

Overview and Scrutiny Committee Terms of Reference

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Recommendation: that the Committee advise the Overview and Scrutiny Management Committee which of the four options for the terms of reference of the Overview and Scrutiny Committees it prefers.

1. Background

The Overview and Scrutiny Management Committee at its meeting on 13 March 2009 considered a report on the terms of reference of the Overview and Scrutiny Committees.

This was as a result of the Management Committee's decision at its meeting on 16 December 2008 that the terms of references of the existing committees would need to be looked at again as they were based on a Local Area Agreement that no longer exists and has been changed dramatically.

The Committee agreed that all the council's Overview and Scrutiny Committees should be consulted on the terms of this report. It also agreed that the committees should be advised that the Management Committee's preference for these options was option 1 then 2 then 3 but that they would like a fourth option to be considered along the lines of the portfolio holders responsibilities.

2. Key Issues

There are a number of models for scrutiny arrangements, ranging from select committee-style structures (e.g. Maidstone Borough Council, Buckinghamshire County Council) to scrutiny committees with a coordinating body (e.g. LB Hounslow) to a single scrutiny committee with time-limited task and finish groups (e.g. LB Camden). As all the guidance stresses, there is no one model which can be said to be 'the best' and the choice of scrutiny structure for an authority is very much a 'horses for courses' issue. The chosen model must suit the particular authority's circumstances.

Recently in developing a new scrutiny approach for their authorities, South Tyneside and Worcestershire addressed many of the same issues currently facing scrutiny in Copeland Council, for example;

- Too many agenda items
- Too many reports for information
- Agendas based on structures, rather than priorities
- Insufficient pre-scrutiny and policy development work
- Lack of public engagement
- Non-executive members who are disengaged from Overview and Scrutiny

- Untimely consideration of topics etc

In respect of this council's current overview and Scrutiny committees it would also be fair to say that:

- There is an inconsistency in the performance of individual committees; some committees still resemble old style service committees;
- Task and Finish Groups are particularly effective at looking at specific issues;
- There was a need for a sharper focus on improvement and delivery

The following section sets out some of the key external and internal drivers which have helped to inform the County Council's future approach to Overview and Scrutiny.

External Drivers

- **Partnership and locality working**
This will include monitoring performance at both strategic and locality levels, with a particular focus on outcomes
- **New scrutiny powers for district councils**
Local Government and Public Involvement in Health Act 2007
Crime and Justice Act 2007
- **Supporting the authority's needs with regard to the new Comprehensive Area Assessment (CAA) process.**
Focusing on outcomes and closer community engagement, (Area Assessment)
organisational change, use of resources etc. (Organisational Assessment)
- **Extended responsibilities for health scrutiny including:**
Locality practice working and other consequences from Closer to Home
- **Increased community engagement and influence including:**
Councillor call for action and Community petitions

Internal Drivers

- **A more consistent timely and focused approach to scrutiny with regard to the authority's key policy and service priorities**
- **Better use of non-executive member skills and knowledge in the delivery of value-added scrutiny**
- **Better realisation of the value of scrutiny throughout the organisation**
- **Need for more efficient use of resources in the context of the Council's shrinking revenue budget.**

3. Options

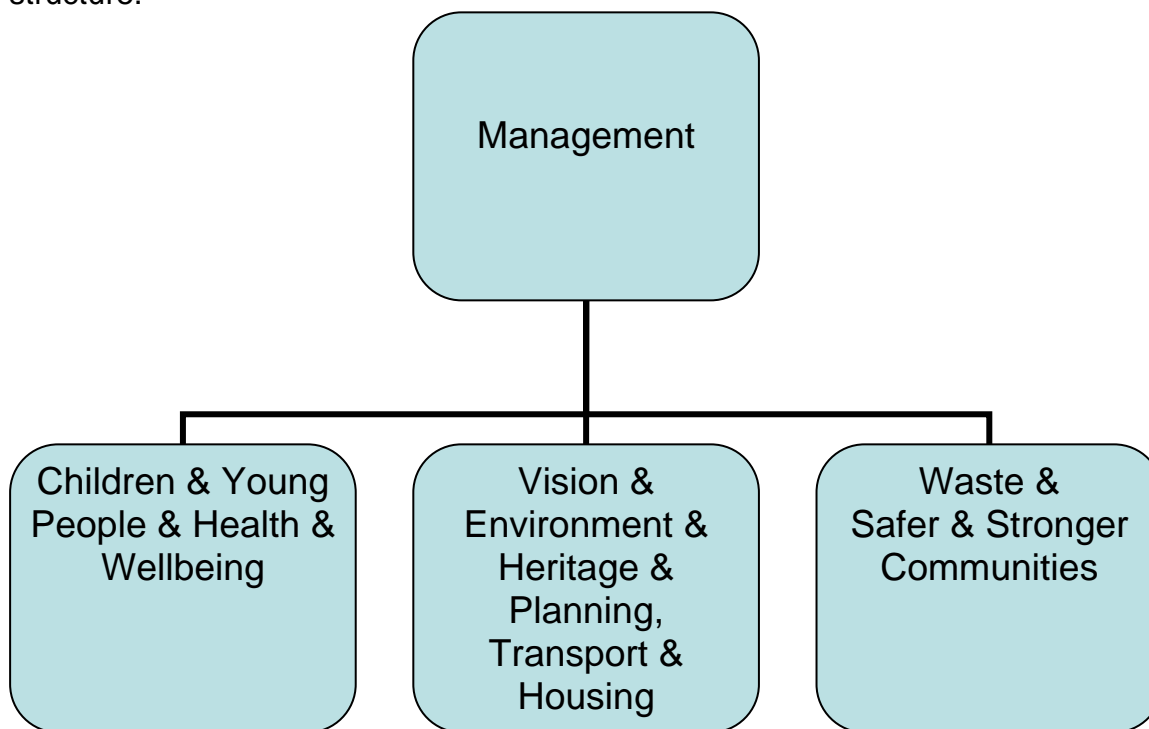
Four suggested options are detailed below for the committee structure for 2009/10.

Option 1 – Committees based on new Local Area Agreement

Cumbria Strategic Partnership now has seven thematic partnerships looking at the Local Area Agreement. These are:

- Cumbria Children & Young People Strategic Board
- Cumbria Health & Wellbeing Board
- Cumbria Vision
- Cumbria Environment & Heritage Partnership
- Cumbria Planning, Transport & Housing Partnership
- Cumbria Strategic Waste Partnership
- Cumbria Safer & Stronger Communities Partnership

To fit this into the current committee structure would see the following four committee structure.



Some of these committees' names are unusual and potentially confusing, and would need to be renamed to make them more accessible to members, officers and, in particular, members of the public.

Option 2 – Committees based on the Council's Priorities

Following the agreement at the informal meeting between the Executive and the Overview and Scrutiny management Committee for the terms of reference of the committees to follow the council's six priorities the following options have been put forward with that in mind.

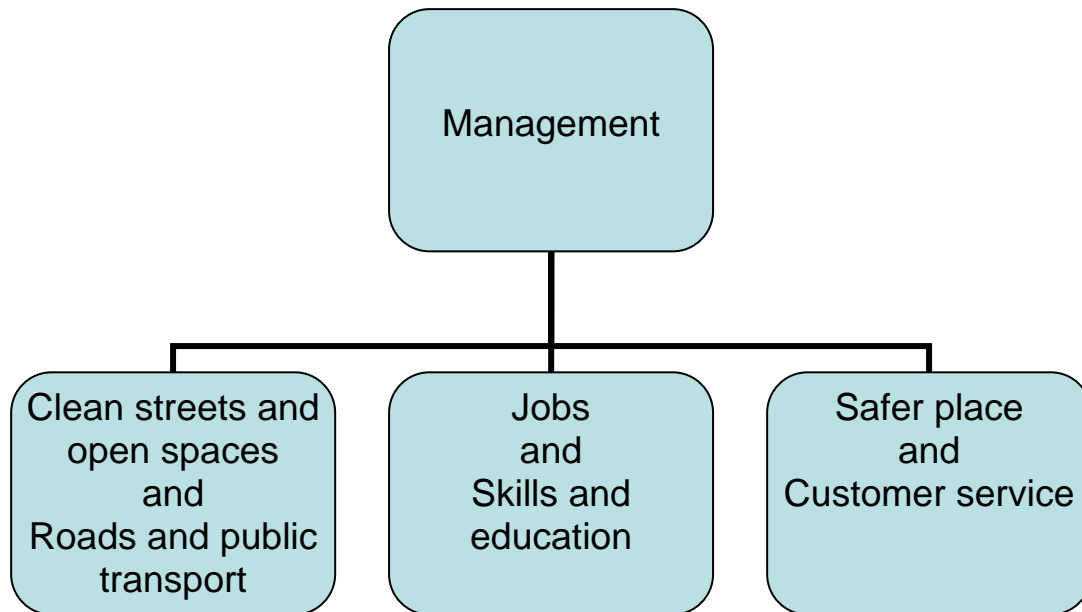
The council's six priorities are to:

1. Providing high quality, clean streets and open spaces
2. Ensuring the area has good roads and good public transport
3. Creating enough, different jobs to suit all
4. Making Copeland a safer place to be
5. Improving skills and education and keeping people with skills in Copeland
6. Giving everyone good customer service

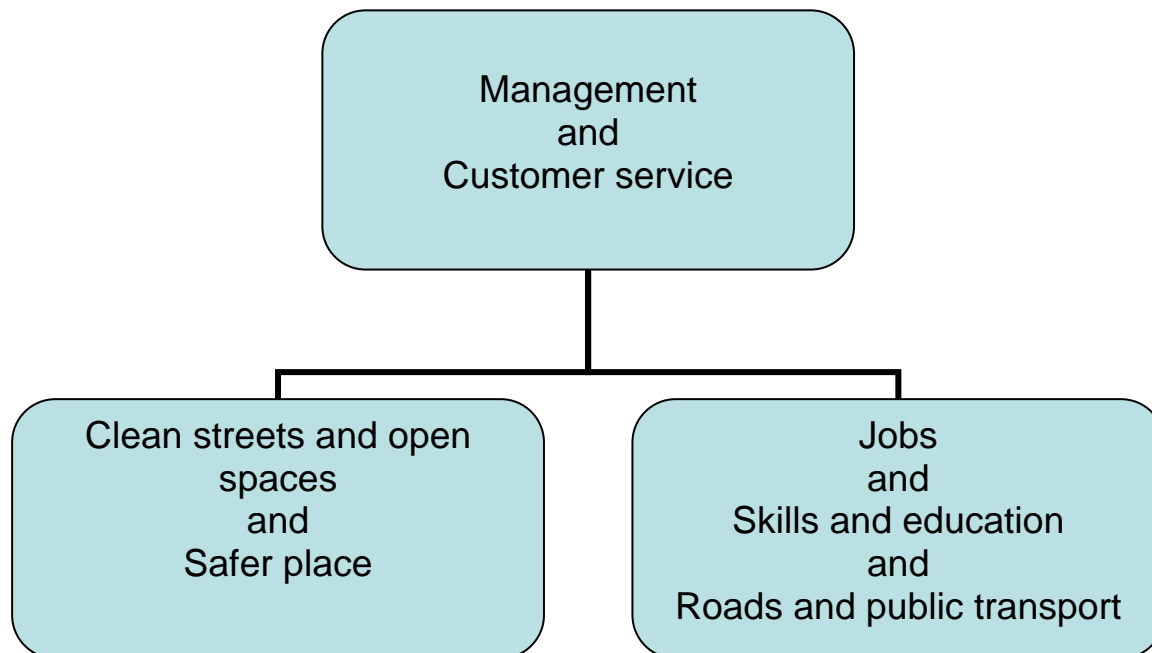
It has been difficult to fit these priorities into a four committee structure as some of the priorities do not fit naturally with the other priorities and putting them together could leave a committee unbalanced compared to the others in its work load.

There are therefore two options being proposed one with a three committee structure and one with a four committee structure.

Option A - Four Committee system



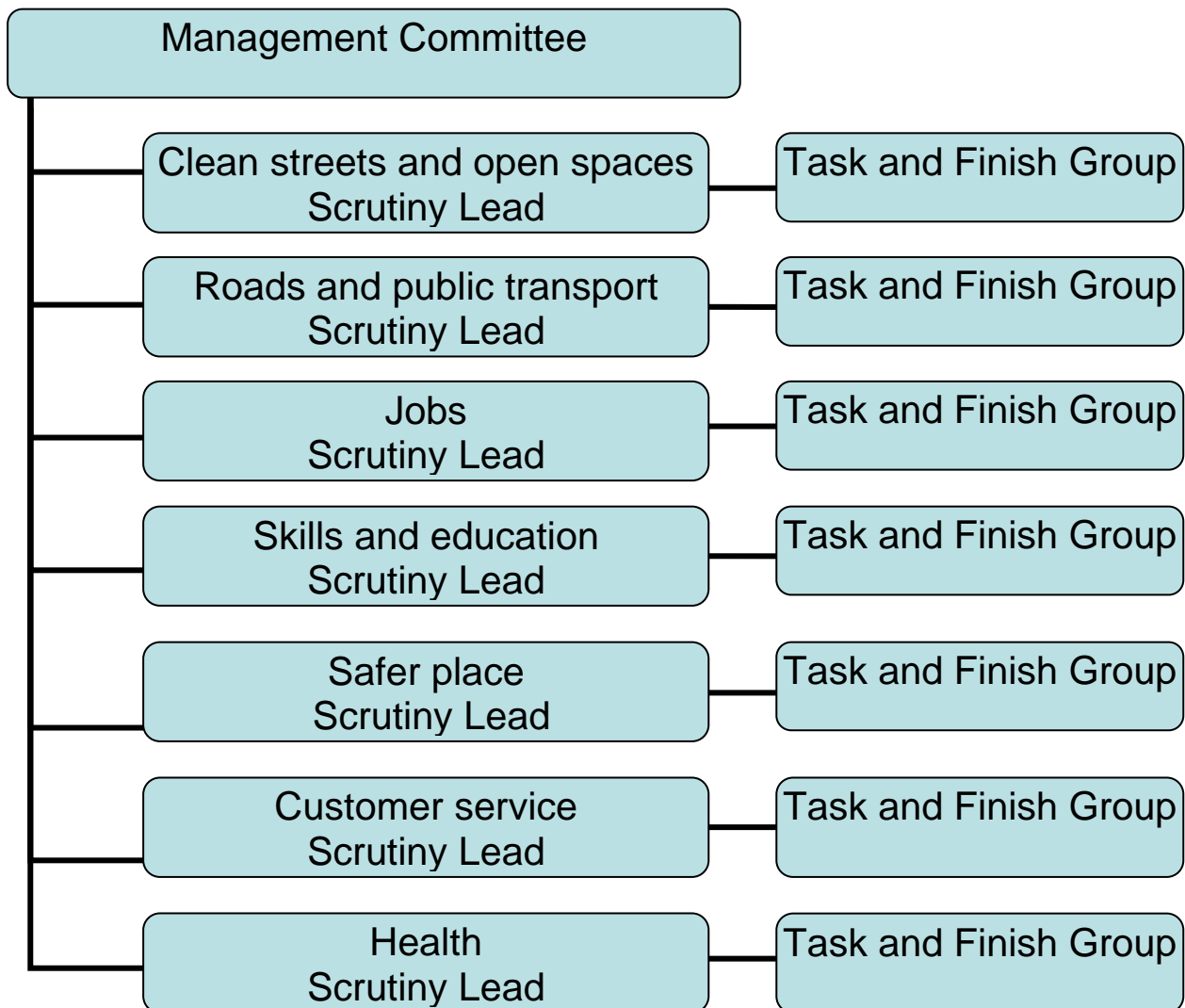
Option B – Three Committee system



Option 3 – Committees based on Task and Finish Groups

This option is based on the structure used by the London Borough of Tower Hamlets which is being increasingly used by authorities across England and Wales

Tower Hamlets has a single overview and scrutiny committee, which is politically balanced and consists of members with responsibility for each of the five community plan themes with an additional member for health issues as frontline members who act as scrutiny leads. The committee takes a proactive approach to formulating the work programme and also scrutinises cabinet reports prior to decision making. It uses a system of pre-decision questions to seek formal responses from cabinet and has played a major role in cabinet's consideration of decisions. This mechanism along with changes to the procedures has made call-ins more focused and has reduced their number. The committee also considers all budget and policy framework documents (two months) prior to agreement by council. They come to the committee in draft form to allow members a genuine opportunity to contribute to the development of policy.

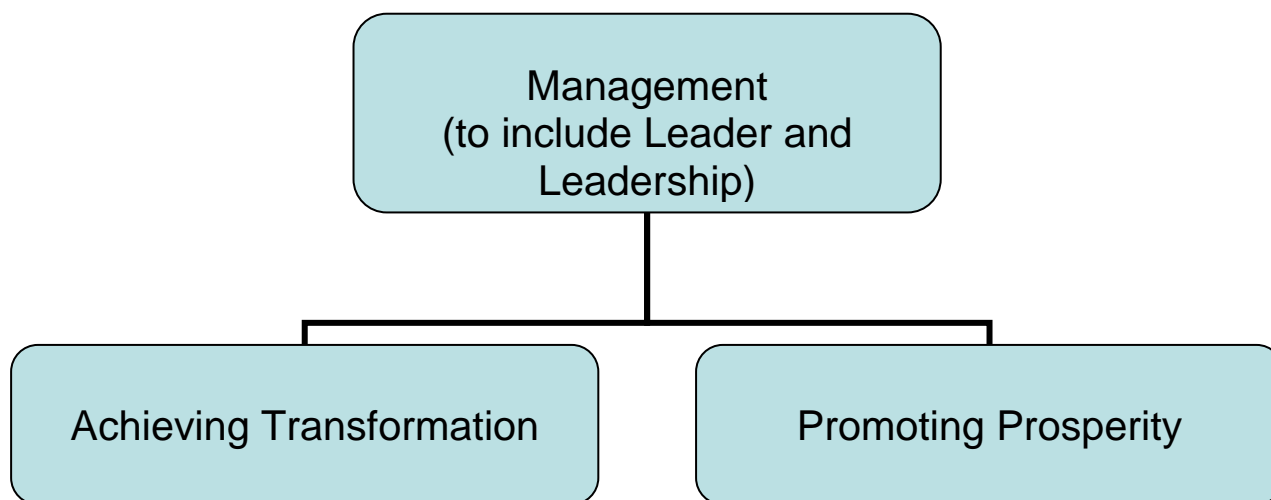


Each Scrutiny lead would have at least one task and finish group set up in the civic year to look in detail at an aspect within their work area. This could be on a long term policy issue and would help the council develop its policy in this area.

Option 4 – Committees based on Portfolio Holders Responsibilities

This option looks to explicitly link up the committees to the Portfolio Holders Roles so that there can be a challenge of performance issues and be independent from the Executive whilst focusing in on the three themes in the Council’s Corporate Plan – Effective Leadership; Achieving Transformation and Promoting Prosperity.

However Government guidance suggests that scrutiny committees should examine cross-cutting issues ‘rather than a narrow service-based view of the conduct of the local authority’s business’ (Local Government Act 2000). There would also need to overcome any tendency for Executive Members or senior managers to identify with “their committee” and becoming too comfortable with it.



4. CONCLUSION

The Committee is invited to consider this report and advise the management Committee which of the four options (including the one on portfolio holders responsibilities) it prefers.

List of Appendices

Appendix “A” – Current terms of reference for the Overview and Scrutiny Committees.

Appendix “B” - Detailed terms of reference for the option two above.

List of Background Documents:

None

Working with the Local Strategic Partnership to develop our Community Plan
Performance Management
Monitoring services for customer-friendly practice
Our Comprehensive Performance Assessment (CPA)
Financial/human resources issues within the Council, including monitoring of the budgetary process.
IT & Communication issues including IEG
Electoral issues
Public relations issues
Reviewing executive decisions
Setting, co-ordinating and reviewing overview and scrutiny work plans
Cross Cutting scrutiny

Overview and Scrutiny Committee – Children, Young People and Healthy Communities

Health of young people
Sports, leisure and cultural activities for all young people
Standards in English, mathematics, and science in secondary education
School attendance
Standards in foundation stage education
Post-16 year old achievement
Young people in Higher Education
Improve access to accommodation for young people making the transition to adulthood
Children potentially at risk of significant harm
Reducing fear and improving safety
Opportunities for young people to make a positive contribution
Alcohol consumption
Harm from Illegal drugs
Mental health and wellbeing
Health of people with a learning disability
Premature mortality rates
Smoking
Obesity
Vulnerable people living independently and safely at home
Falls prevention
Income of Older People
Access to leisure for people
Affordable Warmth.

Overview and Scrutiny Committee – Economic Development and Enterprise

Support for disadvantaged groups to enter the workforce
Create a culture of lifelong learning and improve skill levels and productivity
High quality employment sites in suitable locations
Access to the countryside
Employment and economic activity
Employment rate

Skills levels
Economic infrastructure
Balanced housing markets
Planning and housing intelligence
Planning issues
Affordable housing
Housing Market Renewal

Overview and Scrutiny Committee – Safer and Stronger Communities

Anti-social behaviour (Including fires) and disorder
Drug use/dealing
Crime and fear of crime
Domestic violence
Street cleanliness
Litter and detritus
Recycling and waste minimisation
Quality of parks and green spaces
Local voluntary and community sector
Voluntary sector involvement in public service provision
Participatory local decision making
Community cohesion
Road Maintenance, structures and transport
Sustainable Transport
Decent homes
Preservation and protection of the Environment
Energy efficiency and climate change
Flooding

OSC Safer & Stronger Communities 300409
Item 9 Appendix B

Option 2A - Four Committee system

Management

Management

- Holding the Executive to account
- Performance management and review
- Ensuring corporate priorities are met
- Key decisions and the forward plan
- Financial/human resources issues within the Council, including monitoring of the budgetary process.
- Working with the Local Strategic Partnerships
- Setting, co-ordinating and reviewing overview and scrutiny work plans
- Electoral issues
- Comprehensive Area Assessment and other corporate policies/plans
- Procurement

Clean streets and open spaces and Roads and public transport

Providing high quality, clean streets and open spaces

- Street cleanliness
- Litter and detritus
- Recycling and waste minimisation
- Quality of parks and green spaces
- Preservation and protection of the Environment
- Access to the countryside
- Enforcement
- Environmental Health
- Sustainability
- Health
- Cultural Services

Ensuring the area has good roads and good public transport

- Road Maintenance, structures and transport
- Sustainable Transport
- Concessionary Travel
- Forward Planning
- Car Parking

Jobs and Skills and education

Creating enough, different jobs to suit all

- Economic Development
- Economic Development. Community Regeneration programmes
- Tourism Development and Promotion
- Market Towns/town centres
- Development Control
- Building Control
- Tourism
- Nuclear
- Forward Planning
- Property
- Housing

Improving skills and education and keeping people with skills in Copeland

- Skills levels
- Standards in English, mathematics, and science in secondary education
- School attendance
- Standards in foundation stage education
- Post-16 year old achievement
- Young people in Higher Education

Safer place and Customer service

Making Copeland a safer place to be

- Anti-social behaviour (Including fires) and disorder

- Drug use/dealing
- Crime and fear of crime
- Domestic violence
- Emergency planning

Giving everyone good customer service

- Monitoring services for customer-friendly practice
- ICT & Communication issues
- Public relations issues
- Locality Working
- Equality and Diversity
- Copeland Direct
- Community Engagement
- Old People Strategy
- Young People Strategy

Option 2B – Three Committee system

Management and Customer service

Management

- Holding the Executive to account
- Performance management and review
- Ensuring corporate priorities are met
- Key decisions and the forward plan
- Financial/human resources issues within the Council, including monitoring of the budgetary process.
- Working with the Local Strategic Partnerships
- Setting, co-ordinating and reviewing overview and scrutiny work plans
- Electoral issues
- Comprehensive Area Assessment and other corporate policies/plans
- Procurement

Giving everyone good customer service

- Monitoring services for customer-friendly practice
- ICT & Communication issues
- Public relations issues
- Locality Working
- Equality and Diversity
- Copeland Direct
- Community Engagement
- Old People Strategy
- Young People Strategy

Clean streets and open spaces and Safer place

Providing high quality, clean streets and open spaces

- Street cleanliness
- Litter and detritus
- Recycling and waste minimisation
- Quality of parks and green spaces
- Preservation and protection of the Environment
- Access to the countryside
- Enforcement

Making Copeland a safer place to be

- Anti-social behaviour (Including fires) and disorder
- Drug use/dealing
- Crime and fear of crime
- Domestic violence
- Emergency planning
- Environmental Health
- Sustainability
- Health
- Cultural Services

Jobs and Skills and education and Roads and public transport

Creating enough, different jobs to suit all

- Economic Development
- Economic Development. Community Regeneration programmes
- Tourism Development and Promotion
- Market Towns/town centres
- Development Control
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- Tourism
- Nuclear
- Forward Planning
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Improving skills and education and keeping people with skills in Copeland

- Skills levels
- Standards in English, mathematics, and science in secondary education
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- Young people in Higher Education

Ensuring the area has good roads and good public transport

- Road Maintenance, structures and transport
- Sustainable Transport
- Concessionary Travel
- Forward Planning
- Car Parking
- Enforcement

Management					
Topic	Corporate Plan	How	Who	Status	Report Due
REGULAR ITEMS					
Call Ins			Neil White		As and when needed
Work plans			Neil White		Each meeting
Performance Management	2.6.5 – 2008/9	Executive Quarterly report	Hilary Mitchell	Last reported June 2008	Next Quarter
West Cumbria Strategic Partnership	1.3.2/2.1.4 – 2008/9/Annual	Update reports	Jane Murray (Allerdale)	Next meeting to be arranged	Report back following next meeting
Cumbria Strategic Partnership/Local Area Agreement	1.4 - Annual	Joint working (county-wide) Update reports	Neil White	Meeting held on 24 February 2009	Report expected from February meeting
Gershon Efficiency Savings	1.1.7 - Annual	Regular monitoring Twice a year	Hilary Mitchell	Twice Yearly	May 2009
Complaints' Monitoring	2.5.1/2.5.2 – 2008/9/Annual	Quarterly report	Marissa Joyce	Reported on 18 July	Report expected next quarter
SPECIFIC ITEMS					
Budgetary Process	1.1.7/2.74/2.7.5/2.7.6 /2. 7.7 – Mostly 2008/9 and annually	Task and Finish Group	Neil White	To be arranged for April 2009	24 April
County Joint Councillor Call for Action Form		Report	Neil White		May
How devolution, community cohesion and place shaping will develop in Copeland	1.3.9 – May 2009	Update report	Hilary Mitchell	Being worked on by the Corporate Improvement Board	Future meeting

Management					
Topic	Corporate Plan	How	Who	Status	Report Due
Customer First - Look at whether the Council is providing the services the public want, how the Council is communicating to the public and how it is seeking to raise customer satisfaction	2.5.1/2.5.2/2.5.5 – 2008/9/Annual	To be confirmed	Jane Salt	To follow on from Communications MOT	Future meeting
Open and transparent council; Role of Councillors/ Constitution involvement of public		Potential Task and Finish Group	Councillor Pitt	Report to be written	Future meeting
Publicity of credit unions		Report	Neil White	To be arranged	Future meeting
The barriers to closer collaboration between Councils	1.1.3 – 2008/9 and annually	Joint Overview and Scrutiny Committee	Neil White	Will ask Joint Committee to look at once its new role has been agreed	Future meeting
The ability/capacity of partners in Copeland to deliver the Local Area Agreement	1.1.4 – 2008/9 and annually	Joint Overview and Scrutiny Committee	Neil White	Will ask Joint Committee to look at once its new role has been agreed	Future meeting

Children, Young People and Healthy Communities					
Topic	Corporate Plan	How	Who	Status	Report Due
Youth provision in Copeland and how to engage the Youth in the council's decision making process	2.1.1 – 2011 2.1.3 – 2008/9 and annually	High priority - Task and Finish Group	Neil White	Task and Finish Group now meeting	Future meeting
Refurbishment of Lonsdale Centre Whitehaven	3.6.5 – 2008/9 and annually	Site visit	Neil White	Centre recently opened – to be part of above Task and Finish Group	Future meeting
Foyer Project Penrith	3.2.6 – Annually	Visit	Neil White	To be part of above Task and Finish Group	Future meeting
Dental treatment in area	3.7.1 – Annually	Within the remit the County Health and Well Being Committee.	Councillor Garrity	Councillor Garrity to update as a member of the County task and Finish group that is looking at this issue	Future meeting
Look at how voluntary agencies can access funds	2.7.9 – 2008/9	Task and Finish Group	Neil White	To be arranged	Future meeting
Drug and Alcohol Abuse	3.2.3 – Annually 3.2.6 – Annually	Joint meeting with Safer and Stronger Communities	Neil White	Ask Cumbria DAAT to come back for an update when appropriate.	Future meeting
Closure of Ehenside School at Cleator Moor and Wyndham School in Egremont.	3.3.5 – 2010/11	Information report	Neil White	Planning Policy Officer's view to be sought	Future meeting
Provision of "drop in" Copeland Council office on King Street in similar manner to Allerdale's in Workington		To be confirmed	Councillor J Williams	Further clarification on this issue is being sought	Future meeting

Children, Young People and Healthy Communities					
Topic	Corporate Plan	How	Who	Status	Report Due
Building Schools for the future	2.4.5 – 2008/9	Presentation	Neil White	To be arranged	Future meeting
Equality Impact Assessment – effect on service delivery	2.4.3 - 2009	Report	Martin Jepson	Assessments still being completed	Future meeting
Department of Health Consultation Pharmacy in England	3.7.1 – Annually 3.7.2 – 2008/9 and annually	County Health and Well Being Committee	Neil White	Government agreed no change	Future meeting
Closer to Home	3.7.1 – Annually 3.7.2 – 2008/9 and annually	Presentation by Cumbria PCT	Neil White	Last reported in April	Future meeting

Economic Development and Enterprise					
Topic	Corporate Plan	How	Who	Status	Report Due
Wind		Task and Finish Group	Neil White	Referred from Council	2 July 09
Whitehaven Town Centre Regeneration and Business		Report	Julie Betteridge	Report expected	2 July 09
Lessons from Market Town Centre Initiatives at Millom and Egremont and Cleator Moor Square		Report and presentations	Julie Betteridge	To be arranged	2 July 09
Update on Worklessness		Report	Julie Betteridge	Report expected	2 July 09
Highway Infrastructure		Joint Workshop with Cumbria County Council	Neil White	To be arranged – Special meeting AM	20 August 09
Marketing Copeland – key selling points	3.1.3 – 2009	Presentation	Neil White	To be arranged	20 August 09
World Heritage Bid		Presentation	Lake District National Park Authority	To be arranged	20 August 09
Nuclear New Build		Report	Julie Betteridge	Update report	20 August 09
Visit to Energen site at Lillyhall		Site visit	Neil White	To be arranged	May/early June
National Indicators		Report	Neil White	As appropriate	Future meeting
Business Community Engagement – are the right representatives being consulted	1.3.5 – 2008/9	Presentation/ Report	Neil White	To be arranged	Future meeting
Encourage more market traders	3.1.2 – 2008/9 and annually	Report	Neil White	Results of market tendering exercise are awaited.	Future meeting
The maintenance and condition of the public realm in Copeland and	3.3.6 – 2008/9 and 2012	Presentation	Cumbria Tourism	Ask Cumbria Tourism to make this into more	Future meeting

the extent to which this satisfies local people and supports the visitor economy of the area				manageable parts for a Task and Finish Group	
The quality of car parking services in the Borough and the scope to work more closely with adjacent authorities and other operators to provide a more customer focused service	2.5.6 – 2008/9 and annually	Report	Neil White	County Council currently looking at traffic flow in Whitehaven town centre	Future meeting
6 month review of the enforcement of conditions attached to planning decisions.	3.3.3 – 2008/9 and annually	Task and Finish	Neil White	Meeting 8 July	Future meeting
Six month review of Planning Appeals recommendations		Task and Finish	Neil White	Meeting 8 July	Future meeting
Copeland Regeneration Delivery Plan	1.1.11 – 2008/9 and annually	6 month update	Councillor Giel	To be arranged	Future meeting

Safer and Stronger Communities					
Topic	Corporate Plan	How	Who	Status	Report Due
Increase number of Public toilets in Whitehaven and cleaning of James Street toilet	3.3.5 – 2010/11	Update report	Councillor Giel	Part of Harbourside Action Plan	30 April
Housing Issues	3.5.3 – 2012	Presentation/ Report	Neil White	Audit Commission Informal Progress report	30 April
Crematorium		Presentation	Toni Magean	Review of last year and focus for next year	30 April
Drug and Alcohol Abuse	3.7.4 – 2008/9 and annually	Report	Cath Coombs	Council's Substance Abuse Policy being drafted	Future meeting
Public Convenience Provision		Report	Julie Betteridge	Investigations being undertaken	Future meeting
Liveability	Various	Task and Finish Group	Neil White	Currently meeting	Once meetings have concluded
Doorstep recycling	Regular monitoring		Janice Carrol	Part of Liveability Task and Finish Group	Task and Finish Group
Visit to Shanks Waste Treatment Site	3.3.4 – 2009 and annually	Task and Finish Group	Janice Carroll	Part of Liveability Task and Finish Group	Task and Finish Group
Quality of Parks/ Green Spaces and Quality Coast Awards	3.3.2 – 2010 and Annually	Task and Finish Group	Toni Magean	Part of Liveability Task and Finish Group	Task and Finish Group
Litter and detritus to include the provision of cigarette litter bins in Whitehaven	3.3.6 – 2008/09 and 2012	Task and Finish Group	Janice Carroll	Part of Liveability Task and Finish Group	Task and Finish Group