing Board
- Exeter Community Safety Partnership
- Strata

**Membership** -There are fourteen members of the Committee including the Chair and Vice Chair.

**Chair** - The Chair will be nominated and agreed by full council and will be a member of the Scrutiny Programme Board.

**Deputy Chair** - The Deputy Chair will be nominated and agreed by full council

**Urgent Decisions** - The Chair with relevant responsibilities will be consulted in relation to Urgent decisions to be made within the Scrutiny Committee's terms of reference.

### **Excluded matters**

The following matters cannot be considered by a Scrutiny Committee:

- any matter relating to a planning decision;
- any matter relating to a licensing decision;
- any matter relating to the business of the Audit & Governance Committee;
- any matter relating to an individual or body if s/he/they have, by law, a right to a review or right of appeal;
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a Committee meeting .

The Monitoring Officer in consultation with the Chair (or Deputy Chair in the chair's absence) of the relevant Committee will determine whether a matter is an excluded matter.

## **Joint Consultation and Negotiation Committee**

### **1. COMPOSITION**

- a. The Joint Consultation & Negotiating Committee (the Committee) shall consist of the following appointed Members as shown below:-

Council Officers (Members of Strategic Management Board)  
Service Lead – HR and/or HR Business Partner  
One officer from each of the recognised unions: UNISON, Unite and GMB

- b. In addition, the Leader of the Council will be invited to attend the Committee on an ex officio basis and the Leader may invite another Portfolio Holder to attend also on an ex officio basis.
- c. The Council and the recognised trade unions shall review their nominations for membership annually in July each year. Casual vacancies may be filled as they arise.

### **2. DATE OF OPERATION**

The members of the Committee shall carry out their constitutional functions with effect from 22 July 2013.

### **3. FUNCTIONS**

#### General

- a. To promote a good and stable employment relations climate throughout the Council.

#### Negotiating

- b. The negotiation of any variations or agreements relating to employees who fall within the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service NJC National Agreement (Part 3 matters / local conditions of service); and the Joint Negotiating Committee's for Chief Officers of Local Authorities and Local Authority Chief Executives to be incorporated into employment contracts via collective agreement(s).

#### Consultative

- c. The introduction of / changes to employment policies, working practices, organisation design and physical working conditions at a corporate level, together with Health & Safety matters referred by the Health & Safety Committee and any other item which both sides agree to refer
- d. Collective consultation in respect of Redundancy as defined in section 195 of the Trade Union and Labour Relations (Consolidation) Act 1992, and TUPE

as defined in the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246)

The Committee will not consider any matter concerning an individual employee such as discipline, grievance, promotion or capability, pay and grading and payroll matters.

4. **QUORUM**

A Quorum shall consist of two representatives from the Council and one of the trade unions' representatives.

5. **SUBSTITUTES**

A substitute may be nominated to attend a meeting of the Committee on behalf of any member. The substitute will have the same powers as appointed members. Any trade union substitute must be nominated by his/her trade union and must be either a full time officer or an accredited official of that recognised trade union.

6. **CHAIRPERSON**

The meetings will be chaired by a representative from the Council.

7. **JOINT SECRETARY**

One Joint Secretary shall be nominated by the Council and union. The Joint Secretary will be responsible for the production of a record of meetings of the Committee.

8. **POWER TO CO-OPT**

The Committee may co-opt any person or persons with special knowledge to assist them in carrying out its functions. Such persons shall have no right to vote.

The Committee may set up joint Working Groups to exercise any of its functions or business within terms of reference delegated by the Committee.

9. **FREQUENCY OF MEETINGS**

Meetings shall be held bi-monthly. Provisional dates for meetings will be set in May each year.

10. **FACILITIES FOR MEETINGS**

The Council will provide facilities and accommodation for holding meetings of the Committee, including pre-meetings.

Meetings will be held during normal working hours and the trade unions' lay representatives will be paid their normal salary for the time spent at and travelling to and from such meetings and any reasonable associated expenses. Any

travelling time outside normal hours will be compensated in the form of equivalent time off in lieu.

#### **11. AGENDAS AND RECORDS OF MEETINGS**

The Joint Secretary will circulate Agendas no later than 5 working days before the date of the meeting. An unconfirmed record of each meeting will be circulated as soon as possible after each meeting but certainly within 20 working days of the meeting.

#### **12. BUSINESS MATTERS**

No business shall be transacted at any meeting of the Committee or any sub-group unless notice has been given to the Joint Secretary before the Agendas are circulated. The Chairperson may allow consideration of an item of business which in his/her opinion is of sufficient importance or urgency to justify consideration at that meeting.

#### **13. AGREEMENTS / ADOPTION OF RESOLUTIONS**

Agreements reached between the recognised trades union members and Council members of the Committee and/or decisions taking in relation to 3 a, c and d on matters delegated to Officers shall be adopted / implemented. Where authority has not been delegated to Officers, such agreements will be referred to the appropriate Scrutiny Committee and / or Executive for resolution / adoption.

Agreements in relation to item 3(b) of this constitution shall be reached by vote. Each Council appointed member will have one vote. Each trade union appointed member will have one vote. Those in attendance on an ex-officio basis are not eligible to vote. Union representatives will have the delegated power to agree on behalf of their Membership. Each side of the Committee being in favour (by majority on each side) will constitute an agreement for resolution at Executive Committee to be adopted and binding on both sides.

Agreements will be incorporated into employment contracts for employees covered by the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service and, as appropriate, other occupational groups covered by the Council's single status agreement.

All efforts will be made to reach agreement, including the involvement of full-time Officers of the recognised Trades Unions through substitution arrangements contained in this Constitution. Where agreement on matters of negotiation cannot be reached the matter will be referred to the South West Provincial Council for conciliation.

#### **14. FINANCE**

The Council will meet the administrative expenses associated with meetings of the Committee.